

Interview with Eleanor Lyons, Independent Anti-Slavery Commissioner

*The UK's Independent Anti-Slavery Commissioner is a legal appointment introduced in the Modern Slavery Act 2015. **Eleanor Lyons** is the third Commissioner and is interviewed by **Ann Snowden** who is the head of anti-slavery and human trafficking at HM Prison and Probation Service (HMPPS).*

This interview took place in April 2024

AS: Firstly, congratulations on your appointment. Please can you describe your route into becoming the Independent Anti-Slavery Commissioner and why you applied for this role?

EL: I have been doing jobs across government since 2015 and I think public service in general is really important. That is why I have always remained in the public sector. I have been lucky enough with those roles, either in policy positions or in different government departments, to have had the opportunity to work with lots of dedicated professionals — and a cross cutting theme has been working with victims. Whilst I was in the Ministry of Defence, I worked with women and girl victims, particularly across the Sehla region in Africa. They had been exploited as a consequence of the conflict that was going on in some of those countries. It was a real privilege to give those women a platform to speak about what changes they would like to see. It's something that stayed with me.

Another role that I also did before becoming the Independent Anti-Slavery Commissioner was Deputy Children's Commissioner. In that role, I worked with children and young people, their families and of course, those professionals that provide them with support. That was another fantastic experience in terms of realising what a difference it can make if you give the right support, and early intervention, to either prevent exploitation or help children in their recovery journey. This is particularly as children have such unique and special needs in terms of the care that we want to give them.

All of that inspired me to apply to be the Independent Anti-Slavery Commissioner. The role became available at the time when the Illegal Migration Bill had just been introduced and was having its first reading in Parliament. At that time, I was doing a lot of work on the Bill. Looking at what changes were needed for unaccompanied children seeking asylum and looking more broadly at what support we needed for victims in this legislation. That really motivated me to

apply for this role, so I can carry on working to prevent exploitation, to help strengthen victim care, and bringing together those different strands that I have been doing throughout my career.

I do think the role of Commissioner is incredibly vital, with an important group of victims and survivors to represent to make sure that their voices are amplified so that they are not overlooked by policymakers.

AS: You have been in your role since the end of December 2023. What do you see as your biggest immediate challenge and your biggest immediate opportunity?

EL: So, we will start with challenge first so we can end positively! I think the big challenge is that the role of the Independent Anti-Slavery Commissioner was left vacant for 20 months, at a critical time, whilst the Nationality and Borders Act and the Illegal Migration Act were passed and when there was a lot of change in terms of the things that would impact on the lives of those who are victims of modern slavery. I think therefore, one of the biggest challenges coming into role is rebuilding the office, rebuilding the team, rebuilding improved stakeholder networks, and looking at how we can make sure that the voices of those who are victims of modern slavery are heard again by policymakers, because inevitably there was that gap.

I think that means that one of the biggest opportunities is to make tackling modern slavery and human trafficking a priority again for everyone. I very much think that it should be a priority for not only government, but of course the work of HMPPS, policymakers, every government department, across law enforcement and for the business sector too. This is a critical moment we must say to everyone, we want to see tackling modern slavery prioritised again.

AS: Your initial term is for three years and covers the whole of the UK — have you identified your strategic priorities?

EL: As my role covers the entire United Kingdom, I have been out across the UK to meet different

stakeholders to hear about the things that they think I should be prioritising. I have also been able to meet those with lived experience themselves, take on their views and use those experiences to shape my strategic priorities. My Strategic Plan has been submitted to the Home Secretary, as directed by the Modern Slavery Act 2015 and they will publish my plan in Parliament.

AS: Responses to modern slavery and human trafficking (MSHT) involves many partners and collaboration is key. Can you describe how you will get buy-in from partners across the criminal justice system to better collaborate?

EL: Across the board, we are looking at what we can do to prevent people from becoming vulnerable to exploitation and tackle the demand for exploitation. We are looking at what we can do to protect victims in terms of identifying people that need support and care, then making sure that their recovery journey is as good as it can be and that the right support structures are in place. We are also looking at what we can do to improve policing and prosecutions, and the victim's journey through the criminal justice system, which can be a lengthy and complex process. Those three areas are underpinned by making sure that we include the voices of those with lived experience in everything the office does. And making sure that we are looking at how we can improve our knowledge and understanding of modern slavery across those three areas.

AS: Securing convictions under the Modern Slavery Act is challenging and rates remain relatively low. How would you like to see the conviction rate improve in the future?

EL: I do think the conviction rate for modern slavery offences is too low. There is not enough going on to make sure we are tackling the perpetrators behind these horrendous crimes. I recognise that the cases are lengthy and complex and sometimes difficult to pursue, particularly when we need keep victims engaged in the criminal justice system,. This is something I have already been looking at. I work across all parts of law enforcement, drawing together local forces and their national counterparts to speak about what can we do to improve the conviction rate in this area looking at a series of questions. What joined up

working do we need? What training and awareness do we need? What specialised teams can we have in local areas to tackle modern slavery? Alongside that, the focus of my work is looking at how we can improve the victim experience of the criminal justice system, what support and advocacy is required to make sure that a victim can give their evidence and testimony in a trauma-informed, victim-centric way, and navigate the criminal justice system, which we know can be really difficult even at the best of times to understand.

AS: We know from limited available research that those involved in MSHT offending commit a diverse range of offending or 'poly-offending'. As we have discussed, MSHT offences are often challenging to prove, and individuals may be charged with, say drug trafficking, instead of people trafficking or offences relating to immigration crime or other forms of violent crime. So how can we seek to ensure that our response to MSHT does not become diluted or overly conflated with other types of crime or immigration issues?

EL: The Modern Slavery Act does provide the framework to prosecute criminals behind any of these horrific crimes of modern slavery. I welcome that criminal networks are being disrupted and that there have been some prison sentences for those criminals who have been convicted. These are horrific crimes. We do need to look at what we can do to make sure that the sentencing and that the convictions reflect the severity of modern slavery offences which can carry a lifetime sentence.

AS: Research commissioned by your predecessor indicated that individual, opportunistic MSHT offending of low sophistication may be as prevalent as more organised offending by criminal networks. However it is arranged, extreme coercive control and severe, enduring exploitation may result in similar levels of trauma for victims — how will you ensure that victims have a voice?

EL: I think it is important to recognise that some exploitation is conducted by serious organised crime groups and some of it is, as you say, more localised and in a form of criminality, which may not be coordinated across the United Kingdom. I think it's also important to

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recognise that victims of modern slavery can be facing multiple types of exploitation at once, and their experiences can lead to different forms of vulnerabilities. One of the things that I am keen to do is to make sure that I include the voices of those with lived experience of modern slavery and hear from victims themselves about what would make a difference. I want to establish a Survivor Advisory Council which has been done by the US Ambassador-at-Large and we have seen how much of a difference this makes. I want to make sure that we can do the same in the United Kingdom to give a platform for those with lived experience to share inputs and insights for policymakers.

AS: Do you think that the British public is aware of the extent to which MSHT impacts on British citizens, especially young British adults and children?

EL: I think we are very lucky in this country to live in a society where most people are caring and want to do their best to protect the vulnerable and victims from exploitation. I do think we have a challenge with professionals and the British public, in recognising that many of those who are exploited as victims of modern slavery are UK nationals. Last year, in the National Referral Mechanism (NRM), the framework we use to identify potential victims of modern slavery, UK nationals were the number one nationality who were referred. Many UK nationals who are identified as victims of modern slavery are young British boys who are being criminally exploited, this is really concerning. We have seen criminals becoming more ruthless in exploiting children and young people and we must do more to tackle that.

I am also concerned because I think we are seeing an under reporting in the NRM statistics in this category. I hear in local areas that quite often UK nationals are not always identified by professionals. Those who are identified can be referred into local pathways rather than the national system, so we may not be capturing the full nature of the scale of exploitation that is happening there, which is why it is one of my priorities in role to look at this a little bit more.

AS: Turning to prisons specifically, what role do you think prisons have in identifying,

protecting, and supporting victims of modern slavery and human trafficking?

EL: I think staff that work across the prison estate have a really important role to play in identifying potential victims and supporting victims from re-exploitation. I welcome that prisons are looking at this space and are prioritising what can be done to help more victims within the prison system.

AS: Some people may question if it's too late to identify and support people who have experienced severe exploitation once they are in prison. Is it ever too late to identify, protect and support those who have been subjected to MSHT exploitation?

EL: I don't think it's ever too late to identify victims of exploitation. I think we have got a duty of care to do all we can at every moment to provide the right support and care for those victims. I have seen and heard from victims and survivors themselves how actually this can be transformative to their lives and their recovery journeys. Every single potential victim we can support does make a massive difference.

AS: Individuals who enter the NRM and pass the first stage (Reasonable Grounds) may be ejected from the NRM if they have or are serving a prison sentence and may be issued with a Public Order Disqualification (POD). How do you think prisons should respond to supporting individuals where NRM support has been withdrawn?

EL: I think the prison system continues to have a key role to play even with the introduction of the Public Order Disqualification. Of course, prisons still have legal duties to support British and foreign national victims and survivors of modern slavery beyond the NRM framework, and they will continue to have those obligations and a significant role to play. I understand some of the changing legislative landscape and some of the consequences of that in terms of their day-to-day work, such as the Public Order Disqualification being one of the examples of that. It is also crucial that staff continue to look at how they can identify potential victims within their estates and their prisons. Staff also play a role in providing support to stop any re-exploitation for those victims by acting as an extra pair

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of eyes to make sure that people are not being exploited or traumatised.

AS: Having criminal convictions is considered to increase the risk of MSHT exploitation — what can prison and probation do to address and reduce this risk?

EL: We know that criminal convictions alongside other multiple overlapping needs and vulnerabilities can make individuals more likely to be at risk of exploitation. I think prison staff have a role to play in identifying potential victims of modern slavery. They can work closely with partner organisations to share knowledge and understanding and share what they are observing in the prison estates, so that others are able to learn from what they are seeing and experiencing. Of course, they still have a duty of care to make sure that all individuals are protected.

AS: Overall, how best can HMPPS protect the public and reduce reoffending by those convicted under the Modern Slavery Act and those who present a risk of MSHT offending in the future?

EL: I think HMPPS can best protect the public and reduce re-offending by working closely in partnership with the other organisations, which I know is already happening on a regular basis. One of the mechanisms that can be used is Slavery and Trafficking Prevention Orders, which can be aligned with post-release licences. That makes a big difference, and there is also the opportunity to work with multi-agency partnerships to make sure that we are looking at what we can do to ensure that criminals are not able to cause a risk to the community.

AS: We understand from limited available research that women may be disproportionately impacted and convicted of modern slavery crimes. For example, they may adopt roles in modern slavery offending where they are more easily identifiable. How can we develop services for women who are both victims and involved in modern slavery offending?

EL: This is an area that I think is deeply concerning. Last year, we saw an ever-rising number of women and girls within the National Referral Mechanism statistics. I think the difficulty we also have is that women are sometimes the more visible faces of exploitation, due to the crimes that they are sometimes forced to commit by

exploiters. But alongside that, we also sadly have an under reporting in the number of women and girls that are impacted by modern slavery.

Professionals are sometimes less good at looking for those forms of exploitation that women are often forced to carry out, such as sexual exploitation. I think it is critical therefore, that special attention is paid to women and girls and that is something that I am doing as Independent Anti-Slavery Commissioner. I am looking at the experiences of women and girls and why we are seeing a rising number of victims of modern slavery. I think that there is also an important role for HMPPS to play in this area in being aware of the dynamic of women often being used by exploiters and to provide the right support around those women.

AS: The Council of Europe has announced its intention to commence monitoring the response of UK prisons to modern slavery for the first time and that will start later this year. How will your role sit alongside that of the Council's Group of Experts on Action against Trafficking in Human Beings (GRETA)?

EL: So firstly, I am very pleased to see that the Council of Europe is looking at this really important area. I very much welcome that my role as Independent Anti-Slavery Commissioner involves working in partnership with stakeholders such as the Council of Europe and working across wider international partners who may be interested in this space. My job is to join-up a lot of the work that goes on with the Council of Europe with Westminster policymakers and make sure that everyone understands what their role is in tackling modern slavery. The role that I play is in convening and coordinating best practice across the board.

AS: Finally, what would 'good' look like for prisons and probation in the UK in responding to modern slavery and human trafficking?

EL: For me, good would look like prisons and probation recognising the role that they have to play in tackling modern slavery. Both in protecting the public from those criminals that commit these horrific crimes and secondly providing a space where they are identifying potential victims of modern slavery. I think everyone across HMPPS has a part to play in this so it's welcome that this area is being looked at by the prison and probation service, and that all is being done to make sure that we are supporting the victims of modern slavery in this country.