



Home Office

Modern slavery and human trafficking: identifying and reporting perpetrators

Version 1.0

This guidance is based on:

- the College of Policing guidance for Modern Slavery
- the CPS guidance for Human Trafficking, Smuggling and Slavery
- Home Office Modern Slavery statutory guidance

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About this guidance

This guidance tells Home Office staff about how to identify suspected perpetrators of modern slavery related criminal offences.

It covers the main principles around the identification of perpetrators of modern slavery related offences as outlined in:

- [College of Policing guidance for Modern Slavery](#)
- [Modern Slavery, Human Trafficking and Smuggling | The Crown Prosecution Service](#)

It is important for all Home Office staff to adhere to the modern slavery referral procedures for their area, to ensure the appropriate modern slavery identification and referral procedures are applied and are consistent with those agreed with the law enforcement partners, local police forces and other modern slavery (anti-trafficking) network partners and organisations.

The Home Office has a duty to safeguard vulnerable people and promote the welfare of children. For more information see: Vulnerable adults and children

Criminal Investigators in Immigration Enforcement must be aware of their obligations under the UK General Data Protection Regulation (GDPR) and Part 3 of the Data Protection Act 2018 see: Data Protection CFI Policy and Data protection

Contacts

If you have any specific questions or queries about the content of this guidance you can email:

If you have any general questions about the guidance and your line manager cannot help you or you think that the guidance has factual errors, then you can email: CFI Operational Capability and Compliance Enquiries.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms Team (GRaFT).

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **08 August 2023**

Changes from last version of this guidance

This is new guidance.

Related content
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Definitions of modern slavery (including human trafficking) offences and relevant legislation

This section tells Home Office staff about the different definitions of modern slavery related offences, as outlined in [the College of Policing guidance on Modern Slavery \(Definitions\)](#).

The Modern Slavery Act 2015 (England and Wales)

[The Modern Slavery Act 2015](#) consolidated existing criminal offences and increased sentences for these offences from 14 years to maximum sentences of life imprisonment. The act also introduced a statutory defence for slavery or trafficking victims who are compelled (in the case of an adult) or forced (in the case of a child) to commit certain criminal offences:

- [section 1](#) – slavery, servitude and forced or compulsory labour
- [section 2](#) – human trafficking
- [section 4](#) – committing an offence with intent to commit offence under section 2 (human trafficking)
- [section 45](#) - Defence for slavery or trafficking victims who commit an offence

The section 1 and 2 offences have maximum sentences of life imprisonment, and the section 4 offence has a maximum sentence of 10 years imprisonment.

The 2015 act also introduced Slavery and Trafficking Prevention and Risk orders (STPO) (STRO)

For more information see: [Modern Slavery, Human Trafficking and Smuggling | The Crown Prosecution Service](#)

The Human Trafficking and Exploitation (Scotland) Act 2015

For relevant legislation and guidance in Scotland see section 1 of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) and the [Human Trafficking and Exploitation Strategy \(Scotland\)](#).

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

For relevant legislation and guidance in Northern Ireland see sections 1 and 2 of [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act](#)

[\(Northern Ireland\) 2015](#) and the [Modern Slavery and Human Trafficking Strategy 2022 | Department of Justice \(justice-ni.gov.uk\)](#)

Relevant legislation prior to the Modern Slavery Act 2015

[The Modern Slavery Act 2015](#) came into force on 31 July 2015.

For modern slavery related offences prior to this date, slavery, servitude and forced labour are primarily covered under the:

- [Coroners and Justice Act 2009 Section 71 - Slavery, Servitude and Forced Labour](#)

Offences of trafficking prior to this date were primarily covered by the:

- [Asylum and Immigration Act 2004 Section 4 - Trafficking people for Exploitation](#)
- [Sexual Offences Act 2003 Sections 57 to 59 - Trafficking people for sexual exploitation](#)
- [Protection of Freedoms Act 2012 Section 109 - Repeal of SOA Sections 57-59 Trafficking for sexual exploitation](#)

Other relevant offences and legislation to consider

Below are a number of offences that are commonly associated with slavery and trafficking and may be considered if there is insufficient evidence to support a charge under the Modern Slavery Act 2015:

- [Fraud Act 2006](#)
- [Proceeds of Crime Act 2002 \(POCA\)](#)
- [Section 25 of the Immigration Act 1971 \(as amended\) - Assisting unlawful immigration to a member state](#)
- [Sections 52 and 53 Sexual Offences Act 2003 - Causing or inciting prostitution and controlling prostitution for gain](#)
- [Section 34 Sexual Offences Act 1956 - Landlord letting premises for use as a brothel](#)
- [Nationality and Borders Act 2022](#)

Meaning of exploitation

[Section 3 of the Modern Slavery Act 2015](#) defines a person as a victim of exploitation if one or more of the following apply to them:

- slavery, servitude and forced or compulsory labour
- sexual exploitation
- removal of organs
- securing services and such like by force, threats or deception
- securing services and such like from children and vulnerable persons

For more information on the above definitions see: [Home office Modern slavery statutory guidance](#)

If a person acts with the intention of committing one or more of the above offences, including by aiding, abetting, counselling or procuring, they are guilty of perpetrating modern slavery.

The consent of a person (whether an adult or a child) to exploitation is not relevant in determining whether or not a person has been exploited.

Slavery

Slavery is described as the status or condition of a person over whom any, or all, of the powers attaching the right of ownership are exercised. In essence, characteristics of ownership and indoctrination need to be present for a state of slavery to exist.

Servitude

Servitude is linked to slavery but is much broader than slavery. In [Siliadin-v-France-2006-43-EHRR-16](#), the European Court of Human Rights (ECtHR) reaffirmed that servitude is a 'particularly serious form of denial of freedom'. It includes, in addition to the obligation to provide certain services to another, the obligation on the 'serf' to live on the other's property and the perceived impossibility of changing his or her status. Domestic servitude can be characterised as a form of forced labour within a residential setting.

Forced or compulsory labour

[Section 1 of the Forced Labour Convention 1930 \(No.29\)](#) defined forced or compulsory labour as being 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Case law suggests that indicators of forced or compulsory labour include recruitment by deception, coercion and/or abuse, exploitation at work, and coercion at destination.

Human trafficking

This is defined in [Article 3](#) of the United Nations Palermo Protocol (applicable to 117 signatories of the Protocol) and in the Council of Europe Convention on Action against Trafficking in Human Beings and, for the purposes of the provisions of the Modern Slavery Act 2015, section 2 of the Modern Slavery Act 2015 (applicable to England and Wales).

Section 2 of the Modern Slavery Act 2015

[Section 2 of the Modern Slavery Act 2015](#) states that a person commits an offence if they arrange or facilitate the travel of another person, with a view to that other person being exploited.

Distinction between human smuggling and human trafficking

Human smuggling (also called people smuggling) is **not** human trafficking or a form of modern slavery.

Human smuggling occurs when an individual seeks the help of a facilitator to enter a country illegally, and the relationship between both parties ends once the transaction ends. Many of those who enter the UK illegally do so by this route. Human smuggling is not a form of modern slavery.

The purpose of **human smuggling** is to move a person across a border illegally, and it is regarded as a violation of state sovereignty.

The purpose of **human trafficking** is to exploit the victim for financial gain or other benefit and is regarded as a violation of that person's freedom and integrity.

Human smuggling occurs when a person seeks the help of a facilitator to enter the UK illegally, and the relationship between both parties ends when the transaction is complete. It is a consensual agreement.

A smuggled person is, however, a potential victim who may be vulnerable to being trafficked at any point in their journey, and the distinction can be blurred.

Perpetrators may smuggle people with the intention of exploiting them, or with the intention of facilitating exploitation. Alternatively, the smuggled can become vulnerable to traffickers upon arrival at their destination and subsequently be exploited and/or harmed.

Perpetrators of human smuggling can be charged under [Section 25 of the Immigration Act 1971](#) for assisting unlawful immigration to the UK or under [Section 25A](#) for knowingly helping asylum seekers to enter or arrive in the UK depending on the circumstances of the attempted facilitation.

For more information on the above see:

- [Home office Modern slavery statutory guidance](#)
- [National referral mechanism guidance: adult \(England and Wales\)](#)
- [Modern Slavery: Statutory Guidance for England and Wales, and Non-Statutory Guidance for Scotland and Northern Ireland](#)

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How to identify suspected perpetrators of modern slavery (including human trafficking) crimes

This section tells Home Office staff about how to identify the suspected perpetrators of modern slavery related offences, as outlined in [the College of Policing guidance for Modern Slavery \(risk and identification\)](#).

For information regarding the identification of victims and exploitation indicators, see [the College of Policing guidance for Modern Slavery \(risk and identification - Victim profile and Exploitation indicators\)](#)

Perpetrators of modern slavery crimes: control methods

Perpetrators use the control methods shown below to engage or coerce vulnerable individuals, who often fit the victim profile, in exploitative work or into becoming **perpetrators**:

Abuse

- abducting or **kidnapping victims**
- committing **verbal, physical, sexual and/or psychological abuse** against the victim, their family or someone they know, in private or in public
- charging unreasonable fines (fees)
- using **threats** and intimidation
- **withdrawing basic provisions**, for example, food, accommodation, sanitation, mobility
- increasing workload

Creating dependency

- **plying** vulnerable victims with free alcohol and/or drugs
- being the only source for free food and accommodation
- **guarding** victim identities and legal documentation so that their mobility and access to state services is controlled, for example, hospitals; they are unable to leave and seek work elsewhere; and they are at risk of trouble with the police in other countries if they report an offence without presenting legal identification
- through a relationship

Deception

- **presenting a false scenario** in which the potential victim is convinced that they can improve the quality of their life and that of their family
- **recruiting for non-existent jobs** and education placements

- **misrepresenting the job and work conditions**, for example, women going abroad and believing they will be employed as domestic workers but ending up in prostitution
- **offering refuge** with the **intent to exploit**

Emotional control

- **threatening to harm or intimidate the victim**, the victim's family or someone they know in the UK or in the victim's home country unless they comply with the perpetrator's demands
- **making victims believe** they are colluding in illegal activities with perpetrators and are complicit in the offence
- reinforcing to victims that they will not be believed if they approach the UK authorities to make a report, engendering fear and suspicion - victims may have been deceived previously by corrupt authorities in their home country - those who have no experience of the UK police may have been convinced that a similar or worse culture prevails in the UK
- **instilling in victims a fear of possible deportation** or imprisonment in the UK
- developing a romantic or intimate relationship with a victim in order to exert more control over them and, in some cases the victim can become pregnant, creating a greater emotional hold between the victim and the offender - this is known as the 'loverboy' model and is often found in cases of sexual exploitation
- making victims feel attached to the family of perpetrators and 'adopting' them as a member of the family, so that they feel unable to make a complaint against the family (victims may call the mother and father figures 'Ma' and 'Pa' to reinforce familial attachment)
- **indoctrination**
- false claims over victim earnings
- **removal of basic human rights** including sanitation, food, freedom to choose

Exploiting cultural beliefs so that victims believe they will bring dishonour to themselves and their families if they do not comply

- faced with debt claims from perpetrators, victims feel morally bound to work until debts are paid off
- **perpetrators** may marry brides from their home countries and transport them to the UK - on arrival, husbands and their families may threaten the brides with divorce and deportation if they do not comply with demands, making them victims of exploitation
- **perpetrators** may perform spiritual practices, for example, witchcraft, to coerce victims into exploitation
- **perpetrators** may threaten to disclose information about the victim engaging in pre-marital sexual activity unless they comply with the perpetrator's demands, leading to sexual exploitation and/or prostitution - the victim may have been raped

Financial control

- **managing victims into debt** by charging them excessive fines (fees) for visas and other travel documents, food, accommodation, tools and transport
- giving victims a loan that is hard to pay back because the amount of the loan and the interest on it are inflated
- **controlling** access to victims' bank accounts
- managing wages so that victims are not sure what they are being paid and what fees are being deducted
- claiming hereditary debt bondage

Grooming

- **developing inappropriate friendships** or intimate relationships with victims
- offering gifts
- praising victims by affirming 'what a good worker they are' and that they are working 'longer hours than any other person'
- reassuring victims that they will be paid a lump sum wage in the future

Isolation

- **locking victims** into rooms
- **forcing victims** to work and live in the same accommodation
- allowing very limited or **no contact at all with victims' families**, other victims, the local community or those in the locality from the same nationality
- frequently changing the victim's location
- **removing privacy**
- **denying victims** access to a telephone, mobile phone or the internet

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Scenarios where suspected perpetrators of modern slavery offences may be present

This section tells Home Office staff about some of the possible scenarios where suspected perpetrators of modern slavery related offences could be present.

Identifying the perpetrator and protecting the victim

There will be a number of scenarios and potential indicators which could identify a suspected perpetrator, either in action or close to their potential victim or victims.

Whether at the border, in a residential or commercial address, in a vehicle or on a vessel, often perpetrators will go unnoticed and undetected whilst victims can often be unaware of their exploitation and being under duress and control.

A perpetrator will try to submerge themselves amongst the natural environment and do their best to be hidden, discreet and inconspicuous.

One trait which can often be detected and linked to a suspected perpetrator is their determination to control and coach their victim, either by speaking on their behalf, providing their victim with a rehearsed script or using digital or other concealed methods to direct and control their victim to act and say what is instructed of them.

Conversely, potential victims will often appear subdued, silent, withdrawn and disengaged.

Suspected perpetrators will often deny any links or association with their victims, when asked questions about their relationship and will quickly distance themselves from the situation, to try to evade suspicion.

Whether the perpetrator is an arriving passenger, a landlord or tenant, an employer, a sponsor, a driver or passenger in a vehicle, a pilot or passenger on a vessel, they will demonstrate similar traits, behaviours, control methods and tactics.

Ultimately, if you identify potential indicators and behaviours of a suspected perpetrator of modern slavery offences, it is likely that there will be both a perpetrator and a victim within close proximity to the scene. It is therefore imperative that these warning signs are promptly identified, and urgent action taken to locate (and if necessary, apprehend) the perpetrator and protect the victim.

For more information about how to identify suspected perpetrators and/or victims of Modern Slavery offences at the border, see: Modern Slavery – dealing with human traffickers at the border.

More information about referring victims through the National Referral Mechanism (NRM), see: [Modern slavery victims: referral](#).

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Indicators of perpetrators who commit modern slavery crimes

This section tells Home Office staff about how to recognise the indicators of suspects committing modern slavery crimes, as outlined in [the CPS guidance for Human Trafficking, Smuggling and Slavery](#).

Slavery, servitude, forced and compulsory labour

Section 1 Modern Slavery Act 2015

A person commits an offence if either:

- the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude
- the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour

In determining whether a person is being held in slavery or servitude or required to perform forced or compulsory labour, regard may be had to all the circumstances.

For example, regards may be had:

- to any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons
- to any work or services provided by the person, including work or services provided in circumstances which constitute exploitation within section 3(3) to (6) of the Act (for human trafficking for exploitation)

The consent of a person (whether adult or child) to any of the acts alleged to constitute holding the person in slavery or servitude or requiring the person to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude or required to perform forced or compulsory labour.

Evidential considerations (for modern slavery offences)

Whether there is evidence that a person was subject to servitude or forced or compulsory labour will depend on the circumstances of the individual case. However, there are a number of factors which may, depending on the circumstances, indicate that an individual might be held in servitude or subjected to forced or compulsory labour. The essential elements are those of coercion or deception, which may be demonstrated in a number of ways. The kind of behaviour that would normally, of itself, be evidence of coercion includes (but is not limited to):

- violence or threats of violence by the employer or the employer's representative
- threats against the worker's family
- threats to expose the worker to the authorities, for example because of the worker's immigration status or offences they may have committed in the past
- the person's documents, such as a passport or other identification, being withheld by the employer
- restriction of movement
- debt bondage
- withholding of wages

Other factors that may be indicators of forced labour include (but are not limited to):

- the worker being given no information, or false information, about the law and their employment rights
- excessive working hours being imposed by the employer
- hazardous working conditions being imposed by the employer
- unwarranted and perhaps unexplained deductions from wages
- the employer not paying the full tax or national insurance contributions for the worker
- the absence of any formal or implied contract of employment
- poor accommodation provided by the employer
- misleading information having been given about the nature of the employment
- the person being isolated from contact with others
- money having been exchanged with other employers or traffickers and such like for the person's services in an arrangement which has not been agreed with the person concerned or which is not reflected in their remuneration

Children

Child trafficking, exploitation, slavery and forced labour

Child trafficking is the practice of transporting children into, within and out of the UK or any other country for the purposes of exploitation. The exploitation can be varied and include:

- domestic servitude
- labour exploitation
- criminal activity (for example, cannabis cultivation, petty street crime, illegal street trade and such like)
- sexual exploitation (brothels, closed community, for child abuse images)
- application of residence (for residence in the UK)
- benefit fraud
- forced begging
- illegal adoption
- sham marriage

Where there is an arrangement made to travel, or to facilitate travel with a view to child exploitation, section 2 of the [Modern Slavery Act 2015](#) should be used. In

these circumstances, regard should be had to the victim's age in determining their vulnerability.

If the victim states they are a child, they should be viewed as such until their age can be verified by identification, or an independent age assessment carried out by the local authority or a court determination. [Section 51 of the Modern Slavery Act 2015](#) provides for presumption about age. Until an assessment is made of the person's age by the local authority, there is an assumption that the person is under 18.

NSPCC definitions of child trafficking

[NSPCC Guidance for Protecting Children from Trafficking and Modern Slavery](#) states that Child trafficking is child abuse. It's defined as recruiting, moving, receiving and harbouring children for the purpose of exploitation (HM Department for Education (DfE) and Home Office, 2011; Department of Health, Social Services and Public Safety and Police Service of Northern Ireland, 2011; Scottish Government, 2013; Wales Safeguarding Procedures Project Board, 2020).

Child trafficking is a form of modern slavery (HM Government, 2014)

Many children are trafficked into the UK from overseas, but children can also be trafficked from one part of the UK to another.

Children are trafficked for:

- child sexual exploitation
- criminal activity, including:
 - cannabis cultivation
 - street crime - such as pickpocketing, begging and bag theft
 - moving drugs
 - benefit fraud
 - immigration fraud
 - selling pirated goods, such as DVDs
- forced marriage
- domestic servitude, including:
 - cleaning
 - childcare
 - cooking
- forced labour, including working in:
 - restaurants
 - nail bars
 - factories
 - agriculture
- illegal adoption
- unreported private fostering arrangements (for any exploitative purpose)

This list is not exhaustive and children who are trafficked are often exploited in more than one way.

How child trafficking happens

Traffickers may use grooming techniques to gain the trust of a child, family or community. They may trick, force or persuade children to leave their homes.

Child trafficking can involve a network of organised criminals who recruit, transport and exploit children and young people within or across borders. Some people in the network might not be directly involved in trafficking a child but play a part in other ways – such as falsifying documents, bribery, owning or renting premises, or money laundering (Europol, 2011).

Child trafficking can also be organised by individuals and children's own families.

The guidance provided by the [NSPCC Protecting Children from Trafficking and Modern Slavery - Indicators of Child Trafficking](#) goes on to state that signs an **adult may be trafficking a child** include:

- making multiple visa applications for different children
- acting as a guarantor for multiple visa applications for children
- having previously acted as the guarantor on visa applications for visitors who have not left the UK when the visa expired

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Referring (reporting) suspected perpetrators of modern slavery related offences

This section tells Home Office staff about how to refer suspected perpetrators of modern slavery and human trafficking related offences and who these referrals should be directed to.

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