



HOUSE OF COMMONS

# Home Affairs Committee

Oral evidence: [Human Trafficking, HC 1142](#)

Wednesday 19 April 2023

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Members present: Dame Diana Johnson (Chair); Lee Anderson; Paula Barker; James Daly; Carolyn Harris; Marco Longhi; Tim Loughton; Alison Thewliss.

Questions 1-41

Witnesses

**I:** Professor Dame Sara Thornton, Professor of Practice in Modern Slavery Policy, University of Nottingham and Former Independent Anti-Slavery Commissioner; and the Rt Hon Baroness Butler-Sloss GBE.



## Examination of witnesses

Witnesses: Professor Dame Sara Thornton and Baroness Butler-Sloss.

Q1 **Chair:** Good morning everybody, and welcome to this session of the Home Affairs Committee. This is the first session of our inquiry into human trafficking, and this morning we are planning to set the scene and understand whether the Government policy and current legislation are effective in preventing trafficking, prosecuting perpetrators and protecting and supporting victims. I am very pleased that for our first panel today we have two excellent witnesses to give evidence. Starting with Lady Butler-Sloss, would you like to introduce yourselves to the Committee?

**Baroness Butler-Sloss:** I am a former judge—president, family division. I am a Cross-Bench peer, so I am totally non-political, which is brilliant. I have been in the Lords since 2006. I am co-chairman, with Karen Bradley, of the all-party parliamentary group on human trafficking and modern slavery. I am one of the vice-chairmen of the Human Trafficking Foundation. I used to be a member of Sara’s advisory panel.

**Professor Dame Sara Thornton:** I am Sara Thornton. I was formerly the UK’s Independent Anti-Slavery Commissioner. Since completing that tenure a year ago, I have been working as a professor of practice in modern slavery policy at the University of Nottingham, in the Rights Lab there, and as a consultant in modern slavery to CCLA Investment Management.

Q2 **Chair:** Thank you very much for attending this morning; we are very grateful to have you with us.

I will start us off. I remember when the Bill that became the Modern Slavery Act was going through Parliament, and Theresa May, who was the Home Secretary at that time, said that this legislation was world-leading. We were ahead; we were doing something that nowhere else had done. Eight years on, and looking at the legislation as we now have it, could each of you address where we are? Are we still world-leading? Is the legislation fit for purpose now, in the light of the changes that we have seen over the last eight years?

**Baroness Butler-Sloss:** Could I start generally, because Sara is much more up to date than I am? I am at one remove. It was a brilliant piece of legislation. Parliament should be proud of it. It was a leader across the world; it has been followed in Australia, Canada and across a whole lot of countries in Europe. And we gained, rightly, a good reputation for falling in with the EU directive on human trafficking.

We are now eight years on. I, with Frank Field, who was then an MP, and Maria Miller, looked at the Act five years on. It wasn’t properly implemented. Government made more promises than they achieved. But they were moving—slowly. What has absolutely destabilised it is the



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Nationality and Borders Act and the Illegal Migration Bill. We have regressed to a really disturbing degree. Nobody in the world would think that we were a leader or that we were even in the first group, because what we are doing is basically putting the issue of the migrants coming by boats ahead of our duty under the 2015 Act—ahead of the victims of modern slavery.

**Professor Dame Sara Thornton:** Chair, I will try to answer that question under the three headings that you gave us, so I will think about protection of victims first. The current framework isn't perfect, but it does provide accommodation, support and protection from deportation while they are in the NRM. The biggest problem is an operational issue, because the decisions are just taking far too long.

The average number of days in the national referral mechanism was 543 last year, and that was steadily increasing over the time that I was the commissioner. Research in the Rights Lab shows that this delay profoundly impacts on the wellbeing of survivors. Their initial feelings of, maybe, safety and relief wane over time.

There is a view that because they are in the national referral mechanism for so long, that really does hold back their recovery. So while the rescue side works adequately, I was always of the view that long-term recovery had insufficient emphasis, because we want to help people to be able to lead lives of sustainable independence, to protect them from future exploitation, and they often have difficulty in accessing accommodation, work or mental health services. Lastly in terms of victims, the whole system was not really designed for British citizens, and I know, having listened to them, that many of them do feel unsupported.

In terms of prosecution, the Modern Slavery Act, in sections 1 and 2 and the laws on slavery and trafficking, brought the legislation into one place, which has value. However, if Parliament thought that was going to lead to a surge in prosecutions, that has not been the case, because these cases are complex and lengthy. They require expertise, resources and commitment, which I am afraid has not always been there. The legislation also provided for slavery and trafficking protection and risk orders, and their use has steadily increased since the legislation was passed. I do think they have the potential to protect victims from offenders.

Lastly, in terms of prevention, I agree with Elizabeth that the legislation was world-leading, and particularly at that time the legislation on supply chains was world-leading. Before the EU or anybody else was really thinking about human rights due diligence, the UK was out there saying businesses need to take a responsibility for forced labour in their own organisations and in their supply chains.

Eight years on, the requirements need to be toughened up and tightened up, in my view. The legislation needs to be extended to the public sector, so that, on behalf of the public, we are not purchasing goods produced using forced labour. There need to be mandatory reporting topics and to be fines for non-compliance—all of which are, in fact, ministerial



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commitments that have been made partly in response to Elizabeth's review of the legislation, which she just mentioned. In fact, a modern slavery Bill was promised in the Queen's Speech last year, which was going to cover some of these issues, but unfortunately that Bill has failed to materialise.

I also think that the legislation should clarify for financial services whether their investment and lending portfolios are covered by this legislation. There has been a little bit of doubt about it. As commissioner, I always thought it should be included. I now work part-time for an investment management company, CCLA, which would say it should be clarified that our investment portfolios actually are covered. That, in fact, would complement parallel developments in terms of sustainability disclosures and reporting, which requires investment companies to substantiate the claims they make about sustainability in their products.

I recently supported the Chartered Institute of Procurement and Supply, who did some work on modern slavery statements and how many were being uploaded to the Government registry. What really concerned me was that 46% fewer statements were uploaded in 2022 than in 2021. We published that report about two months ago. It was down from more than 15,000 to 8,000. That really prevents the sort of scrutiny that the legislation envisaged, and I think it indicates a suggestion that businesses think nobody is really watching, and maybe the Government do not care about this.

Particularly in terms of transparency in supply chains, legislation was promised three years ago. We are falling behind the rest of the world, so I would really urge the Government to actually commit themselves to the promises they have made in the past.

**Q3 Chair:** That is very helpful. Can I just ask why you think it is taking so long for decisions to be made? The number of days that people are having to wait has steadily increased over time.

**Professor Dame Sara Thornton:** It did. When I first became commissioner in 2019-2020, the delays were a lot less, but it was obvious to see that they were growing all the time. I remember the first time I raised this with the Home Secretary—I am not sure she had been fully briefed by officials at that stage, if I'm honest with you. Eventually, there was an attempt to bring in more staff.

If you have Home Office officials here, they will talk about more staff, because they appreciated that they did not have enough resource. However, they also have problems with turnover, I think, as well as retention and skills. There has been a range of operational issues. To be perfectly frank, it has just not been the priority that it needed to be, in my mind.

There are two reasons why it is such a missed opportunity. The first is the damage to people's wellbeing that I mentioned—I think it is just cruel to leave people in limbo. Of course, if people are not British citizens, they are



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then waiting another year or two for an asylum decision, because most of the time those decisions are consecutive. However, it also means that the state is having to support people for a lot longer. They cannot move on with their lives, get jobs or find their own accommodation. It seems to me that actually it creates more cost as well.

Q4 **Chair:** Lady Butler-Sloss, the legislation was drafted in 2015. I remember promises being made that bringing the law together in one Act would mean it would be far easier to prosecute and that we would see a spike in prosecutions. That has not happened. I just wondered whether that is because the drafting of the original Bill was a problem.

**Baroness Butler-Sloss:** I am not sure that I agree entirely with Sara that the legislation is the reason why the prosecutions have not been so many or so successful. I think it owes a great deal more to the fact that you need the evidence. The person who could tell you this best of all is Caroline Haughey KC; I don't know whether you are going to ask her to give evidence, but she is a really successful prosecutor of a large number of very large trials of perpetrators.

This requires evidence. The evidence that matters for a jury is the victim. Unless the victim is properly supported and given a lot of help to understand the importance of giving the evidence, they are not going to come forward. Of the victims we are talking about, half are English, and I hope they would understand, but the other half probably do not speak much English and have to be, in a sense, wooed to give evidence for the perpetrators to be convicted. I think this is one of the major problems. I have been saying for years that the lack of support for victims has a material effect on the number of prosecutions.

**Chair:** We will come back to that particular point. Tim Loughton?

Q5 **Tim Loughton:** Thank you and welcome. Can we ask about the performance of the Home Office in this respect, which often leaves a lot to be desired? The Home Office apparently has a Modern Slavery Unit. It employs 60 people, has two deputy directors, and does law enforcement activity and victim identification and support activity. The Committee has tried to get further information from the Home Office as to what it has done, what it is doing and what we can look forward to it doing, but we have not received any response.

**Baroness Butler-Sloss:** That doesn't surprise me.

Q6 **Tim Loughton:** So Lady Butler-Sloss, what do you think it is doing? Is it doing it well? Has it engaged with anybody? It is not engaging with us.

**Baroness Butler-Sloss:** There are some very good individuals who are doing good work. They have produced excellent statutory guidance, and the guidance sets out the vulnerability of victims and how to deal with it, none of which has been looked at in either the Nationality and Borders Act or the Illegal Migration Bill.

But the unit keeps adding to its numbers. When I first worked with it there were about 20 people; as you say, there are now 60. I cannot imagine



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what it is doing apart from the statutory guidance, but I have a feeling it is marginalised, because it doesn't know what is actually going on in the Home Office in relation to the legislation.

I chaired a Human Trafficking Foundation NGO meeting, and we had about 100 NGOs—we are a sort of link between the NGOs and Parliament. We had two people from the Home Office who gave evidence on a written script, which they did not want to deviate from. They did not know, apparently, that the Bill—I forget which one it was—

**Professor Dame Sara Thornton:** The Illegal Migration Bill.

**Baroness Butler-Sloss:** They did not know that the Illegal Migration Bill was about to be introduced. They had not been shown it or told about it. Why does it have 60 people? They cannot be doing much. There are endless meetings and endless reports, none of which are getting through to the Ministers as far as I can see. If they do, the Ministers are not reading them. If they did read them, and if they did read the statutory guidance, which I would say is the one really good thing the unit does, they would see that annex D and, I think, clauses 31 to 38 set out exactly how you should deal with victims. That is not getting through to Ministers.

I have raised in the Lords again and again the earlier statutory guidance, the latest being from January this year. I fear the unit has become irrelevant to what is actually going on in the Home Office.

Q7 **Tim Loughton:** You can spend only so much time designing regulatory guidance, and surely that happened at the outset.

**Baroness Butler-Sloss:** No, they keep changing it, and the most recent is from January this year.

Q8 **Tim Loughton:** But it can be modified only to a certain extent. You have got to let it bed in and see how it is working before you change it yet again. They were also supposed to produce an annual report last year. They last produced one in 2021. We were promised one for spring of 2022; that has not occurred. Dame Sara, have you had any better engagement with the Home Office on what is going on?

**Professor Dame Sara Thornton:** I must caveat this by saying that I have not been in post for 12 months, but there were always concerns across the sector about the lack of engagement with officials. To be fair, I always found the officials responsive, but that was partly because we were helping them as well. There was a reasonable two-way exchange. Where I did have a real problem with them was data sharing. That was despite the fact that after Elizabeth's review we had a formal data-sharing agreement with the Home Office. It was such a problem that I had a meeting with the relevant director-general and directors about the lack of information, which was making it hard for me to do my job.

Let me give you a couple of examples. One was that I was always concerned that survivors who were being supported in the national referral mechanism were basically not able to work, which can often have a



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negative impact on their recovery. They could not work because they were caught by the ban on asylum seekers working. I knew that our approach in this country was really quite out of step with most other countries internationally that we would want to claim as equivalents. I had written on several occasions to Ministers about that to ask whether we could at least carve out some special arrangement for victims of modern slavery. The answer was always, "No, because we are reviewing asylum seekers' right to work in its entirety." I was promised twice in writing by two different Ministers that I would be able to see the review when it was complete, and I knew it was being done. In fact, what happened at the end of 2021 was a ministerial statement, and the review has never been published. I sought access to that review to understand what the arguments were and why the Government wanted to maintain their position, which, as I say, is pretty punitive, but I was never able to find out.

I wanted information on duty to notify, which we might come to later, and I was refused it. I wanted information on re-trafficking, and I was refused it. Those are the sorts of things that in my view, the Home Office should know for itself, not just because I am asking. If you have 4,500 people who do not want to go into the NRM, you'd have thought you would want to understand why. If you have lots of people who you think are subject to re-trafficking, you would want to understand—like any form of repeat victimisation—how great a problem it is. That data just didn't seem to exist, or it certainly was not going to be given to me.

The last one is the most ironic. I had asked for the crossover between small boats and NRM referrals over two years ago, and I hadn't got anywhere as the commissioner. In the end, I made a freedom of information request, which was initially refused on operational grounds. Sometimes I can be quite tenacious, and I decided I was going to continue with that freedom of information request, notwithstanding the fact that I was no longer commissioner. I requested an appeal and a review of the decision. Eventually, I received the data in September. The irony is that the data has now been published in full by the Home Office. That was an area where there was something about the way the system was operating that was so closed.

There is another area of engagement that I think is problematic. Going back to the early days after the legislation was passed, there were ministerial strategy groups set up. Karen Bradley certainly used to chair a group at the beginning, but then there were sub-groups. There was one on transparency and supply chains, one on victims, one on prevention and one on international, and they met reasonably regularly. About two years ago, the Home Office said, "We are going to develop a new strategy. We would like to use you to consult on our strategy development." Those old MSGs, as they were known, were abandoned. On the strategy, nothing was heard for nearly 12 months. As I understand it, those MSGs have not recommenced. There has been a suggestion in the last few weeks that that might happen—somebody said they had a note from the Home Office saying they might restart them—but that means there is no formal





mechanism with this sector currently. As Elizabeth said, the two deputy directors who came to the event she was chairing in February read from scripts and only answered questions that they had been provided with in advance. It is not fair to say they were not aware of the Illegal Migration Bill, but when I asked them whether they had seen it and what their concerns were, they had not seen it at that stage, and that was a month before publication—senior officials had not seen it.

**Q9 Tim Loughton:** That is all very helpful. Presumably, this absence of accountability has been exacerbated by the absence of a commissioner, as your post has been vacant for a whole year. Is that deliberate?

**Professor Dame Sara Thornton:** I do not know.

**Baroness Butler-Sloss:** Can I say—

**Tim Loughton:** Hold on—can we have a bit more from the former commissioner first before I come to you, Elizabeth?

**Professor Dame Sara Thornton:** I think it is deeply regrettable. Whether it is deliberate or whether it is just poor administration and poor bureaucracy, I do not know, but given the level of public discourse about modern slavery, and given that we had the Illegal Migration Bill and lots of issues about implementation of the Nationality and Borders Act 2022, it seems to me that this is a key appointment, and Parliament surely should be informed by the expert views of an Independent Anti-Slavery Commissioner.

**Q10 Tim Loughton:** Has the job been advertised?

**Professor Dame Sara Thornton:** It was advertised in December 2021 to begin with. When I left in April 2022, I was told that there were two or three candidates who were going forward to the Home Secretary, and then I heard nothing until the role was readvertised about six weeks ago, after, I think, interventions in this House when it was raised at PMQs.

**Tim Loughton:** Lady Butler-Sloss.

**Baroness Butler-Sloss:** I am so sorry to have interrupted, Sara. I am very concerned about the Home Office having control over the appointment of the Anti-Slavery Commissioner. Quite simply, Sara was outstanding. We had a good first one who was not reappointed. He would have been good enough, but he did not carry the clout that Sara carried, and she did—in my view, as one of her advisory panel—an absolutely brilliant job. It is inconceivable that if there had been a totally objective approach to who should be appointed, she was not reappointed, and it seems to me that that lies exactly in the fact that the Home Office has control. We asked in Frank Field's review that it should go to the Cabinet Office, and this particular situation, with no Anti-Slavery Commissioner for a year-plus, adds huge weight to the fact that the Home Office should not be appointing the Anti-Slavery Commissioner.





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**Professor Dame Sara Thornton:** I completely support that recommendation, which was not agreed by the Government. I do think that potentially the Home Office has a conflict of interest. I also think that a three-year appointment for this sort of role is not long enough. It needs to be five or seven years, so that a commissioner can act without fear or favour.

Q11 **Tim Loughton:** Is it subject to a confirmatory hearing by us or anybody?

**Professor Dame Sara Thornton:** That was recommended by your report, Elizabeth, and I think the Government said, "Next time we will do that."

**Tim Loughton:** It makes sense for this Committee to have oversight of it.

**Professor Dame Sara Thornton:** And it was this Committee that was proposed.

Q12 **Chair:** Do you know which Minister has responsibility for this area?

**Professor Dame Sara Thornton:** I think it is rather split. Sarah Dines has been speaking on it, and Robert Jenrick has when it is something to do with immigration, so it seems to be split across the two Ministers. That goes back to the issue last year when there was concern that all of modern slavery appeared to be under the Immigration Minister. I think part of it is now under the safeguarding Minister, Sarah Dines.

**Baroness Butler-Sloss:** I fear that too much is under the Immigration Minister. One of the practical things, it seems to me, is that to have the Anti-Slavery Commissioner in the Home Office, and basically to have modern slavery in the Home Office, is a conflict of interest, because the priority is immigration. We are talking about immigration in the spirit of modern slavery, which is entirely wrong.

**Chair:** That is very helpful; thank you. I will come to Carolyn Harris next.

Q13 **Carolyn Harris:** What I want to talk about is probably not unrelated to what you have just said, Baroness Butler-Sloss. I believe that an element of trafficking is nothing to do with immigration, and that is what goes on in the world of selling sex. I have huge concerns that far too many British individuals are sold for sex unwillingly. They are victims of prostitution and of trafficking. I am interested to hear your thoughts, not on the nitty-gritty of the everyday occurrences that are going on, but on the lack of recognition that it is part of the concept of trafficking, on what we will be doing or what work has been done on looking at the demand, and on why we are not prosecuting people for trafficking when people are being trafficked everywhere for sex? They are not in this willingly or out of choice, but they do not understand that they are being trafficked, the authorities do not accept that they are being trafficked, and the courts are not looking at it as those people being trafficked. The courts see it as part of the concept of prosecution and nothing else. I am interested to hear your thoughts on everything I have just said.



**Baroness Butler-Sloss:** Two sorts of people are trafficked: first, those who come from overseas, who are brought here believing that they are going to get a job. When Anthony Steen was MP for Totnes, he had a case in which a girl of 19 from the Czech Republic came here. She had been trained by her mother to be a genuine masseuse, but when she arrived she went straight into a brothel. She was a virgin; she had 12 men on the first night. She made a fuss at the end of the week, when they took her to a pub. Thank goodness, the Devon and Cornwall police behaved very well, and she eventually got sent home to her mother. That was a good outcome, but she was trafficked in the way in which one expects trafficking.

There is no doubt at all that, under the law on trafficking, if you are moved from one place to another, you are trafficked. The county line boys, for example, are trafficked when they are taken away, even if they choose to go, because they are being exploited, and yes, there is no doubt that there are a lot of foreign women in London. The police once told me that there were 20 brothels up in Tottenham, almost all serviced by women from overseas—who do not know that until they get here of course. Sometimes they end up running it, but they have to, because their pimps are making them do it.

However, people won't be trafficked if they are working on the street, for instance. Again, that is according to the Metropolitan police. I went out with them to see kerb-crawling one evening, around Lordship Lane, which was very interesting—particularly the pizza men, because I wondered where they would do it. It was extraordinary. Anyway, the police were watching it and taking the numbers of the cars and of the taxis that were waiting. Those women, basically, are there because they choose to be, and they are not pimped, but of those in brothels, online and so on, some of them will and some of them will not. Some choose this, but a great many do not and are caught in it, very often under debt bondage. But Sara will probably know more than me about this.

- Q14 **Carolyn Harris:** I will just say that I do not agree with you that women on the street are there out of choice. I have never met a woman working the streets who is there from choice; she is trafficked. She is there because she is indebted to a drug dealer, because she is indebted, or because she has been forced into doing it by a partner or someone else—I have never met a street worker who is not trafficked.

**Baroness Butler-Sloss:** I accept that, but she is being enslaved; I would not be certain—technically—that she is being trafficked. That is the only difference I would make. There is no doubt that all those women you are talking about will come under the concept of slavery, and it does not actually matter under the Modern Slavery Act which it is, because she is being sexually exploited under section 1 of the Act.

- Q15 **Carolyn Harris:** Dame Sara, has any work been done on tackling demand? How can we find out more about why that is happening?



**Professor Dame Sara Thornton:** May I answer the first question before I come to demand? You make an important point that when people talk about trafficking, they often assume it has to be cross-border; it does not have to be, and the law is clear on that. In fact, the second largest number of victims in the NRM last year was of UK victims. In fact, the year before it was the largest number. There is a particular issue of UK citizens and this happening to them—trafficking within the UK. I think it is fair to say, though, that the national referral mechanism, the NRM, was not designed for UK nationals. If you listen to survivors, they are extremely critical of it.

You might remember that the Human Trafficking Foundation co-hosted a conference with survivors and it laid bare the absolute confusion on their support entitlements, from subsistence to legal advice. Several of the survivors had been trafficked as children into prostitution. They had criminal records as a consequence of their trafficking. Actually, the law can deal with that, but their access to legal advice to try to start that process was really poor. From their perspective, it was a real concern.

Last September, the Bakhita Centre at St Mary's University, Twickenham, published a report on UK victims. They reported not only this confusion about entitlements but tremendous numbers of opportunities missed to identify victims, maybe because it was thought that they had to be trafficked from overseas. Many also had complex needs prior to exploitation and the opportunity to prevent exploitation had been missed. There is often tension between local authorities and the national referral mechanism on who should be supporting very vulnerable people. I completely agree that there is a gap in provision for British victims.

If we are thinking about demand, you can either reduce vulnerability or try to reduce demand. Some of it is about enforcing the law, whether that is through the Gangmasters and Labour Abuse Authority doing their work or making sure that businesses are being very serious about forced labour. Sometimes it is just about making sure that victims are protected so that they are not abused or exploited again in the future.

One of the things that was very good about the strategy that officials were developing—you might recall that Ministers had promised a new modern slavery strategy back in 2021, I think, to be published in 2022. I know that it existed, because I saw draft one and I commented on it, and I saw draft two and I commented on it just before I left. There was a real focus on prevention there, and on public health approaches and thinking about what we could do to prevent this harm in the first place. It is a great regret that the strategy has not seen the light of day, not least because it did attempt to think about prevention.

**Q16 Chair:** On demand and women who are being sexually exploited, do you think there needs to be a review of the laws around that in the UK? I have heard that women are being trafficked into the UK because the laws in the UK allow exploitation to take place and very few prosecutions happen regarding trafficked women. The law was changed, wasn't it, so that if a man had sex with a woman who he believed to be or who was



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possibly trafficked, that was a criminal offence, but there are very few prosecutions for that.

**Baroness Butler-Sloss:** It is almost impossible to prove. You wouldn't find the evidence, that is the trouble.

**Professor Dame Sara Thornton:** I think all these things should be kept under review. One of the very controversial issues, if you are talking to experts in the sector, is whether we should adopt a model by which the purchase of sex is made illegal. There are very strongly held views on both sides of the argument about whether that would reduce demand. I have never got to a position where I think the evidence is overwhelming on one side or the other, but I do think these things should be kept under review. It goes back to the point that Elizabeth is making; if we don't support victims, if we don't provide them with accommodation and mental health support, if they don't feel safe and secure, they are not going to give evidence in criminal trials, and that is the only way we will get offenders convicted.

Q17 **James Daly:** I think you paint quite a bleak picture. I am going to ask you some questions about the NRM, and I want to understand just how bad the prosecution rates are here. The Modern Slavery Act obviously creates certain offences, which are related to the behaviour of each of the thousands of people referred into the mechanism. Is it the case, like with many other offences, that people just do not prosecute under the Act?

**Professor Dame Sara Thornton:** If you were to ask the police how many current live modern slavery investigations they have—forgive me, I am 12 months out of date—the numbers were in the 3,000s to 4,000s at any one time. It was really quite significant. The ability to convert those investigations into successful prosecutions is the problem. It goes to the point that you have very vulnerable victims as your witnesses and giving them the confidence to give evidence is a huge challenge. These cases are complex. They might well involve liaison with other countries. They are resource-intensive and complicated.

Q18 **James Daly:** I completely accept that. I just want to get a flavour of the charge rate from the period when you were commissioner. We have a problem within the criminal justice system, which is that the police investigate many, many matters. From the actual investigation to a charge before the court is often where the problems come in. I suspect there are many investigations but not many charges. Is that correct?

**Professor Dame Sara Thornton:** That is exactly the point I am making. When I completed my last report, in April 2022, there had eventually been a slight increase in charges and prosecutions. We commented very favourably on that. It was good to see. But I suspect some of it was catch-up after covid.

Q19 **James Daly:** One of the problems is that when we are debating how effective legislation is, we can talk about words on a piece of paper and politicians can have grand principles and stand up and say, "We're doing this, that and the other", but unless it is actually enforced and people



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actually prosecute, this type of behaviour and the people who are perpetrating this behaviour go unpunished. That is obviously not where we want to be.

**Professor Dame Sara Thornton:** I think that is the point I am making. Changing the legislation did not make much difference, because these cases are resource-intensive, they need to be our priority and you have to have the experts.

**Baroness Butler-Sloss:** And you have to have the evidence. The evidence depends on two things, including finding the perpetrators. A great many of the perpetrators are overseas. I was in Romania on one occasion and I went to a prison where a chap was very proud of the fact he was doing 12 years but was still running the whole prostitution set-up in Spain, and some of it in England. Fortunately, he had been caught and convicted, but most of them are not. They are operating overseas, sometimes with British women.

Q20 **James Daly:** Baroness Butler-Sloss, I do not doubt that for a second, but I think we have to be honest when we look at this legislation. It is failing. People are not going before the court. There may be challenges, but there is no point having legislation unless we can actually prosecute people under it. I wonder, are these challenges unassailable because of the things you highlight, or are there things the police should be doing to get to the heart of the matter and prosecute people?

**Baroness Butler-Sloss:** I don't think changing the legislation would do it. What we need is possibly more energy from the police, who are pretty busy on so many things. We particularly need the evidence. That is on the Crown Prosecution Service. I do think you would find that Caroline Haughey would give you the answers rather than better than we would, because I am not close enough to it now. I was a family judge, unfortunately, not a criminal judge.

**Professor Dame Sara Thornton:** I agree with you that the legislation is not the issue here. The issue is the level of priority that police forces have put to this and the resources. As commissioner, I wrote several reports and on several occasions to chief constables. The evidence was absolutely clear. If you had dedicated teams of experts, you had much more impact and many more successful prosecutions. I also pointed frequently to the need to have adequate financial investigation resources, because that can make a huge difference as well. Also, you need to be able to do the international liaison required. It is a matter of priority. It is about putting an emphasis on developing those sorts of expertise.

Q21 **James Daly:** Okay. In terms of the NRM, decisions as to whether an individual is a victim are made by one of two competent authorities: the Immigration Enforcement Competent Authority and the Single Competent Authority. Do you believe the NRM could be failing to identify any particular groups or potential victims? I am also interested in this idea of first responders and how people actually enter the system and are identified.



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**Professor Dame Sara Thornton:** In terms of the two competent authorities, the split was made about two years ago. There was just the Single Competent Authority, but then cases that were immigration-related were moved into the IECA. I looked at the recent data, which was published in March, and actually the difference in performance was not very great, as far as I could see.

The point about first responders is really important, because often it is said that people make a modern slavery claim: you cannot make a modern slavery claim. A first responder—so, a police officer, a member of Border Force, a member of immigration enforcement or a member of the local authority—will think there are signs that you might have been trafficked or enslaved, and they will refer you to the Home Office.

Are they missing people? Well, we have increased the numbers identified—up to nearly 17,000 last year—so clearly training in identification has paid off, but there are views, depending on which method you use, that actually there are many more victims than that in the UK. For example, the International Labour Organisation work with Walk Free; their latest UK data is now five years old, but they estimated 136,000 victims. A more recent use of data analytics suggested 100,000. If those figures are correct, there is actually a significant under-identification.

Q22 **James Daly:** With this issue about a reasonable grounds decision, the competent authorities decide where possible, within five days of referral, whether there are reasonable grounds to believe that an individual is a victim of modern slavery. They have five days from the referral to decide whether they are a victim of modern slavery.

Now, there is no system in the world that could provide conclusive written evidence to support a suggestion of somebody's background. Is it basically that within that five-day period, somebody says, "I am in this particular situation; I am a victim of modern slavery", and that is basically it?

**Professor Dame Sara Thornton:** That was the case until the Nationality and Borders Act changed it. There are two decisions: reasonable grounds and conclusive grounds. For the reasonable grounds decision, the threshold was, "I suspect, but cannot prove." That was changed and implemented in January this year. There needs to be some sort of objective evidence that somebody is a victim. There are people who think that bar is now too high, but that is now the current bar. The conclusive grounds threshold, which is on a balance of probabilities, has remained the same.

Q23 **James Daly:** But in terms of the objective evidence, can that be the word of the person who says—there has to be some other evidence on top of what they are saying is happening to them?

**Professor Dame Sara Thornton:** That is correct, and there was guidance published at the very end of January by the Home Office explaining what would be required.





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**Baroness Butler-Sloss:** The problem is if people who are genuine victims will have any of the evidence that is required. I think a lot of actual victims will then not be treated as having reasonable grounds. This is one of the major problems: a victim coming out of being exploited is unlikely to have or very seldom has a passport, and they are very unlikely to have any documentation.

Q24 **James Daly:** I will just go on to two other quick questions, because colleagues will obviously want to ask questions and they will obviously require longer answers. I have a question here: is the NRM process effective in supporting victims who are British nationals? I know that the answer to that question is no, so, if we get over the “no” bit of it, what is it that we can do to change that situation?

**Professor Dame Sara Thornton:** I referred to two reports—one by the Human Trafficking Foundation and one by St Mary’s University, Twickenham—which set out a number of recommendations. I would suggest that the Home Office officials looked at those.

I go back to my original point that the national referral mechanism was really focused on victims who are not from the UK. I think we need to go back to the drawing board, quite frankly, and say, “How can we best support people?” It is often linked to sexual exploitation, but it is often linked to criminal exploitation of children.

We need to look in the round at how best to support people who probably have got somewhere to live, so maybe they don’t need a safehouse, but they maybe need somewhere to live that is away from their perpetrators. They maybe need better relationships between different local authorities, in the same way that you have for domestic abuse. The London local authorities will help each other out so that people can move from one area to the other—maybe that is what you need for victims of trafficking.

Q25 **James Daly:** So it is a huge, huge issue. One of the things you both talked about was the increasing number of people refusing to give consent to enter the NRM. That is into the thousands. I just do not understand why—could you give us an idea as to why somebody would refuse consent? It seems a contradictory thing to do.

**Professor Dame Sara Thornton:** In terms of the NRM, a child does not require to give consent, but all adults do. The numbers of what are called duty to notify cases jumped up in 2021 by 47%, and again in 2022 by a further 44%, so 4,500 people who were identified by a first responder as a potential victim of modern slavery did not want to be referred into the NRM.

As I mentioned earlier, as soon as I saw the figures in 2021, I wanted to understand why that was, which is why I was saying to the Home Office, “Can we look at the forms to see what explanation first responders are writing down, to understand why that is?” I am afraid I failed to do that. However, what I thought was really curious about the 2022 figures, which I have just been looking at, is that the number of Eritreans who refused to go into the NRM was 928, and the number of Albanians who refused to go



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into the NRM was 806. That is very curious, and undermines the abuse argument.

The only practical example I can give you from last year is that, as you might be aware, there was—there still is—a bit of an issue about the seasonal workers visa, and the extent to which people who come from thousands of miles away to work on our farms sometimes end up in a very precarious position. I know some people ended up in London at Victoria coach station and there was a big debate with different people trying to support them last summer. It was asked whether we should report them into the NRM, because they may be victims of trafficking or potential victims of slavery, and none of them wanted to go into the NRM. I suspect that that was because they would not be able to work. That is a practical example from last year.

- Q26 **James Daly:** We have not got enough time to develop those points—I am sure colleagues will come in in respect of them. There is a viewpoint, which I will put in very straightforward terms, that asylum seekers are exploiting the NRM process. I think I know how both of you would feel in terms of answering that as a semi-political point, but do you feel that—or have you seen evidence that—people who are seeking entry into this country by whichever means are either referring to or are aware of the NRM process and human trafficking and this sort of concept and are using that to enter the asylum process in this country?

**Baroness Butler-Sloss:** What is very interesting about the figures is that if you look at how many people went through the NRM and the numbers who were actually found to have positive, conclusive grounds that they were victims, the proportion is extremely high. It is between 85% and 95%, isn't it?

**Professor Dame Sara Thornton:** Yes, it is over 90% now.

**Baroness Butler-Sloss:** Interestingly, only 7% of those who have come on boats have actually gone into the NRM, and I think only something like 2% were found actually to have been victims. So the idea that the boat people are abusing the system of the Modern Slavery Act does not seem to be so. It also does not look as though the NRM is actually, from the statistics, being abused. It looks as though there is such a high proportion who actually get it, while the proportion of those who do not get it shows that people who may have been trying to play the game were not successful.

**Professor Dame Sara Thornton:** In terms of the abuse—I don't know, Chair, how much time you've got. I submitted a written note on this, because over time I identified four abuse arguments, and I would say that statistics have been used in quite a questionable way in each one, and when asked for evidence to substantiate this, it has not really been forthcoming. If we have time, I will quickly summarise them, if I may?

**Chair:** Yes, that would be helpful.



**Professor Dame Sara Thornton:** The first argument—the Home Secretary used this at Second Reading—was the fact that there were 3,500 referrals a year back in 2015 and now there are 17,000, which must mean that the protections are being abused. There are three weaknesses there.

The first is that, as we have said, you get referred into the NRM; you do not make a claim. Secondly, there has been a huge amount of effort to train first responders, so that they know what to look for. Lastly—and this is the point that Elizabeth just made—the positive decision rate at conclusive grounds, which is the second decision-making point, was 91% in 2022. That positive decision percentage has increased over the last four or five years, so it does not suggest that the increase in referrals is being caused by an increase in false claims.

The second argument was about late referrals from immigration detention. This argument first surfaced a couple of years ago, before the Nationality and Borders Bill was published. It is true to say that from 2018, when 5% of people in immigration detention were referred, it had gone up to 20% in the first few months of 2021, but I have always said that there are other possible explanations. Stephen Shaw had written a review on the welfare in detention of people who are vulnerable and said that we are not identifying potential victims. As a consequence, immigration enforcement staff were trained, and there were dedicated teams who were looking after vulnerable people. I met some of them, and they felt very strongly that they were better trained and better able to identify people. I also think we should be really careful about assuming that a late referral is necessarily unreliable. There may be many, many reasons why a victim does not disclose abuse before that.

The third argument is the small boats. I was particularly interested when the Home Secretary suggested to *The Sun on Sunday* back in October that 80% of people coming from Albania were claiming to be victims of modern slavery. I thought that was a curiously high figure. As Elizabeth just explained, the overall overlap over a four-year period is 7%. Even for Albanians in 2022, it was only 12%, so I think this overlap between small boats and modern slavery has been greatly exaggerated.

The fourth abuse argument was raised at Second Reading, and it is in respect of the high percentage—70%-plus—of those detained for return after a small boat crossing who are being referred into the NRM. The point was that when somebody catches up with them and says, “Actually, we’re going to send you back,” there was a significant number of NRM referrals. In fact, of the 1,709 people detained from small boats, there were 1,100 referrals, so it is a high percentage.

We just need to be careful with that. The first thing to say is that this is a small percentage of all the 45,000 people who came last year. Secondly, 92% of those cases got a positive reasonable grounds decision. I know that that is by the old threshold, but even so, I do not think we can ignore that. They are therefore in the NRM, and their cases are being investigated to see whether there is evidence that they have been exploited and



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trafficked. The use of that data suggests somehow that these are all bogus. Let's not make that presumption. Let's wait for the clerks and the investigators to do their job and then make a conclusive grounds decision based on the objective facts, fairly. So I do not think we can use that as evidence of abuse. I think the rhetoric is really concerning. It undermines the Modern Slavery Act, and it has a hugely chilling effect on victims and survivors—they will not come forward if they hear all this rhetoric.

**Baroness Butler-Sloss:** Could I add one thing? If we look at annex D of the Home Office's statutory guidance, it explains why people give late explanations that they were victims and had been exploited. It takes some people a very long time to do it.

**Chair:** Thank you; that has been very helpful.

Q27 **Paula Barker:** Thank you both for your evidence so far; it has been fascinating. I was going to concentrate my questions on new legislation, but you have covered most of the things I was going to ask. You have both talked about the UK having been a world leader, and Baroness Butler-Sloss, you said that it has now regressed to a disturbing degree. I would be interested to hear your views about how the UK should be positioning itself to be a global player in the fight against human trafficking and modern slavery five years from this date.

**Professor Dame Sara Thornton:** I think it is linked to the Illegal Migration Bill. Maybe you are aware that the UN special rapporteurs and the Council of Europe GRETA group have all written with great concern about what is being proposed. The legislation is not compliant with article 4 of the European convention, in terms of the absolute right that people have not to be held in slavery, and not to be required to perform forced labour. It is not compliant with the European convention against trafficking. It will undermine victim protection.

I was speaking to the Salvation Army and the charities that work with them. They estimate that a significant number of the people who they currently support would not be supported in the future. You may have seen that they have written a very strongly worded press release about that. It hands control to the traffickers. The traffickers will say to the victims, "You cannot go for help, because if you do, you will be detained and removed."

In terms of prosecutions, while there is a law enforcement caveat, I think that it fails to understand how slavery happens and the impact of trauma. I do not really think it is of much value. I was talking last week to one of the NGOs that works with victims, and they were saying that they have a terrible dilemma. In future, if this legislation is passed, when they find a victim, do they leave that victim in exploitation, or do they support them, knowing that they will be detained and possibly removed? How on earth do they work their way through the ethics of that? That is a very real, live situation.



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I think the Bill is doing our international reputation untold damage, as a matter of law and international agreement, and with the impact that it will have on the way in which we tackle slavery and trafficking in this country.

**Baroness Butler-Sloss:** Could I add a few things? I think we have to change perceptions and rhetoric. We have to stop saying that either the Nationality and Borders Act or the Illegal Migration Bill will actually help victims. They will not help victims at all. We should be concentrating on prevention, prosecution and the support of victims. That is what we hoped to do in 2015, and I think that has to be underlined. Without a supportive environment, where victims can report to the authorities, we will not get sufficient prosecutions and convictions. Prosecutions are not what matters; it is convictions that matter. Unless we get those, we will have an increase in perpetrators.

We need closer working arrangements with NGOs. They are not, all of them, very easy to work with, but I think the Home Office has a real obligation not only to help NGOs from their perspective, but to learn from what is actually happening on the ground, and then to inform Ministers. If we could do all of that, I think we could lead the world again, but currently, our reputation has been trashed. Is that really what we, as British people, want?

Q28 **Marco Longhi:** Thank you for coming along today. I will pick up on the comments Baroness Butler-Sloss just made. Rather than focusing on reputation, I am more concerned about focusing on outcomes for people. You have mentioned reputation a few times today.

**Baroness Butler-Sloss:** Well, some people care about it. That is why I was dealing with it. I care about people more, of course—you are right.

Q29 **Marco Longhi:** In that respect, there will be a view that many of the people who jump on boats and want to come into the country become victims when they arrive here. If the Nationality and Borders Act and the Illegal Migration Bill stop that, it prevents those people from becoming victims in this country. So I do not understand why you would say that the narrative around the legislation is wrong, if it stops those people from becoming victims and coming in the first place. If we were to follow your narrative, we should allow them to come in and support them once they have become victims. I don't understand your logic in that respect.

**Baroness Butler-Sloss:** I am not entirely sure that I have understood that. I'm sorry.

**Chair:** Marco, I think you are saying there is a deterrent effect in the legislation—it will stop people coming to the United Kingdom.

**Marco Longhi:** Yes.

**Baroness Butler-Sloss:** Well, if the traffickers don't bring people, that of course is great. I understand that. But a great many of those who are victims don't necessarily come by boat. The boats are a relatively small



part, in some ways. There are not only the British victims but victims who come by all sorts of other routes, and there are a great many overstayers.

**Q30 Marco Longhi:** I completely agree with that, and all of these need to be clamped down on, but you specifically mentioned these two pieces of legislation, which are designed specifically to disrupt the traffickers' business models. Some of the people who do come end up becoming victims, so we want to prevent them from becoming victims.

**Baroness Butler-Sloss:** But, interestingly, up till now, we haven't had much in the way of evidence of victims. It's fair to say, of course, that if they don't believe they are victims when they arrive, they won't know that until they are put—and that may be the proof of the pudding. I understand that point. But I don't think that the boat people are bringing over very many in the way of victims who have so far been identified. I see the point, but the legislation is broader than just dealing with the boat people. That's the trouble; it works across the board.

**Professor Dame Sara Thornton:** I don't think, in anything Elizabeth and I have said, that we have said we think it's appropriate in any way for people to cross the channel. There need to be other options. I understand your point: you are saying people might come as economic migrants and then end up being abused in this country. I understand the point that you are making—a preventative point.

There are two issues that need to be considered. The first is that we are also concerned about people who are trafficked, who are not economic migrants, and who maybe have been given false passports and false papers, and are forced by their traffickers to come in. We are worried that those people are going to get caught by this.

But, also, there is that broader point—the point that Theresa May has made. In our desire to do something about the small boat crossings, which we all understand, there is substantial collateral damage being done to a huge number of victims of slavery and trafficking. For example, if, tomorrow, a police force raided a brothel and found a woman who had entered the country after 7 March, she would not be supported—if this legislation is passed. She would not be supported in a Salvation Army safehouse; she would be taken, detained and removed. I think that is highly problematic.

**Chair:** Do you want to come back on that, Marco?

**Marco Longhi:** No.

**Chair:** Okay. Alison Thewliss.

**Q31 Alison Thewliss:** Thank you very much for the evidence you have been giving. To pick up on that point about somebody being found in a brothel and being removed, I met recently with TARA in my constituency. They do a lot of the support work in Scotland, and I just wondered whether they would, practically, even be able to operate were this legislation passed in the form it is currently in. It seems that it would be very





difficult for them to provide any support at all.

**Professor Dame Sara Thornton:** I think it is a really interesting and important point that this legislation, if passed, creates such an existential threat to not just TARA but the way the Salvation Army run the whole scheme, because, then, an awful lot of people currently supported would not be eligible for support. Instead of being in a safehouse, they would be detained and then removed. So I think it's a substantial concern. It would be very interesting to know whether the Home Office have modelled the impact of this legislation on all these issues, because, as Elizabeth was saying, it catches more than just people who are crossing in small boats.

Q32 **Alison Thewliss:** You talked earlier about the difficulty in getting statistics about re-trafficking. Would you take a view on whether the legislation will likely increase the risk of people being re-trafficked if they are removed to somewhere?

**Professor Dame Sara Thornton:** I think it increases the risk of people just being left in exploitation. They will be fearful of seeking help, because the traffickers will use this legislation to control them further, and they won't trust the authorities. I think it will be more a case of remaining in exploitation than being re-trafficked.

**Baroness Butler-Sloss:** One of the problems is that they will have a choice, won't they? Either they stay exploited, or they go to Rwanda—assuming that Rwanda ever takes over.

**Alison Thewliss:** It's not a great choice though.

**Baroness Butler-Sloss:** They may well think that they better go on being exploited, rather than go to an African country. I think it will have an absolutely major effect on whether people come forward and say that they are victims and that they have been exploited.

Q33 **Alison Thewliss:** We have heard about the difficulties in prosecution and in following cases all the way through to conclusion. There seems to be some suggestion that if victims are co-operating with the police in some way, they might not be removed as speedily as somebody who isn't. How will that work in practice, given how difficult it is for people to come forward, the trauma they have experienced and all the other things we have discussed around that?

**Professor Dame Sara Thornton:** That is the caveat to detention and removal for those who are co-operating with an investigation. As I said earlier, I think it misunderstands the nature of slavery and the impact of trauma, because it requires somebody straightaway to disclose, when there is no trust and no sense of safety to disclose. By the time that happens, they will have been in detention, so you are not exactly providing a conducive environment to that sort of disclosure, so it is highly problematic.

When you look at the legislation, it appears to suggest that you will be protected from detention and removal while you are co-operating, but it is not clear what happens after that. I assume that if you have entered the



country irregularly, you will be caught by the Act, if it is after 7 March, and you can't claim asylum. I fear that people will be in permanent limbo, and if they have been trafficked, it might be very hard to go back to their home country.

**Baroness Butler-Sloss:** There is another problem. Think about a person who is wondering whether to escape and who has been told by the trafficker that if they escape, they will be sent to Africa. Nobody is saying at that point, "You may be allowed to stay if you give evidence." How on earth would they ever know if they might be able to stay if they give evidence? I don't see how that is going to come forward. The corollary of that is that we won't be able to prosecute the perpetrators. We will have fewer prosecutions and fewer convictions with this legislation than we have with the current legislation.

- Q34 **Alison Thewliss:** The level of co-operation isn't really defined in the Bill. Is it co-operation that leads to a conviction, or is it co-operation with an investigation in a very light-touch way? If you don't know very much about the trafficker's operations, and you can't really help the police, there is not really much protection for you at all, presumably.

**Professor Dame Sara Thornton:** I think the caveat—this carve-out for assisting with investigations—will apply in so few cases. It seems to be very limited in its application.

- Q35 **Alison Thewliss:** There is some suggestion that people would be asked to co-operate after they have been removed, either to their home country or to somewhere else. Does it seem likely to you that they would be able to continue any meaningful co-operation after that point?

**Professor Dame Sara Thornton:** I think it would be astonishingly difficult operationally. If you have ever spoken to police officers dealing with witness evidence from other countries, you will know that it is complex and complicated. The idea of trying to do it from other third countries would be very, very challenging indeed. It is hard enough for investigators. At the moment, what happens is that you maybe have a case in London, and the victim is in a safehouse in Manchester or Leeds. That in itself causes a challenge, so imagine if they were thousands of miles away. Just keeping contact, keeping their confidence up and keeping them supported would be difficult, and then there are the practical issues of how they give evidence from that third country.

- Q36 **James Daly:** I will just pick up one of the points that Mr Longhi was trying to get at. My personal point of view is that we in this Parliament talk a lot about words on a piece of paper and whether they are good reputationally, but we need to get down to the brass tacks of what we are talking about today. In 2015, a lot of criminal offences were created. Virtually no one is being prosecuted for those criminal offences. Now there may be reasons, and I am not criticising people in respect of that, but in terms of creating new statutes to enforce these rights and to protect people, that is not working. The police are not prosecuting people. We know that when people are referred into the NRM, it takes



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500 days on average, which is an inordinate amount of time. I am not going to ask you to comment on that, but I put it squarely down to Home Office incompetence in terms of the bureaucracy involved.

When I look at this, yes, the spirit and intent of what we are trying to do is great but, in real terms, what are we actually doing, whether from the criminal side of it or to support victims? Baroness Butler-Sloss, in the 500 days that people are subject to—investigation is not the correct word—their application being processed, do they have any support at all? Do they have anything substantive at all to change their lives?

**Baroness Butler-Sloss:** Sara, you would know better than I about the NRM.

**Professor Dame Sara Thornton:** On the point about the 2015 legislation, to be clear, most of those criminal offences already existed. What the legislation did, in sections 1 and 2, is bring it all together in one place. They were not new criminal laws.

It is not fair to say that there were no prosecutions. I think the number was something like 350 in England and Wales in that last year I was in post, but I can provide the data, and I would have thought that the Crown Prosecution Service and the Scottish and Northern Ireland equivalents would be able to provide the data as well. It is not fair to say that there were none. If Caroline Haughey were to come here, she would explain to you that, for just one case, you are talking about two or three years of investigation and maybe 12 to 18 months of Crown court cases. Let's be fair to law enforcement.

**Chair:** She is coming to give evidence.

**Professor Dame Sara Thornton:** Brilliant. In terms of the NRM, people are provided with accommodation in a safehouse if they have not got any other place to live. They will have a caseworker. Quite a few will be learning English. Quite a few do Access to Work courses. They do educational courses. It varies across the country. Those who need it should be able to access mental health support. There is an issue with provision, but there is some provision. They can have legal support. Having been to a lot of these safehouses, I know that members of the community and members of the public go in and help and provide a whole range of activities for people. The problem, of course, as I said before, is that most of them are not allowed to work, so time weighs heavily on their hands.

Q37 **James Daly:** I do understand the point you are making, but all I am trying to say is that the point of this—the point of this discussion, the point of people here—is not to have people essentially sat in a hotel, a safehouse or wherever. If the point of the legislation was that, at least during the process while your application was being considered, you would be given intensive, meaningful support to try to do something with your life, that is practically non-existent. I know, Dame Sara, that you will come back and say, "In certain places, certain people get this," but the vast majority of these people are not getting any form of support



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during this process, so the whole thing fails, whichever way you look at it.

**Professor Dame Sara Thornton:** I do not think it is fair to say that. I quoted Rights Lab research. They have spoken to many survivors, and they report initial feelings of safety and relief; people are supported. The biggest problem is that they should be supported, frankly, for three or four months, not for two or three years. That is the problem.

**Baroness Butler-Sloss:** NGOs come in at this point. A great many NGOs are giving a lot of valuable voluntary support to these people, so I think they are more helped than perhaps you think.

Q38 **James Daly:** The state should be doing it. If it is state legislation, the state should be doing it.

**Baroness Butler-Sloss:** Of course, but the voluntary sector has its value, and that is very much so here—it really does a lot of good work.

Q39 **Chair:** I just want to ask about the fact that, under the Illegal Migration Bill, people can be detained immediately. I think we have already talked a little about the fact that that could mean detention wherever, not within tailored services for people who have been trafficked. The Home Office are struggling already to detain people and to find accommodation for people. Have you had any indication or engagement from the Home Office about what this detention would mean for people who were claiming that they had been trafficked?

**Professor Dame Sara Thornton:** No, I haven't, but I think this speaks to the more general point that if the proposal in the Bill is to detain all those who are caught by the Bill, where on earth will they go? There isn't the accommodation now, and it depends how many people come across who are found. If we are talking about 50,000 or 60,000 people, that is two thirds of the prison population. That is an awful lot of people who need to be detained.

**Baroness Butler-Sloss:** And all are being detained at the moment, so they haven't got room for anyone else.

Q40 **Alison Thewliss:** I want to ask you briefly about the implications for Scotland. We have some legislation that tackles this issue in Scotland, which the Bill proposes to override. Could you comment on the implications for Scotland and Northern Ireland? You talked about compliance with article 4 of the ECHR, which has implications for Scotland as well. Could you talk a wee bit more about the impact on devolved legislation?

**Professor Dame Sara Thornton:** There are two points to make. I referred to the Rights Lab research with survivors. What is very interesting is that, on the whole, the experience of survivors in both Scotland and Northern Ireland is better than in England and Wales. That is partly because of the flexibility of support that is provided by organisations such as TARA, which you mentioned. So there is a difference already.



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I was speaking to colleagues with regard to the legislation in Scotland the other day, so I have got this second hand. There has often been a debate in Scotland and Northern Ireland as to whether they would be better running their own NRM. I think the situation at the moment means that that could happen. The view is that this legislation would not allow them to do it, and that is a grave concern. They have considered it over the years. I have been in meetings where people in the sector have discussed whether it would be better if they had our own NRM and they weren't subject to these delays. My understanding is that the legislation will not allow you to do that.

**Q41 Chair:** I want to ask one final question, which is about what Theresa May said in the debate in the House on the Illegal Migration Bill. She made the point that the Nationality and Borders Act has only just come into force, so we do not know what its impact will be. I think she was talking about putting new legislation on top of that, without knowing the effect of the first bit of legislation. What is your feeling about legislation being piled on top of legislation?

**Baroness Butler-Sloss:** I was horrified. I support every word that Theresa May said; I was so glad that she said it. She piloted a good piece of legislation. Okay, it has not been implemented in its entirety, and it isn't really the legislation but the implementation that matters, but it is good in principle. One day, a Government, perhaps, will implement it in full. I don't think we should blame her legislation, but what she was saying seems absolutely right to me.

If we had at least one safe route somewhere in Europe—preferably more than one, and preferably not on the coast—and you could process people there, it would have a marked effect on how everybody looks at the legislation on boats. Currently, you have to go through the UNHCR system or come directly from a country—from a camp. The majority of people aren't doing that, so they are in group 2 to begin with under the Nationality and Borders Act. Consequently, under group 2 they inevitably have fewer rights. Every person who is coming in, other than from UNHCR or from a camp, is actually in group 2. Everyone. Is that right?

**Professor Dame Sara Thornton:** Yes, I think so. The point that Theresa made about delaying commencement until we could assess the Nationality and Borders Act is particularly important, because that legislation was implemented only from the end of January. The raising of the threshold and the reasonable grounds, which I discussed with Mr Daly, is quite controversial. It has been raised in the sector, but it might have an impact, so that is a really important point.

The other point she made towards the end of that speech was about whether we should ensure that all those who have been victims of slavery and trafficking in the UK are excluded, and acknowledge the fact that the Modern Slavery Act put protection of victims above immigration concerns. It was about the fact that if somebody is a victim in this country, we want to support them in this country, rather than detain and remove them.



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**Chair:** Thank you. I think this has been an excellent session, and it has set us off on the right track for the weeks to come and for looking at various things that we have discussed this morning. I thank you both very much for your time. It has been really helpful for the Committee.

**Baroness Butler-Sloss:** May I just say that I think the Illegal Migration Bill will have a rough passage through the House of Lords?

**Chair:** We will watch with interest when that happens. Thank you.