CELEBRATING 50 YEARS 19 73 Hestia OF LIFE BEYOND CRISIS

UNDERGROUND LIVES: **CRIMINAL EXPLOITATION OF ADULT VICTIMS**

FOREWORD

Modern slavery is a heinous crime whereby criminals subject their victims to exploitation and servitude. Driven by financial gain, these criminals treat our fellow human beings as a commodity to be traded, violating their freedom and basic human dignity.

As the Independent Anti-Slavery Commissioner, I have a UK-wide remit to encourage good practice in the detection, investigation and prosecution of modern slavery offences and the identification of victims. In my Strategic Plan 2019-2021, I underline the importance of equipping public authorities with the skills and knowledge to identify victims at the earliest opportunity, of improving the quality of victim support and of increasing prosecutions whilst ensuring that victims of trafficking are protected.

As this report highlights, over recent years there has been a significant increase in the number of victims of modern slavery identified who have been criminally exploited. Whilst this indicates a heightened level of awareness among agencies, it can also present challenges in providing effective support and introduces complex nuances within the criminal justice system. I am gravely concerned about the volume of referrals being made into the National Referral Mechanism for children who have been criminally exploited and the system is simply not doing enough to safeguard them. To prevent further exploitation there needs to be substantive child protection activity and I fully support the recommendation made by this report regarding a need for a contextual safeguarding approach.

In speaking to both professionals and survivors about their experiences, this report raises important issues about the specific vulnerabilities of those who have been criminally exploited, as well as barriers to identification and engagement. We must learn from the lived experiences of survivors and ensure that this is used to inform policy and practice.

The report also makes observations about data and I am encouraged that the Home Office is now recording criminal exploitation as a separate category of exploitation to forced labour which should help us better understand prevalence. Whilst this is a positive step, there is more work to be done to ensure that we fully understand the picture in relation to criminal exploitation and importantly, the scale of re-trafficking.

This report was written before the Covid-19 pandemic. Covid-19 has in many ways exacerbated the vulnerability of victims and survivors, has created new vulnerabilities and has disrupted the organisations who support victims and those which bring offenders to justice. During post-Covid recovery, it is now more important than ever for us to take a partnership approach to respond to modern slavery and human trafficking, providing effective support to survivors to enable them to live a life of sustainable independence.

Dame Sara Thornton,
Independent Anti-Slavery Commissioner

CONTENTS

EXECUTIVE SUMMARY 4

Modern Slavery and Criminal Exploitation in the UK	7
Victim profile	9
Criminal strategies	12
Barriers to identifying victims	15
Impact of Criminal Exploitation	20
Conclusion	22
Recommendations	23

EXECUTIVE SUMMARY

Victims of modern slavery who are forced into criminality are frequently misunderstood and treated as criminals. In the UK it is estimated that as many as 100,000 victims are being exploited for modern slavery.[1] Our report reveals a worrying picture of abuse and exploitation of vulnerable adults and even children, with criminals developing sophisticated strategies to trap victims into a cycle of exploitation. The lack of understanding amongst police and legal professionals means many victims are failing to get the support they need and this type of modern slavery is overlooked and under-reported.

While this report was written prior to the onset of COVID-19, its findings are timely and important as we know that people who are vulnerable and in difficult financial predicaments are preyed on by traffickers. We know that traffickers target homeless people, including British nationals. An economic downturn will heighten the risk they face. Now more than ever, it is crucial that we support victims of modern slavery and that the police and legal professionals know how to spot the signs of abuse.

And while it may have been hidden during lockdown, this type of modern slavery is on the rise. Criminal exploitation, where people are forced to undertake criminal activities such as financial fraud, sham marriages or working in the drugs trade, was only officially recognised in the UK in 2017. Yet in recent years there has been more than a 4-fold increase in cases of criminal exploitation uncovered during police operations, and it now makes up a quarter of all operations.[2] At Hestia, we believe the numbers of victims are much higher than even current data shows and that cases are systematically misrecorded.

So, why has this area of exploitation been hidden for so long and what are the challenges in addressing it? By reviewing the experiences of over 60 victims and interviewing 40 professionals in this field including police, solicitors and victim's advocates some clear themes and challenges emerge.

Criminal Gangs and their Strategies

"You can't sleep, eat, you're scared to talk to people, you're scared your family will get hurt. It's confusing because they are nice at first and tell you lies but trick you and use violence, fear and intimidation so you never know who's watching you but you are scared of every face you don't know."

Victim of criminal exploitation (Caribbean)

All the survivors of criminal exploitation in our service had numerous vulnerabilities at the time they were targeted, ranging from poverty, to family breakdown, political persecution, addictions or mental health issues. Criminals are sophisticated in their targeting of victims and will often spend time getting to know them. For example, most British victims of county lines exploitation knew their exploiters prior to being targeted. These victims sometimes experienced a misplaced loyalty towards their exploiters.

Criminals also maintain tight control over their victims even after they have escaped, using a range of methods including debt bondage and threats to loved ones. Even when the police successfully identify victims, the risk of re-capture and re-exploitation remains significant. Survivors of criminal exploitation are three times more likely to go "missing" whilst accessing support from our service than other victims of modern slavery. Developing our understanding of the means by which criminals recruit and control their victims is key to improving victim identification.

Lack of training amongst police and legal professionals

During police investigations, victims are often overlooked because they are seen as suspects first and foremost, with some professionals from a police and law enforcement background that we spoke to believing victims of criminal exploitation were at least partially responsible for the crimes committed. Our analysis shows that half of victims of criminal exploitation supported by Hestia in the UK had spent time in prison for crimes committed during exploitation. In 2019 Hestia made a police super-complaint after finding similar evidence of an absence of a victim-focused approach in the police response to modern slavery.

"I didn't know what criminal exploitation was and the police never took my story seriously. People think if you are from a place that's famous for criminal behaviour [the Caribbean] and a grown man then you must have chosen a life of crime. No one can understand unless they live it."

Victim of criminal exploitation (Caribbean)

1 It Still Happens Here: Fighting UK Slavery in the 2020s, The Centre for Social Justice, 2020

2 Modern Slavery Investigations Database 2016-19

As the numbers of victims of criminal exploitation continues to increase, it is vital that the police, lawyers and many others improve their understanding of the specific needs and challenges facing this vulnerable group. As criminals become increasingly sophisticated in their methods of targeting and recruiting victims it is essential that the identification, reporting and response to victims improves.

Growing Up in County Lines

"[In county lines exploitation] females are often used because they're more likely to pass by unnoticed - a police officer is more likely to suspect a male rather than a female - and they can often conceal things easier in their hair and clothes. So, because they go under the radar they are more preyed upon by criminals. We definitely saw more females involved than in previous years."

Local Authority professional

While recent research reveals that 80% of victims of criminal exploitation are men[3], we believe the numbers of women being recruited is underestimated and often undetected. Professionals told us that criminals also increasingly target girls for county lines exploitation because they are less likely to be intercepted by the police. In those cases, criminals often form romantic relationships with the girls they are targeting for exploitation with the purpose of exerting control over them in the future.

While many victims of modern slavery are trafficked into the UK, British victims are in the top five nationalities to be subject to criminal exploitation[4]. There are already early indications that county lines exploitation is thriving during the pandemic[5].

Impact of COVID-19

While lockdown has been tough for everyone, for many survivors of modern slavery who have experienced profound trauma it has triggered memories of a time when they were forced to stay indoors and were subject to abuse.

In the coming months as the lockdown eases, we anticipate an increase in referrals to our service. We know that traffickers are brutal and determined to get victims across borders as well as enslaving victims living in Britain. The decrease in global air travel will not deter them. As the UK anticipates an unprecedented economic downturn following the pandemic, it is more important than ever that we are able to support victims of criminal exploitation.

Recommendations

Urgent action is needed to redress these particular challenges experienced by victims of modern slavery who have been forced into criminality. Based on the findings of the report and our day-to-day experience of supporting victims of criminal exploitation, we believe that there is a crucial role for national government, local government, law enforcement and criminal justice to:

1. Improve data and insight about criminal exploitation in the UK
2. Improve training and awareness among key professionals
3. Ensure services are designed to support victims of criminal exploitation

We hope this report will provide the opportunity to refocus, share ideas and experiences and develop new partnerships.

3 Ibid
4 Ibid
5 https://nya.org.uk/wp-content/uploads/2020/06/NYA-Hidden-in-Plain-Sight-1.pdf

ABOUT HESTIA

Since 2011 Hestia has supported over 3,300 victims of modern slavery and over 1,100 dependent children. Hestia is one of the largest support providers for adult victims of modern slavery in the UK. There are currently over 1,600 clients and over 500 dependent children in our service.

We provide safe houses in London and Kent, as well as a pan-London outreach service working in every London borough. We work closely with The Salvation Army to deliver support to adult victims who have been referred into the National Referral Mechanism (NRM) and who have chosen to be supported by the Home Office funded Victim Care Contract. In addition, we have pioneered volunteer-led, long-term support to victims of modern slavery focused on their recovery and integration into their local communities.

METHODOLOGY:

This report is mainly qualitative in its approach with the intention of highlighting the specific experiences and challenges facing adult victims of criminal exploitation in the UK.

For this report we reviewed the initial assessment records of 1,200 of Hestia's clients, excluding files that had incomplete assessment data. We identified 62 clients who were exploited for criminal activities. We analysed the initial assessment data of these 62 clients to derive the demographic characteristics of victims in our service, their vulnerability characteristics as well as their experiences of police involvement.

We interviewed 18 Hestia clients with experience of criminal exploitation to gain further insight into their experiences.

We interviewed 26 Hestia advocates who support victims to get their insights into the specific challenges and vulnerabilities facing victims of criminal exploitation. We used these interviews to compile a detailed vulnerability map for people in our service.

With the support of Hannah Marshall, a researcher on the University of Cambridge ESRC Doctoral Internship Programme, we interviewed 14 professionals working on modern slavery from a range of sectors including three senior investigating officers (SIOs) from the police, two Local Authority professionals, one professional from a national law enforcement agency, two professionals from national investigating agencies, two solicitors and four professionals from the voluntary sector, to get their insights into criminal strategies and on the challenges in safeguarding and defending victims.

We received data from the Modern Slavery Investigations Database and the Home Office on prevalence of criminal exploitation in the UK.

In addition, we analysed published literature on criminal exploitation in the UK over the past 5 years.

Criminals also maintain tight control over their victims even after they have escaped, using a range of methods including debt bondage and threats to loved ones.

MODERN SLAVERY AND CRIMINAL EXPLOITATION IN THE UK

Modern slavery is the recruitment, movement, harbouring or receipt of children or adults through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of making a profit. Offences under the Modern Slavery Act 2015 are punishable with a maximum sentence of life in prison.

In the 2017 report "Typology of modern slavery"[6], the Home Office classifies four main types of modern slavery: labour exploitation, sexual exploitation, domestic servitude and criminal exploitation. Criminal exploitation, where people are forced to undertake criminal activities such as financial fraud, forced into sham marriages or working in the drugs trade, was only officially recognised as a separate type of modern slavery in the UK in the 2017 report.

TYPES OF CRIMINAL EXPLOITATION

A report by the Home Office in 2017 identified six primary types of criminal exploitation:

Forced gang related criminality

Most gang related criminal activities relate to drug networks. Victims are often children who are forced by gangs to transport drugs and money to and from urban areas to suburban areas and market and coastal towns[7] (county lines exploitation).

"It's quite similar to having gone to war…. they get a mission to do and they get told to do it, there's no way out. They are met at the train station or at the transport hub, given the drugs, and often made to stay awake for days at a time, with hardly any food or drink. They often see really big amounts of violence."

Local Authority professional

Forced labour in illegal activities

Victims are forced to provide labour to offenders for illegal purposes. The most common example is victims forced to cultivate cannabis in private residences[8].

Forced acquisitive crime

Victims are forced by offenders to carry out crimes such as shoplifting and pickpocketing.[9]

"We are talking hundreds of thousands of pounds per day, not just survival crime – literally clearing a rack out, running from the shop and throwing it in the back of a van. When these people are detained and questioned by police, they appear to be gaining little, if anything from this criminal activity. They are driven to particular places, given particular instructions – a shopping list if you will, and the van follows them round. Often the van will drive off and leave them to their fate."

Detective Chief Inspector

Forced begging

Victims are transported by offenders to locations to beg on the streets for money, which is then taken off them.

"We see a lot of begging and when you look at CCTV you can see there was somebody waiting once they have a pocketful of money. They go and hand that over so clearly they're not benefiting from the money themselves. But this is somewhat hidden, because we need to sit and observe it."

Senior Investigating Officer (SIO)

Trafficking for forced sham marriage

Traffickers transport EU national victims to the UK and sell them in a one-off transaction. Exploiters marry victims to gain immigration advantages and often sexually abuse them[10].

According to Europol, the brides may first willingly enter into a marriage, but then the conditions change, or they may be lured on false pretences (such as the promise of a well-paid job) and then forced into a marriage. In some forced sham marriage cases, the victims have been kidnapped, brought to the country of destination against their will, and coerced into marriage.[11]

6 "A Typology of Modern Slavery Offences in the UK", Home Office, 2017
7 ibid
8 ibid
9 ibid
10 ibid
11 'Exploitative Sham Marriages', European Institute for Crime Prevention and Control, 2016

Financial fraud

Victims are exploited financially; most commonly their identity documents are taken and used to claim benefits. This type often occurs alongside other types.

"In addition to earning an income from the work that's being forcibly undertaken, whether that's legal or illegal, [the exploiters] have the opportunity to commit insurance fraud, or benefit fraud, or tax fraud, so there's wider criminality attached to the identity as well as the person."

Senior Investigating Officer (SIO)

Prevalence of criminal exploitation

During 2016 – 2018, criminal exploitation was the least reported type of exploitation in the UK, making up 3% of reported exploitation of adults and children[12]. Hestia's research reveals this estimate could fail to capture its true scale.

The Home Office told us that between 2009 – 2018, a total of 4,491 adults and children were referred into the National Referral Mechanism (NRM) for criminal exploitation. However, in NRM referral data, criminal exploitation is recorded as a sub-category of forced labour. During that same period no sub-category was filled in 2,671 cases of forced labour.

When we looked at our own data for the category of exploitation recorded in 1,200 case files, only 1% of clients were recorded as having been exploited for crime. However, records of police involvement[13] in initial assessment data revealed that a further 4% of clients had been exploited in this way. Our case files reveal that people exploited for crime are systematically misrecorded as having been exploited for labour. Mistakes were most often noted in cases of cannabis cultivation. There may be many more who were exploited in this way but who were never identified by the police.

Data from the National Slavery Operations Database between December 2016 and July 2019 shows that criminal exploitation has been steadily increasing, now making up more than a quarter of all exploitation uncovered during police operations, up from 6% three years ago. All types of criminal exploitation uncovered have been increasing, with the greatest rise noted in cases of county lines exploitation. This is is likely to be due to greater awareness of county lines exploitation as a type of modern slavery. Our interviews with senior investigating officer (SIO) indicate that alongside increased awareness, we may also be experiencing an actual increase in criminal exploitation. There were two reasons identified for that. Firstly, despite an increase in modern slavery police operations over the recent years, there has also been a decrease in investment in community engagement and prevention. This may enable exploiters to increase their recruitment of vulnerable victims. Secondly, the use of social media to recruit vulnerable young people for county lines exploitation can be a very effective tool. Once recruited, victims of county lines exploitation often do not "mature out" when they reach adulthood but continue to be exploited (see victim profile – age section).

"Back in 2008 we had more engagement with community groups, more community resources out there, and over time we've been stripped away to the core elements in policing. So we've created gaps that other people have exploited."

Senior Investigating Officer (SIO)

12 "2019 UK Annual Report on Modern Slavery." HM Government, Department of Justice, The Scottish Government, Welsh Government,

13 Records of police involvement reveal whether victims had contact with the police including whether they were identified during police operations, whether they contacted the police to report their exploitation or whether they had previously been arrested for involvement in criminal activities.

VICTIM PROFILE

Ethnicity

The top five nationalities for victims of criminal exploitation and perpetrators of criminal exploitation are identical, as shown in the data provided by the Modern Slavery Investigations Database[14] for the period December 2016 - July 2019:

Top 5 nationalities of suspected perpetrators	Top 5 nationalities of Victims
British	British
Vietnamese	Vietnamese
Albanian	Albanian
Romanian	Romanian
Lithuanian	Lithuanian

Criminal networks from specific countries dominate certain illicit markets in the UK. Criminals target victims who share pre-existing connections such as language and culture, to facilitate recruitment[15]. According to Europol, gangs often utilise local networks in transit countries to facilitate the movement of victims.

People from different ethnic backgrounds are targeted for different types of criminal activities. Perpetrators of exploitation appear to operate a business model whereby their victims fit a certain profile and are chosen for their vulnerability, ease of recruitment and ease of control.

British victims of criminal exploitation

We identified 13 British victims of criminal exploitation in our service. All but one were exploited for drug offences and county lines exploitation.

British victims were amongst the youngest victims of criminal exploitation. With two exceptions, they were men 21 years old or under. Many had been recruited by criminals whilst they were still children and got stuck in a cycle of exploitation which carried on into early adulthood. In 2019, the Home Affairs Select Committee[16] found that young recruits are not "maturing out" of gang activities when they reach their twenties, and instead get "stuck in the gang".

We identified 13 British victims of criminal exploitation in our service. All but one were exploited for drug offences and county lines exploitation.

14 This data is based on investigations conducted by police forces/ROCUs across the UK, including PSNI and Police Scotland. This figure only includes investigations that the Modern Slavery Insight Team have been made aware of.

15 "Trade Secrets," Turner & Kelly 2009

16 "Home Affairs Select Committee on Serious Violence, 2019"

Gender

Victim gender recorded at national modern slavery operations for the period December 2016 – July 2019 (MSPTU) shows that 80% of victims are male.

Hestia's records indicate a much more skewed picture with 95% of victims who experienced criminal exploitation in our service being men. This is despite female clients being over-represented amongst Hestia's clients, compared with the national average. It is possible that the mistakes made by first responders in recording the type of exploitation that we noted amongst all our clients are even more common amongst female clients.

Both the National Crime Agency (NCA) and the Modern Slavery Investigations Database believe that women are targeted for county lines exploitation because they are less likely to be identified by the authorities. A 2018 report by the National Crime Agency (NCA)[17] stated that women are likely to be overlooked as both offenders and victims of county lines exploitation. Gender norms associating women with victimhood rather than criminality were believed to be the reason behind this bias.

"[In county lines exploitation] females are often used because they're more likely to pass by unnoticed - a police officer is more likely to suspect a male rather than a female - and they can often conceal things easier in their hair and clothes. So because they go under the radar they are more preyed upon by criminals. We definitely saw more females involved than in previous years."

Local Authority professional

Age

A 2018 report by the National Crime Agency (NCA[18]) found that the majority of referrals for county lines exploitation were between 15 and 17 years old. In our service, the average age amongst victims of criminal exploitation was 29.

It's common for the younger victims in our service to have been exploited for criminal exploitation as children, with the most common type of childhood criminal exploitation being county lines exploitation. Older victims tend to be exploited for different criminal activities such as cuckooing (in which drug dealers take over the home of a vulnerable person to use it as a base for drug dealing), acquisitive crime or financial fraud.

Type of Criminal Exploitation	Criminal Activity	Number of victims during 2009 – 2018 (Home Office data)	Intelligence on Victim Nationalities from the 2017 report "Typology of Modern Slavery"	Intelligence from professionals from the police, law enforcement and investigating agencies interviewed by Hestia in 2019	Hestia Clients
Forced Gang-Related Criminality	Criminality - Drugs -County Lines	1006	Primarily from the UK, some EEA nationals from countries including Ireland, Lithuania & Poland	UK nationals	UK nationals, some Caribbean nationals
	Criminality - Drugs - Other	562	UK and EEA nationals		UK and Albanian nationals
Forced Labour in Illegal Activities	Criminality - Drugs - Cannabis Cultivation	1318	Vietnamese nationals	Vietnamese nationals	Vietnamese and Albanian nationals
	Street Selling e.g. DVDs	78			Chinese nationals
Forced Acquisitive Crime	Theft	256	Romanian and German nationals	Eastern European and West African nationals	UK national
Forced Begging	Begging	155	British and Romanian nationals	British and Romanian nationals	
Trafficking for forced sham marriage	Sham Marriage	117	EU nationals, primarily women from the Czech Republic, Hungary and Slovakia		
Financial Fraud	Benefit Claims or Benefit Fraud	260	EEA country nationals (Hungary, Latvia, Romania and Slovakia)	Albanian nationals	Albanian nationals
Other or Unknown		738			

17 ibid
18 ibid

Case Study – James, Victim of Forced Gang-Related Criminality (British)

James was 16 when he was first lured into criminal exploitation. As a young carer for a disabled mother, he was very isolated and had a limited support network.

James was befriended by Mike, a young adult in his neighbourhood, who at first pretended to offer help. After a while, Mike asked James to drop a package to another property as a favour. James felt that he could not say no. However, on his way to drop the package he was attacked and the package was stolen.

Mike and two of his friends beat James up and told him that he now owed several thousand pounds of debt to drug dealers. He was told that he would have to work daily to pay it off. He received threats to himself and his mother if he did not comply.

Over the next two years, James dealt drugs for several hours a day. He was instructed to swallow the drugs and retrieve them later if approached by police. For that work, he was told he was "earning" a few pounds a day against his debt. Even when he thought his debt had been paid off, however, his exploiters told him otherwise.

James was arrested for drug offences after a raid in his house. He was given a date for a court hearing, and during that time his mother continued to receive threats against her. James continued to be forced to deal drugs for his exploiters whilst waiting for his court hearing. James' solicitor identified him as a potential victim of exploitation and helped him get referred into the National Referral Mechanism (NRM) at the age of 18. Even whilst accessing support, James was too scared of retributions against himself and his mother to testify against his exploiters.

After James received advocacy and support from Hestia, the charges against him were dropped.

CRIMINAL STRATEGIES

"They capitalise on individual vulnerability, threats, intimidation, violence, addiction, poverty, lack of supervision but also by doing things that seem like a favour at first like giving food, money, drugs, shelter."

Victim of Criminal Exploitation (Caribbean)

Recruitment tactics

Exploiting vulnerabilities

The business model of modern slavery relies on selecting people who are the most vulnerable and least likely to report to the authorities. Criminals are adept at identifying and targeting individuals with vulnerabilities. This is true of all types of modern slavery. However, it is even more important to increase our understanding and ability to identify vulnerability characteristics amongst potential victims of criminal exploitation as this group of victims is at risk of being mistaken for criminals if their vulnerability is missed.

The 2018 National Crime Agency (NCA) report on county lines exploitation notes that the county lines business model relies on targeting any vulnerability in individuals who can facilitate drug supplies at a local level. However, no systematic recording of vulnerability characteristics currently exists to identify whether criminals preferentially target certain vulnerability characteristics amongst potential victims to recruit them for different types of exploitation.

Reviewing the experiences of 47 of our clients we found that all displayed a range of vulnerabilities that were exploited by criminals to lure and trap them. These ranged from:

Disclosed vulnerability at time of exploitation	Percentage
Fear of persecution for political reasons	64%
Poverty	64%
Unemployment	60%
Family Estrangement / Breakdown	40%
Mental Health Problems	34%
Problems with the police in the country of origin	31%
Drug or Alcohol Abuse	17%
Homelessness	15%
History of experiencing domestic abuse	11%
History of experiencing sexual abuse	11%
Physical Disabilities	9%
Learning Difficulties	9%
Persecuted Minority	6%
Forced Marriage	2%

Our research shows that the most common vulnerability characteristics, and the way these are exploited, vary according to the nationality of victims, the type of criminal exploitation they are targeted for and the trafficking model.

For example, drug and alcohol addictions were most common amongst British victims targeted for county lines exploitation. Conversely, we found very little evidence for the presence of addictions at the time of exploitation amongst Chinese and Vietnamese clients.

Across all clients, absence of a family support network was very common. In particular, most victims exploited for county lines crimes were experiencing family estrangement or breakdown. They were targeted by criminals who took time to build a relationship with them. In our service, all but two British victims of county lines exploitation knew their exploiters prior to being targeted. These victims sometimes experienced a misplaced loyalty towards their exploiters. According to the professionals we interviewed, when criminals target girls, they often form romantic relationships for the purpose of exerting control.

Data from 21 Vietnamese and Chinese clients in our service for whom the circumstances of recruitment were known, showed that overwhelmingly they were unlikely to know their exploiters prior to being recruited. Typically, they were targeted because they were in poverty or in trouble with corrupt authorities or because of their political beliefs. These vulnerability characteristics made it easier for traffickers to lure their victims out of the country with promises of a safer future. In the process, victims incurred a debt that trapped them into exploitation.

"They target people at protests and demonstrations against the government. The trafficking gang organises the crime. They offer jobs to people to go abroad. From the beginning they treat you well and tell you that when you start work you can pay them back, but this is not the case. They exploit you."

Victim of Criminal Exploitation (Vietnamese)

Albanian victims were also most likely to be targeted because they were poor and vulnerable.

"I was approached because I did not have a job and was promised money for certain things I did. I was hopeless and they took advantage of that."

Victim of Criminal Exploitation (Albanian)

"I wanted help to study and they told my sister there was a programme to help young girls like me in the UK. She believed them."

Victim of Criminal Exploitation (Albanian)

Control

Debt Bondage

We found that debt bondage was a very common strategy to entrap victims and was used in a third of all our clients' cases. Victims brought into the UK illegally are often promised a work or education opportunity in the UK and then discover they are indebted to their "benefactor" upon arrival in the country.

"I met (my exploiter) at a party. I thought we had become friends. He pretended to care for me but tricked me into owing him a debt I couldn't pay back."

Victim of Criminal Exploitation (Chinese)

Debt bondage is also often used in county lines exploitation[19]. For example, young victims might be asked to run a county line, sometimes as a favour, and they are then intercepted during their journey and the package they are carrying is purposely stolen. This leads to victims then owing a debt to the criminals that has to be repaid via exploitation. We found similar experiences amongst the adult victims of county lines exploitation in our service.

Scaring victims away from seeking help

People from countries in which the authorities are perceived as corrupt can more readily be controlled. Criminals build on the mistrust victims harbour towards the police to ensure that even if identified by the police, victims will be unlikely to disclose the circumstances of their exploitation. We found that clients who had experienced trouble with corrupt authorities in their country of origin continued to experience mistrust of the police in the UK, even after repeated reassurance.

"I want to talk to police but scared. In my country, police killed my dad. Scared of what traffickers do if I talk."

Victim of Criminal Exploitation (Albanian)

19 ibid

Thinking his life would be in danger if his captors returned, Hoang ran away

Case Study – Hoang,

Victim of Forced-Gang Related Criminality (Vietnamese)

Hoang grew up with his mother in Vietnam. Although they experienced poverty, Hoang was happy and hoped to receive education and improve his future.

At the age of sixteen, Hoang was involved in a protest against the dumping of industrial waste in a residential area during which he had an altercation with a police officer. The next day, his mother was approached by a man who advised her that her son needed to leave the country because he was now a police target. Hoang's mother borrowed a large sum of money and gave it to the man who promised to take her son to safety.

Hoang travelled in the back of a lorry to Russia. When he arrived there, he was taken to a shoe factory and forced to work 12-hour shifts seven days a week. Hoang slept at the factory and was subjected to beatings whenever his supervisors thought he was working too slowly. He was only allowed a ten-minute break each day to eat. Hoang assumed that his work would pay back his mother's loan.

Ten months later, Hoang's traffickers returned. He was put at the back of a lorry again and travelled from Russia to the UK. Throughout the journey, Hoang was forced to stay inside one of the many wardrobes that were loaded in the back of a lorry.

In the UK, Hoang was taken to a house and locked in the premises. The instructions he received were to care for the plants that were in the house and to protect the equipment from potential thieves. On some days, his captors would return to bring him a sandwich. Two weeks later, men broke into the premises to steal the equipment. This was the first time he realised the plants were cannabis. Thinking his life would be in danger if his captors returned, Hoang ran away.

Hoang slept on the streets until he met someone from his community who gave him shelter and access to a phone. When he tried to contact his mother back home, he was unable to. He managed to get hold of a neighbour who informed him that his mother had left the city in fear of the traffickers who were coming to collect the debt.

Hoang was arrested during an immigration raid at a Vietnamese nail bar whilst he was visiting a friend. He spent months in immigration detention before telling his story and being referred into the National Referral Mechanism (NRM) and Hestia's support.

When asked about his hopes for the future, Hoang told us he hopes to find his mother alive.

"They are told that they can't trust the authorities and so they very often don't. We get almost zero engagement even when we are trying to safeguard them."

Senior Investigating Officer (SIO)

Threats to family and loved ones

"You can't sleep, eat, you're scared to talk to people, you're scared your family will get hurt. It's confusing because they are nice at first and tell you lies but trick you and use violence, fear and intimidation so you never know who's watching you but you are scared of every face you don't know."

Victim of Criminal Exploitation (Caribbean)

Criminals commonly employ threats to families and loved ones to control their victims. For example, one of our Vietnamese clients escaped and went to the police, but was notified that gang members had visited his family in Vietnam and as a result he returned to his exploiters. He remained with them until he was arrested during a subsequent police raid. One of our British victims continued receiving threats to his family even after being identified by the police and was forced to continue dealing drugs even when awaiting his court hearing.

BARRIERS TO IDENTIFYING VICTIMS

Police

"From a policing point of view we've always had three sorts of people: victims, witnesses and suspects and it isn't very often that those cross over. How we deal with each of those individuals is always slightly different"

Senior Police Officer

Abuse of vulnerability is recognised as a means by which criminals trap their victims into exploitation under the Modern Slavery Act[20]. Yet, two out of three senior investigating officers we interviewed as well as solicitors, Local Authority and NGO professionals told us that victims of forced criminality are more likely to be treated as criminals first and foremost. Their own vulnerability is often overlooked. This is echoed by victims who told us they felt they had been treated as criminals by the police.

Vulnerability characteristics are not always overt. Under the Modern Slavery Act 2015, the key requirement for determining whether a person is a victim is examining whether the person's vulnerability has been exploited for the purpose of acquiring benefits of any kind.

One senior investigating officer (SIO) told us that in all other modern slavery cases, officers took the time to conduct video interviews with suspected victims to understand the circumstances and journey that led to their experience of exploitation. This, according to the SIO, does not routinely happen in the case of criminal exploitation as victims don't tend to offer the information that they were acting under exploitation. Then officers don't have the time or resources to explore this even if signs of vulnerability are evident.

"We don't look at the back history, we just look at that snapshot in time. We don't look at the history of poverty. It might be that they've been abused since age 12. But we only see them when they are 19 or 20 and they're not willing to cooperate. They're not willing to talk to us because too much has happened."

Senior Investigating Officer (SIO)

Professionals from the police told us that making the right judgment on whether or not a person involved in a criminal activity might have been a victim of exploitation requires considerable investigation and often working with the individual over a long time. Interviews with Hestia advocates, identified that victims of criminal exploitation are in general less likely to "open up" and often take longer to disclose information. This time and resources is often not available to the police.

"I find that victims of criminal exploitation have been more difficult to engage with, they don't like to share the experience or that they need help."

DK, Hestia Advocate

20 Modern Slavery Act 2015, c 1 (3), (4) (a)

The professionals we interviewed often had differing views about whether an individual's suspected victimhood should be prioritised over their status as a suspect. Some of the professionals from a police and law enforcement background whom we interviewed assigned at least partial responsibility for the crimes committed to victims of criminal exploitation. All legal professionals and those from Local Authorities or NGOs told us that suspected victimhood should always be prioritised when investigating suspects.

"I think we have ended up in a scenario where it's easier to say it's someone else's fault than actually stand up and take responsibility for what you've done. It doesn't apply to all cases but I still think, particularly from a UK perspective, that people still know what is right and wrong."

Senior Investigating Officer (SIO)

"I didn't know what criminal exploitation was and the police never took my story seriously. People think if you are from a place that's famous for criminal behavior and a grown man then you must have chosen a life of crime. No one can understand unless they live it."

Victim of Criminal Exploitation (Caribbean)

An SIO told us that police officers use their experience to judge if a suspect may be telling the truth or lying, yet the correct cultural context must be applied when making such judgments. For example, according to the Hestia advocates whom we interviewed, the silence often observed in Vietnamese victims of exploitation can be misinterpreted as trying to conceal criminality, when in fact it is often an expression of fear. Victims often cannot provide even the basic details of their exploitation, such as the names of their exploiters or the location they were kept. That can be misinterpreted as a sign of lying.

"When you are policing a community you are part of you recognise when people are lying to you, or you get a feeling when someone's lying to you. But if you're speaking to someone whose culture you don't recognise, you don't understand it, you can come to a false gut feeling. I've had cases where you think there's absolutely no way that is the truth and then you do a bit of digging and find out that actually what they've told you is true."

Senior Investigating Officer (SIO)

Our police super-complaint on modern slavery also found evidence that the police are often treating victims of criminal exploitation as criminals themselves. At the time of writing this report, an investigation is being carried out by HMICFRS, the College of Policing and the Independent Office for Police Conduct to examine this and other evidence of police shortcomings in dealings with victims of modern slavery highlighted by our super-complaint.

The majority of clients we interviewed told us that they would not go to the police for help with their exploitation because they feared they would not be believed.

"I wouldn't go (to the police). No one believes you are a victim"

Victim of Criminal Exploitation (Chinese)

The same scrutiny needs to be employed when examining the vulnerability characteristics of potential victims of criminal exploitation as with other victims of modern slavery even when that information is not offered by the suspected victim themselves.

"We don't need the victims to say they're victims, the wider business model will show us how they're being exploited."

Senior Investigating Officer (SIO)

Legal Process

For victims of criminal exploitation, the Modern Slavery Act has introduced a specific defence (Section 45) to ensure they do not have to suffer further by being punished for crimes committed during exploitation. For the section 45 defence to be considered, the defendant need only present evidence[21] that they were compelled to commit a crime as part of their experience of exploitation[22].

21 Human Trafficking, Smuggling and Slavery," CPS Guidance 2020: Section 45 places an evidential burden upon the Defendant. Therefore, in order to avail himself of the defence, the Defendant will only have to adduce sufficient evidence to 'pass the judge' so as to allow the defence to be considered by the jury.

22 Section 45 cannot be used as a defence for serious crimes including manslaughter, murder, firearms offences, sexual offences and offences causing grievous bodily harm

However, our analysis shows that half (52%) of victims of criminal exploitation supported by Hestia in the UK[23] had spent time in prison for crimes committed during exploitation. That percentage may be higher as some assessment records were missing. A further 6% of clients were arrested and later released as soon as criminal exploitation was suspected by the authorities. It is unlikely that our clients would have raised the defence voluntarily as the overwhelming majority of the clients we interviewed told us they were not aware of it.

The majority of our clients had not asked the police to investigate their exploitation. Of the 14 clients who did, none proceeded to spend time in prison for the crimes they were compelled to commit. According to a senior investigating officer (SIO), if there is early disclosure of exploitation, guidelines on granting bail make it more likely that the individual will be released. In the absence of disclosure it may be very difficult for the police to prove or disprove that an individual is a victim. This is disappointing as research shows that victims of criminal exploitation are unlikely to make disclosures because they are fearful of their exploiters and worried about potential retributions against loved ones.

Most of the people we interviewed were unaware of the defence and believed that victims of criminal exploitation went to prison for crimes committed during exploitation. This belief deters many victims from escaping and seeking help from the police.

Two senior investigating officers we interviewed told us that the Section 45 defence can be used as a "ticket to avoid prosecution.

"I think what frustrates some of my colleagues is that you've got young people that know the section 45 defence better than them."

Detective Chief Inspector

"I think this is the way the argument is going. We're effectively saying that anyone over the age of eighteen cannot be expected to make a choice about whether or not to be a criminal."

Senior Police Professional

52% of victims or criminal exploitation supported by Hestia in the UK had spent time in prison for crimes committed during exploitation.

The belief that criminal gangs in the UK utilise the section 45 defence to their advantage may be justified. Police and intelligence professionals told us that gangs often informed their victims about this defence to help ensure they wouldn't give evidence against them. Section 45 is also perceived by some as a barrier to criminal investigations as suspected victims are not compelled to disclose the details of their exploitation.

Our research showed that it was primarily British and English speaking victims, who had been involved in county lines exploitation, who were aware of the Section 45 defence. This does not mean that they were not victims of criminal exploitation, but it may mean that they could have been informed of the defence by their exploiters. The absence of language barriers also makes it more likely for British victims to have understood information about section 45 if it was relayed to them by their solicitors.

Local Authority, NGO and police professionals told us that vulnerable victims are regularly failed by those who are meant to defend them, with lack of understanding of the section 45 defence extending across the criminal justice system. Two senior investigating officers told us that victims were instructed by their solicitors to plead "no comment" even when the signs of exploitation were blatantly obvious. This stopped the police from being able to pursue investigations. Legal aid cuts were also blamed for an unwillingness to provide a competent defence for complex cases such as those presented in criminal exploitation.

"My solicitor encouraged me to plead guilty because I had 'no other choice'."

Victim of Criminal Exploitation (Chinese)

23 10% of our clients were exploited for criminal exploitation overseas. These were all Albanian clients.

"There's not systemic training across the whole criminal justice system. There are solicitors that have no understanding of trafficking or of statutory defences, and magistrates are often the same. We've had cases where we've taken it to the top of the CPS, and they've said we haven't got a conclusive decision so we can't intervene in the process. And this is a case where a fifteen-year-old child picked up in a cannabis factory is sitting in the dock with traffickers – but you're telling me you won't even put special measures in."

Local Authority professional supporting exploited young people

Safeguarding

Amongst our clients, victims of criminal exploitation are three times more likely to "go missing"[24] from our service compared to all other victims[25]. This is often because perpetrators can maintain strong control over their victims. For example, we found evidence of clients who still felt they owed a debt to their exploiters and believed that they had to continue undertaking criminal activities to repay it or face retributions. Safeguarding these clients presents great challenges.

Amongst our clients, 12% of those who had engaged with the police and were released without charge were immediately re-captured and re-exploited by criminals. On these occasions, victims continued to be exploited for several months or even years, until they were rediscovered by the police in subsequent raids and entered the National Referral Mechanism (NRM).

Our interviews with senior investigating officers revealed that instances of disappearance and re-exploitation are fairly common. Professionals expressed frustration at the difficulty in keeping suspected victims of exploitation safe. We heard examples of victims jumping out of toilet windows to return to the criminals exploiting them or young people suspected of county lines exploitation disappearing as soon as they were placed in foster care.

Police professionals cited the mistrust victims felt towards them, the fear of retributions against family members, the control exerted via debt bondage or misplaced loyalty as reasons behind such incidences.

The risk of re-exploitation does not disappear once a victim has entered the NRM. Often the bonds of debt are very hard to break.

Many in the police highlight the need for time and safe spaces to build trust with the suspected victim, enabling them to see that they had a way out. Unfortunately, this time and space is often not available. In the absence of safe spaces, and in the face of new unknowns, victims are more likely to return to their exploiters because at least they know what to expect.

One senior investigating officer (SIO) told us that rather than releasing suspected victims of criminal exploitation, it might be safer to place them in immigration detention or in custody.

"It is an ironic form of safeguarding, that we have victims that we take into custody because it gives them a small amount of time in which to think, in which to disclose victim status while they're at a detention centre or prison. Then we can manage them effectively."

Senior Police Officer

A Local Authority professional also told us that they were aware of vulnerable victims who had been held in custody by the police for their protection. A second SIO told us that sometimes the police may feel that the only available option is to remand a vulnerable individual if they have no fixed abode because if they are released on bail they will disappear and end up back into the hands of their exploiters.

"There's nowhere immediately available to release people. In London, for example, there's almost no spaces for men. Some officers may feel all that's available is remanding an individual. The longer you are able to hold onto someone, the fewer the chances they will go back to their exploiters. Yet that should never happen. No one should be remanded just on the basis that they're vulnerable."

Senior Investigating Officer (SIO)

The Home Office is currently developing Safe Spaces provision for suspected victims of exploitation who have not yet entered the NRM. This provides a great opportunity for meeting the identified safeguarding gap in the protection of victims of criminal exploitation.

Police professionals highlighted that while moving victims in the NRM away from the area in which they were exploited may be beneficial in most cases, it may actually increase an individual's vulnerability. For example, a person who has been exploited for drug related criminal activities is often likely to have

24 Under the NRM, when an advocate is unable to establish contact with a client over a 48 hour period they have to report them as missing to the police due to an ongoing risk of re-exploitation for all survivors of modern slavery.

25 6% of victims of criminal exploitation in our service had gone missing.

Case study – Marcia, Victim of Financial Fraud (Albanian)

Marcia was an orphan in her home country. She had an older sister and they would buy and prepare liver to sell. This was their only source of income.

Marcia wanted to get an education, but they could not afford it. A woman from their local mosque told Marcia and her sister about a scheme that supported young girls to go abroad and study. Marcia's sister arranged for her to go.

After sleeping at a petrol station for a few days, Marcia met the lady from the mosque. Marcia was 12 years old, had never been on an aeroplane and had never left the country. The lady flew with her.

When Marcia arrived in the UK, she was greeted by a man at the airport and was taken to his car. This man was very old, and he told Marcia that she was going to be his wife. He took Marcia back to his one bedroom flat, and raped her every night.

Marcia was taken away by a friend of this man, and for the next three years she was moved from households every few weeks or months. She would stay at these houses without pay, and would cook, clean and look after the children. Marcia stayed with one family for a particularly long period of time, and was given papers. They did not have her name on them – but she was told that her name had been changed for her safety – and now that she had these papers she would be allowed to go to school.

This same woman asked Marcia if she would like a passport. Marcia, who was very young, agreed. She signed forms that had been completed on her behalf and was given a passport which she used to open a bank account. The same woman asked Marcia to sit the 'life in the UK' test on multiple occasions, but after the first time Marcia grew suspicious and refused.

After many years of being exploited by different families, Marcia met someone who told her how to access housing from the council. With her passport she presented as homeless and was put in a hostel. Over time she started to study at college, and eventually went to university to become a nurse. By this time Marcia had three children.

One day, the police came to Marcia's university and arrested her for using fraudulent documents. Marcia was advised to plead guilty by her solicitor so that she could go home to her children, even though she hadn't known that the documents she was using were false. Marcia spent a year in prison. It took her a long time to tell anyone about her story, but one day she told her story to a prison officer. The prison officer recognised that Marcia was a victim of modern slavery, and referred her to the National Referral Mechanism (NRM) where she received support from Hestia and The Salvation Army.

Marcia is desperate to build a new relationship with her children. She says that things have never been the same since she went to prison; as they found it very difficult to understand why she left them and they fear that she will leave them again.

Marcia is currently completing a baking course for women who have experienced sexual violence. She hopes to become a professional baker one day.

drug dependencies. In such cases, those individuals who have been moved to a new area are likely to immediately go back to seeking drugs and once again put themselves at risk of being exploited, whilst having no support network around them.

Many professionals told us that they would like to see a contextual safeguarding approach to prevent vulnerable people from becoming victims of criminal exploitation. This approach examines the risks to the safety of an individual and the wider issues that may be increasing their vulnerability. Some Local Authorities have started to integrate contextual safeguarding in their policies but there is still a long way to go before we see widespread implementation.

Safeguarding efforts should extend to prevention; identifying vulnerabilities, finding ways to successfully communicate with people at risk and investing in community connections.

"Every local authority has a MASH [Multi-Agency Safeguarding Hubs] team but we're putting through referrals of county lines and they don't meet the threshold of child protection. People are not looking at it in that context of exploitation because child protection is still only really looking at neglect and abuse."

Local Authority professional

All professionals advocated a multi-agency approach to safeguarding victims and preventing the risk of criminal exploitation.

IMPACT OF CRIMINAL EXPLOITATION

Mental Health

The overwhelming majority of survivors of modern slavery (over 90%) experience mental health problems as a result of their exploitation including anxiety, depression, post-traumatic stress disorder, self-harming behavior or suicide attempts[26]. This is true of survivors of criminal exploitation. Feelings of shame relating to the experience of exploitation are also prevalent amongst survivors. However, we found that victims of criminal exploitation expressed such feelings disproportionately compared to other survivors in our service, with nearly all the clients we interviewed telling us they battled with shame and guilt for their involvement in criminal activities.

60% of victims of criminal exploitation we interviewed told us that they didn't know they were involved in illegal activities and often only found out when they ended up in prison. Indeed, nearly all our non-English speaking clients were not aware that they had carried out illegal activities. The realisation brought great feelings of hopelessness, shame and guilt.

"When I was sent to prison I felt hopeless and guilty for being forced to commit a crime."

Victim of Criminal Exploitation (Chinese)

At the same time, when victims discovered they had been involved in illegal activities it impacted their relationships with friends, family or the wider community.

"I didn't know [the activities were illegal] until much later. It made me lose relationships and contact with my family."

Victim of Criminal Exploitation (Vietnamese)

During our interviews we also discovered that many experienced overwhelming feelings of self-blame, even when they didn't know that the activities they had carried out under exploitation were illegal. Some even told us that they felt they did not deserve help and should be punished.

"The police have to do their job, be in charge, and carry out the law no matter what. If you break the law then of course you have to be charged, otherwise everyone would say they were forced. You need to stop criminal exploitation before it starts."

Victim of Criminal Exploitation (Vietnamese)

26 Hestia, Underground Lives research

"You blame yourself for existing."

Victim of Criminal Exploitation (Albanian)

"You blame yourself because if you didn't trust the wrong people or have a need like addiction, homelessness, money you would not get caught up in the situation."

Victim of Criminal Exploitation (Caribbean)

Future prospects

Our research found that having a criminal record often prevented victims of exploitation from accessing criminal compensation. Clients with a criminal record were more likely to be denied leave to remain and find themselves subject to removal.[27]

For victims whose identity was used for financial crime, this may have a far-reaching impact on their ability to get a bank loan, a mortgage or receive a pension. Having a criminal record can also have a long-term impact on a victim's long-term education and employment prospects.

"One of my clients was forced into working with false documents and then stealing mobile phones and stuff. She got indefinite leave to remain but she really wanted to be an accountant. Having gone to university and got a degree she found she couldn't apply to the regulatory body because of her conviction."

Solicitor

Having a criminal record can also have a long-term impact on a victim's long-term education and employment prospects

27 Underground Lives: Male victims of modern slavery

CONCLUSION

"I want to be able to have normal life where I can build a family with my partner, work in a good job and stay safe."

Victim of criminal exploitation

It is clear from our report that we are failing victims of criminal exploitation. All too often those who have been abused and exploited, often for many years, find themselves punished again if they manage to escape or are picked up by the police. Frequently victims are misunderstood - seen as criminals first and foremost. Far too many are being sent to prison which has a long-term and often life-changing impact on both their wellbeing and their future. This has to stop.

Key to overcoming these challenges is developing understanding, particularly amongst the police and legal professions, of how victims are recruited and how to spot those who are being abused. Ironically, criminal gangs and traffickers often know more about the legal defences, such as Section 45 of the Modern Slavery Act, than the police or legal services do.

It is important that we take action now to address some of the problems within the current system. As the economic impact of Covid-19 begins to impact communities across the UK and beyond, we know that traffickers and criminal gangs will be ready to take advantage of the vulnerable. They will not wait to take action so neither should we.

And if we work together there are things we can do that will lead to positive change. By developing training for police and legal professionals, improving the identification and recording of those affected by criminal exploitation and encouraging more effective safeguarding, we can and will have an impact.

While the challenges are considerable and require a multi-agency response, now more than ever it is crucial that we understand and support victims of criminal exploitation.

Victims are often perceived as criminals first and foremost; their vulnerabilities that led to their crimes are often ignored

RECOMMENDATIONS

1. Improve data and insight about criminal exploitation in the UK
   - For the Home Office to:
     - Review data collection on criminal exploitation in the UK, including addressing issues with under-reporting or misclassification
     - Share data insight on criminal exploitation in the UK to better understand the models of exploitation and inform prevention efforts;
2. Improve training and awareness among key professionals
   - For the Home Office to:
     - Develop guidance on criminal exploitation for first responders
   - For the College of Policing to:
     - Develop and roll-out training for all police forces on recognising vulnerabilities to criminal exploitation and on Section 45 Defence
   - For the Solicitors Regulation Authority to:
     - Issue guidance on the use of the Section 45 Defence of the Modern Slavery Act;
3. Ensure services are designed to support victims of criminal exploitation
   - For the Home Office to:
     - Ensure the new 'safe spaces' provision, due to be provided as an entry point for individuals being supported through the National Referral Mechanism, directly meets the needs of victims of criminal exploitation
   - For local authorities to:
     - Implement a contextual safeguarding approach to preventing criminal exploitation.

At Hestia we support adults and children in times of crisis.

We deliver services across London and the surrounding regions, as well as campaign and advocate nationally on the issues that affect the people we work with. For 50 years, Hestia has provided support and hope every step of the way of recovery.

Last year we supported 10,766 men, women and children.

This includes victims of modern slavery, women and children who have experienced domestic abuse, young care leavers and older people. From giving someone a home, to helping them to get the right mental health support, we support people at the moment of crisis and enable them to build a life beyond a crisis. We are supported by nearly 600 volunteers across London who provide specialist skills such as art therapy, yoga, IT, gardening and cooking, as well as befriending and fundraising.

Together, we can make sure people find a life beyond crisis.

For more information, please contact us at:
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To make a donation, please visit:
https://www.hestia.org/appeal/modernslavery

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