

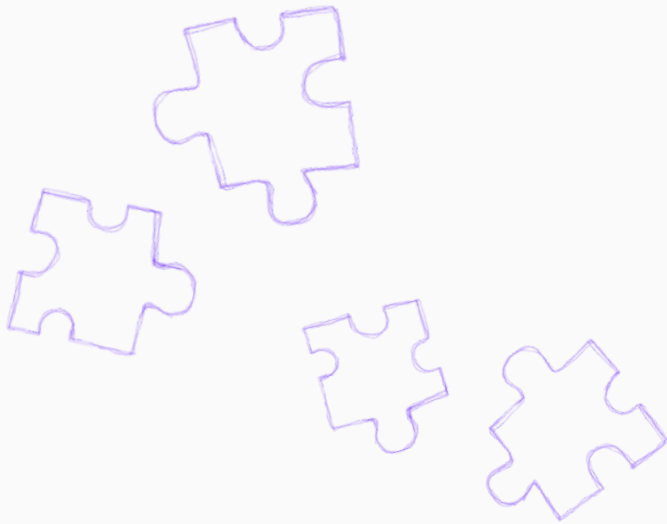


8TH JULY 2024



“The final piece of the puzzle”:

Information sheet on modern slavery + compensation (CICA)



New data from After Exploitation reveals that **very small numbers of modern slavery survivors are recorded as applying for compensation**, and even fewer **get formal support** to fill in their applications.

Freedom of Information (FOI) requests obtained by After Exploitation highlight that only a small fraction of modern slavery survivors in the UK apply for compensation through the Criminal Injuries Compensation Authority (CICA). A mere 133 applications for compensation through the scheme were recorded between January 2021 and May 2024, despite at least 51,193 modern slavery cases being reported to the Home Office during this period. However, the data picture is incomplete, as CICA does not record information on British survivors or those with leave to remain. Compensation from CICA can help survivors rebuild their lives after exploitation, but systemic barriers prevent them from accessing the scheme.

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The data shows that at least 32% of survivors who applied for CICA navigated the complex application process without legal representation. Meanwhile, 24% who applied in the two years prior are still waiting for an outcome.

Why CICA matters

In the UK, victims of violent crime who have suffered physical or psychological injuries can apply for compensation through a Government agency overseen by the Ministry of Justice called the ‘Criminal Injuries Compensation Authority’ (CICA).

The scheme recognises that a payout from the authority will never fully compensate for suffering or loss, but is instead “an acknowledgement of harm and an important gesture of public sympathy.”[1]

“[A grant from] CICA can pay for the things that survivors have missed out on because of what they have been through” explains Emily Vaughn, a research consultant at After Exploitation. “It is not a ‘benefit’, but more a mechanism to bring some sort of normality to people’s lives. It can mean survivors have enough money to get driving lessons, access education after falling out of mainstream learning, or get training to start a new career.”

Solicitor at the Anti Trafficking and Labour Exploitation Unit (ATLEU), Jamila Duncan-Bosu, supports survivors of modern slavery to apply for CICA. She sees first-hand the impact of access to the scheme.

“I’ve got one client who’s retraining as a nurse, another who was able to start her own business. It makes a real difference.”

“When a survivor gets compensation, that’s often the last piece of the puzzle. You see clients who can close the cycle of exploitation because of it and rebuild their lives.”

Despite this, a grant of compensation is not automatically considered when a victim’s modern slavery or trafficking case is being decided by the Home Office. Survivors do not consistently receive information about CICA and cannot easily access legal advice on how to claim. The Victims’ Commissioner’s website confirms that “no agency is responsible under the Victims Code for informing victims about the scheme.”[2] These barriers to access are entrenched by outdated restrictions imposed by CICA, which penalise victims for not coming forward ‘quickly enough’, having unspent convictions, or not cooperating with the police.

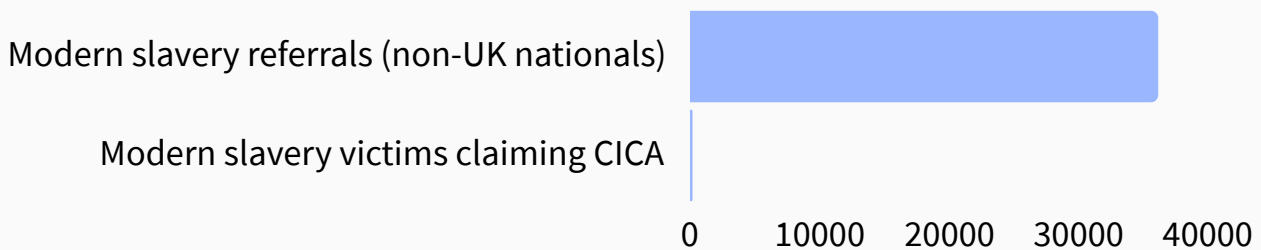
How many survivors of modern slavery apply for CICA?

After Exploitation has obtained data from CICA, outlining that very few trafficking victims are recorded as applying for compensation via the scheme. In the UK, only 133 potential victims of modern slavery or human trafficking are recorded as having applied for CICA compensation between 1st January 2021 and 19th May 2024. This is roughly 0.2% of the 51,193 modern slavery cases reported to the Home Office in this time.

Year	Total CICA applications (trafficking victims)	Potential trafficking and slavery victims identified	Source
2021	40	12,727	NRM year-end statistics 2021
2022	45	16,938	NRM year-end statistics 2022
2023	37	17,004	NRM year-end statistics 2023
2024*	11	4,524	NRM quarterly statistics Jan-Mar 2024
	133	51,193	

**Please note that National Referral Mechanism data ends on 31st March 2024, whilst CICA data goes up to May 19th 2024. For this reason, the number of survivors not claiming compensation up until May is likely to be higher*

This data includes an important caveat. The Criminal Injuries Compensation Authority explains that, because of their data systems, UK victims may not be counted in the figures they provide for compensation claims by trafficking victims. However, even when compared to the total number of slavery referrals for non-UK nationals only, the percentage of potential victims claiming compensation is almost non-existent at 0.3%.



We urge CICA to reliably capture and publish data on all survivors using the scheme, including UK nationals and those with regularised status. [See: Recommendations].

What does the law say?

Under international law, victims of modern slavery are supposed to be able to access compensation in recognition of their ordeal, as per the UK's international obligations under Article 15 of the Council of Europe Convention on Action Against Trafficking (ECAT):

“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”.[4]

However, experts with and without lived experience of modern slavery report have expressed concern about the UK's scheme, citing a lack of awareness amongst professionals and survivors,[5] non-existent legal aid for applicants,[6] and outdated ‘victim-blaming’ restrictions.[7]

Barriers to CICA

Lack of legal aid

Worryingly, CICA data obtained by After Exploitation shows that survivors are frequently unrepresented (32% / n=43) and have to go through the process by themselves.

Year	Represented	Unrepresented
2021	28	12
2022	35	10
2023	21	16
2024 (until 19th May 2024)	6	5
TOTAL	90	43

The number of recorded trafficking victims claiming for compensation with legal representation is likely to be even lower in practice, as the Ministry of Justice includes help from family and friends in its 'represented' figures.[8] For this reason, at least 43 of 133 victims applied without legal help.

A CICA information sheet for trafficking victims, the department states that legal representation is not needed for the process.[9] However, our belief is that legal support is absolutely necessary for survivors to navigate the current process. CICA demands a lot of evidence from survivors, including HMRC documentation and extensive medical records. In the latter case, evidence of violence can rarely be obtained from GPs as the victim was not in touch with healthcare professionals during their exploitation. In these cases, medico-legal reports, evidencing physical and psychological trauma, may be commissioned by law firms. These cost upwards of £1,000 and would be difficult for a member of the public to organise or pay for.

Duncan-Bosu explained that high-level evidence must be gathered to improve survivors' chances of success within CICA and, realistically, this must be completed by legal professionals: "We spend a lot of time preparing these applications. For example we may take a detailed witness statement from the client. We may need to wait for them to be assessed by a psychologist, in order to prepare a medico legal report to demonstrate they have an injury as defined by the scheme, or that there is a reason why they could not make an application earlier."

Despite the clear need for legal support in completing CICA applications, survivors are unable to consistently access legal aid for the process. Research by ATLEU in 2020 found that 93% of survivors' applications for Exceptional Case Funding (ECF), a mechanism used to request legal aid where human rights are at risk, are refused by the Legal Aid Agency where they needed support applying for CICA.[10]

Under international law, 'relevant' legal advice should be provided to survivors of trafficking. However, a scoping report by the Modern Slavery Policy and Evidence Centre found that poor funds, resource, and capacity are straining the legal sector and placing "unmaintainable burden" on a small number of providers.[11] Poor legal aid provision, coupled with an expectation that survivors go through the process alone, creates a perfect storm in which survivors simply cannot secure the expert support needed to apply for CICA.

Poor awareness

Experts with lived experience explained in After Exploitation's 'Can of worms' report that Information on CICA is provided inconsistently by support professionals. None of the five-person panel of experts with lived experience had been told about CICA when entered the UK's Modern Slavery Victim Care Contract (MSVCC):[12]

"In my case, there was no talk of even getting compensation."

Laura Gautrey, of Hope for Justice, supports survivors to apply for CICA, but explains this advice is not readily available to all victims: “Many survivors would not have access to an advocate, let alone any legal representation, and are therefore unlikely to know about CICA or be able to submit the application.”

“A vast majority of the clients that we work with are unaware of the Criminal Injuries Compensation Authority (CICA) and the eligibility criteria until we inform them of this option.”

Evidence burden

Survivors of modern slavery are not automatically considered for a grant of compensation once they are recognised as victims by the Home Office. Instead, survivors must go through a separate decision-making process, providing all relevant evidence again to CICA in order to secure some compensation. The personal information and documentation required is sometimes invasive or impossible to secure.

Gautrey said “the process is not easy and requires specialist legal input and advice” as survivors are required to provide records from medical professionals, HMRC and the police. However, as modern slavery ordinarily takes place behind closed doors, survivors have limited contact with these agencies while being exploited. “HMRC records often do not give a clear picture of survivors’ work history or loss of earnings, as exploitative work has not gone through HMRC”.

For victims who are already ‘under the microscope’ of trafficking decision makers in the Home Office, the need to go through a separate process of evidencing abuse all over again can also be traumatising.[13]

Ben Ryan, deputy CEO of the Medaille Trust, runs a charity supporting survivors to access their entitlements, including compensation. Ryan said many survivors are not emotionally ready to relive their experiences through the CICA process in the early stages of recovery. “Often when people first join the safe house, they’re still recently traumatised. Many do not want to revisit the experience, so it takes many months to be able to have that conversation [about compensation].”

CICA restrictions

CICA restricts some victims from applying at all under certain rules. Although the following rules can be challenged, the success of a challenge hinges on survivors’ ability to show there were ‘exceptional circumstances’. CICA restrictions relate to:

1. Not applying ‘quickly’ enough

CICA holds the right to refuse any applications made more than two years after the incident took place.[14] This rule disproportionately affects survivors of modern slavery, as disclosure following serious abuse takes time or may be historic abuse which took place during childhood. As outlined in the UK’s statutory modern slavery guidance, disclosures of exploitation “often come slowly and in a piecemeal way, sometimes over years”.[15] Duncan-Bosu said it is “common” for victims to apply for CICA outside of the two-year time limit, but challenging the deadline restriction is not possible for everyone. “They [survivors] need to demonstrate ‘exceptional circumstances’ which stopped them making an application within the usual time limit. In those circumstances, an unrepresented victim isn’t going to know what documents they need to obtain to enable the CICA decision maker to make a decision [on CICA eligibility]”.

An expectation for survivors to disclose ‘quickly’ is a systemic issue across CICA decision-making. As part of this briefing, ATLEU explained that a client of theirs had fled trafficking with his friend and walked across the country for ten days because the only person they knew was based in the north of England. After his friend collapsed and was taken to hospital, the client tried to report to the Police but struggled to do so due to language barriers. The client eventually ended up at a shelter for the homeless, who referred him to an anti trafficking charity. “When he applied to CICA, they asked why he had delayed [reporting to the police] for those ten days and he was initially refused an award of compensation.”

2. The victims’ offending history

Criminal exploitation is the leading form of modern slavery in the UK.[16] Yet, victims of violent crime – including survivors of human trafficking and modern slavery – are exempt from applying to CICA if they have an unspent conviction. In 2022, the former Victims’ Commissioner expressed her view that the scheme “fails to consider victims who have been forced to offend by their exploiters” or whose victimisation “has contributed to their subsequent criminality”.[17]

3. Immigration status

CICA does not grant compensation in some cases where victims are non-UK nationals.[18] Whilst CICA’s nationality and residency criteria states that victims of trafficking are exempt, survivors without residency must have a final decision from the modern slavery determination process (known as the National Referral Mechanism) before they can apply. This is a higher threshold than for UK nationals or those with settled status. Outside of CICA rules, insecure immigration status can also delay applications. Duncan-Bosu explains: “The starting point for a lot of survivors is getting their immigration situation sorted [which can delay applications for CICA].”

4 . Police reporting

All CICA applicants are expected to evidence that they have adequately co-operated with the police. However many survivors are fearful of the authorities, as traffickers may boast of connections with law enforcement in order to ensure victims do not come forward. Where victims have been forced to commit crime or have been deceived, coerced or forced into crossing borders without permission, traffickers also exert control by telling victims they will be arrested if they come forward.

Duncan-Bosu explains: “If you are a victim of trafficking who comes from a country where police corruption is rife, or you spent a long time under the control of a trafficker who’s told you they ‘control the police, and if you report it we’ll have you arrested’, it can be a really difficult to believe and trust that co-operating with the police won’t have negative repercussions. It can be a lengthy process getting someone to feel safe enough to report to the police. It’s not entirely clear why a separate report to the police is needed. Arguably, anyone in the NRM will have consented to assist and/or have information passed to the police about their treatment.”

In one example provided by ATLEU, a survivor of domestic servitude felt she had to withdraw from CICA because her family members were being threatened abroad. She was told there were no safeguarding options which could be put in place by UK authorities to tackle threats made in a different country.

CICA outcomes

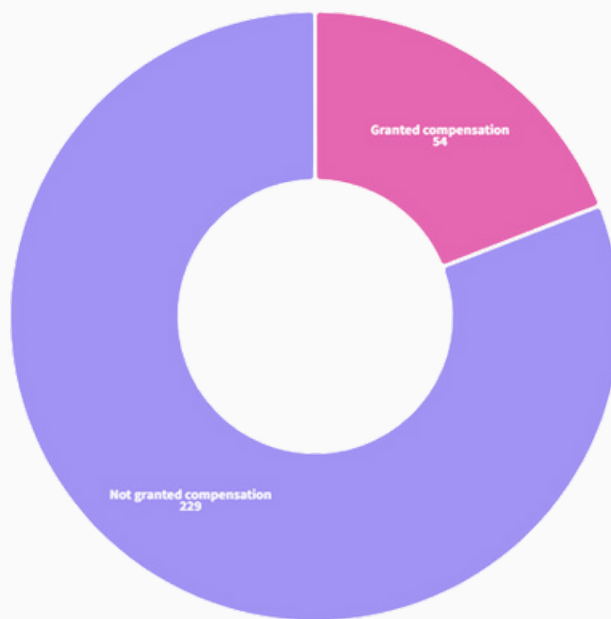
Low success rates

Whilst very few victims are recorded as applying for CICA since 2021, even fewer are likely to have been granted an award. Data published by the Independent Anti Slavery Commissioners’ office in 2022 suggested that only 19% of applications for compensation made by trafficking victims go on to be granted by CICA.[19]

After Exploitation is awaiting data from CICA regarding the outcomes of the trafficking cases recorded between 2021 and 2024, and will update this briefing once further information is secured.

CICA rejections are common, according to Gautrey. The emotional impact can be significant, as the process has demanded survivors “to recall some of the most traumatic experiences of their lives” only to be “devastated” by the final decision.

CICA outcomes (2012 - 28th Feb 2020):



Source: ATLEU data republished by the Independent Anti Slavery Commissioner, April 2022

Lack of guidance + staff training

Practitioners report broader concerns with the way the CICA decisionmaking process is run, and whether it is suitable for survivors of modern slavery.[20]

As far back as 2015, the law firm Hogan Lovells reported a “general lack of understanding of human trafficking and slavery within CICA”. They cited a poor working knowledge of modern slavery and trafficking definitions, and reported that lines of questioning by appeals panels often lacked sensitivity and were not trauma-informed.[21]

Duncan-Bosu explains that there is no public-facing guidance on CICA decision-making in trafficking cases. There is one information leaflet for survivors of trafficking, “but none of that is particularly geared towards accommodating what happens to victims of trafficking specifically, like fear of reporting to the police or issues completing the process”.

For example, modern slavery and human trafficking are not, in and of themselves, recognised as crimes of violence by CICA. This means that a survivor can be confirmed as a victim of modern slavery by the Home Office, but still be deemed ineligible for compensation by CICA.

“The scheme talks about crimes of violence including physical assault, sexual assault, threats that lead to mental injury... but makes no reference

to trafficking or modern slavery. Referring to the crime of violence as being trafficking or slavery usually results in compensation being refused. For example, somebody in enforced labour may watch as one worker is beaten up quite publicly in front of other workers to send a message. [At surface level] it could seem like no threats were made to the worker directly, so it could be said [by CICA] he has not been threatened. It's only when you start to probe with the survivor, about the effects of what they have seen and what made them fearful about leaving the situation, that it becomes clear."

"At a bare minimum, we need a real, clear, set of guidance for claims officers dealing with trafficking situations."

Gautrey said the restrictive criteria within CICA is also a problem experienced by Hope for Justice clients. "CICA does not always accept domestic servitude as a crime of violence if no direct physical violence was visited on the victim. They do not accept that coercion or debt bondage meet the definition of a crime of violence, despite these causing the victim psychological harm."

Waiting times and delays

Research by civil society has documented long waiting times for CICA, amongst both victims of trafficking[22] and other forms of violence more broadly.[23] New data obtained by After Exploitation found that waiting times for survivors once in CICA remain a significant problem. 24% (n=20) of those who first applied for CICA in the two calendar years previous are still awaiting an initial decision. Cases which go on to be appealed may take longer. "We find that it is common for survivors to wait several years for a decision on their CICA claim." Said Gautrey. "The wait can in some cases hinder the survivors ability to move forward as they feel they are in limbo, waiting for an outcome."

Year of application	Victims still awaiting first decision (as of 14th May 2024)	Total decisions
2021	7	40
2022	13	45
2023	18	37
2024	8	11

Source: After Exploitation, obtained from Criminal Injury Compensation Authority

Recommendations

- Legal aid access must consistently be made available to survivors who wish to apply for CICA
- All survivors must be informed about CICA by Home Office and charity contractors within the National Referral Mechanism (NRM). Modern slavery guidance must reflect their legal duty to do so.
- Remove victim-blaming restrictions on CICA, including refusals on the basis of the victims' cooperation with police, the timing of the victims' application, their nationality or past offences related to their victimisation
- CICA guidance and staff training must be amended to reflect the fact that survivors of modern slavery have exceptional reasons for applying later, not working with the police or offending as a result of their exploitation
- CICA must record all survivors of modern slavery applying for compensation, including UK nationals and those with settled status

Getting help

If you are looking for support to apply for CICA, or want to find out more information, we have included a list of organisations who may be able to help. If your organisation provides this support and would like to be added in future editions of this briefing, please email info@afterexploitation.org

Reach-in support: [Hope for Justice](#), [Medaille Trust](#), [Snowdrop Project](#)

Legal advice: [ATLEU](#), [Rights of Women](#) (From Report to Court)

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ABOUT AFTER EXPLOITATION

After Exploitation is a UK-based NGO dedicated to uncovering hidden data on human trafficking and modern slavery.

Through our investigations, we have revealed that survivors were being locked up in prison-like settings under 'immigration powers', that agencies were struggling to refer thousands of suspected victims for support, and that hundreds of survivors are wrongly denied support each year. Much of this data was previously denied to MPs, journalists and charities, which is why we have to fight so hard to get it.

Where data on modern slavery is misused or withheld from the public, we challenge those in power. In some cases, it takes us more than two years to get vital evidence on what happens to survivors after exploitation.

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