



Examining the exploitation of vulnerable migrant populations and interventions to combat human trafficking and modern-day slavery within the illegal UK cannabis cultivation industry

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ABSTRACT

The illegal cultivation of cannabis in the UK is a serious problem that can involve the exploitation of vulnerable migrant populations who are trafficked to work as cannabis growers under conditions of debt bondage and modern slavery. Although there is much public interest in modern slavery and human trafficking (MSHT), the prominent focus is on child criminal exploitation and sexual exploitation. The lived experiences and perspectives of cannabis growers and the trauma these victims endure, as well as the methods of control and coercion used by the perpetrators, is under-researched. By scoping the existing literature, the following issues are explored: The vulnerability of migrants is shaped by multiple factors, such as poverty, inequality, and lack of legal status. The perpetrators use various methods of control and coercion, such as deception, threats, violence, and debt manipulation. The victims suffer from physical and psychological trauma, such as injuries, illnesses, anxiety, depression, and fear. Finally, there is evidence that protective legislation and the actions of the criminal justice system in some MSHT cases are inadequate, resulting in the criminalisation of cannabis growers, rather than on their protection and support as victims of human rights violations. The findings suggest a significant need for improving the identification, referral, and protection of cannabis growers who are victims of MSHT. This requires addressing the research gaps identified in this review, enhancing the training and understanding of MSHT and non-punishment provisions amongst criminal justice workers, and adopting a holistic approach to victim support.

Introduction

Cannabis is a psychoactive substance classified as a Class B drug under the UK Misuse of Drugs Act 1971, making its production, possession, or supply illegal without correct authorisation. Despite its illegal status, cannabis remains the most widely used illicit drug in the UK, with a reported 2.5 million consumers in the year 2022/2023 (ONS, 2023) from an industry estimated to be worth at least £2.6 billion and which is growing (Snowdon, 2018). In the last decade, the procurement of cannabis has shifted to become a drug that is more commonly grown in the UK than imported (Potter, 2010), suggesting a significant expansion of the cannabis cultivation industry in the UK. With this growth, a greater demand for labour within this illicit industry is inevitable. Whilst the extent to which this workforce consists of forced labour remains unclear, reports suggest that a significant number of foreign nationals appear to be victims of Modern Slavery and Human Trafficking (MSHT) within cannabis cultivation (National

Crime Agency, 2022; Hestia, 2020; Hestia, 2023). In 2022, a National Crime Agency report on MSHT to Parliament identified cannabis cultivation as the second most common form of criminal exploitation in the UK, second only to coerced drug distribution (National Crime Agency, 2022).

The scale of modern slavery in the UK is significant, with the 2023 Global Slavery Index estimating that 122,000 people were living in conditions of modern slavery in the UK (Walk Free, 2023). UK Home Office data further highlights the magnitude of the issue, recording 17,004 referrals to the National Referral Mechanism (NRM) for potential victims of modern slavery in 2023 (Home Office, 2024a). Additionally, police forces in England and Wales recorded 8255 modern slavery offences during the 2023/24 financial year (Home Office, 2024b). Data from the Crown Prosecution Service (CPS) indicates that there was a total of only 311 convictions for Modern Slavery offences in England and Wales in 2023 (Crown Prosecution Service, 2024a).

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However, within these broader statistics, the extent of exploitation within the UK's illegal cannabis cultivation industry remains unknown since specific data on the number of victims forced into cannabis cultivation are not separately detailed. Whilst there are documented cases, lived experiences, and studies that shed some light on MSHT in the UK cannabis industry, this is limited, with a considerable body of research and public interest in UK modern slavery focussing on child criminal exploitation and sexual exploitation (Burland, 2015; Ramiz et al., 2020). The most recent NRM statistics, however, indicate that a significant number of males, particularly foreign nationals, are potential victims of modern slavery. Reports by non-governmental organisations (NGOs) further highlight that many of these victims are young men or children (Hestia, 2020; Hestia, 2023; Independent Anti-Slavery Commissioner, 2017), who find themselves involved in criminal activities due to their vulnerable circumstances, often trafficked for cannabis cultivation, primarily from Vietnam and Albania (Hestia, 2020; Hestia, 2023). The lack of research in this area and the hidden nature of modern slavery makes it impossible to know just how many of the labour force for cannabis cultivation in the UK are victims of MSHT. However, some findings indicate that individuals trafficked to work as cannabis growers are frequently treated as criminals rather than victims when they enter the criminal justice system (Burland, 2015; Ramiz et al., 2020).

This review will explore MSHT within the illegal cannabis industry in the UK. It will examine the exploitation of vulnerable individuals, particularly migrants, who are often forced into working under conditions of modern slavery and debt bondage, the methods employed by perpetrators, and the physical and psychological impacts of forced cannabis cultivation on the victims. Additionally, the article will explore the issues within the criminal justice system that may lead to victims of MSHT in the cannabis industry often being treated as offenders for drug-related offences rather than being recognised as victims of exploitation. By conducting this broad scoping review on the specific issue of cannabis cultivation within the wider context of MSHT, this article aims to identify the gaps in the research and propose suitable recommendations to ensure effective identification, protection, support, and justice for these victims.

Modern slavery and human trafficking

Modern slavery and human trafficking (MSHT) are global intertwined threats to human rights. The International Labour Organization (ILO), Walk Free and the International Organization for Migration (IOM) (2022) estimated in 2021 that globally 49.6 million people were trapped in modern slavery at any given time. The definitions of MSHT vary depending on legal frameworks and international agreements. The UK Modern Slavery Act (MSA) 2015 encompasses offences of slavery, servitude, forced or compulsory labour (Section 1), and human trafficking (Section 2), all of which involve the deprivation of an individual's freedom for the purpose of exploitation (Modern Slavery Act, 2015). Whilst the MSA 2015 does not provide specific definitions for 'slavery', 'servitude' and 'compulsory labour', the CPS provides detailed guidance based on case law and statutory Home Office guidance. Much of the guidance and legislation suggest that modern slavery occurs when individuals are coerced, deceived, or forced into situations from which they cannot leave due to threats, violence, or financial control (Crown Prosecution Service, 2024).

MSHT typically follows a three-stage process: recruitment or entry; controlling or maintenance; and rescue or escape (Hammond and McGlone, 2014; Preble, 2019; Preble and Black, 2020). In the recruitment phase, traffickers identify and lure victims through methods such as deception, coercion, or exploiting vulnerabilities. During the controlling phase, traffickers maintain power over victims through threats, violence, psychological manipulation, or debt bondage, ensuring continued exploitation. The rescue or escape phase occurs when victims are freed, either through their own escape or by intervention from

authorities or organisations, often requiring significant aftercare and support for recovery and reintegration.

The United Nations Palermo Protocol was the first significant piece of international law placing duties on signatory countries and states:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations General Assembly, 2000).

The Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) mirrors the United Nations Protocol. The ECAT was signed on 23 March 2008 and ratified on 17 December 2008 by the UK. Due to this, the NRM was instigated to assist victims of human trafficking. A year later the Coroners and Justice Act 2009 implemented a non-trafficked forced labour criminal offence (Hodkinson et al., 2020). The European Union Anti-Trafficking Council Directive 2011/36/EU (2011), further placed duties on the nation states to prevent human trafficking, protect victims and to investigate cases of human trafficking.

Due to major weaknesses in the overall MSHT strategy, including inadequate legislation and the underfunded and too restrictive NRM (Hodkinson et al., 2020), the UK government eventually enacted the Modern Slavery Act, (2015) (MSA) placing these obligations into distinct legislation of England and Wales. It consolidated the existing legislation, implemented new offences, various civil protection orders and created the role of the Independent Anti-Slavery Commissioner (IASC). It must be noted that Scotland and Northern Ireland have their own legislation for MSHT. In 2017, the Home Office commissioned research to devise specific typologies using 328 confirmed cases, where it identified seventeen types of modern slavery. Forced labour in illegal activities was one of these, identified as follows: 'Victims are forced to provide labour to offenders for illegal purposes. The most common example is victims forced to cultivate cannabis in private residences' (Cooper et al., 2017, p. 37). In this seven-year study, the victims of this type were primarily Vietnamese children, the exception being a Lithuanian adult male.

Current legislation, non-punishment provisions and frameworks

The National Referral Mechanism (NRM), established in 2009, is the UK's framework for identifying and supporting potential victims of MSHT. In 2023, it received 17,004 referrals, the highest since 2009. Children comprised 7432 (44 %) of referrals, also the highest since 2009. The largest groups were UK nationals (4299 or 25 %), Albanian nationals (4042 or 24 %), and Vietnamese nationals (991 or 6 %) (Home Office, 2024a). The NRM has undergone a series of revisions since the Modern Slavery Act (MSA) was introduced to address flaws identified in the processes, although Schwartz and Williams-Wood (2022) argue that it remains inadequate. The NRM process has three distinct phases: referral from First Responder Organisations, a Reasonable Grounds decision, and a Conclusive Grounds decision by a Competent Authority (CA) (Home Office, 2024c). First Responder organisations include the Home Office, Police and other law enforcement, Local Authorities and some non-statutory organisations who have the duty to identify and refer potential victims. Adults must consent to be referred, whereas child referrals are mandatory. If an adult does not consent, there is still a duty to notify authorities (Home Office and Home Office et al., 2024).

In 2019, the Single Competent Authority (SCA) was established, followed by the Immigration Enforcement Competent Authority (IECA) in 2021. The IECA handles cases of adults without immigration status,

while the SCA manages cases involving children and adults with immigration status (Home Office, 2024c). In 2023, 13,704 referrals (81 %) were dealt with by the SCA and 3300 (19 %) by the IECA. The SCA and IECA make initial Reasonable Grounds decisions within five working days on whether the individual is a potential victim of MSHT. If a positive decision is made, the individual receives support during the 'Recovery Period'. After at least 30 days, the SCA or IECA makes a Conclusive Grounds decision based on the 'balance of probabilities.' Once an individual is deemed a 'Victim of Human Trafficking or Slavery' (VTS), they are entitled to 45 days of support under the Modern Slavery Victim Care Contract (MSVCC) (Home Office, 2024c). Following a positive decision, those without the 'right to remain' may be considered for temporary right to stay, however this is not an automatic right (Home Office, 2024d).

The NRM has faced criticism for delays in decision-making, which negatively impact the mental health of survivors, particularly those with insecure immigration status who cannot begin their recovery and build secure futures (Independent Anti-Slavery Commissioner, 2022; Schwartz and Williams-Wood, 2022). The Independent Anti-Slavery Commissioner (2022) report, based on feedback from survivors and practitioners, including police, highlights these issues. Furthermore, since the IECA is part of Immigration Enforcement (IE), the Centre for Social Justice (2022) argues that there is a risk of differential treatment of victims based on immigration status. Part 5 of the Nationality and Borders Act 2022 (NABA) introduced changes to immigration and modern slavery law and policies. It was noted that the modern slavery system was 'being abused by people who do not qualify for permission to stay and are trying to evade removal from the UK' (Gower and Sturge, 2023, p. 22).

As a result, new statutory guidance was introduced for the 'Reasonable Grounds' decision-making processes, changing the test from one where a competent authority could make a positive decision based on 'suspected but cannot prove the person is a victim of modern slavery' to one requiring an 'objective test,' based on stronger evidence (Magugliani et al., 2024, p. 11). It was further argued that this 'objective test' used in the SCA and IECA's decisions was questionable, as it requires the potential victim to 'prove' that they are a victim. Broad and Gadd (2023) acknowledge this issue, stating that 'far from supporting victims, the primary focus of the NRM is on assessing the veracity of victims' claims' (p. 24). This approach would not be applied to victims of other crimes and is prejudicial against migrants, particularly those in immigration detention centres who may face difficulties in gathering evidence for their claims (Broad and Gadd, 2023). As a result of a challenge from a Judicial review, the objective factors were removed (Magugliani et al., 2024) however, the test is still based on the decision maker's 'reasonable grounds to believe that a person is a victim of modern slavery' (Home Office, 2024a). Due to this, in 2023, the average time between referral and the Reasonable Grounds decisions has been 28 days for the SCA and 7 days for the IECA (Home Office, 2024a). The Home Office (2024a) states they must consider a victim's account and supporting evidence which needs to be provided, thus taking more time. The average time taken from referral to Conclusive Grounds decisions in 2023 was 588 days by the SCA and 489 days by the IECA.

Following on from the establishment of the NRM, the Modern Slavery Act was enacted by the UK government in 2015 to consolidate and strengthen existing laws against slavery, servitude, forced or compulsory labour, and human trafficking. Developed in response to growing awareness of these issues, the act was introduced to enhance protections for victims and introduce new tools to combat modern slavery in the UK. Section 45 of the act provides a statutory defence for victims of modern slavery who have been forced to commit criminal offences due to their exploitation. The defence is intended to protect individuals forced into criminal activity, recognising that they should not be punished for actions they were coerced into undertaking due to their victimisation. The defence cannot be applied to all offences, and as such there are over 100 exclusions of particularly serious offences listed

in Schedule 4 of the act, such as murder, kidnap, terrorism, rape and firearms offences. Cultivation of cannabis is not within this schedule. The rationale for these exemptions was to prevent serious offenders misusing the legislation to avoid prosecution (Field et al., 2019) and to ensure that the offence cannot be applied where individuals have committed particularly serious crimes, to strike a fair balance of protecting victims and maintaining public safety and justice for the most serious crimes.

Even if the NRM classifies someone as a 'Victim of Trafficking' the CPS can still decide to prosecute them. This is because the NRM decision-makers are not considered legal experts and the criteria they use differ from those applied by the CPS, as established in 'R v Brecani' (2021). However, if the CPS decides to prosecute despite the NRM's decision, there must be clearly recorded reasons for this, as highlighted in 'VCL and AN v United Kingdom' (2021).

The 'VCL and AN v United Kingdom' (2021) case from the European Court of Human Rights (ECHR) is particularly relevant here. It involved two Vietnamese minors who were prosecuted for cannabis cultivation in 2009, even though the NRM had identified them as child victims of MSHT during legal proceedings. The CPS failed to provide reasons for disregarding the NRM's findings, and these child victims should not have been prosecuted in the first place. In the outcome of this case the ECHR ruled that the UK violated the rights of the two Vietnamese minors by failing to properly recognise them as victims of MSHT and instead prosecuting them, breaching their rights under Article 4 of the ECHR.

At court, if a prosecution proceeds, the burden of proof for a Section 45 defence is on the *balance of probabilities*, with adult victims having to demonstrate that they are a victim of MSHT and as a direct consequence have been forced to do the act by another person (Southwell et al., 2018). Following the Court of Appeal case 'MK v R' (2018) it falls upon the prosecution to disprove *beyond reasonable doubt* that the defence is not applicable. In cases of children, the test is whether a reasonable person in the same circumstances and with the same characteristics would undertake the act (Crown Prosecution Service, 2024b). It was noted that this was in acknowledgement to children needing a higher degree of safeguarding than adults who commit crime due to being MSHT victims (Muraszkiewicz, 2019).

According to Knight (2023), even when a Section 45 defence is given, it can go to trial as the CPS will make the decision that it is a matter for the jury, and the victim will have to give evidence. This, as with all victims of trauma, can lead to secondary victimisation, even with the use of special measures as implied by Ward and Fouladvand: 'Cross-examination can be a painful and traumatic experience for vulnerable witnesses, including victims of offences such as human trafficking' (Ward and Fouladvand, 2018, p. 149).

Vulnerability of migrants

There are many definitions of 'vulnerability' used globally. Police within England and Wales use the THRIVE (threat, harm, risk, investigation, vulnerability, and engagement) definition which that 'a person is vulnerable if, as a result of their situation or circumstances, they are unable to take care of or protect themselves or others from harm or exploitation' (College of Policing, 2021). Investigative guidelines from the College of Policing suggest that there is no specific profile for a victim who is at risk of MSHT, and they may not present as vulnerable or even be aware that they are a victim. The guidelines do discuss various socio-economic, political, and legal elements which may make someone vulnerable to MSHT. These include factors which affect irregular migrants, such as fleeing from persecution, poverty, and wanting better employment opportunities, which results in illegal migration and possible debt bondage (College of Policing, 2022). In the context of global Human Trafficking, vulnerability is defined by the International Organization for Migration (IOM) as 'the susceptibility to harm of certain people relative to others as the result of exposure to a certain type of risk' (David et al., 2019).

It is acknowledged that being an irregular migrant, one who is 'undocumented' is also a major contributory factor to being vulnerable as they traverse borders (Barnes et al., 2023) or stay illegally in a country after being refused asylum (Bloch, 2014). It is argued that restrictive state immigration policies in countries, including the UK, may create barriers for migrants seeking legal employment or assistance and further exacerbate migrant vulnerabilities (Jones, 2019), with migrants risking their lives taking irregular routes which exposes them to human traffickers and people smugglers (David et al., 2019), causing their journey to become even more risky and traumatic as they try to escape poverty or conflict or simply access to a better life (Barnes, 2022). Such migrants are more susceptible to becoming victims of MSHT due to the lack of legal protections and safe opportunities available to them.

Due to their age, children are especially vulnerable. In 2021, one in four victims of modern slavery globally were under the age of eighteen (International Labour Organization et al., 2022). Unescorted child migrants are particularly vulnerable as official routes are characteristically closed to them (David et al., 2019). Current literature also indicates that gender inequality can contribute to vulnerability to MSHT (Cameron et al., 2020; Hume and Sidun, 2017). The prevalence of violence against women and girls intertwined with other obstructions to equality, such as denial of autonomy, suggests that female migrants are often targets for harassment and exploitation (Nobre et al., 2019). The Global Estimates appear to support the notion that women are predominantly victims of sex trafficking, domestic servitude and forced marriage, whereas men are subject to various forms of forced labour (International Labour Organization et al., 2022). According to the United Nations Office on Drugs and Crime (UNODC) (2022) the number of male victims detected has risen by 10% between 2004 and 2020, with the emerging trend of forced criminality being a factor.

Data on the number of people trafficked into the UK for the purpose of illegal cannabis cultivation is scarce. However, several documented cases and reports provide insight into the prevalence and nature of this form of exploitation. Evidence submitted from NCA in 2022 to UK Parliament reported that Albanian nationals, as well as minors, were commonly seen as victims of MSHT in cannabis cultivation, also reporting that cannabis cultivation is most likely the second most prevalent form of criminal exploitation, second to coerced drugs distribution (NCA, 2022), whilst a 2017 IASC report stated that based on NRM data, the most common sectors where Vietnamese nationals, including minors, were MSHT victims in the UK was labour exploitation, including cannabis cultivation (Independent Anti-Slavery Commissioner, 2017). Hestia, a UK-based charity, has reported numerous case studies of Albanian and Vietnamese nationals, including minors, who have been trafficked by organised criminal groups, and forced to work on cannabis farms under harsh conditions, lack of freedom, and persistent threats of violence (Hestia, 2020; Hestia, 2023).

Coercion, control and debt bondage

The use of kidnap, physical restraint, physical and sexual violence has been documented in many cases of MSHT (David et al., 2019; International Labour Organization et al., 2022; United Nations Office on Drugs and Crime, 2013); however, it is not present in all instances (O'Connell-Davidson, 2013). There is no specific formula of tactics employed to gain and keep control of the victim, but in the absence of restraint, various coercive and controlling approaches are utilised. These can be used with or without violence (Cockbain and Brayley-Morris, 2017).

Coercive and controlling behaviour is commonly cited within domestic abuse (DA), however these tactics are also typical of perpetrators in MSHT (Duron et al., 2021). Stark (2007) discussed how psychological coercion techniques are used by DA offenders to gain power and control over their partners, which has now been identified in other exploitative relationships. It is noted that MSHT perpetrators favour these methods of psychological abuse and coercion over the more

conspicuous use of abduction and physical restraint (Kim, 2007). Dando et al. support this theory and suggest that it is '*easier to conceal than more physical forms of restraint and control and so modern slavery represents significant challenges in terms of both recognition and prevention*' (2016, p. 1).

Recent studies have explored the role of such controlling and coercive strategies in MSHT (Baldwin et al., 2015; Preble, 2019). Research by Baldwin et al. (2015) involved semi-structured interviews with 12 adult women in the US, who had been trafficked to Los Angeles for domestic and sex work. Their analysis used Biderman's Framework of Coercion to determine the types of non-physical coercion the participants discussed. Over sixty years ago, Biderman (1957) analysed the tactics used to interrogate and torture prisoners of war, these coercive techniques included isolation, monopolisation of perception, exhaustion, threats, occasional indulgence, degradation, demonstrating omnipotence and enforcing of trivial demands. These methods conditioned the prisoners to be compliant without explicit commands or physical violence (Biderman, 1957). All of the women interviewed described many of these tactics including social isolation, dependency on the trafficker, humiliation, being denied food, healthcare and dignity; however, they also experienced sexual abuse which is not specifically addressed in Biderman's Framework (Baldwin et al., 2015).

Cockbain and Brayley-Morris (2017) in their analysis of three forced labour cases in the UK and interviews with the Senior Investigating Officer (SIO) in each case, highlighted the same coercive methods used on the nineteen male victims. Their analysis used the terms '*negative techniques, neutral techniques and positive techniques*' as the '*key mechanisms to control victims*' (Cockbain and Brayley-Morris, 2017, p. 137). Alcohol was given as a reward, along with some semblance of security and sense of belonging as the male victims were recruited when they were homeless were documented as being positive techniques.

Where migrants consent and pay people smugglers to move them, the United Nations, Article 3 A Protocol Against the Smuggling of Migrants by Land, Sea and Air (United Nations General Assembly, 2000), deems it a crime against the state they are trying to illegally enter (Marinova, 2017). It has been highlighted that those who use the services of people smugglers often become victims of exploitation and abuse (O'Connell-Davidson, 2013; Szablewska, 2022). Financial manipulation is one method used to entrap victims into MSHT. Considerable international research attention has been given to MSHT and migrants highlighting the link between the use of debt bondage as a vehicle to recruitment and maintenance of irregular migrants (Forin and Healy, 2018; David et al., 2019). Debt bondage, as defined by the United Nations General Assembly (2016), occurs when individuals are required to provide labour as repayment for a loan. In many cases, the initial debt is deliberately insurmountable so that the work performed does not reduce the debt, leaving victims trapped in a cycle of exploitation and vulnerable to further human rights abuses. Migrants may initially believe they are being smuggled into the country for a fee; however, upon arrival, they often find their debt has been increased, and they are forced to work under coercive conditions to repay it (Home Office, 2024e).

Research commissioned by the International Centre for Migration Policy Development used field research, remote consultants, secondary research as well as analysis of qualitative and quantitative material from Austria, Germany and the Balkan states. Forin and Healy (2018) highlight how a victim's debt extends beyond the costs of smuggling but is used as a deliberate tool of control by traffickers. In many cases it was documented that there was a link between traffickers and people smugglers, using debt to exploit victims into prostitution and forced labour or criminality, although it does not explicitly mention cannabis cultivation (Forin and Healy, 2018). Their study specifically highlighted the instances on the Balkan migration routes where the people smugglers increased their fees on route and the migrants could not pay, thus accruing more debt and making them more vulnerable to MSHT (Forin and Healy, 2018). Although this research does not directly

address debt bondage in cannabis cultivation, its findings suggest that the economic vulnerability of migrants is a key factor in their susceptibility to various forms of exploitation. Given that cannabis farms are highly profitable, traffickers have a strong financial incentive to ensure a continuous supply of labour, with the lack of legal protections for victims in this industry further facilitating their control.

Beyond coercing victims through debt bondage, traffickers may also use other illicit methods to run cannabis cultivations, strengthening their control over both the operation and the victims trapped within it. Cannabis factories require substantial financial investment, including costs for hydroponic equipment, heating, and high electricity consumption - which may be paid for legitimately or obtained through illegal abstraction of electricity (Broad et al., 2022). Traffickers may secure premises for cultivation by renting properties, often agreeing to high rental payments with landlords in exchange for turning a blind eye or even for tipping them off if police begin investigating the premises (Broad et al., 2022). These financial arrangements not only enable traffickers to sustain their operations but also allow them to quickly relocate in response to police activity and further evade detection whilst continuing to exploit victims (Broad et al., 2022).

A report by Hestia (2020), a UK-based charity that supports victims of modern slavery, *Underground Lives: Criminal Exploitation of Adult Victims*, used 62 cases of Criminal Exploitation in the UK, and 18 client and 26 Hestia advocate interviews to analyse the challenges for adult victims. The victims in this sample were a mixture of UK, Albanian, Vietnamese, Chinese and some Caribbean nationals. The report makes broad claims about patterns of exploitation, although it does not critically assess whether the nationalities represented in the relatively small sample are reflective of wider trends, or whether certain groups may be underreported due to barriers in accessing support services. It does, nevertheless, provide important insights that are rich in detail into the lived experiences of MSHT victims.

Within this report, debt bondage and preying on the vulnerabilities of the individuals was a prevalent strategy. In a third of the cases analysed, debt bondage was used to entrap the victim, especially if they were an irregular migrant. Twenty-one of Hestia's Chinese and Vietnamese clients were targeted by traffickers in their home countries due to poverty or because they were in trouble with the government, on the promise of safety and a better future. Albanian victims in poverty were also lured by fraudulent promises of jobs and even education programmes. Once they were taken out of the country, believing they were in a safe place, they became trapped by debt and forced into criminality to pay it off (Hestia, 2020). Although the report examines all criminal exploitation typologies, it does specify that those subject to forced labour in cannabis cultivation were Vietnamese and Albanian nationals (Hestia, 2020).

Few studies have investigated the strategies used by perpetrators for MSHT in the cannabis industry specifically; however, it has been documented that victims forced into this illegal activity are controlled by threats and restricted in their movement by OCGs (Cooper et al., 2017). Ramiz et al. (2020) used three case studies in their research into the identification of MSHT victims in UK cannabis factories where three males, two Vietnamese and one Albanian, were subject to debt bondage and threats. Further reports from Hestia present numerous harrowing MSHT case studies in the illegal cannabis industry that highlight the vulnerability of migrant victims and the methods of coercion, control and debt bondage employed by the perpetrators.

The first, from the 2020 Hestia Report, is the case of Hoang, a 16-year-old Vietnamese boy. Hoang was targeted by traffickers due to his involvement in an altercation with the police at an environmental protest. His mother was approached by the trafficker who promised to take him to safety for a fee. She borrowed the money, and he was moved in a lorry to Russia, where he was forced to work in a shoe factory for ten months. During that time, he worked 12-hour shifts for 7 days a week and was regularly beaten as a punishment by the supervisors. He was then transported by lorry to the UK by the same

traffickers where he was locked in a cannabis factory in a private house. He was tasked to water the plants and protect the factory from other gangs. He was fed intermittently by his captors. When after two weeks, men broke into the house, he fled. He was taken in by the Vietnamese community but spent months at an immigration detention centre until he was referred to the NRM. (Hestia, 2020).

A more recent report by Hestia (2023) focussed on the experiences of Albanian MSHT survivors, using online surveys with 119 survivors and 22 in-depth interviews. In September 2023, Hestia was supporting 600 Albanian survivors, with 42% being male victims and 29% of these being forced into criminality (Hestia, 2023). One survivor described how at the age of 17 years old, his family got into debt in Albania. They were then threatened, and he was kidnapped by the men to whom they owed money. He was forced to work in construction sites in Albania for a few months and then he was taken to the UK to work in a cannabis factory. During this 'maintenance phase' they threatened to kill his family, threatened and assaulted him. After enduring this for two years he managed to escape and applied for asylum. He remains terrified that he may be sent back to Albania given that the traffickers are from his hometown. He is also worried the traffickers will find him but stated that due to the violence and corruption in Albania he feels he cannot go to the police (Hestia, 2023).

Another survivor has a similar experience where he was forced to relocate by a moneylender; he worked in a cannabis factory in the UK for several months until the police raided it. As a result of this he was sentenced to nine-months in prison and then deported to Albania. Back in Albania, he was tortured by an associate of the moneylender and trafficked back to the UK to work on construction sites. The perpetrators tried to control him by threatening to kill him and his family, but he eventually managed to escape. He is frightened of being deported as he fears he will be tortured and killed by these criminals. His family have gone into hiding due to receiving death threats from the money lenders, but they cannot trust the police due to high level corruption (Hestia, 2023).

Mental and physical trauma of MSHT victims in cannabis cultivation

Victims of MSHT frequently endure severe physical and psychological abuse (Zimmerman et al., 2011). Consequently, victims of MSHT often endure profound physical, psychological, and social trauma that significantly impacts their health and well-being (Evans et al., 2022; Gaitis, 2022). The maltreatment that MSHT victims experience often includes violence, rape, forced labour, food deprivation, neglect, emotional abuse, and manipulation, which collectively and cumulatively contribute to severe and long-lasting damage. Academics have sought to understand how to address the needs of victims, improve their recovery processes, and implement more robust interventions through examining the traumatic experiences of survivors (Davy, 2015; Hodkinson et al., 2021; Pascual-Leone et al., 2017). Much of the literature on the experiences and trauma of MSHT victims relates to sexual exploitation, child trafficking, and forced labour (Hopper and Gonzalez, 2018; Ottisova et al., 2016), which encompasses numerous types of MSHT. Ottisova et al. (2016) noted that 'although more studies have emerged in recent years reporting on the health of trafficked men and people trafficked for forms of exploitation other than in the sex industry, further research is needed in this area.' (Ottisova et al., 2016, p. 317). A closer examination of the experiences of those forced into cannabis cultivation is sought in order to inform targeted and effective intervention strategies in this area.

Physical trauma amongst MSHT victims includes injuries, malnutrition, sexually transmitted diseases, and other health complications resulting from physical abuse and harsh living conditions (Gaitis, 2022). In addition to the violence and physical abuse often used by perpetrators, victims of MSHT in the cannabis industry can endure significant physical trauma caused by unsafe working conditions and

lack of access to medical care. These victims often face hazardous conditions, including constant exposure to heat and light, noxious fumes, and the risk of fire, all of which pose significant health and safety concerns (Anti-Slavery International, 2014). Illegal rewiring of electricity supplies is common in cannabis factory setups which poses a risk of electrocution, and some gangs reportedly lay traps to deter rivals, further endangering the workers (Anti-Slavery International, 2014). Exposure to hazardous substances without adequate protective measures has been reportedly linked to chronic respiratory conditions (Martyny et al., 2013), and the squalid living conditions and lack of ventilation further exacerbate the health issues faced by these individuals (Prakash et al., 2023). The physical strain from repetitive and arduous tasks such as trimming and harvesting cannabis plants can cause chronic pain and musculoskeletal injuries. Furthermore, victims may suffer malnutrition due to inadequate food provision (Prakash et al., 2023). In some instances, workers have suffered fatal injuries, for example in 2011 a Vietnamese national was reported to have died while escaping from a cannabis factory after an attack by rival gangs, an incident that was investigated as a murder (BBC, 2011). Victims are therefore at risk of developing long-term health complications from the cumulative effects of the physical abuse, neglect and occupational hazards that they experience.

Addressing the mental health and trauma experienced by MSHT victims has become a crucial component of anti-trafficking policies both in the UK and globally. It is recognised that the mental health needs of MSHT victims are often serious and complex (Williamson et al., 2008). A systematic review by Ottisova et al. (2016) highlighted a 'high prevalence and increased risk of violence, physical and mental health issues' (p. 317) in human trafficking victims. The review found that most of the studies related to sex trafficking in women and girls and highlighted that research into the health of trafficked men, and those trafficked for types of exploitation other than sexual exploitation, was limited. However, the findings from this review may apply to victims of MSHT in cannabis cultivation on the basis that a review by Katona et al. (2015) found that mental health problems frequently occur amongst MSHT survivors irrespective of the type of modern slavery involved. Commonly reported conditions include post-traumatic stress disorder (PTSD), anxiety and depression (Oram et al., 2015; Oram et al., 2016; Stanley et al., 2016). Such conditions and severe emotional distress result from the continuous abuse, coercion, and fear experienced by MSHT victims (Evans et al., 2022; Prakash et al., 2023; Gaitis, 2022). The review by Ottisova et al. (2016) concluded that 'appropriate interventions and support services to address the multiple and serious medical needs, especially mental health, of trafficked people are urgently needed' (p. 317).

A more recent systematic review by Evans et al. (2022) assessed complex post-traumatic stress disorder (CPTSD) in survivors of MSHT and highlighted the challenges in accessing health care for those diagnosed. The study found that 41 % of survivors exhibited symptoms of CPTSD, which includes symptoms of PTSD along with additional difficulties such as emotional regulation, self-perception, and interpersonal relationships. The review emphasised the need for specialised, trauma-informed care. It also highlighted that effective recovery requires a multi-disciplinary approach, incorporating psychological counselling, social support, and comprehensive care plans tailored to the unique experiences of each victim.

Further to addressing the health and clinical needs of MSHT victims, Gaitis (2022) and Davy (2015) have emphasised the importance of integrating social and legal support to enhance recovery outcomes of MSHT survivors. Victims often fear retribution from their traffickers and mistrust authorities, which hinders their ability to seek help and integrate into society (Hestia, 2023; Ottisova et al., 2016). This is often exacerbated by their illegal status and the criminalisation of their activities.

Support services for MSHT victims in the UK have been a focus for improvement over recent years, for example, the Modern Slavery

Victim Care Contract (MSVCC) in 2021, through contracts with The Salvation Army and other similar organisations, was implemented to provide support services to individuals who have been referred to or accepted into the NRM, such as safe housing, financial assistance, and legal aid, as well as access to health services and referrals to mental health care when needed (Home Office, 2024e). Additionally, NGOs such as the Helen Bamber Foundation are working to improve trauma-informed care initiatives to offer specialised support that addresses the complex needs of MSHT survivors (Katona et al., 2015). A 2023 inspection by the Care Quality Commission (CQC) found that safehouse and outreach support services provided under the MSVCC were generally effective, indicating strengths that included dedicated staff providing personalised care, and good partnership working. However, the inspection highlighted challenges with delays and quality issues in accessing external services, such as healthcare and mental health support, although providers worked hard to mitigate these challenges. Moreover, it found that delays in receiving Conclusive Grounds NRM decisions were a significant issue, often resulting in survivors living in safehouse accommodation for extended periods, sometimes years, while awaiting final decisions, hindering their progress towards independence and recovery. Survivors reported that these delays negatively impacted their ability to plan their lives, affected their mental and emotional well-being, and, in some cases, re-traumatised them, although safehouse staff worked hard to support survivors in navigating these delays (Care Quality Commission, 2023). This also highlights the wider issues with the NRM process and its implications on the experiences of MSHT survivors.

Understanding the lived experiences and trauma endured by victims of MSHT is crucial for developing effective interventions and support systems (Clawson et al., 2008; Hestia, 2023). The long-term impacts of MSHT on victims, the specific services required to meet their complex needs, and best practices for recovery are still not well understood (Clawson et al., 2009). High-quality evidence is lacking about how policies and services can effectively intervene to support survivor recovery, wellbeing, and reintegration (Dell et al., 2019). Consequently, developing targeted and multi-disciplinary intervention strategies that address the unique needs of MSHT victims is necessary. The literature suggests that focusing on comprehensive care plans that include psychological counselling, social support, and legal assistance can support the recovery and reintegration of survivors. Further research and evidence-based practices on these areas are required to bridge the existing knowledge gaps and improve the effectiveness of MSHT services and support.

Victims in the criminal justice system: failure to recognise MSHT victims in cannabis cultivation

The criminalisation and punishment of victims who have been trafficked for cannabis cultivation is a key area of discussion. Whilst it is the case that those who have been trafficked to cultivate cannabis will be committing offences under the Misuse of Drugs Act 1971, if these individuals are found to have been victims of MSHT, protective legislation such as the statutory Section 45 defence should prevent their criminalisation. Indeed, it would be considered unsuitable and counterproductive to criminalise victims of MSHT. Firstly, from an ethical standpoint, punishing those who have been exploited and had their human rights violated rather than offering support and protection is wrong, so the question of why such individuals are not being recognised or treated as victims needs to be considered. Secondly, pursuing prosecution of these individuals rather than the traffickers themselves fails to address the root cause of the issue, leading to inadequate police investigations of MSHT and inadvertently perpetuating the cycle of exploitation by allowing exploiters to continue to operate with relative impunity. Thus, the implications of prosecuting MSHT victims needs to be considered; this could in fact undermine public trust in the criminal justice system, potentially discouraging victims from cooperating with

authorities, which is essential for dismantling trafficking networks and providing justice for the victims.

In support of this concern, a police super-complaint by Hestia provided evidence to suggest that potential victims of MSHT were treated as criminals for the offences they may have been forced to commit by their exploiters (Hestia, 2019). Subsequently, a collaborative investigation into this super-complaint by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and the Independent Office for Police Conduct (IOPC) in 2022 confirmed that some victims had had action taken against them for the offence committed as opposed to being recognised as a victim of MSHT. Indeed, NGOs supporting MSHT victims reported that 10–20 % of their clients faced prosecution for exploitation-related crimes since the introduction of the MSA, with a leading legal firm wishing to remain anonymous stating that 80 % of their cases are appeals against such convictions (Ofer, 2019). The HMICFRS and IOPC investigation found that protection from prosecution in these cases by applying the Section 45 defence was '*not always considered*'. Understanding why this is the case is crucial to addressing the issue of the wrongful criminalisation of such victims.

Further reinforcing these findings, research conducted by Burland (2019) into the criminalisation of potentially trafficked cannabis cultivators in the UK suggests that there is some evidence of frontline staff in the criminal justice system inadequately applying protective legislation such as the Section 45 statutory defence. Through a content analysis of British newspaper articles from April 2009 to August 2017, the study identified 112 cases where individuals who may have been trafficked were convicted for cannabis cultivation. To locate relevant cases, the researchers used keywords such as 'cannabis', 'prison', and 'immigrant' to locate relevant articles which were then analysed for descriptions of experiences that matched the three elements of the Palermo Protocol's definition of human trafficking: the act, means, and purpose (United Nations General Assembly, 2000). Additionally, the articles were examined for trafficking indicators as outlined by the International Labour Organisation (ILO) and explicit references to the defendants being described as trafficked or enslaved. The results were concerning; out of 112 identified cases, 77 individuals were convicted without any recognition of their potential trafficking status by the criminal justice system. In these cases, there was no indication that the individuals were identified as trafficked or referred into the NRM. The remaining 35 cases involved individuals who were informally identified as trafficked or enslaved during court proceedings but were nevertheless prosecuted and punished. This includes 28 cases where people were described as trafficked and seven cases where individuals were described as slaves by personnel within the criminal justice system, such as judges and solicitors. The research had several limitations, including reliance on media-reported cases, which may have missed unreported incidents and lacked comprehensive details, leading to potential assumptions about individuals' trafficking statuses. Access to court transcripts and criminal justice data would provide greater depth, scope, and reliability for future research.

This research provided evidence that the statutory defence and policies on non-punishment are frequently not even considered by criminal justice personnel because trafficked individuals are often not properly identified, or the relevant policies and legislation are not applied. Further evidence of this issue is found in Jovanovic's (2017) argument that the main problem with applying the non-punishment provision arises when authorities fail to identify defendants as victims of human trafficking. This highlights a need for improved training and awareness among frontline criminal justice staff to ensure the proper identification of trafficked persons and the application of non-punishment measures.

Similarly, research by Ramiz et al. (2020) sought to explore the extent to which police can identify victims of modern slavery among growers arrested on cannabis farms and to understand the challenges in distinguishing between offending and victimisation. The study analysed

criminal history data of 19 Vietnamese nationals arrested for cannabis cultivation in Surrey/Sussex between 2014 and 2017 and conducted semi-structured interviews with three arrested growers and the police officers involved. The study had limitations due to a small sample size of 19 individuals and heavy reliance on qualitative data, which, whilst rich in detail, limits generalisability and may not fully represent these cases. It is also worth acknowledging that this study was carried out across one UK police force only and the policies, procedures and training in place may vary in other forces.

The findings indicated that police officers frequently treated cannabis growers as suspects under drug legislation rather than potential victims of modern slavery, often failing to recognise signs of trafficking and not pursuing appropriate modern slavery investigations against the exploiters. The presence of indicators consistent with trafficking and debt bondage were apparent during the study in interviews with the growers. The failure by police to identify these indicators at the time of arrest and questioning was demonstrated in the study through the interviews with the police officers, who demonstrated a lack of awareness and understanding of modern slavery legislation. The officers admitted they received minimal training on recognising and handling potential modern slavery cases and tended to focus on immediate drug offences facing them.

Both studies present evidence consistent with findings from the Hestia super-complaint (2019) that there remains a lack of understanding and awareness of MSHT amongst front line staff within the criminal justice system. Further to this, a HMICFRS inspectorate report highlighted critical issues including poor awareness among police officers of trafficking indicators and a lack of knowledge about the Section 45 defence (HMICFRS, 2017). It found that the College of Policing's Authorised Professional Practice guidance on Section 45 was confusing and ineffective; in particular it did not clearly link common offences for which trafficking victims are arrested with the statutory defence, leading to inconsistent application. The report found that police training was inadequate, consisting mostly of a 40-minute e-learning module with minimal focus on Section 45, which was neither compulsory in many forces nor monitored for completion. It has been recommended by numerous bodies and researchers that the College of Policing Authorised Professional Practice on *Modern Slavery* needs improving and updating (Hestia, 2019; HMICFRS, 2017; Ofer 2019) but work to address this is currently still ongoing with some elements to this guidance having been updated as recently as 2023 whilst other elements have not been updated since 2015 (College of Policing, 2023).

Victim non-disclosure and inadequate investigations into MSHT

A further implication stemming from the failure to recognise MSHT victims is the lack of disclosure from victims, contributing to inadequate police investigations and insufficient evidence to pursue exploiters. The research conducted by Ramiz et al. (2020) demonstrated that potential victims were often advised by their legal advisors to reply "no comment" in interviews and later plead guilty to reduce their sentences, which led to them not disclosing their trafficking experiences. Supporting this, research by Ofer (2019) relating to various typologies of trafficking, provides evidence that many criminal defence solicitors fail to identify trafficking indicators or are unaware of the Section 45 defence, even when clients provide full accounts of trafficking. The study by Ramiz et al. (2020) concluded that the policing response to cannabis farms often fails to encourage detailed accounts from growers, which are crucial for identifying signs of modern slavery. Ramiz et al. (2020) argued that while growers have some responsibility to disclose their victimisation, police must recognise that not all victims are aware of their own victimisation or its significance. Detailed disclosure to legal advisors, including information about the conditions of the premises and the grower, can encourage accounts that provide important information regarding victimisation. Further to this, there is some evidence that MSHT victims may not always feel safe following

initial contact with police, which contributes to them not engaging with the police service (Hestia, 2019; HMICFRS and Independent Office for Police Conduct IOPC, 2022), further compounding the issue of obtaining evidence and conducting effective investigations against MSHT perpetrators. po

In fact, where MSHT indicators are recognised, confusion often arises among police officers on how to proceed with individuals who hold both suspect and victim status, which arguably could affect a victim's willingness to disclose their MSHT experiences. Ofer (2019) highlights a lack of guidance and widespread confusion amongst officers. Specialist officers report that victims identified as suspects may be reluctant to provide accounts, fearing that information shared in victim interviews could be used against them in the original offence. Senior officers have acknowledged this problem, whilst NGOs report that dual status and secondary victimisation discourages victims from co-operating with investigations into their traffickers (Ofer, 2019; *Anti-Slavery International*, 2014). This creates a significant barrier to effective investigation and protection. Furthermore, recent studies have shown that victims who are irregular migrants are not only afraid of their traffickers but are also fearful of deportation which compounds their mistrust in the authorities (David et al., 2019; Hestia, 2020; Hestia, 2023; Barnes et al., 2023).

Police officer interviewees point out that trafficking indicators and the applicability of the Section 45 defence need to be investigated, and that this takes longer than the standard 24-hour detention period before a suspect must be charged or released (Ofer, 2019). The most appropriate way forward in this instance may be to release the suspect on bail, but this option may not be decided where there is no bail address and a person is likely to abscond, as is often the case with MSHT victims for cannabis cultivation who have been forced to live and sleep at the offence location (*Anti-Slavery International*, 2014). Victims may then be charged and remanded into custody, even though trafficking indicators are apparent, or the Section 45 defence has been put forward. The risks posed by exploiters to the 'suspect', if they were indeed a victim of MSHT, is used as a justification for decision to deny bail for the purpose of safeguarding them (Hestia, 2020; *Anti-Slavery International*, 2014). Often, they are subject to 'threshold charging', which applies when evidence is still forthcoming to meet the usual charging standard. Once a victim of trafficking is charged, they may then be remanded into custody awaiting trial and there can be a long and laborious process to get the charge dropped (Ofer, 2019). Not only does this see the potential victim punished from early in the criminal justice process and being denied liberty for a period of time without trial, but it also then makes the process of investigating the MSHT offence to target the exploiter extremely difficult.

An explanation of the real-world application of this research as interpreted by the author is given as follows. Consider a scenario in which a victim of MSHT is charged, remanded into custody, and subsequently incarcerated while awaiting trial. An NRM decision identifies the individual as a victim of MSHT. The Section 45 defence is also to be applied. In the best-case scenario following this, the CPS takes this decision into account and drops the charges. However, this entire process is time-consuming, and the victim will have already spent a period of time incarcerated. Following such an experience, it is unlikely that the individual will trust the criminal justice system or cooperate with an investigation into MSHT. This mistrust is further compounded by the fear of deportation if they disclose their trafficking experience. Furthermore, it is highly likely that the individual may also be suffering from adverse physical and mental trauma due to their exploitation, which may further exacerbate the mistrust and fear they may be experiencing. As a result, an opportunity to target and investigate the traffickers is lost due to prioritising the initial pursuit of criminal charges against the cannabis grower over offering support or protection.

To address this issue, there must be an improved approach for Police, CPS and frontline criminal justice workers in handling the

immediate criminal offences presented, to enable a successful investigation into the root cause (i.e., the exploiters). One suggestion is that when indicators of human trafficking are present, seeking to charge the individual should not be the default action, although it is recognised that with this may come challenges and unintended consequences. This also relies on the correct identification of MSHT indicators in the first place, which, as discussed, remains an issue among frontline police and criminal justice workers. How to strike a balance to ensure the fairest approach to support and protect victims of MSHT whilst protecting and enforcing the law is a key area for further exploration and research. That there were only 311 Modern Slavery convictions in total in 2023 (Crown Prosecution Service, 2024a), yet 66 % of the 9825 NRM conclusive grounds decisions that were made in this year were positive (Home Office, 2024d), ie. were deemed victims of trafficking, indicates that the apprehension and bringing to justice of MSHT perpetrators is rare in the UK at present. Encouraging victims' accounts and testimonies is key to tackling this failing, which is more likely to be possible when victims are supported and protected rather than criminalised.

Notable cases of appeal

The case of R v N [2019] EWCA Crim 984, 'N', a Vietnamese national, was convicted for cannabis cultivation after being discovered alone in a property in which 411 plants were being cultivated. At trial it transpired that N was brought to the UK by an agent, coerced into the activity to repay his passage costs and not allowed to leave the property. He was advised to plead guilty by his solicitor. The failings in this case were systemic: the CPS chose to prosecute without considering potential trafficking indicators. The defence and the trial judge also failed to recognise and raise N's possible victim status, despite the evidence indicating he was coerced and exploited. This oversight led to a guilty plea without N even being referred to the NRM, which would have identified him as a victim of trafficking. The appeal highlighted these failures, arguing that had the correct procedures been followed, a Section 45 defence would have likely succeeded (Simpson, 2019). The conviction was quashed.

In R v S [2020] EWCA Crim 765, 'S', also a Vietnamese national, was charged with cannabis production. He had been trafficked to the UK and forced to cultivate cannabis. The CA initially made the Conclusive Grounds decision there were insufficient grounds to recognise S as a victim of trafficking. The failings in this case centred around the CA's initial negative decision and the subsequent incorrect legal advice S received. S's solicitor advised him to plead guilty without consideration of the Section 45 statutory defence, believing the decision by the CA was 'conclusive' and misunderstanding that the defence can still be raised despite a negative Conclusive Grounds decision. The CA later concluded that S was after all a victim of trafficking. The appeal highlighted the failure to properly interpret the legal standards and protections available to victims of trafficking and a gap in understanding the application of statutory defences, which should have been used to prevent his prosecution (Mennim, 2021). The conviction was quashed.

Both cases highlight various failures within the criminal justice system to recognise MSHT victims and properly apply the protective legislation, leading to the wrongful prosecution of individuals who should have been identified and treated as victims of exploitation.

Conclusion and recommendations

This review identifies the lack of specific data and research on modern slavery within the cannabis industry, so the full scope of the issue is not fully understood. Developing effective interventions based on only a partial understanding of the problem is challenging. The current approach by the criminal justice system often fails to recognise and address the complexities of MSHT cases, leading to inadequate investigations and a failure to target traffickers. This not only

undermines justice but fails in the protection of vulnerable victims and perpetuates the cycle of exploitation. Through conducting this scoping review, the following recommendations have been identified by the authors in order to address these issues:

Gaps in research and future research recommendations

- **Freedom of Information Requests from police forces and government agencies** to obtain specific data on NRM referrals, the application of the Section 45 defence, and victim of trafficking (VOT) statuses, such as how many cannabis factories have been linked to VOTs and how many cases were dropped due to obtaining VOT status. This will enable a stronger understanding of the problem of MSHT in cannabis cultivation and the effectiveness of current legal protections.

- **Qualitative research with practitioners**, including police officers, criminal justice workers, and legal advisors, to explore their understanding and application of the NRM, Section 45, and non-punishment provisions, as well as the practical challenges they face in identifying and supporting MSHT victims.

- **Research on lived experiences of victims within the cannabis cultivation industry** focussing on the physical, psychological, and social impacts, their experiences in the criminal justice system, and the challenges they face in seeking help and achieving recovery.

- **Review NRM guidance changes** on making decisions about victim statuses; most recently changes were implemented in 2024. Evidence on whether these changes are beneficial will help inform further modifications to improve the NRM process in the future.

- **Expand research on Police handling of modern slavery** to examine how police officers deal with cases and their understanding of MSHT. Replicating studies similar to that of Ramiz et. al (2020) across different police forces could provide valuable insights on best practices, training standards and areas for improvement.

- **Research on public perceptions towards viewing MSHT suspects as victims**, including how resistance to recognising suspects as victims may influence trust in the CPS, frontline criminal justice workers, and government legitimacy. This limitation of the study scope highlights a valuable area for future research.

Additional recommendations

- **Improve training and understanding among criminal justice workers** of the NRM, Section 45 defence, and non-punishment provisions, including police officers, prosecutors, and legal advisors. Improved understanding and application of these provisions are essential for ensuring that victims are correctly identified and supported rather than criminalised.

- **Police and legal advisors must work more collaboratively** to encourage disclosure from victims and build trust, which is crucial for effective investigations and the prosecution of traffickers.

- **Proactive police investigations into MSHT** focusing on targeting perpetrators and working closely with victims to encourage their testimonies and cooperation. A shift from treating victims as suspects to recognising their victimisation is essential for dismantling trafficking networks and bringing traffickers to justice.

- **Improve support services for victims** including access to specialised trauma-informed care, mental health services, legal aid, social support, and housing. A holistic approach to support services can foster a victim's trust in authorities, encouraging them to engage with police and support investigations into traffickers, thereby addressing the root cause of exploitation.

This review highlights the severe impacts of MSHT in cannabis cultivation on individuals, particularly migrant populations, the inadequacies of current frameworks, and challenges within the criminal justice system to adequately protect victims and prosecute perpetrators. MSHT victims are coerced into forced labour under harsh conditions through various methods of control, including deception, threats, and

debt bondage. The physical and psychological traumas endured by these victims are profound, often leading to long-term issues. Despite existing protective legislation, such as the [Modern Slavery Act \(2015\)](#) and the NRM, there is evidence that these measures are not effectively implemented, risking the criminalisation of victims rather than providing their protection and support.

CRedit authorship contribution statement

Tracy Bradford: Writing – review & editing, Writing – original draft. **Holly Necchi:** Writing – review & editing, Writing – original draft, Software, Resources, Project administration, Data curation, Conceptualization.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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