



HOUSE OF COMMONS

Home Affairs Committee

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

Wednesday 10 May 2023

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[Watch the meeting](#)

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

Questions 67 to 124

Witnesses

[I](#): Sylvia Walby, Professor of Criminology at Royal Holloway, University of London; Tatiana Gren-Jardan, Head at Joint Modern Slavery Policy Unit Justice and Care and Centre for Social Justice; and Ruth Breslin, Research Associate at The Sexual Exploitation Research Programme.

[II](#): Elysia McCaffrey, Chief Executive at Gangmasters & Labour Abuse Authority; and Kate Roberts, Head of Policy at Focus on Labour Exploitation.



Examination of witnesses

Witnesses: Ruth Breslin, Tatiana Gren-Jardan and Sylvia Walby.

Q67 **Chair:** Good morning. This is the third evidence session in the Home Affairs Committee's inquiry into human trafficking. We have three witnesses with us on our first panel this morning; I will get them to introduce themselves in a moment. I just want to say that the aims for this session are to look at the issue around demand, to look at a gender-sensitive approach and what that would look like across the different forms of exploitation, and to explore what protection and support services are available to victims of human trafficking. Those are our aims for the session.

I would like to ask our witnesses—we have two in the room and one online—to introduce themselves. Professor Walby, would you like to start?

Sylvia Walby: Good morning. I am Sylvia Walby, professor of criminology at Royal Holloway, University of London. My work has been on the concept and measurement of violence and coercion, which has included work on trafficking and modern slavery.

Tatiana Gren-Jardan: Good morning. My name is Tatiana Gren-Jardan and I am the head of the Modern Slavery Policy Unit, which sits across two organisations: the think-tank Centre for Social Justice and the anti-slavery charity Justice and Care. I have been working in the field for over a decade here in the UK in different roles, mainly on policy and advocacy.

Ruth Breslin: Thank you very much; I am really happy to be here. I am Ruth Breslin from SERP, which is the Sexual Exploitation Research Programme based in UCD—University College Dublin—in Ireland. I have been researching and writing on issues of prostitution, trafficking and sexual exploitation for about 15 years now.

Q68 **Chair:** Thank you. We have a whole range of questions that we want to ask you this morning. I want to start off with the Modern Slavery Act 2015, which, as we heard in the two previous sessions, was seen as a landmark piece of legislation—the UK was leading the way with this. Could each of you give an overview of how successful you think that Act has been at reducing and preventing human trafficking, as well as identifying and supporting victims of trafficking?

Sylvia Walby: That is a big and difficult question because the measurement of human trafficking and modern slavery is so challenging. We have two ways of measuring it: the first is to count the number of registered victims and the number of registered traffickers; the second, which is the more conventional social science way, is to do surveys of populations.

The second way is usually regarded as more reliable. Because we do not really have that data sitting in the UK currently—we have it internationally,



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but we do not have it in the UK—it is very hard to make a judgment call as to whether anything has actually reduced the amount of modern slavery and trafficking. That is my caveat before I start.

The legislation was very important, particularly in the way that it included the identification of supply chains. It went beyond the simple notions of demand and supply as involving merely two people—two individuals—and understood it to be a much more complicated situation of multi-sided markets, complicated platforms and supply chains in which the profit extracted from the people who had been so exploited in trafficking and modern slavery was ending up with people who were not the immediate exploiters.

That legislation made it a responsibility of major companies to identify within their own supply chains points of vulnerability to that exploitation and have due diligence in showing that they had addressed it. That was the most important contribution of that legislation. It was a little soft: it was asking for reporting on it, and there were no sanctions.

The academic work reviewing it has effectively concluded that it would have been much more effective if there had been sanctions and it had had more teeth behind it. None the less, its inclusion was a very important innovation; it goes beyond the simple criminalisation of the acts of trafficking and modern slavery and goes upstream to those due diligence processes that we expect our companies in Britain to perform.

Tatiana Gren-Jardan: We asked ourselves the exact same question three years ago—how successful was the Modern Slavery Act?—and we published a report in 2020 called, “It Still Happens Here: Fighting UK slavery in the 2020s”. We did not do the measurements, but we looked specifically at more of the qualitative data around the impact of the Act and what it has done in terms of both the response from the Government and the frontline response.

We found that the Act has definitely raised awareness about slavery. It has done a huge amount of work on that. We also did a public poll and found that the general public were much more aware of slavery. However, what struck me was that people still did not know what to do when they saw the signs of trafficking. There is a general awareness that, yes, it does happen here in the UK, but not the understanding that this is a serious crime and you need to at least ring the police, if you do not know the modern slavery helpline number. That was still missing.

Ms Walby has explained the supply chain, so I am not going to go into that. In terms of the support, we have seen that the number of victims of slavery has been increasing year on year since the Act, to be honest, and before that. Apart from 2020—the year of the pandemic—when the numbers stalled, we have had a 30% increase year on year. However, we saw that the support services were not really fit for purpose, especially for British nationals—because, by then, we had seen a rise in the identification of British nationals going into the NRM. From roughly 2017 until last year, UK nationals were the No. 1 country of origin going into the NRM, and



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there was not much awareness of what to do with them and whether the NRM was fit for purpose. They have very complex needs and there was a complex range of issues there, including whether it is the local authority that needs to look after them.

We saw an increase in police data because, obviously, there was a lot of resourcing going into the police. The current modern slavery and immigration crime unit—before it was the modern slavery human trafficking unit—did a lot of work on raising awareness. Police activity skyrocketed from something like 166 live investigations in 2016; in December last year, I think we had 3,500 live investigations on slavery in England and Wales—I am using England and Wales data. There has definitely been an impact.

My worry is that we are now undoing everything we have achieved so far. The UK has been seen as a global leader. Unfortunately, with the new legislation that is currently going through Parliament—I am sure we will touch on it at some point—

Chair: We will come to that.

Tatiana Gren-Jardan: But the Modern Slavery Act has done a lot of good things. It could be better, but we have done a lot of good things.

Q69 **Chair:** So you are of the view that, actually, the increase in the number of people identified is a positive. One of the comments being made at the moment is that there is abuse of the system, so the increase in numbers shows abuse; it does not show that we are getting better at identifying people.

Tatiana Gren-Jardan: From my perspective, it is definitely a good thing. The number has increased fivefold, I think, from 2015, when the Act was introduced. I know Ministers have recently alluded to the fact that that could be a sign of false claims and abuse, but they have not produced any factual evidence of that.

In fact, the rate of positive conclusive grounds decisions is very high, at 80%. First, the referrals are made by the statutory authorities and then the Home Office decides that these are victims. I do not think those arguments are well evidenced.

Sylvia Walby: We know that only a minority of victims of trafficking and modern slavery are in touch with the authorities, so the majority are not. The figures globally are very extreme. Globally, from the UNODC, we know that only 50,000 victims are in contact with the authorities, whereas we have an estimate by the International Labour Organisation, Walk Free and the International Organisation for Migration of almost 50 million victims worldwide. Those numbers are very extreme. In that context, any increase in the number of victims in contact with the authorities is generally to be welcomed, because so few of them generally are in touch with the authorities.



Ruth Breslin: I agree very much with Professor Walby about the challenges of identification. This is a real challenge. I also agree with the comments she just made about the numbers coming forward and the numbers who have been formally identified. We have some research in the Irish context that suggests that our numbers are probably 40% higher than the numbers we see in our NRM. We know that there is a whole host of reasons why victims do not come forward. Even victims who are informed about the NRM process have lots of reasons why they may not want to enter it. There are lots of challenges, particularly for women who have been exploited in the sex trade.

Having legislation like this, in terms of improving the identification processes and support, is really important. If I was to be critical in one key way, I would say that a lot of this legislation is about dealing with the fallout of trafficking after the harm has already happened. It is important to resource those services and work hard to identify victims, but very little is being done through this legislation to deal with the fact that trafficking is happening in the first place, and the fact that we have demand.

In the case of trafficking for sexual exploitation, we have demand for women to be trafficked into the sex trade for the purposes of sexual exploitation. I am really pleased, Diana, that you said you are focusing today on demand. That is really important, because if we are not doing that, we are tinkering around the edges of the fallout of this grave human rights violation.

Chair: Thank you for that. I am going to bring in Marco Longhi for a very quick follow-up, and then I am going to go to Carolyn Harris.

Q70 **Marco Longhi:** This comes in two parts. I admit to being slightly confused. Professor Walby, in response to the question about the impact of the Modern Slavery Act since 2015, you were very clear in stating that we are not measuring it. I think, in summary, that that is what you said. Is that correct?

Sylvia Walby: Yes.

Q71 **Marco Longhi:** But then Mrs Gren-Jardan said that the Modern Slavery Act has achieved some great things. How can we say in the same conversation that something that we are not able to measure has achieved great things? That is my first question.

I am very much an outcome-focused person, so my second point is this. I am really interested in outcomes and data, and we have some huge outliers in the data that we see, particularly around Albania. Senior Ministers have stated that people can use the Modern Slavery Act as a tool to enter the country illegally. That suggests that there is almost a perverse scenario in which it is used to enter the country, the person dissipates into the population and could then become a victim of modern slavery because there is no way to monitor them.

I hear a lot of comments—including some a few moments ago—about reputation. Baroness Butler-Sloss made a big point about reputation, but



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I am much more concerned about what happens to real people—those who are being sexually exploited, trafficked or used to move drugs up and down the country—than about reputation. What are we actually doing about this? Is the Modern Slavery Act fit for purpose in that sense?

Sylvia Walby: The data is very difficult and is under development. We don't normally stop taking action because the data is still experimental, so the first response is that there should still be action even if we are not yet able to measure it as accurately as we would like. But clearly, we should be investing in improving the methods of measurement.

We currently measure two things: the number of registered victims, and the number of alleged traffickers in contact with the criminal justice authorities. Those figures are real in those terms. They are not estimates of the actual number of victims and traffickers; they are measures of the activity of authorities in these regards. They are facts and they are relevant, but they are not sufficient for what we would really like to develop.

The next stage is to improve the measurement, but I think it is still possible to say that relevant initiatives can be taken. There are complexities around thinking about what it takes to intervene, the concept of demand and who the different actors are, but I think it is still relevant to think about the different kinds of regulations that can be mobilised. That is where I wanted to draw attention to the way in which the recognition of the supply chains in the 2015 UK Act was an important innovation, even though there might be further room for improvement there.

Chair: Thank you. I think we will probably come back to other measurements and other data that we would like to collect as we go through the questions.

Q72 **Marco Longhi:** Excuse me, Chair. I would like a response to my point around how we can say that the Modern Slavery Act has been such a huge success if we are not able to measure it.

Tatiana Gren-Jardan: To clarify what I mean, we found from our research, which involved not just looking at the numbers but speaking to frontline practitioners, police officers, local authorities and victims' services, that there are other measurements if you want them, not just hard data.

We also had opportunity and insight into some police data. There were innovative approaches in which AI was used by West Midlands police. We have estimated that there could be at least 100,000 victims in the UK, based on the data that we were given regionally. But, again, it is a very hidden crime. It is difficult, but what I am saying is that I have seen a lot of positive responses, moves, services and actions in the UK to help victims. It is not perfect—there is a lot of room for improvement, but we have done a lot of good things in this country.

Q73 **Marco Longhi:** Is that a direct result of the Modern Slavery Act?



Tatiana Gren-Jardan: Yes, and awareness has been raised and there has been leadership from the former Prime Minister in particular, with resources being allocated to police, services and everyone else.

Q74 **Carolyn Harris:** Good morning. We know that trafficking is generally gender specific, with women being trafficked into the sex industry—not that I like to call it an industry—and men and young boys into criminality and labour. Does the UK have an effective method and a gender-sensitive approach to dealing with the problem?

Sylvia Walby: The UK has a range of forms of legislation for dealing with exploitation in the sex trade, some of which are included in the 2015 Act and some of which preceded it. Therefore, if I talk about this, I want to include the other forms of legislation that were also relevant, but came into force before the 2015 Act.

You are right that there is gender differentiation and that women and girls are much more likely to be trafficked for purposes of sexual exploitation than men and boys, and that the numbers of those exploited for the purposes of labour are much more evenly distributed between the sexes. If we are looking particularly at women and girls, we are looking particularly at trafficking for purposes of sexual exploitation. There the legislation precedes it, and we have language that might be regarded as somewhat archaic.

We have three different points of legislative intervention and regulatory intervention. There can be intervention into the person selling or being sold. We have got intervention into the person immediately purchasing and we have interventions into those who are taking profits from the trade. Now, Britain has traditionally engaged in criminalising third-party profit taking from the sex trade. We have called it all sorts of things. “Living off immoral earnings” is the language for this, and that is still a crime. Recent research suggests that there is an under-implementation of the legislation in this regard.

The work by Matolski in particular has suggested that, even when the UK police are identifying instances where men have bought the sex of people who have been trafficked, none were actually prosecuted. And the question then is: why not? Is this a matter of training, of policy or of new legislation?

I will take us back to this other body of legislation that was already in existence before the 2015 Act that was attempting to regulate the sex trade. The regulation of the sex trade isn’t simply a matter of the question of who is buying and who is selling. Importantly, it is about regulating as an industry. Britain has taken the stance that no third party should take profits from the sex trade, and it is that that has pushed back on the forms of extreme exploitation that we have seen develop in some other countries that have not followed that practice.

Q75 **Carolyn Harris:** I will come to you, Tatiana, in a bit, but I have a follow-up question on that. Is part of the problem that, especially with domestic



victims of prostitution, they are not recognising themselves as being trafficked, the police are not recognising them as being trafficked, and they are seen as wilfully engaged in the sale of sex for personal gain, rather than that they are forced into it for somebody else's gain?

Sylvia Walby: We have very complicated issues of choice, consent and exploitation. The legislation that we have on trafficking and modern slavery says there is a threshold of exploitation that we in Britain will not tolerate, even if the victim says that they're consenting.

That is clearest in relationship to age. We don't think that anybody under 16 can consent to sex. We say that anybody who has sex with a person under 16 is exploiting them, and that it is a criminal act. Even if the person under 16 says, "I wanted to", we don't accept that consent is sufficient—we say this is still too exploitative and we criminalise it.

Some of these issues around the sex trade are similar, in that as a society through Parliament and legislation, we've determined that these are forms of exploitation which should be criminalised, even if people are individually saying, "This is a form of livelihood in which I would choose to act", we as a society are saying, "No, this is step too far, this is exploitation and this should be criminalised."

Some of the language we've got—some of the old language—is actually quite effective. A pimp, for example, is somebody who is coercively extracting profits from the sale of sex. We could translate the word "pimp" into "trafficker". We typically don't. We leave it behind in the old language, but effectively we could say a pimp is a trafficker. If we make some of these translations, then I think we might more easily be able to understand that these are processes of exploitation, regardless of the victim appearing to consent, that Britain has chosen to criminalise.

Tatiana Gren-Jardan: It is a very complex question, and I think Professor Walby put it very nicely. We haven't looked particularly into the gender-specific nature of slavery in the UK. However, what we see, as Ruth Breslin said—unfortunately, we are just dealing with the aftermath—is that, at the moment, the majority of the victims being found are men. If we're talking about British nationals, they are predominantly boys.

We know that of all victims who are British nationals that were referred to the national referral mechanism last year, 80% of were children, predominantly boys, through criminal exploitation. So I guess it is what we see, and what the police are able to identify and then refer to the NRM.

There are a lot of complications, obviously, around that, and how to tackle the demand. I don't think the Government has done enough in terms of prevention and tackling the demand. A lot of focus was, as Ruth said, on the aftermath, identifying who we are identifying and dealing with those people, and because the numbers have been consistently growing, we didn't really have time to really think about anything else.

Q76 **Carolyn Harris:** Ruth, what has been the impact of adopting the demand reduction legislation on trafficking and sexual exploitation in Ireland?



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Ruth Breslin: I absolutely will address that, but I just want to go back for a moment to the question about that gendered response and the need for a gender-specific response.

My work obviously focuses particularly on sexual exploitation. I just want to think about the impact on the victim of that. Sometimes when we're talking about trafficking, we talk about supply chains and about things like addressing the demand for fruit and vegetables that are been harvested, for example, by victims of trafficking. In those instances, I suppose we are thinking about the fact that the victim of trafficking does not come in contact with the buyer in that context. There is a chain there.

When we talk about women who have been trafficked into prostitution, the buyer is in direct contact with the victim—direct and intimate contact. What the woman is essentially experiencing is sexual violence and rape. It is sex that she does not want to have with this person who has purchased her because she has been trafficked or exploited and ended up in this situation. That will have massive implications for women.

We did a big study on the health impacts of being in prostitution with a specialist sexual health clinic here in Dublin that works with women who are in prostitution. The health impacts are absolutely stark. Almost 80% of our sample were suffering a range of sexual, gynaecological and reproductive health impacts as a result of seeing so many different multiple buyers, often on a daily basis. You can imagine that the women's mental health was gravely impacted. Two thirds of our sample were specifically suffering from a range of mental health problems directly as a result of their involvement in prostitution.

In terms of a gender-specific response, I don't want to create a hierarchy of victimhood here, but we really need to think about the actual impacts of being trafficked into the sex trade, or being exploited and ending up in it in other ways, and the impacts that it has on those victims.

Demand reduction is a really important point. Again, it speaks to the gendered nature of this. We have seen a number of positive impacts of our legislation. It is based on the Nordic or equality model that I am sure you all know about. We have seen a range of positive impacts. It is not just this thing of addressing buyers. The starting point for Ireland was to see and recognise the vulnerability of those who are being exploited in the sex trade, and very much to understand the exploitation that is going on and the harm, which I just talked about, that was being committed against victims.

We see, for example, a really big and significant change in our policing approach. We know that women who have been trafficked and women who are in prostitution are all mixed together in the same sex trade. The police accepted that and brought together their policing of trafficking, which was happening over here, and their policing of prostitution that was happening somewhere else. The policing approach now is to essentially take as a starting point that everyone in Ireland who is selling sex, whether they have been trafficked or not, is a vulnerable person, and they



are treated and approached as such. That is because of the huge, high levels of violence that are in the sex trade, and of course in every sex trade in the world, and also because there is such a high level of organised crime involvement in the sex trade.

So I think that idea of adopting the Nordic or equality model really helped our policing approach. They are approaching everyone as a vulnerable person, as I said, and then shifting the burden of criminality. Previously, when women were selling sex, they were criminalised. In our legislation that came into force in 2017, those women became decriminalised. A greater focus in terms of the burden of criminality was placed on the buyer, the purchase of sex was outlawed, and a greater focus also went on to the organisers and profiteers. That has been seen to be a really positive approach in terms of the policing and the recognition of the harm.

The legislation has also paved the way for a particular gendered response from Ireland. Last year, our Government launched a very big and significant strategy on domestic sexual and gender-based violence. Within that strategy, for the first time in Ireland, prostitution and sex trafficking—it is significant that it was both of them—are formally recognised now as forms of gender-based violence. That very much again speaks to the need for that gender-specific approach and response.

Q77 Carolyn Harris: Thank you, Ruth. Very quickly, if you could go globally and pick a model that would prevent the kind of exploitation that we experience in this country, where would you go?

Ruth Breslin: It all started in Sweden in 1999. That is where I would go back to because we see the sum of the best results coming out of Sweden.

Professor Walby has highlighted some of the challenges around data. It is very difficult to say, “In this year we had this much demand and then next year we had less” or “We had more”. It is very difficult to assess and establish the numbers. But what is very clear is that if you compare the different models, the countries that have adopted their own version of the Nordic or equality model have held the sex trade at bay. They have managed to keep the sex trade at a certain size and not allow it to continue to expand as it has done in other countries.

The best international data we have is that between 10% and 24% of every person in the sex trade will have been trafficked into that sex trade. That obviously means that the larger the sex trade, the larger the number of victims of trafficking and exploitation within it. So if you compare something like Sweden—I just mentioned Sweden as a starting point as it has had the legislation the longest, so we have the best evidence from it—to somewhere like Germany, which is fully legalised prostitution, what you will see straight away is that Germany has a sex trade—this is controlling for the differences in population size—that is 40 times larger than that in Sweden. The Netherlands has a sex trade that is nine times larger than that in Sweden.



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It is often suggested for Ireland that we should adopt the fully decriminalised model, which is the model they have in New Zealand. Ireland and New Zealand are both small island nations and we both have a very similar population size. They brought in full decriminalisation in the early 2000s. They have a sex trade that is six times larger than that in Ireland.

So my very simple maths is that if you want to have fewer victims of trafficking and if you want to have fewer victims of sexual exploitation, you need to control the size of your trade in the first place. The only approach that has really been shown to be able to do that is the equality model: tackling the demand, tackling the organisers and the profiteers, tackling the buyers. Addressing them and addressing the business model of the traffickers, essentially.

Carolyn Harris: Thank you. That was fine.

Chair: I am conscious that we are quite short on time, so I am going to come to Paula Barker next. If people could keep their answers fairly brief, that would be very helpful.

Q78 **Paula Barker:** Professor Walby, you talked about the complexity of trafficking and I think what was mentioned was the lack of recognition. In 2022, we saw the highest annual number of referrals to the NRM since records began, just shy of 17,000 potential victims. Ms Gren-Jardan, you have talked about it going right up to 3,500 investigations. What is your view on the increase? Is it because there is more trafficking or are we just more aware of it now?

Sylvia Walby: I think it is impossible to answer that. It could be either. We do not have the data to be able to adequately decide which one it is. It could be that the circumstances have made it that there is more trafficking, or it could be that we have got better at identifying it and looking after the victims. The data we have currently does not really allow us to make a decision between that.

Tatiana Gren-Jardan: To complement that, because this is absolutely right: I think one thing that is quantifiable is obviously the awareness and that has increased, for sure, with the amount of training for first responders and things like that. It is more difficult to measure the hidden trade and whether it has increased or not. However, from the perspective of awareness, it has certainly increased. More people are seeing signs of slavery and referring victims.

Sometimes, actually, what we heard from service providers is that it is almost like filling the NRM form in a difficult case could be a discharging of a duty for somebody, because they know they need to do something. So that is where we could potentially have somebody in the NRM who should not be there because they were not exploited, but it is just known that it is there and a person can get housed.

It is an interesting thing that sometimes the awareness has also shown that there could be more people referred into the NRM when, say, some of



them may not actually be victims of slavery. That is why we have a decision-making process to look at those claims—it is not even “claims” but “referrals”; sorry, I have started using the same language—to look at the referrals and see whether somebody was trafficked or not and whether there is sufficient evidence on that.

Q79 Paula Barker: We have also talked about sanctions. Do you think that the UK is doing enough to discourage the demand-led approach to trafficking? We have touched on sanctions, and we know about more sanctions, but is there anything else besides sanctions that the UK and the UK Government could be doing to discourage the demand-led approach?

Sylvia Walby: There are multiple places where what is loosely called demand could be engaged with; it is not just one place. Engagement with the supply chains is important, to go upstream to where the profit-takers are and where the big companies are.

The big companies have responsibilities here, and they have acknowledged that they have them, yet some are reporting and some are not reporting. We see no sanctions behind the failure to report, let alone sanctions behind not following through on the appropriate due diligence. We have seen important innovation on the monitoring of the supply chain in the legislation, but we do not yet have any sanctions behind that—and there could be.

Earlier, I drew attention to the non-sanctioning of people who bought sex with people who were trafficked, but where police were not following through with prosecutions, which is disturbing. The question is, were the police not aware that this is a crime? Were the police insufficiently trained? Was it a matter of policy at the level of the individual police force? Had there been a policy not to train or a policy of not moving from detection to prosecution? Or is this a fundamental ambiguity in the legislation and there is a need to clarify in the legislation that this constitutes a crime? We have questions there about whether the rule of law is being implemented.

Another issue involves the moment of recruitment into those situations being trafficked or simply exploited—that is, recruitment into the sex trade through the internet. Once, such recruitment would have been much more in person, but now we are seeing a lot more recruitment on the internet. We know that the regulation of the internet has been relatively slow and that there is a need to think more seriously about how to ensure that the recruitment of people into those forms of extreme exploitation and into being victims of trafficking can be caught on the internet itself.

Those are profit-taking sites, so that should be engaged with by criminalising third-party profit-taking from the sale of sex. Internet sites where people are being recruited into the sale of sex could reasonably be considered to be covered by the principle, even though we do not yet have the actual legislation to ensure that the internet constitutes a site where the implementation of that principle is applied. I keep saying that we have



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multiple sites of intervention, but they are not sufficiently followed through on—and they could be.

Paula Barker: Ms Breslin, do you want to come in?

Ruth Breslin: Yes, to talk about what is going on with the online world. In judging the impact or success of legislation like the Modern Slavery Act, one question to ask yourself is: is it creating a chilling effect? We know the extent to which organised crime and international organised crime gangs and networks are involved in this crime. Do they look at the UK and think, “Hmm, that’s not somewhere I’m going to base my operations, because it’s going to be a little difficult for me to operate and profit there.”? Is the legislation having that kind of chilling effect? At the moment, I suspect that it is not, because of the fact that, as I said, we are dealing with the fallout rather than with the demand. We are neglecting the root causes at the beginning.

To make reference to what is going on on the internet, we have been doing some research on this area recently, and we see the online space as a key one for recruitment now, particularly of young women who are already living a lot of their lives online anyway. Lots of different platforms—social media—slowly and carefully, but cleverly, draw women in to be involved in the sex trade. We also see the advertising of prostitution, literally. It is the dream world for traffickers, because it matches traffickers and pimps with the buyers in a very easy, accessible, safe—for them—low-cost way.

We have so many websites operating out there. We have a couple in Ireland, one in particular that is making huge profits every year from prostitution, despite the fact that we have this demand legislation. They have found ways to circumvent that and are very much benefiting. If we are looking at strengthening legislation, somehow taking this online space into account really needs to be looked at, because right now the traffickers are way ahead of us in terms of how they are applying technology to this issue and the extent to which they are profiting from it.

Q80 **Alison Thewliss:** I will start with the support for victims of modern slavery, considering both those who enter the NRM and those who do not consent to enter the NRM. Sylvia, could you talk about why those two different sets of people exist? Why are people not entering the NRM? Is it related to support or to something else?

Sylvia Walby: The support that people need is very wide ranging. There are some very specific services if somebody has clearly been trafficked and needs to be supported. There are also forms of support that could be offered to people in situations of vulnerability to ensure that they are not actually trafficked. Do they have access to welfare? Are people confident that they could approach criminal justice and civil justice?

The reduction in those situations of vulnerability and the prevention of that then leading to situations of trafficking are really important. I would recommend broadening the notion of support to victims to include



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potential victims, and to think of it not only for the people who have already been fully registered inside the NRM but those who might become victims.

Q81 Alison Thewliss: Are there particular reasons people are not consenting to enter the NRM?

Tatiana Gren-Jardan: From our research, we have learned that there is a number of factors. I can probably split the groups of victims into non-UK and UK nationals because the factors are different. For non-UK nationals, it could be fear of the authorities and of reprisals. If you look at the data published last week on the duty to notify, the proportion of adult victims not consenting to go into the NRM was higher than the proportion of those who did go into the NRM. We are seeing more victims deciding not to go in than those who want to go into the NRM.

It could be that the NRM is Home Office-run and there is the fear of the immigration situation, but we also saw victims who simply do not see themselves as victims. They do not believe that they are victims. They do not want to go into the NRM because they say, "We're fine." That, I think, is particularly the case with certain nationalities and types of exploitation—usually sexual exploitation—because they are so fearful of their trafficker and of reprisals from the trafficker; or it could be Vietnamese nationals who have huge debt bondage at home and are, again, afraid of the organised criminals, who know where their families are. Fear is a big factor, and they probably do not understand what they are going to get out of the NRM in the end. Yet we have a significant number of people who are going into the NRM as well.

With UK nationals, again there is a lot of trying to understand what benefit there is to a person of going into the NRM. It could be the authorities themselves, who are the first responders, not understanding whether they should refer UK national victims to the NRM, and what benefit there will be. Again, it is very complex. It could be personal reasons. It could be the authorities who are referring victims, and the understanding of the NRM, which is quite a complex procedure, and of what, in the end, you actually get.

Q82 Alison Thewliss: Is there a gap, then, in the explanation to people of how they would benefit?

Tatiana Gren-Jardan: I think it is being very rushed. Based on what we found in our research, we have made recommendations. We were promised, in fact, in 2017 by the then Safeguarding Minister, Sarah Newton, that we would have places of safety before the NRM. Support is critical in that golden hour. When somebody is coming out of a situation of exploitation, they need time to breathe. Then they need time to process what has happened to them, to actually understand that they have been victimised, and then for the first responder, or any professional who is there, to explain to them what the NRM is. To get that informed consent, they need to be properly informed.



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These places of safety are now even more important because the new guidance raised the threshold for a “reasonable grounds” decision to objective factors, so you need a little bit more time to produce that evidence and fill in the form correctly. You need to provide sufficient evidence—good evidence—for the decision to be made in the right manner.

What we saw from our research is that sometimes the decision is not being made because there is not sufficient information on the form. Everything is just being too rushed at the beginning, so that is why these places of safety are important; they will help people to understand what the NRM is, what the entitlements are and what the benefits are, and then hopefully help to build trust.

Trust is critical if the person wants to engage with the police, because if they do not want to go to the NRM, they are most likely staying with their traffickers. If we have 4,500 adults who refused to go to the NRM, I presume that most of them remained in exploitation.

- Q83 Alison Thewliss:** Do the conditions placed upon people within the NRM, in terms of the backlog and the lack of ability to work and to earn during that period, have an impact?

Tatiana Gren-Jardan: Yes. Through our research we saw the significant impact of the backlog in particular, because obviously people just sit and wait for months—we know it is roughly 500 days. Most non-UK nationals have come here to work, and they ended up being exploited because they were deceived. They want to work and send some money home, because they potentially have desperate family at home.

We saw that the impact on victims’ mental health is significant. They want to get on with their lives, and not many of them actually need 500 days. Some will, but not many do. It is definitely a huge factor. It is about giving people the ability to get on with their lives and giving them decisions smoother and faster, but also about making the decision meaningful, giving them something they can go back home with or, if they are here, helping them to reintegrate.

UK nationals are not going anywhere, so we need to think about their long-term job opportunities and education. They are here, and we are talking about one in four of the people referred last year being British nationals, and one in five children. There is definitely more that needs to be done on that.

- Q84 Alison Thewliss:** Would you say that they are not being well served by the system at the moment?

Tatiana Gren-Jardan: Our findings say no, they are not. We definitely need to do more, particularly around British nationals and children, from the point of early intervention and prevention in the first place, to make sure those children do not end up being exploited. We obviously need to be thinking about how we can support them in the longer term, and I do not think it should be a matter of either/or—either NRM or local

authorities. There are some benefits in both, and not all local authorities are equipped to deal with the significant trauma of trafficking. When you have specialist services and an outreach worker from the NRM, it can actually be helpful and beneficial, so we should not be saying either/or, at least from my perspective and the research we have done.

Alison Thewliss: Ruth?

Ruth Breslin: We see very similar things in the Irish context, including fear of the authorities. Women who have had really negative experiences of police in their home country apply that negative feeling to any police that they deal with in this part of the world, so they have a real fear of the authorities.

Also similar are the kinds of psychological methods of control that the trafficker has used. The trafficker has told the woman, "I have loads of friends in the Garda Síochána"—the Irish police—"so never go and talk to them because I have some senior friends there," or simply, "I know where your mother lives. I know where your children are hiding. I know where your family are, and I have a network. I have a chain. I can click my fingers and somebody will be at your children's house."

I remember reviewing a case of a woman who received a message from Nigeria to say that her children were at school one day and had been bought an ice cream by a nice man, who had a chat with them. That was someone in the trafficking network warning her that her family were being watched.

I also want to touch very quickly on this idea of people not recognising themselves as victims of trafficking. I have interviewed quite a few Latin American women who are in prostitution in Ireland. We have a lot of Brazilian women in prostitution in Ireland and they have some really interesting stories, because they talk about the fact that they are operating in the sex trade and they are currently independent.

When I walk back with them to how they came to Ireland in the first place, their story is quite startling. They talk about someone arranging their travel. Some of them knew that they were coming to be in prostitution, but they did not agree to all the terms and conditions, essentially, that met them when they arrived here. They spoke almost no English, so someone arranged their buyers, and someone else arranged their accommodation. Someone else took all the calls and did not filter the buyers, so they just sent anybody to their door, whether this person was dangerous or problematic or whatever. Once this person arrived, they were told, "By the way, you owe me 50% of your earnings." That is not what these women signed up for.

These women have never for one instant, even in an interview with me, said, "I've been trafficked. I was trafficked." They do not identify that language with themselves. They talk about being quite happy that at least they are independent now, but there are so many stories of women in the sex trade that, when you track back, have elements of trafficking within



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them. We should be really cognisant of that. There is often a lack of understanding, including among people themselves, that that is what the legislation says, and that is what is actually happening to them.

Chair: Thank you; that is very helpful. I am very conscious of time, although I think we could talk and ask questions for many hours, actually. I will come to Tim Loughton and then James Daly, then we must conclude.

Q85 **Tim Loughton:** We spoke a lot about the victims, and what you were talking about just now, Ruth, is interesting. Can we talk a bit more about the perpetrators and the business models? When we have been to Albania and seen some of the witnesses, there are some interesting trafficking models of people who are brought here deliberately to go into the sex trade or the drugs trade, for example.

There are others who are brought here unknowing that they are effectively being trafficked, as you alluded to just now with the Brazilians. What are the business models? Ruth, you mentioned technology earlier, and these people are very good at keeping one step ahead of the authorities by the use of technology, social media and everything else. What are the business models and why are we not doing better at breaking them?

Ruth Breslin: That is a really important question. The business model is about, first of all, finding and identifying young women who you want to draw into the sex trade. The bottom line is that there will never be enough willing young women who want to sell sex to strangers, so that creates a vacuum that traffickers step in and fill. That business model is first of all about finding and recruiting those young women, usually preying on some kind of vulnerability that a young woman may have—very often it is poverty, to be honest with you—and making the offer of a better opportunity in western Europe and the offer of a better life.

You then have a series of people who facilitate this. You might have somebody else who facilitates that woman's travel, and then someone else who, once they arrive in this part of the world, facilitates them being set up in apartments. An awful lot of what would be used and identified as brothels in Ireland are apartments, many of which are being knowingly rented for the purpose of prostitution by landlords. You have many players in this.

I suppose we often talk about the pimp and the trafficker, but you must also remember that there are many other profiteers in this chain. There are those who are knowingly renting their premises for the use of prostitution. There are those running the advertising websites and, as I said, making a great deal of money in that regard. Even though I meet a lot of women who say, "I am independent of the sex trade," when you listen to their stories they are saying, "I am independent. I keep all my own money—after I have paid €750 a week to rent an apartment that is being used as a brothel, and after I have paid €1,000 to advertise on the website." In terms of dealing with those business models, it is about



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looking at all the parties involved and how, with legislation and other means, we can address those.

With that big question, “How do we break the business model?” I think we tackle the customer base. I have interviewed a lot of police who say that the thing that these guys are most precious about is their money. They are organised crime gangs, and that is the bottom line; they are thinking about their money. How do we tackle that and disrupt the trade? A key way is that you address the customer base; you have to address demand.

- Q86 Tim Loughton:** Professor Walby, is it a question of the law not being fit for purpose? Is it a question of better enforcement, or is it a combination of all those things, added to which is getting the victims to acknowledge from early days that they are actually victims—in some cases unwitting victims, but they are victims—and getting them to come forwards and say, “Hey, I have become a victim. A crime has been committed by these various traffickers,” and identifying them? Which of those things is most at fault for the lack of prosecutions against traffickers at the moment?

Sylvia Walby: I think they are all relevant, but the one that is most underestimated is the profit taking. We give insufficient attention to the illegal profits that are taken and the routes by which they are taken. We are just beginning to see that in the attention on the supply chains, but there are no sanctions on it. We have the non-prosecution of people who are taking profits.

So we might say: follow the money. Maybe that is a line of discussion here: whether you are following the customer base or whether you are following the trafficker, following where the money is flowing and stopping the laundering of the money. These are illicit flows.

But we also have complexities in which the legality and illegality are next to each other. Those are part of the cause of some of the difficulties. Which part of it is legal? Is the hotel legal? But the way that the room is being rented means that it constitutes the taking of a profit from the sex trade, which is illegal. My recommendation would be to focus more clearly on the already criminal acts of third-party profit taking, which are insufficiently addressed in both the implementation of the current law and the application of the law to new situations such as the internet.

- Q87 Tim Loughton:** Ms Gren-Jardan, do you do you agree with that? We have profits of crime legislation. We have unexplained wealth orders. It seems that we have a lot of things that we could use, but they are not being used. Or are they not the right things?

Tatiana Gren-Jardan: I think that there is sufficient legislation, and it is probably not implemented in the way that it should be. I absolutely agree that demand is important and that following the money is important. I would add that, from our perspective, it is important to support victims through the criminal justice system. Unfortunately, this is a crime in which you have a human being, and you need their evidence. There have been some victimless prosecutions, but they are very difficult to get; the



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sentencing is very low. You really need the victim's evidence. You need the right support in place.

Justice and Care, for example, has piloted a programme called victim navigator, in which an independent support worker is placed in the police, and their sole purpose is to improve victim support and help the victim to get through the criminal justice process. In the first three years, the result is that nine out of 10 engage. We have had some phenomenal prosecutions and convictions—you may have seen in the media just this week the case of the Nigerian politician. We just need to get this right. We need to support our victims. There is plenty of legislation in this country—good legislation—that definitely needs to be implemented.

Q88 James Daly: I am going to put you in the Home Office. You are in charge of the national referral mechanism. I am certain that with your levels of competence, you can beat the 543-day average wait for a decision. How do we do it? I mean, 543 days is ludicrous—let's just take that as given—so what do we need to do to get the system working within an efficient and proper timeframe?

Tatiana Gren-Jardan: The problem has been building for years. We cannot find a solution today and now. Certainly the solution of putting the onus on victims and reducing access to support is not the right way forward. Yes, if there are abusive claims, we need to tackle them, and I think the previous legislation, the Nationality and Borders Act, has already—

James Daly: Just to interrupt for you a second, I don't disagree—

Tatiana Gren-Jardan: What would I do? I would definitely invest resources. The decisions need to be made more quickly. There should be a threshold in terms of evidence, because sometimes we wait for evidence to come and it never comes. It should be a multi-agency approach, with professionals. At the moment, there are hundreds and hundreds of people. Most of them probably come from the same immigration background. There is a culture change that needs to happen. It is about making the process more efficient, providing more resources, changing the way that we look at the evidence, consulting with—

Q89 James Daly: I accept all that. Just take it as read. How long should it take?

Tatiana Gren-Jardan: How long should it take? That is a good question. We now have 30 days, which I think is plenty. But we need to get the support after the decision right, because some people may need 30 days. At the moment, support is conditioned to the decision making. Some victims will need more support.

Q90 James Daly: Do I understand that you said 30 days?

Tatiana Gren-Jardan: At the moment it is 30 days, and it should be 30 days because that is the reflection time.

Q91 James Daly: So it is reasonable for us, as politicians, to hold the Home



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Office to account and say that instead of the 543 it should be doing it in 30 days?

Tatiana Gren-Jardan: They reduced it themselves, from 45 to 30 days with the Nationality and Borders Act.

James Daly: I like that answer. Sylvia?

Sylvia Walby: I agree, and the Council of Europe was one of the entities that was involved in deciding what the period of time should be—whether it should be 30 days or 45 days. So why not? This is a resource question. If the resources were put in, it could be done. There is no reason not to put the resources in to meet those very reasonable time issues.

Q92 **James Daly:** Ruth, do you want to comment on the Home Office's efficiency or not?

Ruth Breslin: I won't. It is exactly the same here—people are waiting a really long time as well. One of the issues that people are facing is that they keep being given these very short-term immigration permissions while their case is being worked on. "Oh yeah, don't worry, you can stay for three months. Oh yes, we'll let you stay for six. Maybe we'll think about letting you stay for another six."

People are on tenterhooks, and their lives are on hold. They cannot go through a recovery process when they are being kept in those short holding positions like that. It is kind of a further violation, on top of all the stuff that they have been through. We could probably do a lot of work here in Ireland as well, in terms of making the process much more streamlined.

Chair: I thank all three of you for the excellent evidence that we have heard this morning. I am sorry that we have not got longer with you, because there are other questions. I think we will write to you with some of the questions that we have not had chance to ask you today. Thank you for attending and we very much appreciate your time.

Examination of witnesses

Witnesses: Elysia McCaffrey and Kate Roberts

Q93 **Chair:** This is now the second panel. As you can see, we have run a little over time with the first panel, and we have a very hard stop because we have Prime Minister's Question Time at 12 o' clock, and I know some Committee members have questions. I would appreciate it if questions could be succinct and to the point, and, while we want witnesses to be able to say what you need to tell us, could answers be as brief as possible as well? Can the two witnesses introduce themselves?

Kate Roberts: Thank you. My name is Kate Roberts, and I am head of policy called FLEX—Focus on Labour Exploitation. We work on looking at risks of exploitation in the mainstream economy. I have worked in this sector for around 15 years now, and I have a background in delivering casework. I have since moved into the policy area.



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Elysia McCaffrey: Good morning. I am Elysia McCaffrey, and I am the chief executive of the Gangmasters & Labour Abuse Authority. We are an arm's length body of the Home Office that regulate labour providers, and we work to stop worker exploitation. Not a lot of people have heard of us, but you will know us because we were set up in 2005 after the cockle pickers disaster in Morecambe Bay, where, unfortunately, 21 Chinese cockle pickers lost their lives. We have been working since then to stop labour exploitation.

Chair: We take a particular interest in you because we have a pre-appointment hearing with the chief executive. I think that is correct. So the Select Committee has a particular interest. We move straight to Alison Thewliss.

Q94 **Alison Thewliss:** Labour exploitation is the most common category of exploitation in NRM referrals in 2022, and the most prevalent reported to the modern slavery and exploitation helpline. Do you believe that reflects an increase in labour abuse offending, or better enforcement and reporting of exploitation?

Elysia McCaffrey: It is very hard to say, actually. I think that people are starting to understand labour abuse a little bit better. With labour exploitation, it is more in plain sight. We work with the National Crime Agency and others to raise awareness. It's often in things like hand car washes, nail bars and other places that people see it.

I think that when you see it and become more aware of it, the reporting is likely to increase. We do see changes in the kinds of sectors where we're getting reports, so it's hard to say whether there are increases in labour exploitation, but, for example, the care sector is somewhere that we are starting to get more reports on now. The landscape changes often.

Kate Roberts: It is important to note, as the previous panel said, that the evidence doesn't show all the exploitation that is happening. There is a lack of resourcing in our proactive labour market enforcement. There are a lot of people who are in labour exploitation and who don't know where to report or are fearful to report. They fear that approaching the authorities will result in an immigration enforcement approach rather than a labour market enforcement approach—basically, that reporting their exploitation to the authorities will not end up being in their best interests. So I think the picture is worse than what we are seeing.

Q95 **Alison Thewliss:** Is there a danger that other forms of exploitation are being overlooked or deprioritised if you are talking about labour exploitation being the most common category?

Kate Roberts: What is important to remember in all this is how mixed exploitation is. If I think back, I worked with migrant domestic workers, domestic workers in private households, for many years, and it was often only after I had known someone for years that they would disclose to me other forms of exploitation—in particular, sexual exploitation, because of the taboos around that. We need to remember, if we just look at the primary form of exploitation of any individual, that that is probably not all



that is going on. So what we need to do is make sure that there are opportunities for people to come forward early on to disclose what is happening to them and to get support that is centred around their needs.

I know there was a question earlier about disclosure and timeframes. I equally would like to see much faster NRM decision making. But what we mustn't do is create a threshold of evidence whereby people are just not going to have the time, the safety, the security, or the early legal advice to disclose, so they get what is falsely seen as a negative NRM decision. This is not a negative decision; it's actually a lack of evidence. It doesn't mean the person wasn't trafficked; it means there isn't evidence to make a positive decision that they were trafficked. And that person is turned away.

Sorry, I know you wanted short answers, but just further to that, I think there also need to be mechanisms for people. What we want to do is prevent the trafficking from happening in the first place. So I go back to what I was saying about options for people to come forward before their exploitation has deteriorated to the point of trafficking.

Q96 Alison Thewliss: Briefly, what is your assessment of the UK NRM's effectiveness in identifying and supporting victims of labour exploitation?

Elysia McCaffrey: We have a number of victims who go through the NRM, and we have a lot of good success stories, actually. We have had some people who have experienced really difficult situations, who have had the right support and who have been able to get on with their lives in a way that they wouldn't have been able to do without the NRM interventions.

But I think we can all acknowledge that the time that it takes is too long. And I think—thinking about some of the questions in the earlier session—proper resourcing and proper reviews of processes to make sure they are efficient are really important, because people's lives are in limbo and that's hard. But we have had some really good success stories and really good outcomes for people, so I wouldn't want to do it down too much.

Kate Roberts: What I would like to highlight is the increased narrowing of access to the NRM. We saw on 30 January the change of threshold for a "reasonable grounds" decision—the requirement of people providing evidence at the "reasonable grounds" stage. And we have just seen a drop in referrals and an increase in negative RG decisions. I think that is probably not a coincidence.

We need to recall that, as Tatiana said, there is no pre-NRM support for people. There is no access to legal advice before people have a "reasonable grounds" stage decision at the NRM, or there's usually not access to legal advice; it's not standard. We have heard already how people may not be familiar with the term "trafficking" and what it is. They may not know what relevant evidence is; they may not know what they are being expected to disclose. I think we need to look at what recent legislation—the Nationality and Borders Act 2022—is doing to our NRM and



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what the Illegal Migration Bill, which is currently passing through Parliament, will do, which will dramatically further access; it will really change the nature of the NRM.

We know—we have already heard—that people won't come forward if they don't feel safe and that is likely to apply for most victims. I could be very critical of the NRM, but we want to be improving it, not decimating it, and that's the direction we're going in.

- Q97 **Marco Longhi:** What are your thoughts, please, on how we deal with the demand side of the equation? That, to me, is a particularly attractive area for us to explore. What do we need to do differently? What would be the low-hanging fruit that we could go after in terms of curtailing that demand? Also, how do we curtail access to that demand—in other words, the supply side of things? What do we need to do that as well, because the two work together? If one is feeding the other, they will carry on doing so.

Elysia McCaffrey: At the GLA, we particularly look at worker exploitation, so the majority of people we deal with are coming here to work in sectors, either ones that we regulate or other sectors as well.

I think the most important thing that we've been doing and thinking about is how we empower people to not fall victim to exploitation. A lot of the people who we deal with have come to the UK through legal routes and have come here legally to work, and it's when they're here that they fall into difficulties.

All of the things that were said earlier about people not identifying as victims and not necessarily wanting to seek help all stand in the sectors that we work in. But I think that the most important thing that we can do is to make sure that people are equipped to know where to go if they have got problems, know what is acceptable and know how they should be treated. And you have access to recourse if they don't have that.

- Q98 **Marco Longhi:** I get that—that is the reactive side to a problem that has occurred. I'm trying to look at the prevention. How do we cut demand? How do we deal with demand? And how do we cut off the supply to the demand?

Kate Roberts: Earlier, someone spoke about control, and I think the problem here is that we are currently driving a large cohort of our labour force underground, and that's because we don't have secure reporting mechanisms.

As I've said, people are fearful of contact with the authorities, because they generally think there will be an immigration enforcement response and they think it won't work out very well for them—i.e. they are threatened by the people exploiting them that if they have contact with the authorities, they will end up in an immigration removal centre and will probably be removed from the UK.



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So what we need to do is to look at our current structures; look towards making sure that people who are in exploitation, including earlier stages of exploitation, are able to report that early on; have proactive monitoring of our labour market enforcement; and look at our existing immigration structures to make sure that they're not so restrictive that people don't feel that they have no options.

What I mean is people being very restricted to a particular employer who is also their immigration sponsor, so they don't have so many multiple dependencies on one person, and so they know that if they go and report their exploitation by that person, they will have other options; they won't be sent away to a life in debt bondage, to repay their migration costs.

Q99 Tim Loughton: Can we look at the question of perpetrators? I think you will have seen the last panel. Why are we not doing better at breaking the business models and prosecuting the perpetrators?

Elysia McCaffrey: We use the Modern Slavery Act to prosecute. Because it is still quite new, we are learning how to do that and how to make sure there is a proper deterrent for people.

One of the first convictions that we had was where a chap had been held as a slave, essentially, in a shed for 40 years. We arrested two gentlemen and took them to court for that. One, who was the main perpetrator, died before the court case. His son, who was found guilty, got a nine-month suspended sentence.

We are doing a lot of work with the Crown Prosecution Service about how we bring these cases and make sure people get proper sentences. Until we can get good prison sentences, the deterrents are not there. We have had a bit more success recently. We have had some custodial sentences for people who have committed these crimes, but it is really about the deterrent.

Q100 Tim Loughton: With respect, that is an extreme case. I would have thought that it could have been prosecutable under a whole realm of other cruelty and abuse laws that are in place now. I raised the question of people profiting—this came up earlier—and other existing laws are available for unexplained wealth and profits of crime. Why are those not being used more? Why does it appear that the traffickers are able to keep one step ahead of the law in too many cases?

Elysia McCaffrey: It is incredibly difficult. We do lots of work in partnership with the police, the National Crime Agency and others, and we are looking to be as creative as we can to make sure people get what they deserve. We have been using the Modern Slavery Act a lot to do slavery and trafficking risk orders. We are trying to be a bit more creative in how we stop people and stop these problems occurring. It has to be on people's radar and high up their agenda, and am not sure it is as high up their agenda as it should be.

Q101 Tim Loughton: Ms Roberts, do you agree with that? Why is this so different from other forms of crime, which we appear to be better at



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prosecuting?

James Daly: Well—

Tim Loughton: Well, not nearly as good as we should be, okay. It is all relative.

Kate Roberts: I would go back to early intervention and addressing exploitation. As I say, we focus on labour exploitation, but we very much recognise that exploitation takes place on a spectrum. Unfortunately, we seem to have a lot of exploitation that does not quite meet the threshold of slavery, and we have now made that more complicated by increasing the reasonable grounds threshold for identification and narrowing access to the NRM.

We need far more proactive monitoring and enforcement of our labour laws for employers who breach the laws that we have in place. At present, we don't have enough resourcing for our labour market enforcement bodies. The ILO recommends one inspector for every 10,000 workers; I think we are at 0.4% of that.

We can't expect workers who may have immigration status that is very insecure—it may be tied to a particular employer—to make the leap, and work out which body they are meant to be speaking to and what the mechanism is for reporting. They may be getting threats that their employer may cancel their visa, or their employer might tell them that they do not have a visa. They are entirely dependent on the employer for information. We need proactive labour market enforcement that has the resources to monitor and intervene early. The message is that decent employers will not be undercut, and that this is a big risk now: if you are breaching our labour laws, you will pay.

We are not seeing enough compensation to workers. At the moment, we expect workers to report, to no avail. They are not getting compensation, even for wage theft—even for unpaid wages. If you are here on a very restrictive visa, going through an employment tribunal process is almost impossible.

We need to see proactive enforcement. Basically, anyone breaching our laws must know that it is going to cost them. It is going to go from being seen as a low-risk, high-reward crime, to being very high risk, because you will pay compensation, and that will go to the people whose labour you have robbed.

Q102 **Tim Loughton:** But you have just said that trafficking is a fairly low-risk crime at the moment in its various forms.

Kate Roberts: That is why we need to be proactively identifying it. We need to really make speaking out work for people who are being exploited. We hear rhetoric about the abuse of the modern slavery system, but as others said, there is absolutely no evidence of that. What we are seeing instead is an increase in the use of the duty to notify, which is where people are being proactively identified as trafficked, and then they are



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saying, “No, I don’t want to go near that system—it is not going to work for them.” We need to make sure our systems work for victims.

Q103 Tim Loughton: I think you said there’s a spectrum of all these crimes around exploitation of labour, which is a difficult threshold to prove. I understand that. On purloining people for the sex trade, there are clear crimes there, which are easy to identify. Trafficking people for drugs is clearly breaking a lot of laws. Again, we’ve seen evidence where people are brought in either unwittingly—smuggled in—and then, in order to pay off the charge by the people smugglers, they start running drugs or getting involved like that. That is clearly breaking the law at every level.

We don’t seem to be any more successful in prosecuting the traffickers who are profiting from that clearly illegal end than we are further down where it’s difficult to prove those thresholds, as you just said. Why? Is it entirely a resources issue?

Kate Roberts: For labour exploitation, it is in part a resources issue. There is also having proactive monitoring, so people know they will be inspected and they know that the law will be applied, if they’re in breach.

We also advocate strongly for secure reporting mechanisms so that workers know they can report labour abuse or abuses of employment law, and know that it will be dealt with as an employment law matter, rather than their personal data being automatically shared with immigration enforcement and them going down that route instead.

What we need to encourage is a culture where people feel that the authorities are on their side and where that trust is developed through it working out for people who do speak out, so people get their unpaid wages. Very quickly, people will think, “Oh, the system is on my side. I should report this.” Whereas if anyone speaks out and there ends up being an immigration raid, very quickly what people think is, “What the exploiter said was true. I’m not going to speak out.” We have heard about the coercion and control that exists, and the debts people have.

Ultimately, unfortunately, for many people who are in exploitation, the authorities need to be able to offer them more security and more options than the traffickers, if we are going to get people to trust us.

Q104 Tim Loughton: Ms McCaffrey, can we talk about the Gangmasters Authority? You have introduced a Victim Navigator, which is jointly funded with Justice and Care. What is the benefit of having a dedicated Victim Navigator? Can you share any examples of how a Victim Navigator has improved outcomes for both victims and your investigations?

Elysia McCaffrey: We piloted this last year and found it to be really successful, so we are going to continue with this programme.

What we found is having someone who is dedicated to supporting our victims means that people stay engaged with us. It is quite easy for us to lose sight of victims, if they return to their country of origin or if they just end up being lost in the system elsewhere. We have found that since we have had our Victim Navigator, all of the victims that we’ve worked with



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have stayed engaged with us. That means they're better able to get help, and it also helps us when we're taking people to court, because they understand the process better, they understand how to engage and they feel supported. It has made a real difference to us.

Q105 **Tim Loughton:** In terms of staying engaged, they've been prepared to go to court and go all the way, rather than drifting off.

Elysia McCaffrey: Yes.

Q106 **Tim Loughton:** How many cases has that involved? Are we just scratching the surface here? How big a project is this?

Elysia McCaffrey: I have exact numbers somewhere in here, which I can dig out for you, but I think that all of our victims that we have engaged with since we've had our Victim Navigator in post have stayed in touch with us, which is really positive. It is a really big step forward for us.

Q107 **Tim Loughton:** Are there cut-acrosses to other authorities and other forms of trafficking where that model could be used?

Elysia McCaffrey: Justice and Care have the Victim Navigator programme in lots of different areas as well and they have had just as much success there, working with the police forces and in other areas. I think it is a really good model. It should be replicated.

Chair: Thank you. James Daly.

James Daly: How long have we got, Dame Diana?

Chair: Well, we need to stay quorate. I am aiming for quarter to 12 as the final cut-off.

Q108 **James Daly:** Hopefully my questions will be short. They aren't normally, but I will try my very best.

What is evident about this piece of legislation, first of all, is that if it is not efficiently run, if I can put it that way—whether in deciding cases through the national referral mechanism or the prosecution of cases—then the Modern Slavery Act is not going to work with the intent for which it was originally put in place. Underneath the fine words and actions, there has to be an administrative structure that can respond to the requirements of the Act. Would you agree? Hopefully, that is a statement of the obvious.

Would you agree that, at this moment in time, we do not have that? That is one of the problems. We have a piece of paper called the Modern Slavery Act and a lot of other things, but the actual means for it to work properly are not there. Is that correct?

Kate Roberts: I think that is correct, in part because victim support was not written into the Act.

Q109 **James Daly:** Mr Loughton was talking about criminal sanctions in respect of this. Many of the criminal sanctions already existed before the Modern Slavery Act came into place. The Act was a means of codifying them and putting them all in one place. It is not as if when the Act came into place



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the authorities were not supposedly dealing with these matters beforehand. Is that correct?

It is a long-standing problem. We changed the name of the Act, but the criminal sanctions have been there for years and years. We have a long, inglorious history at the moment of not prosecuting these cases adequately, going back many years. Is that right?

Kate Roberts: Yes. The levels of investigations and prosecutions are certainly very distant from the numbers of victims identified and not identified.

Q110 **James Daly:** Absolutely. When I come to look at how we improve efficiency—I asked the previous panel this—I think one of the things we forget, and correct me if I’m wrong, is that there are more people referred into the national referral mechanism in this country, whether that is people coming into the country or people who are already here, than in the whole of the EU. That is correct, isn’t it?

Kate Roberts: I actually don’t know.

Q111 **James Daly:** I think that is the case. There is more work to be done, but we are clearly identifying many people who need help in respect of that. But 543 days—I mean, how is that possible? That takes inefficiency to new levels, doesn’t it?

Kate Roberts: I agree: the delays and the time people are expected to spend in limbo is a huge issue. I agree that it is an inefficient use of resources, because it is a time of limbo. I would very much advocate for victims to have more support and for those resources to be spent in actually supporting people to rebuild and move on with their lives, rather than spending time waiting for a decision.

Q112 **James Daly:** How long should the decision take?

Kate Roberts: As you discussed with the previous panel, following the Nationality and Borders Act, it was moved to 30 days. It is not going to get near that. I certainly would not advocate for rushed decision making because of the sensitivity of the issue and the time it can take people to disclose—it can genuinely take years to disclose some forms of abuse, and you’ve heard a lot from the previous panel. But I do not think we should keep people in limbo for years.

Q113 **James Daly:** We cannot have a system like that. There has to be some form of accountability.

Kate Roberts: What we need is early legal advice and early access to support so that people can feel secure enough to disclose. You also need a huge amount of expertise in your decision making. Again, it comes back to the threshold. You’ve heard huge amounts of evidence about how this is a hidden crime.

I worked with domestic workers for more than 10 years. Some would have escaped from a house in which they were literally locked in and would own nothing. They would have been sleeping on the floor in the kitchen and



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have run away—and I mean literally run away—and found help. They would not know the name of their employer; they would call them sir or madam. They would not know the street they lived on, because they could not read British script. You cannot expect someone like that to give a high level of evidence fast. That is impossible.

What you need is a decision-making system that actually understands trafficking, can identify people quickly and then support them into recovery. So, yes—quicker decision making, but also appropriate thresholds and access to specialist legal advice and support.

Q114 James Daly: I completely understand where you come from. In many ways, I completely agree with where you come from, but the public want accountability in terms of the system. Politicians talking in highfalutin terms about the morality and about these types of things is great, but the public want a system that works correctly. It does not and that is down to, in my view, to Home Office incompetence completely and inefficient dealing with it. The one thing, again, that is always discussed on every issue that we ever talk about is “Give us more money, put more resources into it.” There is never ever a plan as to how that money is spent efficiently.

I do not think Mr Loughton got an answer to this: on how we prosecute criminal breaches of this legislation, it clearly is not acceptable with the levels of prosecutions we have. One of the problems in the general criminal system is the relationship between the authorities and the Crown Prosecution Service, if it is the prosecuting body. That is a big subject. Can you tell me how helpful the Crown Prosecution Service are in assisting these prosecutions, as to how they interpret the charging test in terms of the evidence presented to them?

Elysia McCaffrey: We have worked closely with the Crown Prosecution Service. As I highlighted before with a case where we had an outcome that we did not think was right or was not harsh enough, we have had some really good conversations with the Crown Prosecution Service. I think they are willing and want to understand what we are doing and how we are bringing charges to help us get better outcomes. However, there is always a huge demand on them as well.

Q115 James Daly: So they are saying it is your fault because you are not giving them the correct level of evidence required to justify a charge.

Elysia McCaffrey: I do not think they have said it is our fault, but I think we are working together on how we make it work.

James Daly: Okay. Thank you very much indeed.

Q116 Chair: What does that mean, that you are working together? We have had this in other instances where the CPS say that the information they are receiving, say, from the police, does not have all the information required for a case to go to court. So are you working on a memorandum of understanding about what is expected when you produce evidence for the CPS?



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Elysia McCaffrey: It has not been as formalised as a memorandum of understanding, but it has been an iterative process as we have brought more cases to court where we have looked at what is useful, what is helpful and what we can do to learn on how we provide evidence to make sure we get better outcomes.

Q117 **Chair:** It is a work in progress.

Elysia McCaffrey: Yes.

Q118 **Chair:** Did you say earlier that you thought the Modern Slavery Act was still a relatively new piece of legislation and that is why there were not many prosecutions? Is that what you said?

Elysia McCaffrey: It is not that it is new; it is that there is still some testing to do to learn how to bring it. There is not a huge amount of case law and with the kind of cases that we bring to court, it is still relatively new in terms of the bank of evidence that supports prosecutions.

Chair: That surprises me because it was 2015 and it is now 2023.

James Daly: Many of the statutes in the Act go back before 2015, so we are going back well over 10 years.

Q119 **Chair:** I have the benefit of having been on the Bill Committee when the Act was going through Parliament. I remember one of the arguments was to bring provisions together from all these other places so you would see a real rise in the number of prosecutions—the lack of attention in the past would go because we would have one single Act and everybody would know what they had to do and how they could bring prosecutions forward.

The other thing I wanted to ask you about was the care sector and how you mentioned earlier about it now becoming a place where you were seeing abuse. Can you say a little bit more about that and whether there are other sectors that you are concerned about that are growing in terms of labour abuse and trafficking?

Elysia McCaffrey: I am particularly concerned about the care sector. We are seeing more workers coming from countries such as India. They are often women who are coming on student visas and they think they are coming as students.

Of course, as a student, you are allowed to work 20 hours a week. They are then being recruited by care agencies that are forcing them to work longer hours, forcing them to stay in squalid conditions and not paying them properly. They have the threat over them all the time that they have worked more than 20 hours and, therefore, they have breached the terms of their visa. So if they report them, it is they who will be in trouble. We have had a few cases like this recently and we are seeing more reports to us along those lines. So it is something that we are quite concerned about.

Q120 **Chair:** What do you do then? You say you are quite concerned.

Elysia McCaffrey: We have a joint operation with a number of other different partners and we are working with the Care Quality Commission as well to look at how we stop this from happening. We have some prosecutions in the pipeline around this. We have had some women who we have worked with who have returned to India but will support the prosecution as well. We are looking at what is a cross-agency response to this because it is becoming a growing issue. We are gathering evidence on that as well.

Q121 **Chair:** Is this all around the UK or only in certain parts?

Elysia McCaffrey: We have seen a few really serious instances in Wales, but it is something that we're starting to see across the UK, so it is becoming more of a concern. I am also quite concerned about the construction industry. Things started to improve there for a while, and then over the last few months we've started to see more calls in construction as well, so we need to look at that area.

Q122 **Chair:** What nationalities are involved with the construction industry? We have particular concerns about certain nationalities.

Elysia McCaffrey: With the construction industry, quite often it is Romanians. We are also now seeing more workers coming over from Indonesia and Vietnam.

Q123 **Chair:** Okay. Kate, is there anything you'd like to add to that? Any sectors that you're worried about?

Kate Roberts: I would agree with Elysia on those sectors. We need to be particularly aware of any sectors where there is a proliferation of very insecure work—so a high prevalence of zero-hours contracts or very informal work. That is where inevitably people tend to be exploited. We now have two types of very short-term work visas in the UK—the overseas domestic worker visa and the agricultural seasonal worker visa—which carry risks of exploitation for reasons already discussed.

On both those visas, workers come to the UK for six months. There are obviously very high migration costs, with a very short amount of time in the UK to access information about their rights, any support networks and how to report exploitation.

When workers are here for such a short amount of time, particularly if they've paid higher migration costs or even recruitment fees—which are illegal in the UK obviously, but we all know about supply chain issues—they may just think, "You know what? I actually can't risk speaking out and losing my job. I need to just keep my head down and earn what I can." So again, coupled with difficulties around resourcing, proactive labour market enforcement creates real risks of exploitation.

Q124 **Chair:** Finally, what is the one thing you would like to see in our report? What is the key recommendation for both of you?

Kate Roberts: For me, it would be a recognition of the spectrum of exploitation and a real focus on early intervention as a prevention



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mechanism. We also need to think through that when all this money is spent on the NRM, there is actually support to help people rebuild their lives, so we are saving money in terms of preventing re-trafficking. In the UK, we do not record how many people are re-trafficked back into the NRM. If people have entered the NRM and been identified, we need to make sure that that is not just to slip back into exploitation.

Elysia McCaffrey: There should be a recognition as well that student visas or skilled worker visas are really good routes for people to come to the UK, but they can also make people vulnerable because they are kind of used as a weapon against them. A recognition of that would be really helpful.

Chair: Thank you very much; that has been very helpful, and we are on time as well. Thank you for your time.