

## IASC policy paper: Access to compensation and reparation for survivors of trafficking

- *Only 41 compensation orders and eight reparation orders have been granted since 2015.*
- *Between 1 January 2012 and 28 February 2020, in England and Wales only 54 out of 283 applications to the Criminal Injuries Compensation Authority were awarded compensation.*
- *A survey of practitioners in 2019 identified that Exceptional Case Funding was refused in 93% of applications made by victims of trafficking.*

### Introduction

Compensation and reparation for survivors of trafficking can be hugely significant in providing financial security to reduce vulnerability and the risk of re-trafficking, in enabling survivors to re-integrate into communities, in providing acknowledgement of the harm that survivors have suffered and in some circumstances, in contributing to the punishment of traffickers. Indeed, the UN General Assembly consider the right to an effective remedy for victims of trafficking to include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>1</sup> The International Labour Organisation estimates that every year, approximately \$150 billion in profit is generated globally by forced labour.<sup>2</sup> Yet, we know that few survivors receive financial compensation for the trauma that they have endured, with many experiencing significant barriers in being able to access any form of remedy.

In her Strategic Plan 2019-2021, the Independent Anti-Slavery Commissioner (IASC) noted a commitment to working with partners to assess the extent of issues relating to the availability and quality of legal advice, including where this can help survivors pursue compensation claims.<sup>3</sup> Between November to December 2021 the IASC ran a survey for law enforcement practitioners which included questions on access to compensation and reparation. In addition, in February 2022 the IASC convened a roundtable with key stakeholders<sup>4</sup> to

---

<sup>1</sup>UN General Assembly (2014), 'Basic principles on the right to an effective remedy for victims of trafficking in persons: Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children':

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

<sup>2</sup>International Labour Organisation (2014), 'Profits and Poverty: The Economics of Forced Labour':

<https://www.ilo.org/global/topics/forced-labour/publications/profits-of-forced-labour-2014/lang-en/index.htm>

<sup>3</sup>Independent Anti-Slavery Commissioner (2019), 'Independent Anti-Slavery Commissioner Strategic Plan':

<http://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>

<sup>4</sup>This roundtable was attended by: the Home Office Modern Slavery Unit; the Legal Aid Agency; the Ministry of Justice; the Crown Prosecution Service; ATLEU; Hope for Justice; the Salvation Army; the Modern Slavery and Organised Immigration Crime unit; Hogan Lovells; the University of Liverpool; the Modern Slavery and Organised Immigration Crime Policy and Evidence Centre; The British Institute of Comparative and International Law; and GRETA.

discuss concerns regarding access to legal advice to help survivors recover compensation under the Criminal Injuries Compensation Scheme (CICS), as well as the ability to use confiscated funds to provide survivors with reparation. This policy paper seeks to bring together the findings from this engagement and make observations on where further work is needed.

## Background

The UK has international obligations to ensure that survivors of trafficking can access compensation which are set out in the Council of Europe Convention on Action against Trafficking in Human Beings 2005 (ECAT).<sup>5</sup>

Article 15(4) of ECAT states that:

*“Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23.”*

Interpreting this international obligation, the UK’s Modern Slavery Act 2015<sup>6</sup> includes some reference to compensation and reparation for survivors. Section 7 refers to the confiscation of assets via an amendment to the Proceeds of Crime Act 2002, sections 8-10 relate to slavery and trafficking reparation orders introduced under the Act, and section 47 makes provision for civil legal services including support for claims under employment law and claims for damages through an amendment to the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012.

### The Modern Slavery Statutory Guidance

The Modern Slavery Statutory Guidance for England and Wales and non-statutory guidance for Scotland and Northern Ireland,<sup>7</sup> contains sections on pursuing a civil claim for compensation and on making a claim for publicly funded compensation. It states that victims may be able to bring a civil claim against a perpetrator where they have suffered damages and that it may be possible to apply for legal aid to pursue this.

The guidance confirms that victims can apply for compensation under the CICS and sets out the eligibility criteria to apply, noting that support providers should make victims aware that where they have suffered an injury as a result of a crime of violence and meet the criteria, they may be eligible for compensation.

---

<sup>5</sup>Council of Europe Convention on Action against Trafficking in Human Beings (2005), ‘Council of Europe Convention on Action against Trafficking in Human Beings’:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236093/8414.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf)

<sup>6</sup>HM Government (2015), ‘Modern Slavery Act’: <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>7</sup>Home Office (2022), ‘Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, Version

2.8’: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1059234/Modern\\_Slavery\\_Statutory\\_Guidance\\_EW\\_Non-Statutory\\_Guidance\\_SNI\\_v2.8.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1059234/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v2.8.pdf)

## The Modern Slavery Victim Care Contract

Support for adult potential victims of modern slavery in the National Referral Mechanism (NRM) in England and Wales is provided through the Modern Slavery Victim Care Contract (MSVCC). It is understood that new entrants into the service are given a leaflet on the CICS on arrival and that some support workers assist survivors with accessing the CICA website to apply for compensation. However, this is not currently specifically reflected within the MSVCC beyond a general requirement set out in sections 6.10 and 6.17 of Schedule 2.1 for support workers to provide information and signposting for service users as required, including as part of reach-in support.<sup>8</sup>

## Options for accessing compensation and reparation

In principle, there are multiple avenues that can be utilised to provide victims and survivors with compensation and reparation.

### 1. A claim following criminal proceedings:

- **Compensation Orders** – Compensation Orders created by section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 enable a court to make an order requiring the offender to pay compensation for “any personal injury, loss or damage resulting from that offence”.<sup>9</sup>
- **Reparation Orders** – Reparation Orders introduced by section 8 of the Modern Slavery Act 2015 allow the court to order reparations to be paid to a victim where a perpetrator has been convicted of an offence under sections 1, 2 or 4 of that Act for “any harm” caused.<sup>10</sup>

### 2. A claim through the Criminal Injuries Compensation Scheme - The CICS is a government funded scheme that exists to compensate victims of violent crime in Great Britain.<sup>11</sup>

### 3. A claim through an Employment Tribunal – victims of trafficking can pursue a claim through an Employment Tribunal for employment related matters such as unfair dismissal or unfair deductions from pay.<sup>12</sup>

### 4. A civil damages claim against a trafficker – victims of trafficking can pursue a civil claim against their trafficker, for example in relation to harassment or false imprisonment.<sup>13</sup>

---

<sup>8</sup>Home Office (2020), ‘Schedule 2.1 Services description: 2020 Modern Slavery Victim Care Contract’: [https://atamis-8888.cloudforce.com/sfc/p/#58000000L5A4/a/4I000001Qv6w/gIAdb\\_5bki987x4IrTleD7dh1FoLbHFU3qwRI.Hgbes](https://atamis-8888.cloudforce.com/sfc/p/#58000000L5A4/a/4I000001Qv6w/gIAdb_5bki987x4IrTleD7dh1FoLbHFU3qwRI.Hgbes).

<sup>9</sup>HM Government (2000), ‘Powers of Criminal Courts (Sentencing Act) 2000’: <https://www.legislation.gov.uk/ukpga/2000/6/contents/enacted>.

<sup>10</sup>HM Government (2015), ‘Modern Slavery Act’: <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>11</sup>Criminal Injuries Compensation Authority and Ministry of Justice (2022), ‘Criminal injuries compensation: a guide’: <https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide>.

<sup>12</sup>See [HM Courts and Tribunals Service](#).

<sup>13</sup>ATLEU (n.d), ‘Compensation options for victims’: <https://athub.org.uk/knowledge-base/compensation-options-for-victims/>.

5. **A claim against the state for its failure to protect the victim** – victims of trafficking can pursue a claim against the state for a failure to protect them. In practice, this is often under Article 4 of the European Convention on Human Rights (ECHR).<sup>14</sup>

Although the routes above are available in principle, there are concerns that there are various barriers to them being accessible in practice and that consequently, the number of victims and survivors receiving compensation from either their traffickers or the state is low. Lawyers in the sector have suggested that it is currently easier to bring a claim against the Home Office than it is to bring a claim against a trafficker.

Both the Independent Review of the Modern Slavery Act<sup>15</sup> and the Group of Experts on Action against Trafficking in Human Beings (GRETA)<sup>16</sup> have commented specifically on this issue and made recommendations on areas for improvement. These have included that the Sentencing Guidelines for modern slavery should remind judges to consider reparation orders, that resources for financial investigation should be prioritised, that law enforcement should make better use of freezing the assets of perpetrators, that the Crown Prosecution Service and HM Courts and Tribunals Service should collect data on compensation with progress monitored by the Home Office and included in their UK annual report on modern slavery, and that that the Exceptional Case Funding (ECF) scheme should be made accessible to victims applying to the CICS.

This policy paper will focus primarily on compensation and reparation via the confiscation of assets and the CICS, setting out the challenges faced by victims and survivors of trafficking and reflections on ways forward.

## Compensation and reparation via confiscation of assets

Compensation or reparation orders can only be granted by the courts after a confiscation order under the Proceeds of Crime Act 2002 has been obtained. Data in relation to confiscation, compensation and reparation orders is recorded by forces onto the Joint Asset Recovery Database (JARD) which is administered by the National Crime Agency. Since 2015 a total of 206 confiscation orders with a value of over £5.8m have been granted in cases where slavery or trafficking is listed as the primary offence but only 41 compensation orders and eight reparation orders have been granted.<sup>17</sup> While it is acknowledged that a defendant's criminal lifestyle may present challenges in the identification of realisable assets with which to provide victims with financial remuneration this is very poor performance.

The volume of compensation orders awarded has however doubled since August 2019, and it is suggested by investigators that forces not updating JARD when orders have been obtained and records may

---

<sup>14</sup>ATLEU (n.d), 'Claims for compensation against the state': <https://athub.org.uk/knowledge-base/claims-for-compensation-against-the-state/>.

<sup>15</sup>Field. F, Miller. M and Butler-Sloss. E (2019), 'Independent Review of the Modern Slavery Act 2015: Final Report': [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/803406/Independent\\_review\\_of\\_the\\_Modern\\_Slavery\\_Act\\_-\\_final\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf).

<sup>16</sup>Group of Experts Against Trafficking in Human Beings (2021), 'Evaluation Report - United Kingdom: Access to justice and effective remedies for victims of trafficking in human beings': <https://rm.coe.int/greta-third-evaluation-report-on-the-united-kingdom/1680a43b36>.

<sup>17</sup>Data provided by the NCA Proceeds of Crime Centre (February 2022).

underestimate performance. Forces need to ensure that they are updating JARD and it would be helpful if the Home Office published annual information relating to the amount of compensation or reparation paid to victims as this would put pressure on forces to ensure that records are accurate.

Slavery and trafficking national policing standards<sup>18</sup> require that every investigation should obtain financial investigation support and, in 2021 recommendations were made for senior investigating officers to include financial strategies in their early policy decisions for MSHT cases and for financial investigators to be embedded within investigation teams.<sup>19</sup> Earlier investigations by the IASC have shown that this is rarely happening and opportunities for financial investigation which would identify assets for confiscation and therefore compensation are rarely grasped. Worryingly investigators appear reluctant to discuss issues of compensation or reparation with victims due to a fear of accusation that they have been seen to offer an inducement. This is most unhelpful.

While current guidance provided by the Modern Slavery and Organised Immigration Crime (MSOIC) programme and the College of Policing Authorised Professional Practice does have some information on compensation and reparation orders, investigators were strongly of the view that more detailed guidance would raise awareness for investigators and provide examples of successful applications for orders.

## The Criminal Injuries Compensation Scheme

The CICS is a statutory, government funded scheme that exists to compensate victims of violent crime in Great Britain.<sup>20</sup> In 2012 the CICS was amended to explicitly bring claims made survivors of trafficking within scope. However, the CICS was not set up with victims of modern slavery in mind and there continue to be multiple barriers to survivors accessing compensation via this route. Between 1 January 2012 and 28 February 2020, just 283 applications were made to the CICS by victims of trafficking, with only 54 of these cases awarded compensation.<sup>21</sup>

In July 2020, the Criminal Injuries Compensation Authority (CICA) launched a consultation on reforming the scheme. The IASC responded to this consultation setting out a range of concerns.<sup>22</sup> The consultation closed in October 2020 and the review publication stated that a response would be published in January 2021.<sup>23</sup> However, as of March 2022, there has been no published update from the Ministry of Justice on the findings from this consultation or any changes that will be made to the scheme as a result.

---

<sup>18</sup>MSOIC Slavery and Trafficking National Policing Standards.

<sup>19</sup>IASC (2021), 'IASC paper: Financial investigation of modern slavery':

<https://www.antislaverycommissioner.co.uk/media/1586/financial-investigation-of-modern-slavery-march-2021.pdf>.

<sup>20</sup>Criminal Injuries Compensation Authority and Ministry of Justice (2022), 'Criminal injuries compensation: a guide':

<https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide>.

<sup>21</sup>FOI request provided by ATLEU.

<sup>22</sup>Independent Anti-Slavery Commissioner (2020), 'IASC letter to the MOJ':

<http://www.antislaverycommissioner.co.uk/media/1489/letter-from-iasc-to-moj-cics-consultation-october-2020.pdf>.

<sup>23</sup>Ministry of Justice (2020), 'Criminal Injuries Compensation Scheme Review 2020':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/901140/cics-review-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901140/cics-review-2020.pdf).

## Accessing the CICS and legal advice

Legal advice is seen by many as essential to enabling survivors to access compensation via the CICS. However, Schedule 1, Part 2, section 15 of the LASPO specifically excludes survivors of trafficking from being able to access legal aid to support an application to the CICS. Instead, an application must be made for Exceptional Case Funding (ECF), yet these applications are often refused. A survey of solicitors and support workers working with victims of trafficking carried out by the Anti Trafficking and Labour Exploitation Unit (ATLEU)<sup>24</sup> in 2019 found that ECF was refused in 93% of applications made by victims of trafficking. While it is possible to seek a review of a refusal for ECF, practitioners have highlighted that initial decisions are rarely overturned and as a result, there can be a reluctance to make this request.<sup>25</sup> There are also concerns among some practitioners that even where an application for ECF is approved, legal firms are limited to just five CICS applications per year as ‘miscellaneous’ matter starts.<sup>26</sup>

ATLEU’s survey also provided insight on the common grounds for refusing ECF. This included that ECF is deemed unnecessary as the CICS application does not require specialist legal advice. Yet, practitioners have highlighted that the application process for the CICS often requires detailed legal submissions which survivors of trafficking, particularly those who may not speak English or may have had more limited engagement in formal education, are likely to find challenging. The role of support workers in helping to submit an application to the CICS was also cited as a common ground for refusing ECF however in reality, support workers are unlikely to have the specialist knowledge required or the capacity to undertake this role for multiple clients.<sup>27</sup> ATLEU has recently published a toolkit for assisting survivors of trafficking to apply for the CICS.<sup>28</sup>

In their third evaluation of the UK, GRETA recommend that the ECF scheme is made more accessible in practice to victims seeking compensation via the CICS.<sup>29</sup> The Legal Aid Agency has indicated that some work is in progress to help simplify the ECF process incorporating input from legal aid providers. It has also been suggested that further efforts are needed to improve awareness among legal practitioners of the routes that are available for survivors to access compensation, what would be covered by legal aid and when.<sup>30</sup>

---

<sup>24</sup>ATLEU is a charity providing legal representation to victims of trafficking and labour exploitation.

<sup>25</sup>ATLEU (2020), ‘Survivors of trafficking and the Criminal Injuries Compensation Scheme’: <http://www.antislaverycommissioner.co.uk/media/1543/survivors-of-trafficking-and-the-criminal-injuries-compensation-scheme.pdf>.

<sup>26</sup>Civil legal services fall into categories of law as set out in the standard civil contracts with Legal Help and representation in a range of other areas of civil law not included in these specific categories classified as ‘Miscellaneous Work’. Each civil legal aid provider is permitted to allocate five of its matter starts to Miscellaneous Work cases per contract schedule per schedule period.

<sup>27</sup>ATLEU (2020), ‘Survivors of trafficking and the Criminal Injuries Compensation Scheme’: <http://www.antislaverycommissioner.co.uk/media/1543/survivors-of-trafficking-and-the-criminal-injuries-compensation-scheme.pdf>.

<sup>28</sup> ATLEU (2022), ‘The Criminal Injuries Compensation Scheme: A toolkit for assisting survivors of trafficking’: <https://athub.org.uk/wp-content/uploads/2022/03/ATLEU-CICA-toolkit-March-2022.pdf>.

<sup>29</sup>Group of Experts Against Trafficking in Human Beings (2021), ‘Evaluation Report - United Kingdom: Access to justice and effective remedies for victims of trafficking in human beings’: <https://rm.coe.int/greta-third-evaluation-report-on-the-united-kingdom/1680a43b36>.

<sup>30</sup>Currie. S and Young. M (2021), ‘Access to legal advice and representation for survivors of modern slavery’: <https://modernslaverypec.org/assets/downloads/Legal-advice-report.pdf>.

**Recommendation 1: Applications to the CICS should be brought within the scope of section 32 (2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 where they are made on behalf of a victim of trafficking or modern slavery.**

## Eligibility for an award under the CICS

Ineligibility for the CICS also prevents many survivors of trafficking from accessing compensation. It is acknowledged that the primary purpose of the CICS is to provide compensation to victims who have sustained physical and/or mental injury as a direct result 'crime of violence'. In their CICS consultation document, the Ministry of Justice stated that the current definition is broad enough to allow for a wide range of circumstances, including modern slavery in certain cases.<sup>31</sup> However, feedback from practitioners suggests that it can be extremely difficult for victims of trafficking to meet this definition, as the scheme rules mean that a victim of trafficking is not entitled to compensation unless they have suffered physical violence, have been threatened with violence or believed that they might be subjected to violence. ATLEU's survey also identified that 60% of legal practitioners had experience of survivors being refused compensation as they had not suffered a crime of violence.<sup>32</sup>

The CICS requires those who wish to claim compensation to apply as soon as 'reasonably practicable' with claims outside of the two year limit only considered in 'exceptional circumstances'. 65% of the respondents to ATLEU's survey had experience of CICS applications being refused for survivors of trafficking due to the application being made out of time.<sup>33</sup> It is understood that since this research was carried out, CICA caseworkers have been provided with training, with a suggestion that this picture has subsequently improved. However, it is recommended that further work is undertaken to ensure that the specific circumstances of survivors of trafficking are consistently well understood by caseworkers. To assist, ATLEU have recently published a toolkit for assisting survivors of trafficking to apply for the CICS.<sup>34</sup>

**Recommendation 2: Further training and guidance to be provided to Criminal Injuries Compensation Authority decision makers to improve their understanding of the specific circumstances of victims and survivors of trafficking and modern slavery.**

Where an individual has 'failed to cooperate so far as is reasonably practicable' with law enforcement, compensation under the CICS can be withheld. There may be multiple reasons why a survivor of trafficking may not engage with a criminal prosecution, including fear or mistrust of authorities. Although the CICA are

---

<sup>31</sup>Ministry of Justice (2020), 'Criminal Injuries Compensation Review':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/901140/cics-review-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901140/cics-review-2020.pdf).

<sup>32</sup>ATLEU (2020), 'Survivors of trafficking and the Criminal Injuries Compensation Scheme':

<http://www.antislaverycommissioner.co.uk/media/1543/survivors-of-trafficking-and-the-criminal-injuries-compensation-scheme.pdf>.

<sup>33</sup>ATLEU (2020), 'Survivors of trafficking and the Criminal Injuries Compensation Scheme':

<http://www.antislaverycommissioner.co.uk/media/1543/survivors-of-trafficking-and-the-criminal-injuries-compensation-scheme.pdf>.

<sup>34</sup> ATLEU (2022), 'The Criminal Injuries Compensation Scheme: A toolkit for assisting survivors of trafficking': <https://athub.org.uk/wp-content/uploads/2022/03/ATLEU-CICA-toolkit-March-2022.pdf>.

required to consider an individual's specific circumstances, there are concerns that this does not always happen in practice. Unspent convictions can also result in an applicant's compensation award under the CICS being reduced or withheld without the ability to apply discretion on a case by case basis. This is particularly concerning given the significant number who are now criminally exploited, accounting for 33% of all NRM referrals in 2021.<sup>35</sup> Those who have been forced to commit criminal offences are not yet consistently identified at the earliest stage of an investigation,<sup>36</sup> therefore it is important that each case is considered by the CICA on its own merits.

## Survivors returning home and access to compensation and reparation

Clause 64 of the Nationality and Borders Bill<sup>37</sup> intends to set out in primary legislation the circumstances in which a confirmed victim should be granted limited leave to remain in the UK, including when pursuing a compensation claim. This provision is arguably more restrictive than what is currently set out in guidance<sup>38</sup> as it proposes that this will be limited to circumstances where a claim cannot be pursued from outside of the UK. While it may be possible in principle to pursue a compensation claim from outside of the UK, this is likely to be extremely difficult in practice as there are rarely effective mechanisms in place to educate survivors on their entitlements or to support them in making a claim on their return home.<sup>39</sup>

Although the UK government's Voluntary Returns Scheme (VRS) can be accessed by survivors of trafficking, following EU exit the UK is no longer a member of the ERRIN programme. Support for those returning home is therefore largely limited to financial assistance<sup>40</sup> rather than the casework support and legal advocacy that is likely to be required to facilitate a successful claim for compensation. There are some examples of promising practice in improving the support available for those returning home more broadly, for example International Justice Mission UK's Social Services and Criminal Justice Liaison officer intended to encourage a more joined up approach to casework between the UK and Romania. However, the current approach to providing support to survivors of trafficking when they return home is piecemeal.

---

<sup>35</sup>Home Office (2022), 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021': <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021>.

<sup>36</sup>Independent Anti-Slavery Commissioner (2020), 'The Modern Slavery Act 2015 Statutory Defence: A call for evidence': <https://www.antislaverycommissioner.co.uk/media/1478/the-modern-slavery-act-2015-statutory-defence-call-for-evidence.pdf>.

<sup>37</sup>HM Government (2022), 'Lords Amendments to the Nationality and Borders Bill': <https://publications.parliament.uk/pa/bills/cbill/58-02/0282/210282v2.pdf>.

<sup>38</sup>Home Office (2021), 'Discretionary leave considerations for victims of modern slavery: Version 5.0': [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1040852/Discretionary\\_leave\\_for\\_victims\\_of\\_modern\\_slavery.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040852/Discretionary_leave_for_victims_of_modern_slavery.pdf).

<sup>39</sup>International Justice Mission (2021), 'IJM Romania identifies critical gap that often leaves survivors of trafficking losing their rights': <https://www.ijm.org/news/ijm-romania-identifies-critical-gap-leaves-survivors-trafficking-losing-rights>.

<sup>40</sup>Home Office (2022), 'Letter from Matthew Rycroft Permanent Secretary': <http://www.antislaverycommissioner.co.uk/media/1751/letter-from-matthew-rycroft-permanent-secretary-at-the-home-office-february-2022.pdf>.

## Conclusion

In conclusion, compensation and reparation for victims of trafficking is happening far too infrequently and the UK must do more to fulfil its obligations under ECAT. This policy paper has focussed on two pathways for accessing compensation and reparation, and it is clear that financial investigation must be at the heart of any modern slavery investigation. The CICS is recognised to be a scheme of 'last resort',<sup>41</sup> however given the challenges in accessing compensation via other means, it can provide an important route for survivors, particularly where a trafficker has not been identified or a survivor is too traumatised to give evidence in court. Yet to make the CICS a viable option for survivors, it must be more accessible. Finally, both the Independent Review of the Modern Slavery Act and GRETA's third evaluation of the UK recommended improved data collection and monitoring of compensation claims made and awarded to survivors of trafficking. It is vital this is progressed, both to provide a fuller picture about the proportion of survivors accessing compensation and reparation, and to monitor any improvement.

---

<sup>41</sup>Criminal Injuries Compensation Authority and the Ministry of Justice (2014), 'Criminal Injuries Compensation: A guide': <https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide>.