

Justice for the Innocent

By Will Bordell

Who is at the centre of Britain's Modern Slavery Act: slaves or their captors? When only 4.9 per cent of the compensation awarded in such cases is passed onto victims, as [The Times claimed yesterday](#), we can't help but wonder.

This is what happens when priorities are skewed towards criminal justice and away from community care. Legislation that has upgraded modern slavery into a serious crime has had the added effect of encouraging prosecutions at the expense of caring for victims – in this case, quite literally. Crackdowns on gangs and traffickers provide the instant gratification that long-term rehabilitation of victims does not. We've seen it all before, only in a different context: the war on drugs, where the capture of cartel kingpins is taken as an unequivocal sign of success.

We should be concerned, because how we start out is often an indicator of how we mean to go on. It's telling, perhaps, that 'Protection of victims' forms the fifth of seven sections in the text of the legislation, after criminality has been dealt with. With a Modern Slavery Act that prioritises action against criminals over action for victims, we risk becoming the doctor who mistakes symptoms for causes. We'll catch offenders but do little to address the poverty of victims, their precarious immigration statuses and the traumatic experiences they've gone through – the very things that make people vulnerable to exploitation in the first place.

Convictions work best as part of a wider strategy, where victims receive the care they need. Morality aside, an undue focus on arrests isn't tactically expedient. More care doesn't detract from prosecutors' efforts, but only enhances them. Unless we support victims, they'll be less likely to come forward to report slavery when it happens. Years of traumatic trials after years of exploitation are unlikely to fill them with hope. Add into the mix the derisory compensation they can expect to receive, and the chances that victims will stick with protracted trials and give their indispensable evidence are remote.

The [Lithuanian men](#) who recently settled their claim for more than £1 million saw their case through, but others may read their story and give up before they get started. Only when they finally received compensation for their terrible treatment at the hands of egg farmers could the six men begin to move on. Although they had nominally been free, for four long years they had to remember and relive their experiences in the form of testimony before

receiving any compensation. In that time, according to a [working paper by Focus on Labour Exploitation \(FLEX\)](#), they also had to deal with the “loss of benefits and risk of destitution due to the lack of long-term support from UK authorities.” The toll all this must have taken, along with worries about whether they’d be sent back to Lithuania, is unimaginable.

Financial compensation is essential to any effort to let victims of slavery get their lives back on track – not only economically, but psychologically and emotionally too. Yet, if the figures from *The Times* are correct, the government has taken ten times more than victims from the compensation pot. Of the £3.1 million paid out by slave-owners so far, victims have received £156,000. This is dwarfed by the £1.5 million the government has been given. In the absence of justification, an imbalance as great as this looks suspicious. So, we have a right to know: where is that money being spent?

It’s a question of the framework through which we choose to see modern slavery. Either we put all our resources into locking offenders up, or we decide that helping victims to move on from their suffering is too important to play second fiddle. Our response to slavery should take recovery and rehabilitation seriously, for without them, crime and punishment are nothing. Community care is no less motivated by the cause of justice than prisons and parole boards.

If the Modern Slavery Act isn’t driven by victims and their freedom, we have to ask whose interests it *is* serving. An approach that treats compensation as the starting-point on a journey towards autonomy and dignity is by no means the easier route. It will take longer, reap humbler rewards and offer fewer headline opportunities. But such an approach will make justice about the people who are innocent as much as those who are guilty. Slavery, after all, doesn’t end in the siren-lights of a police raid.