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Home Affairs Committee

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

Wednesday 26 April 2023

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Members present: Dame Diana Johnson (Chair); Lee Anderson; James Daly; Simon Fell; Carolyn Harris; Tim Loughton; Alison Thewliss.

Questions 42-66

Witnesses

[I](#): Andrea Salvoni, Deputy Co-ordinator for Combating Human Trafficking, Organisation for Security and Co-operation in Europe; and Dr Schwarz, Associate Director of the Rights Lab, University of Nottingham.

Examination of witnesses

Witnesses: Andrea Salvoni and Dr Katarina Schwarz.

Chair: Good morning and welcome to the second session of the Home Affairs Committee this morning. We are now returning to our inquiry into human trafficking—we had our first session last week. We are pleased to welcome our guests today: one virtual and one in the room. It would be helpful if you could introduce yourselves. Dr Schwartz, do you want to introduce yourself first?

Dr Schwarz: Good morning, everyone. Thanks for having me here. I am Katarina Schwartz, an associate director in the Rights Lab at the University of Nottingham and associate professor of anti-slavery law and policy.

Some of you may be familiar with the work of the Rights Lab. It is the world's largest and leading modern slavery research centre. We have a team of over 80 academics dedicated to the problem of modern slavery, covering 17 different disciplines and utilising over 100 different methodologies. In the Rights Lab, I look after the law and policy programme, which examines all aspects of law, policy and interventions related to slavery and human trafficking.

Chair: Thank you. We are very pleased you are with us, with that level of expertise and knowledge. Mr Salvoni, could you introduce yourself and explain your role, please?

Andrea Salvoni: Good morning, everybody. My name is Andrea Salvoni. I am acting co-ordinator in the OSCE anti-trafficking office. The OSCE is an international organisation with a substantive programme on anti-trafficking, which I am currently leading. It is an honour and a privilege to be with you all.

Q42 **Chair:** We are very pleased you are with us too; let's hope that modern technology works well this morning.

I would like to start us off by referring to the OSCE, who recently described the UK's Modern Slavery Act as "pioneering" in tackling modern slavery and human trafficking. Could you both give your assessments of the UK's current approach to combating human trafficking? Mr Salvoni, would you like to start us off?

Andrea Salvoni: I am happy to. Thank you very much for your question, Madam Chair. When it was passed, the Modern Slavery Act was indeed pioneering. The legislation was the first of its kind in the whole world and gave a signal to the rest of the world about what the standard was going to be. It increased enormously the ability of the UK, as the data shows, to identify and protect victims of trafficking, as well as to prosecute the slave masters—the traffickers. This was a truly landmark moment in the world anti-trafficking movement.



Additionally, it included provisions around transparency in the supply chain for the first time. Perhaps later in the hearing we can talk a little about where the debate, globally, went on this topic, but the UK Modern Slavery Act was the first to put the issue so high on the agenda. It also provided for the nomination of an Independent Anti-Slavery Commissioner, which was also a landmark moment, both nationally in the UK and abroad.

All these provisions in 2015 were revolutionary in many ways; many countries were nowhere near where the UK was in 2015. Right now—also thanks to UK leadership—the rest of the conversation, the rest of Europe and the rest of the world have advanced tremendously. I think there are large opportunities for the UK to keep showing that leadership, and I am sure that, in the course of the next hours, we will discuss where some of those opportunities are.

Dr Schwarz: I absolutely echo Andrea. In 2015—in its time—the Modern Slavery Act was absolutely a world-leading piece of legislation. There is no doubt whatsoever that a range of the provisions encapsulated within the legislation brought the conversation about anti-slavery law forward and also provided leadership for other states and guidance on where to go. However, since 2015 other states have taken those steps and moved beyond the provisions of the Modern Slavery Act, and I hope that is where the conversation will focus today.

What were both the strengths and the shortcomings of the legislation? We know that no single piece of law can be perfect in its inception, so what are the developments that we can learn from? What were the shortcomings in practice that we learned from eight years of practice of the Modern Slavery Act, and where does the legislation need to go in order to maintain its position as world-leading anti-slavery legislation?

There are a range of areas in which we have seen shortcomings emerge in practice and where the world has moved forward, and the UK should be seeking to also move forward with its anti-slavery legislation, in the interests of not only maintaining its position as a world leader on anti-slavery but preventing this very severe human rights abuse and protecting its victims.

Q43 **Chair:** Following on from that, where should we be looking for best practice? Where is leading the way in the pioneering sense that we did in 2015?

Dr Katarina Schwarz: It is a very interesting question, because there is no single beacon of legislative excellence in the world when it comes to anti-slavery provisions. Rather, what we have is a collection of good practices emerging from different and sometimes surprising locations that we can learn from. Anti-slavery legislation is contextual, but it is also universal in some respects, so it is important that we take learnings from other contexts but think about how they apply in the UK context and how our UK lessons learned translate into reforms to the Act.



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When we come to discussion of specific aspects of the law, I will try to bring out some examples of practice from other states that might provide some guiding light or an idea of possible directions but also push the conversation forward in the UK. The short answer is that there is no one model to follow, but there is a collection of good practices scattered around the world.

Q44 **Chair:** We have dealt with the fact that we were pioneering in 2015, with lots of good things that others have followed, and there may be examples of good practice now that we can talk about.

Does current UK legislation—and obviously, the Modern Slavery Act has been amended—meet the standards set out by international conventions? Changes around the Nationality and Borders Act 2022 came in very recently, and as you know, today in the British Parliament we are discussing the Illegal Migration Bill. Following those changes, will we continue to meet the standards that are expected to meet our international obligations?

Andrea Salvoni: That is the question of all questions. International standards are a complex block, and I think it is fair to say that on some issues, the UK remains firmly within those international standards. On others, I am afraid the conclusion is not so straightforward, and there is room for discussion on those.

Let me give you a few examples. You referred to the Nationality and Borders Act. There are a couple of challenges there that will put in serious question whether the UK anti-trafficking framework will remain firmly based on international commitments and standards. The first one is around the information notice and damage to the credibility of victims. The Act requires individuals to claim to be trafficked and to provide information about their trafficking experience within a specific date, and if they provide that information on the day of the deadline or after it, it is considered a damage to their credibility. That is not consistent with best practices and international standards.

Going through a trafficking situation, as the UK showed to the rest of the world—it is the UK that called it slavery, precisely to send that message. Going through a trafficking situation is not something that the victims are immediately able to come to terms with personally. More often than not, victims need years to reflect with themselves about the fact that they have been victims. There are victims who, for years, do not accept the fact that they have been victims. Putting in such a hard deadline and not creating a space for victims to feel safe and eventually come forward is definitely something that we are very concerned about.

Secondly, the process of disqualifying persons who have been a threat to public order from protection can pose a serious challenge. The UK has led the world in identifying victims who have been exploited in criminal activities—nobody else in the world is able to identify those specific victims of trafficking. That's fantastic, but what it tells us is that those victims have a specific vulnerability, because they have been compelled by their



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traffickers to commit crimes or be involved in situations that make them more even more reluctant. Disqualifying them from protection, which ultimately means disqualifying them from our ability to rescue them, will mean that we are unable to identify those victims anymore and they will be left in the hands of the traffickers.

The claim that this was done to address the over-generous granting of protection services is shaky in our view. According to the Home Office's own statistics, ultimately, positive conclusive decisions within the NRM are made in 87% of adult cases, so the Home Office itself recognises that most the referrals are ultimately valid, and there is a very thorough process to get those figures. I suggest that we look at the high numbers of referrals and victim identifications in the UK as an example of best practice. Every time I go anywhere else in the OSCE area and Government officials ask us, "Who is doing a good job in identifying?", we always say the UK. I suggest that we look at those big numbers as an example of positive practice, as opposed to something that needs to be reduced.

Q45 Chair: Dr Schwarz, perhaps you could say a little more about the Illegal Migration Bill, and how it will affect the provisions and our international obligations.

Dr Schwarz: It is important to distinguish between international obligations and international standards in the first instance. International obligations are contained in binding international treaties, and it is incumbent upon the UK to adopt them when it commits to those treaties. They are an international legal obligation. That is distinct, of course, from our understanding of international standards and best practice, and how we might measure good performance, because ultimately the core obligations represent a floor rather than a ceiling of protection and support.

There are a number of issues that should be addressed when thinking about the UK's legislative framework in this context. The first thing to think about is the structure of the fundamental prohibitions and the practices contained therein.

The UK legislation has been criticised for its approach to defining trafficking, because it is not in line with the definition contained in the Palermo protocol or the Council of Europe convention. That is to say, it requires travel in order to constitute a trafficking offence, which is out of sync with global practice around that. That is the first area that should be addressed and considered, in the interest of understanding what the practice looks like, because we also see, in statutory guidance and interpretation of the document, the Palermo protocols and international understandings infusing how we see that practice in the UK, but that is out of sync with what is actually written in the legislation. That is a concern and also a barrier to harmonisation and cross-border practice around trafficking offences.

There is also a value in considering the place of forced marriage and its intersection with trafficking and modern slavery. We have seen a growing



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international recognition that forced marriage can be a form of modern slavery or often intersects with trafficking. Marriage can be a mechanism through which people are coerced into a trafficking situation. People can experience sexual and/or labour and/or domestic exploitation in the context of marriages, so that intersection needs to be considered, but very sensitively, because the structure and nature of forced marriage offending is often quite different from many other trafficking offences, and the person coercing someone into marriage is not a stranger or someone they meet on the internet; it is a member of their own family. So there needs to be a high level of sensitivity in relation to that. I would suggest more joined-up approaches with the forced marriage unit and with the forced marriage response in the UK, which in many ways is world leading.

Australia has, however, integrated forced marriage as a form of modern slavery into its definition, so there is another country in the same bracket as the UK that is adopting that approach.

The second thing that Andrea has rightly highlighted as a massive concern at this point in time is that intersection with immigration policy. We see this concern around the migration and modern slavery nexus in many of the world's countries because migration can make people extremely vulnerable to modern slavery and trafficking itself is often a transnational crime, although it is very important to emphasise at the outset that modern slavery is not inherently an immigration-related offence.

Many of the victims identified and supported in the UK are British nationals or UK nationals and not victims of transnational trafficking. The first massive concern in this context is the conflation of modern slavery and immigration as somehow interrelated issues. They are related, but they are also distinct. It is a massive concern that we would fold modern slavery legislation and provisions into an immigration context in the first instance.

Secondly, the proposed provisions of the Illegal Migration Bill, as well as the now existing provisions of the Nationality and Borders Act, raise real concern about the UK's fulfilment of its international obligations with regard to victim protection. Andrea has highlighted that the slavery and trafficking information notice makes absolutely no sense in the context of traumatised victims. The way that trauma manifests prevents victims from disclosing at the outset. It is a barrier to trust. Often, distrust of authorities is used as a mechanism by traffickers to maintain the situation of trafficking. So when you create a situation where you immediately have to disclose to an authoritative body that has potential power to deport you, you are massively decreasing potential trust and the ability of that person to disclose, which, of course, has knock-on effects for prosecution.

Thirdly, the denial of protection in the Illegal Migration Bill is in breach of the UK's obligations under the Council of Europe convention and the European convention on human rights. The justification for the sunset provision of that part of the Bill implies that it is the current, essentially, state of emergency or exigent circumstances of demand on the system that justify the choice to deny protection to these survivors. Freedom from



slavery, forced labour and servitude is a non-derogable human right. There is no justification in law to deviate from that protection, even in a state of emergency. Emergency, exigent circumstances or other crisis factors cannot be used to justify denial of protection in the case of modern slavery, forced labour, slavery or servitude. So that is inherently concerning.

There are a few other things that I think we will come to, lastly. There are considerations around the transparency and corporate responsibility provisions that really need to be brought in line with what we have learned over the eight years of practice, as well as where other states have taken us and shifted the conversation. There is serious concern about the non-criminalisation principle in practice.

We should be looking at visa regimes and tied visas as well. The claims that there is a high degree of abuse of the NRM are absolutely—as far as we can tell, and we have looked very hard—completely unfounded by the evidence. So it is a false claim. Unless someone wants to bring new evidence to the table that we have not seen to date, there is no evidence to support the claim that a significant number of people are abusing the system. To the contrary, the evidence that we have suggests that there is a low level of abuse of the system and, actually, many people are being denied access to protection at the identification point because they are being criminalised and that there is differential treatment in the NRM for different groups of people. So that is a big concern.

Chair: Thank you.

Andrea Salvoni: I couldn't agree more, and to add to that—just 30 seconds, if I may—the challenge here with the NRM is not the abuse. The challenge with the NRM is the big delay in providing definitive answers to victims. We have seen data suggesting that at the beginning of the year, more than 76% of victims are still awaiting a final answer. The average time in 2022 was more than 500 days. That is the challenge with the NRM, not quite the abuse which, as was suggested, has no data to back it up.

Q46 **Chair:** We have asked for evidence of abuse of the NRM, because we are concerned about that claim as well. Mr Salvoni, can I just ask you one question before I move on to colleagues? The OSCE special representative, who has recently left his post, visited the UK in November 2022. He noted, "Important amendments to the Modern Slavery Act...have stalled or gone unfulfilled." Could you be clear about what those are? What has stalled and what has been unfulfilled?

Andrea Salvoni: I will have to get back to you at a later stage on that specific point. I will check with my team exactly about that specific line. I believe you are quoting the press release that was issued.

Chair: That would be helpful.

Andrea Salvoni: I would be happy to provide written evidence, if that is allowed.



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Q47 **James Daly:** Following on from what the Chair just said about the OSCE visit in November 2022, I understand that the OSCE is submitting a report to the UK Government this week. I assume from your nodding that that is correct.

Andrea Salvoni: That is correct, yes.

Q48 **James Daly:** Have you made recommendations—I am sure you have—to the Government, and are you able to share them with us?

Andrea Salvoni: Our methodology, which was approved by Governments, allows us to share the report more widely. You will see the report, I promise you. We are not in the position of sharing that right now, in that our methodology imposes on us to share the report with the Government, to allow them to make written comments. We will publish both the report as well as the comments. However, we will publish that report after the Government have had a chance to provide those comments. So, not at the moment.

Q49 **James Daly:** That is a very polite no, but thank you for that. Can I ask a question on a topic both of you have just talked about? That is the delays within the NRM system, which are completely unacceptable. We all accept that. I wonder, from the OSCE perspective, whether you have made recommendations, or if there is anything you can tell us as to how administratively we can speed up that process. Are there other countries that are doing a similar thing in a far speedier way than we are?

Andrea Salvoni: On the NRM, the good news is that the system is in place. Usually, countries have challenges around arranging the system. I think the UK already has the system. The challenge is specifically in the third round within the NRM. Victims go through three different rounds eventually to be recognised as such and be referred to services. The big backlog is on the third round alone. This is good news, in that we know where to intervene. The challenge here will be to provide adequate resources for the people working on that specific section to be able to process those claims faster.

Q50 **James Daly:** For the record, when you say that the delay is in the third round, could you explain what you mean by that?

Andrea Salvoni: Perhaps round is not the right word. I understand there are three stages in NRM decision making. At the initial stage, the process is to verify that there is value in even assessing the claim. At the second stage, it is assessed whether the claim is reasonable. At the third stage, that is when the actual decision is taken on whether or not there is a victim of trafficking. The solution is to hire people to manage that. The influx is strong, of course, but the solution cannot be to reduce the influx rather than to increase the capacity.

Q51 **James Daly:** Are there other international examples of an NRM-type mechanism that other countries are using at this moment? Are there other countries that we can point to and say that their administration of the system is far quicker than the UK's, or is the 500 days an international average?



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Andrea Salvoni: The challenge is that nobody manages the numbers that the UK manages. Germany identifies 700 victims of trafficking a year. The UK identifies so many more victims. The UK alone refers more victims to services than the whole EU combined.

Q52 **James Daly:** Mr Salvoni, we obviously have a lot of discussion on this Committee about international reputation, whether we are a world leader, and this, that and the other, but the fact that we refer more people is surely a positive sign of how seriously this country takes its obligations. I think you just said that we refer more people than the whole EU. Is that right?

Andrea Salvoni: It is right—in 2022, that was right. That is testament to the huge leadership that the UK has shown over the years, but the legislation that was discussed a moment ago will harm that leadership. That will, factually, put you in a position where—

James Daly: Mr Salvoni, thank you very much indeed for that answer. Dr Schwartz.

Dr Schwarz: Briefly, we are talking especially about the delays in the conclusive grounds decision, and there are a couple things I just want to introduce. Another country that is making decisions at quite a large scale is Brazil—they are also made at the federal level, as is similar, although slightly different here, whereas in the US we have a more distributed response across states to the problem of trafficking. In Brazil, survivors of slave labour are automatically granted three months of unemployment insurance when they are rescued from conditions of slavery. They are regularised as workers. They might be regularised in terms of their migration so that they can seek work immediately after that.

It is not just about making the system more efficient; it is about making the system liveable while decisions are being made. In the 500 days between your reasonable grounds or your referral into the system and your conclusive grounds decision, your life is completely put on hold. Many survivors who do not have the right to work in the UK have no capacity to rebuild their lives during that time. They are going through a process that should be about recovery, reintegration and rebuilding their lives, but instead they are being retraumatised by a system—

Q53 **James Daly:** I think the Committee will not disagree with anything you just said. The issue is that when we ask what it will take to speed up the process and make the system better so that we get all these things, the only answer we get back is, “Employ more people.” That may be correct, but it is not exactly the definitive answer we need, in the sense of having a system that works properly in the way you say. I could ask you now how many more people we need to employ, but that is not really going to get us anywhere, is it, in the sense of: can you answer that question? How long do you think this process should take? Should it be 100 days, 200 days or 50 days? What should it be?

Dr Schwarz: I think it should be a lot shorter than 500 days, that is for sure, but I think we all recognise the operational challenges of making



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decisions in these cases. It is about recognising the practical challenges of making decisions and reducing those to the extent possible. The system can probably be made more efficient and especially more specialised, and the intersections and co-ordination between different bodies can be improved. Also, in recognition of the fact that decisions do take some time, meaningful provision needs to be put in place to make the conditions of waiting—not waiting in limbo, not being retraumatised, not being dehumanised, which is what survivors report about their experience of this time—

Q54 James Daly: I have one final question, because colleagues want to come in. The Home Office have not produced an updated modern slavery strategy since 2014. The question, obviously, is what effect the absence of a strategy has on victims and trafficking, and I think you have already answered that question in terms of what needs to happen. The basic point is that we are doing the job by referring people into the system, and that is a good thing. People are being referred in numbers that suggest that this country takes the issue seriously and that the outlines of our policy are working to that extent. But in terms of where a strategy would help, we have nothing after that point to direct how we should deal with people in the system, and the system is a bit haphazard after that.

Dr Schwarz: That is exactly right, and I think the strategy will assist with that. One of our recommendations, based on some of our research, is that there should specifically be a reintegration strategy that thinks about that survivor's journey through the system and into a sustainable livelihood afterwards, so I agree.

Q55 Carolyn Harris: In 2022, 21% of potential victims referred to the NRM were female, and yet EU and global figures tell us that about 60% of victims are female. Why do you think there is such a disparity?

Dr Schwarz: Maybe I will start, and then, Andrea, feel free to come in. Most global data on trafficking and slavery is data on recorded or reported instances of trafficking or slavery. That is heavily skewed and is predominantly a feature of identification efforts, rather than the entire victim population in a country.

For the most part, UNODC and EU data, which reports on recorded cases, captures the people the system is looking for. If the system is not looking for male victims of forced labour or male victims of sexual exploitation, it won't find them, because they are easy to overlook. I think that in large part explains what is happening in the UK's statistics. That is not to say that there is not some skewing or that the identification in the UK is entirely representative of the entire population.

There are a couple of key sectors that are female-dominated in the UK, where we know that the risk of exploitation is very high, including at-home care work and domestic work. It is very difficult to inspect them because they take place in someone's home. Those victims are predominantly female. Improved efforts to extend labour protections to those populations would help us identify female victims of those forms of exploitation.

We also know that male victims of sexual exploitation are being invisibilised by the system too. It is important that across all aspects of our modern slavery response, we have a gender responsive lens and think about the differential experiences. Men and boys will not disclose experiences of sexual exploitation for cultural and gender normative reasons. They also experience sexual exploitation in conjunction with labour exploitation or forced criminality, so those intersections can sometimes be overlooked.

Andrea Salvoni: There are two additional points that can be made. The first is to highlight a positive practice in the UK to explain the high number of male victims identified, and the other is to highlight an opportunity to do better.

The Gangmasters and Labour Abuse Authority is a shining example of the good practice that the UK has, and that many other countries have not been able to implement. That allows you to increase significantly, compared with most other countries, your ability to identify victims of forced labour.

On the not so positive side, I think there are opportunities to do a better job at identifying victims—particularly female victims—of sexual exploitation where that exploitation mostly occurs, which is increasingly online. Recent studies suggest that 75% of victims of trafficking for sexual exploitation are advertised online on what some public figures refer to as pimping websites—more generally, they are referred to as sexual services websites—where victims of trafficking are advertised alongside other people who may not be in a trafficking situation.

We should severely regulate those markets, including, for example, by mandating those websites to conduct due diligence on who exactly is advertised on them. Is it a minor? Do we know that there was consent to being advertised and exploited on those websites? I think there are big opportunities there, and they are still largely untapped in the UK. Earlier, in answer to the Chair's question, I suggested that there are areas where the rest of the world has advanced and the UK has lagged behind. Technology-facilitated trafficking and websites facilitating exploitation is surely one of those areas.

Q56 **Carolyn Harris:** In the EU, sexual exploitation consistently comes out as the top cause of trafficking, while in the UK, it is usually criminal or labour exploitation. I believe that either a lot of the UK victims do not recognise themselves as victims or the authorities see them as being part of the sex industry, rather than victims of abuse. Why do you think it is that in the UK we are so bad at identifying people as being trafficked into the sex trade, especially when they are UK residents?

Andrea Salvoni: I think it is a matter of prioritisation. You find the victims you want to find. Where will a police officer deploy his or her time to go and find victims? Where will law enforcement deploy their time to investigate crime? Where they feel—it is really, more often than not, a question of societal prioritisation. Where do we think things occur? There



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is a wider societal acceptance well beyond the UK—this is a problem everywhere—of the sexual services industry and the men who, by purchasing sex, fuel that market. There is a widespread acceptance in Europe overall of that market, and that is why we do not seem to be able to identify victims of sexual exploitation.

Do not be fooled by the numbers, however. The overall number of victims of sexual exploitation that the UK identifies is similar to the number that EU countries identify; it is just that you do so much better a job of identifying all the rest that it looks unbalanced. The challenge that you face on sexual exploitation is exactly the challenge that many other countries face, and that is because there is a lack of prioritisation and a lack of understanding about how the market today operates, which is mostly online.

- Q57 **Carolyn Harris:** Are you saying that the police and authorities are more interested in the public perception of victims of prostitution as something they do not want to deal with than in recognising that this is a crime against a human being, so they are doing nothing or as little as possible to help those victims to get support?

Andrea Salvoni: It might even go slightly beyond that. The UK has an interesting law. England and Wales criminalised what is called the use of sexual services from trafficking victims, so whether or not the buyer knew that the person in front of them was a victim of trafficking, they are criminally liable. That statute is not used, and buyers are not criminalised systematically. Why is that? I think the answer to this question is very close to the answer to the question you are asking, and that is about a broad societal acceptance that prostitution is something that should not be touched, and that prostitution cannot become a social welfare strategy. It cannot be the best that we have to offer to vulnerable people, and we need to recognise that within those vulnerabilities, there is modern slavery, and there is trafficking in human beings.

Carolyn Harris: So we should be looking at tackling the demand.

Andrea Salvoni: Of course. If all men stopped buying sex tomorrow, there would be no trafficking for sexual exploitation.

Carolyn Harris: Alleluia!

Andrea Salvoni: It is that simple, and countries need to get serious about, first, adopting laws that will hold men accountable for the harm they commit, and, secondly, implementing those laws. England has a good law. There are other laws that might be better and a bit more expansive, but the challenge here is to implement it, otherwise you will not send this public signal about what is right and what is wrong in society.

Carolyn Harris: Thank you. Dr Schwarz?

Dr Katarina Schwarz: It is an extremely complicated and, as you know, contested space when it comes to how to best legislate for this context, and it is important to recognise that most published evidence is more

reflective of an ideological position about the sex industry than it is of the actual evidence on what will protect victims of trafficking. From a research perspective, we need more robust evidence, data and research on the impacts of different legislative and regulatory models on trafficking victims specifically, to separate that from the ideological debate about how we tackle the sex industry broadly.

In the event that the sex industry is legal and regulated, it is important that it is regulated properly for those victims. This is one of the problems not only in the UK, but in some other contexts as well. We see, for instance, that in Brazil only 5% of identified slave labour victims are women, and very few sexual exploitation cases are identified, because—in some ways like the UK—the emphasis is on labour. People providing sexual services fall within a regulatory lacuna. They are neither protected by the law nor criminalised by it, and that leaves them without intervention or protection. They are not getting the same kind of labour rights protections, if you see it in that context.

It is important that the system takes those victims' best interests and thinks about what will serve them. In a context in which prostitution is legal—sex work is legal—there needs to be more protection for people's rights as workers. I am not going to make a comment about the right fundamental legislative approach, because we just do not have good enough evidence to back up a position one way or the other, but we do know that where it is legal, it needs to be better regulated.

Andrea Salvoni: What we also know is that there are legal obligations to discourage the demand that fosters exploitation. That is enshrined in the Palermo protocol and in the Council of Europe convention. Beyond the criminal justice measures, exactly as was suggested, it is a difficult debate to have. I have strong opinions, and I think I highlighted them just a moment ago. However, beyond the criminal justice measures there are a whole lot of activities that can be conducted to discourage the demand.

One example is education to men and boys. The research suggests that most sex buyers purchase sex for the first time before they turn 25. This tells us that we have a clear demographic that we can target in our effort to discourage harm before it even occurs. Countries that have legislation where buyers are criminalised or registered, like France—between 2017 and 2019, France, which criminalises all sex buyers, identified 19,000 sex buyers. This gave them a whole lot of information about the demographic of this population. With that information, they can then go in and target those specific populations with education campaigns. In the same years, between 2017 and 2019, Germany identified and prosecuted one sex buyer.

Carolyn Harris: Because they have legalised prostitution.

Andrea Salvoni: Yes.

Chair: Mr Salvoni, I am just conscious that Dr Schwarz has to leave at 11.30 sharp, and we have a few more questions. I think that what you



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have said is very helpful, and if you would like to provide us with any other information on that particular issue, I am sure we would be very interested to see it. We have only got 12 minutes left, so if people could keep their answers fairly short and to the point, that would be really helpful.

- Q58 **Tim Loughton:** Looking at the international picture—obviously we are doing great things in the UK, as has been said—do you think there is sufficient international co-operation through the OSCE, through Interpol, through Europol or whatever, to try to deal with other enforcement agencies to get to the source of the problem and deal with the symptoms once they access the UK?

Andrea Salvoni: No, there isn't. We are nowhere near the level of international co-operation that is required. It is just not enough, in terms of joint investigative efforts—they are a gold standard and are systematically underused by countries; we have anecdotal evidence of good joint investigations that happen here and there, but that should be the rule—and there is not enough dialogue between specific state structures that can help us to combat trafficking.

I will give you an example, which is the child protection authorities. The child protection authorities in different countries do not talk. They are the authorities that mostly manage cases of children. Children go missing all the time and cross borders, and yet we do not have mechanisms in place where child authorities talk. We are nowhere near where we need to be—

- Q59 **Tim Loughton:** What needs to happen, Mr Salvoni? Where are the laggards? Who needs to be coaxed to do better on this?

Andrea Salvoni: It is an issue of political will. If Governments saw modern slavery and trafficking as a key issue to address, they would set up those mechanisms to talk. Mostly, today, in terms of international dialogue on trafficking, it is a dialogue between diplomats. Diplomats don't fight trafficking directly. We need dialogue between folks on the ground who do the job.

Dr Schwarz: The answer is that, obviously, more work needs to be done, and there are various aspects, especially of criminal international co-operation, that aren't functioning, and in some instances have been hampered by the exit of the UK from the European Union, and then its relationship with EU investigations and databases.

However, seeing international co-operation as a criminal justice problem is a missed opportunity from the outset, because much of the international co-operation that needs to happen is around development infrastructure, education, technical assistance and capacity building. There has been some effort to see modern slavery as a development challenge, but this is really in its nascency, and it hasn't been properly co-ordinated.

We have done a mapping of both UK and EU development spending on modern slavery issues. What we have seen in that mapping is that, in both contexts, the modern slavery spending on development programming is



fairly scattered, it is not overarching and strategic, and it is not intersecting with other elements of development investment in contexts that intersect with modern slavery vulnerabilities, like education programming. There is a huge global campaign needed, strategically spending development dollars on this modern slavery problem.

Q60 Tim Loughton: Specifically on Europol, the UK is no longer a board member of Europol, but is very engaged with Europol since Brexit. Why is this not happening?

Dr Schwarz: I think that is a long and complicated question that I probably don't have a perfect answer to. Basically, all I can say to you is that our voices on the ground that are trying to work in these contexts are struggling with that international co-operation, and see it as having been hampered by Brexit, and it hasn't been properly rebuilt yet.

Tim Loughton: It is being hampered by other members of Europol, not by the UK, which is very willing to continue sharing and co-operating.

Dr Schwarz: That is not something I will comment on.

Q61 Tim Loughton: The state of the UK has not changed. We want to remain as fully integrated in Europol as possible without being a board member, which we are not allowed to be apparently, under the terms of Brexit. If Europol is failing on co-operation, it is not through any lack of willingness on the part of the UK. Clearly, that is the logical conclusion, is it not?

Dr Schwarz: I wouldn't go so far, and I think there are a series of complicated consequences that I don't think we have time to get into.

Q62 Chair: Do you want to write to us, and set out your thoughts in writing? That might be helpful.

Dr Schwarz: Sure. But, also, I think it is important to think about joint investigations in other contexts as well, and criminal co-operation not just with Europe but with many other countries, especially the top source countries for trafficking victims identified in the UK, many of which are not in Europe. There is more space for bilateral agreements and bilateral relations. There is more space for embassies to take a key role in anti-trafficking and identification, and repatriation services in other contexts, and things like that.

Andrea Salvoni: And on sharing information when it comes to public procurement. I can give you an example in 30 seconds. In the midst of the pandemic, the US blocked the import of medical gloves from Top Glove, one of the main producers worldwide—one third of gloves were produced by Top Glove—because of forced labour in the supply chain, in their factories in Malaysia. You know who else continued to buy those gloves? Everybody else. There was a lack of sharing of the information with other Governments, including those within the Five Eyes. There are mechanisms to talk. They are just not used enough.

Chair: I am conscious I need to bring Simon Fell and Alison Thewliss in in the remaining time.



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Q63 Simon Fell: Thank you, Chair. I will be incredibly brief. Our legislation and policy have been criticised for not doing enough to result in the prosecution of traffickers. Do you both agree with that? Which countries would you point to in terms of good practice here, that we should be learning from?

Dr Schwarz: This is an incredibly challenging one, because, at least from a data perspective, there is no country that is really succeeding at achieving prosecutions at a level commensurate with the scale of the problem. In the UK, we know that, in the year ending 2019, there were about 322 prosecutions. At the same time, there were more than 10,000 referrals into the national referral mechanism. So the scale of difference from referral to prosecution is massive and it is because modern slavery cases are complex and difficult to prove.

There are a couple of key things here. First, there is some emerging evidence about evidence-led prosecutions, including in the Philippines and especially for digital forms of exploitation. It can be particularly useful; if there are digital payment methods being used, then that is useful evidence. We need a higher level of training on non-victim testimony evidence in modern slavery cases and to be thinking more strategically about that.

Secondly, there is a strong intersection between victim support and strong witness testimony. If a survivor is heavily traumatised and being questioned by police, they will not be able to give good testimony and then there are likely to be inconsistencies in their stories from one moment to the next as a result of the way that trauma manifests, as we know from a psychological perspective. So they need wraparound trauma-informed care and trauma-informed police practice in order to act as effective witnesses in a prosecution.

The last thing, I think, for prosecutions is that there is a concern about resourcing. We have to be honest about that. The scale of the problem is just so much out of step with the number of prosecutions. They are hugely intensive cases to prosecute, so they need a bit more specialised prosecution resourcing.

Simon Fell: Thank you. That is really helpful.

Andrea Salvoni: In the interest of time, I will give three good examples: Romania, Greece and Spain are doing a fantastic job. They all have more than 500 prosecutions a year, which, considering their size and the size of their economy, is really something fantastic. In all those cases we have seen a spike in those prosecution numbers, and those are countries that we look at.

Simon Fell: Thank you. I very much appreciate that.

Q64 Alison Thewliss: I want to ask Katarina about the Rights Lab evidence around comparisons with devolved systems. Particularly given the Illegal Migration Bill and its provisions, will the devolved nations still have an ability to do something differently or will that go?



Dr Schwarz: It is a challenge, and the indications we have are that the Illegal Migration Bill would actually come at the cost of the devolved Administrations' ability to run their systems in the way that they have been. That is a concern because, while system-wide UK co-ordination in the anti-trafficking and anti-slavery response is really important, we have seen some really positive evidence about the operation of the NRM in Scotland. People have a generally more positive experience. Some of the delays are far reduced. Of course, they are not dealing with the scale of trafficking numbers that are dealt with in the England and Wales system, but there are aspects about the co-ordination, the responsiveness and the ability to be really tailored to victims' needs in that system that we think should be integrated into England and Wales's system. There are learnings to happen each way.

In some respects, there has been a value generated by having distinct systems, because it has meant that they can develop slightly different ways. I think the key concern will be the retrogression of victims' protection in systems if it is all centralised. In the event that that were the case, there would need to be a really strong emphasis on not allowing, for instance, provision in Scotland to be pulled back or scaled back in line with England and Wales, but everyone coming up to the highest level. That is true for every aspect of the system. Whether it is a strength in Scotland or Northern Ireland or England and Wales, everyone should be rising to the top, rather than settling in the middle.

Q65 **Alison Thewliss:** There was some suggestion about there being merit in Scotland having its own national referral mechanism. How do you feel about that, in terms of the co-ordination aspect you mentioned?

Dr Schwarz: There are strengths and challenges in both cases. You want there not to be, essentially, a postcode lottery in the UK, with where you ended up being referred or identified as a victim of trafficking determining the level of support that you are getting. I think harmonisation, again, and that rise to the top would be extremely valuable, as well as a deeper level of cross-nation co-ordination. It should be very integrated, and best practice should be shared, but we have also seen that some of the co-ordination features—some of the integration with authorities—just works well when it is on a localised level. I think it just needs to be responsive to that.

Q66 **Alison Thewliss:** I have spoken to TARA, who are based in my constituency, about the work they do. They stay with victims for a longer time than perhaps their equivalents in England. Given what you said about the importance of witness support to strong testimony, if they are not able to get that support—if the provisions of the Illegal Migration Bill mean that you will not get any support at all—what do you feel the impact will be on prosecutions?

Dr Schwarz: It is going to be massive, frankly. The impact of decreasing support for survivors both on their own experiences and their recovery and reintegration and on their ability to testify is enormous. We also prepared evidence on the proposed modern slavery victim support Bill that



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suggested it would have had positive impacts on victims—on their testimony—but it would also have generated profit for the UK Government through relief of homelessness and improved employment.

If the 12 months of support and employment opportunities, as outlined in that victim support Bill, were extended to all victims of modern slavery in the UK, we would see not only improved outcomes in prosecutions, recovery and support, but profit to the state. I think it is hard to justify not proceeding with that legislation.

Alison Thewliss: I do not know if Andrea has anything to add to that.

Andrea Salvoni: No, that was brilliant. In the interests of time, I will fully agree.

Chair: Can I say thank you very much to both of our witnesses this morning? That has been incredibly interesting. If there is anything further you feel that we ought to be considering, please do write to us and let us have that information, because I think we could probably have sat all afternoon asking questions about this important issue. Thank you very much indeed for your time.

Dr Schwarz: Thank you so much.

Andrea Salvoni: Thank you for the opportunity.

Dr Schwarz: Please feel free to reach out to the Rights Lab. We have such a strong team of researchers looking at every aspect of this modern slavery problem, and any one of them would be happy to talk to you about anything you are interested in.

Chair: Thank you.