



Home Affairs Committee

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

Wednesday 5 July 2023

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[Watch the meeting](#)

Members present: Dame Diane Johnson (Chair); James Daly; Simon Fell; Carolyn Harris; Marco Longhi.

Questions 428 - 514

Witnesses

I: ACC Jim Pearce, Lead for Modern Slavery and Organised Immigration Crime, National Police Chiefs' Council; Lynette Woodrow, Lead for Modern Slavery, Crown Prosecution Service; Robert Jones CBE, Director General National Economic Crime Centre and Threat Leadership, National Crime Agency.

II: Detective Sergeant Stuart Peall, Lancashire Police; Caroline Haughey CBE KC, criminal barrister, Furnival Chambers.

Written evidence from witnesses:

[NCA](#)



Examination of Witnesses

Witnesses: ACC Jim Pearce, Lynette Woodrow and Robert Jones.

Q428 **Chair:** Good morning and welcome to the Home Affairs Select Committee. This is our continuing inquiry into human trafficking. This morning, we are going to be looking at a strategic and operational overview of investigating and prosecuting human trafficking and modern slavery, including internet-enabled trafficking. We want to look at the practicalities and challenges of policing and prosecuting human trafficking offences and cases, and to consider what factors lead to successful investigations and prosecutions.

Can I welcome our first panel this morning and ask them to introduce themselves?

Lynette Woodrow: Good morning. My name is Lynette Woodrow. I am a deputy chief crown prosecutor at the CPS and the lead for modern slavery and human trafficking.

Robert Jones: Good morning. I am Robert Jones. I am director general of operations at the National Crime Agency.

Jim Pearce: Good morning. I am Assistant Chief Constable Jim Pearce. I am the NPCC lead for modern slavery and organised immigration crime. I am also, unusually, the lead for a transformation programme funded by the Home Office, which looks at improving police forces' response to modern slavery and organised immigration crime.

Q429 **Chair:** Thank you. It is very helpful that we have you all in front of us this morning. I would like to start from where we left off in our previous session—I am sure that you have seen the transcript. We had Vivastreet in front of us, as an adult service website, to listen to evidence about how it dealt with trafficking and particularly with women who may be trafficked on to its website.

Now, when I was looking at the written evidence the NCA gave us, I was quite struck that the agency told us that it is not seeking to reduce the demand of legal sexual services, but that it is working to tackle the demand for sexual exploitation. It says, "There is a demand for sexual services in the UK which has created a sexual services marketplace where both autonomous, self-determined sex workers operate alongside traffickers exploiting victims of sexual exploitation. NCA does not aim to reduce the demand of legal sexual services however is undertaking work to tackle the demand for sexual exploitation. Some of this work includes industry engagement to improve standards on adult service websites".

I wondered if you might be able to explain to me, so that we all understand, what percentage of adult service websites you think are these autonomous, self-determined sex workers, and what percentage you think are trafficked women.



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Robert Jones: The answer to that is that we do not have a clear picture on an exact percentage within that cohort of, mostly, women. We engage with all those companies to try to stimulate reporting. We have worked to create a voluntary framework, pre Royal Assent, which we hope will come soon, in relation to the Online Safety Bill. We also want to make sure that, where there are victims of trafficking and exploitation on their sites, those companies' business models are threatened.

Q430 **Chair:** Do you think that there are victims of trafficking on them?

Robert Jones: Yes, absolutely.

Q431 **Chair:** So you are engaging with these websites, knowing that there are women who are trafficked on them.

Robert Jones: We engage to mitigate that vulnerability.

Q432 **Chair:** How is that going?

Robert Jones: It is challenging.

Q433 **Chair:** What does that mean? I understand that you are engaging with them because you think that that is the way forward. How many prosecutions are you getting?

Robert Jones: The online world is not regulated, so we either ignore that there are intelligence leads that would allow us to mitigate threat, harm and risk, or we engage and get those. When we have regulation, those companies will have a statutory duty to report.

Q434 **Chair:** Sorry, I am not following that. There are criminal offences being committed on these websites. Women who have been trafficked are being advertised on Vivastreet and many other websites. We heard evidence a few weeks ago that men are advertising multiple women on the same account. They are using the same telephone numbers. These are clear red flags that women are being trafficked, so these are criminal offences that are being committed. What concerns me is that the police's approach seems to be condoning or working with these adult service websites that are doing this. I want to know what you are getting out of this.

Robert Jones: What we get out of it is intelligence about perpetrators, which allows us to create covert investigations to target and investigate offenders. We do not condone any criminality on those websites. We do not support it. To be frank, it is the absolute opposite of that. We have pushed very hard for legislation that will allow us to hold people who run these platforms to account. It is not just adult service websites, but the whole online world. An awful lot of exploitation happens on very large platforms like Meta, Facebook and Instagram.

Q435 **Chair:** What I am concerned about is the close working relationship that the police seem to have with Vivastreet. What concerned me was that there was someone who was convicted as a trafficker. He had been allocated an account by Vivastreet. A representative of that website was



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invited by the NCA to speak at a conference co-hosted for police officers on “investigative opportunities presented by adult service websites”. One of the key topics addressed at the conference was billed as, “Why it is important to maintain a good relationship with the adult service website operators to support the work of that industry”. You are having people who are enabling traffickers at your conferences, and you are almost saying that that is okay.

Robert Jones: Please be assured that, if there is any evidence at all that any of these individuals are complicit in or committing criminal offences, we will investigate them. I will bring Jim into this, because it is important in terms of the relationships that we have.

My point is that we are trying to mitigate the risk to people who have been trafficked and to investigate perpetrators. Where there are viable, proportionate and ethical referrals from people who are going to talk about victims of trafficking, we would be foolish not to take that intelligence. It does not mean that we support their business activity. It does not mean that there is not a tension in that relationship.

Q436 **Chair:** You have them at your conferences.

Robert Jones: Because they have an awareness of the business model. Just like the rest of the online world, what we crave from a law enforcement perspective is to hold to account people who run these platforms. That is what the OSB is about, and that is why we support it. In the meantime, we have to make a choice as to whether we ignore referrals, which could allow us to safeguard and investigate, or we engage. We would much prefer to engage under a regulatory framework supported by statute, and that is what we want.

Q437 **Chair:** I understand that. Would you support these adult service websites being closed down, as has happened in the United States, France and other countries?

Jim Pearce: I will take that, if I may. In answer to your direct question, particularly the study in France has tended to indicate that it has driven the behaviours that you are describing underground. It becomes much harder, therefore, for law enforcement agencies to obtain the intelligence.

Q438 **Chair:** With the greatest respect, that is nonsense. How do punters find women if it has gone underground?

Jim Pearce: They work on other systems that are less regulated.

Q439 **Chair:** And the police cannot access those.

Jim Pearce: Our tackling organised exploitation programme is a system that sits within our regional crime units and pulls out intelligence. The bulk of its work and intelligence indicates that modern slavery is its highest vulnerability. Within that bracket, it is sexual exploitation. Within sexual exploitation, most of that work is coming out of ASWs, so that



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intelligence sharing is keeping victims safer. There are two ways to deal with this. We can identify victims or we can go after perpetrators.

Q440 **Chair:** You cannot do both. You cannot identify and support women, and go after the perpetrators.

Jim Pearce: We can. If we go after perpetrators, that then identifies victims later on down the line. If we are identifying victims, they are already victims. I know that that is a simple statement to make, but, in effect, we want to put prevention in place in the first instance. By working with the likes of Vivastreet and using intelligence that is being shared there, that gives us a really good opportunity to do both of those strategies that I have just explained.

Q441 **Chair:** From these intelligence-led and covert investigations that we are hearing about, can you tell me how many prosecutions there have been generally in the last year or five years? Because of this close collaboration with these adult service websites, how many prosecutions have we got and how many victims have been safeguarded?

Lynette Woodrow: In terms of the prosecutions, we cannot identify different exploitation types. We have shared some headline figures that I can talk to later.

Q442 **Chair:** Mr Daly is going to explore those figures with you. So you cannot tell me whether all this close collaboration and work with adult service websites, and Vivastreet in particular, works.

Lynette Woodrow: I cannot tell you the exact data in terms of how many or what proportion of cases are sexual exploitation. From experience of prosecuting these cases—I do not think that this will be a surprise to the Committee—adult services websites are now a real feature in terms of sexual exploitation. Many aspects of all kinds of exploitation have moved online, from recruitment through to behaviours such as sex cams and the like, but the selling of sex is very much a feature of the online world.

Q443 **Chair:** But you cannot give me any data or show me that the policy that the police are pursuing of cosyng up with these adult service websites is resulting in prosecutions or the safeguarding of women.

Robert Jones: If there is any data that allows us to answer that more precisely, we would be more than happy to write to you, and we will check that. I can tell you that a number of children have been safeguarded, and a number of perpetrators of online child abuse investigated, as a result of intelligence from adult services websites.

Chair: I am very pleased to hear that.

Robert Jones: That is a very important part of what we are all trying to do. I completely take the point that these companies that are operating in plain sight need to be held accountable. However, there is a very real



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dilemma. If there is intelligence that is available, we would be foolish not to accept that intelligence until there is a regulated environment.

Q444 **Chair:** You are accepting the intelligence, but you cannot tell me what the result of that is, so I do not know if the policy that you are pursuing is working. It does not sound like you are able to prove to me that it is.

Robert Jones: We would be happy to write to you with some operational examples of the type of investigation.

Q445 **Chair:** I do not want operational examples; I want hard data. I want you to show me that the policy you have adopted is working, is resulting in prosecutions of perpetrators and is safeguarding women. At the moment, from this policy statement and the written evidence that you have given to this Committee, you are pursuing a strategy that seems to me to be cosying up to and enabling adult service websites to carry on, allowing trafficked women to be raped multiple times a day, and it is disgraceful.

Robert Jones: It is not a policy decision to cosy up to any of these companies. To the point around displacement, if these companies were shut down, these women would be on end-to-end encrypted environments like WhatsApp, Instagram and, in the future, Meta. This is part of a much wider problem. We have not cosied up to anybody. There is a real tension in the relationship with these companies, and we welcome regulation to bring them to account.

Chair: I understand that.

Robert Jones: That is what we need from a law enforcement perspective. If we see crime, we will investigate it and hold people to account.

Chair: That is where you and I are differing. You are absolutely right that we need to regulate this space, but, in the meantime, criminal acts are taking place in plain sight. You are having people from these adult service websites talk to your police officers, attend conferences and give a veneer to these adult service websites that they are working collaboratively with you. I am really concerned that, from the evidence we had from Vivastreet a few weeks ago, they are, in plain sight, a business model that is a pimping website. That is all they are. They are enabling trafficking and pimping.

Q446 **Carolyn Harris:** Under section 53A of the Sexual Offences Act, "Paying for sexual services of a prostitute subjected to force etc.", it is a criminal offence to pay for sex with a trafficked victim. Between 2013 and 2020, only three cases were convicted. Why is that so rarely used?

Lynette Woodrow: You are right on the data. In the last three years, the data I have says that it was charged by the police three times, and there were two convictions for it, so the use of this offence is very low. One of the reasons is that we are required to prove that the person who was selling the sex is a trafficked victim or has been subjected to force or threats.



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If we are able to prove that on the evidence, we are much more likely to be prosecuting the exploiter, so we will be going for more serious offences. If, for example, that victim were to provide evidence that they had been exploited or trafficked, that would lead to a bigger investigation into the exploiter. There are some challenges in terms of the evidence to prove that the individual had been exploited and trafficked, but, every time we can, we will be prosecuting for more serious offences.

Q447 Carolyn Harris: The exploitation is driven by demand, so those who are engaging in sex with the exploited are providing the demand. If we do not deter them by making it actionable and by punishing them, their demand will never go away. If the demand continues, the perpetrators of the trafficking will continue to traffic victims. I do not understand the rationale.

Lynette Woodrow: I understand that. The offence is summary only. It is a strict liability offence, which means that we do not have to prove the intention of the person buying sex or their knowledge. It means that the police retain the discretion to charge those offences and to bring them to the CPS. As I say, only three were brought to us in the last year, two of which resulted in a conviction on a guilty plea.

Q448 Carolyn Harris: Are you saying that the police are deciding not to pursue prosecution and, therefore, you do not have to go through a court case?

Lynette Woodrow: I will let the police answer that.

Q449 Carolyn Harris: Parliament decided that paying for sex from a person subject to force should be an offence enforced by the criminal justice system. What authority does anyone in the criminal justice system have to not carry out the will of Parliament and prosecute these individuals?

Lynette Woodrow: You are quite right. Where there is the evidence to do so and the case has been referred to us, the prosecutor will certainly give force to the will of Parliament.

Q450 Carolyn Harris: I will come to you, Robert. You have talked about Vivastreet. You say that you were able to gather evidence and data. You have managed to get somebody buying sex through Vivastreet from someone who we know is trafficked. Why are they not being prosecuted?

Robert Jones: On a case-by-case basis, it will be about achieving best evidence. Ultimately, the referral will go to the CPS for a decision on charges. The volume element of this threat is not something that the NCA tackles. That is borne by policing. The principle is that we will pursue the intelligence, we will try to convert it into evidence, and we will try to achieve best evidence and make a submission to CPS.

Jim Pearce: I completely agree with the model that you are describing. Demand creates opportunity, opportunity creates money, which is often exploited by organised crime gangs, and the circle continues. Demand



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can be dealt with in a number of ways. You have described one, which is to pursue offenders. There is also a wider public health conversation here with partners around education and various other aspects that I will not go into, but I just put that there.

The point that you are making has been covered by my colleagues in terms of the complications here, in that, if we have victims who are being exploited, we are going after the exploiters. That is where the evidence trail leads us and where we want to go. We want to break that demand model in that respect as well.

We want to protect the victims. That is really important to us. You have heard this evidence already, but engaging with victims is really difficult. It is a really complex issue. They often do not want to engage with policing, for lots of reasons, and we have put things in place to help with that, such as the victim navigator programme and victim liaison officers, in order to achieve that best evidence. In terms of a complex and difficult job, that is where we want to go—to protect victims and go after the organised crime gangs that are the perpetrators of the exploitation.

I do hear what you are saying. We could break the business model by going after the perpetrators who buy sex, but then we have to collect the evidence as well, which is more difficult—Lynette has covered that—just in terms of the complexities of consent and coercive control. That has to be proved in those aspects. That has occurred in small numbers, but our best efforts would be going after the organised crime gangs and exploiters.

Q451 Carolyn Harris: I do not understand why you cannot do both. Why can you not charge the perpetrator who is buying the sex and go after the traffickers?

Robert Jones: My colleague who is coming to the session afterwards is going to talk through a case example on particularly this aspect. He would be more than happy to cover those points with you.

Carolyn Harris: Have you ever been in a room with women who have been sexually exploited and heard their stories? Have you heard how completely dehumanised, devalued and worthless they feel, and totally not understanding of why they are being asked questions and nobody is doing anything to support them? We had a session yesterday. I have never felt so humbled and inadequate—I am getting emotional thinking about it. These women have been used and used and used, and nobody is doing anything except asking them questions. You have the power to do that—and there have been three prosecutions in seven years. What kind of message does that send to those victims? Thank you, Chair.

Q452 Marco Longhi: Just so that I can understand this a bit better, what is the difference between selling sex and selling drugs online, from a criminal justice perspective?



Robert Jones: From a criminal justice perspective, the points to prove are different. An illegal commodity that is moving and being paid for is very straightforward in terms of proving that, if you seize that commodity. It is illegal to possess drugs, to import drugs, to move those drugs around and to benefit from the proceeds of the sale of those drugs. There are many opportunities to intervene in that value chain.

With any victim-centred crime—this happens with online child abuse as well as adult sex workers—when you have arguable points, where you have to deal with survivors, victims and very challenging offenders, it is immediately far more complex and challenging to investigate. That is why support for victims, victimless prosecutions, where you can go after organised crime groups, even if victims have to drop out of the process, and working with survivors' groups to create resilience is very important.

They are two very different offences with very different challenges from where I sit as an investigator, but the CPS would have a further view on it.

Q453 **Marco Longhi:** If I am interpreting what you are saying correctly, the evidence base that the criminal justice system—and probably the police in the first instance—has to produce for the CPS is difficult to obtain.

Jim Pearce: It is difficult, because it is complex. As Rob has already said, if it is drugs, it is an illegal commodity. It is an item that you can produce as evidence. As I have already mentioned, we have many victims who come to us but who do not feel confident to talk to policing, so we are working really hard to obtain best evidence around that.

Q454 **Marco Longhi:** If I may interject, and I have asked this question previously, but what percentage of the total number of victims who have been identified do not want to support the criminal investigation process?

Jim Pearce: I do not have that figure to hand. It may well be something that we can obtain for you after the session.

Q455 **Marco Longhi:** This is often used as a reason. For example, in the case of the modern slavery data that I have been given today, there were 12,000 referrals and 286 or 282 convictions—I forget which one it is. It seems a really low number.

Jim Pearce: If you are talking about wider exploitation, there were just short of 17,000 referrals to the NRM last year. You are right that the charge rate for modern slavery is low. The charge rate for policing is at 2.3%, but there are a number of reasons for that. The first point to make is that the NRM is not a crime recording system. It is there to protect victims. Not all of those 17,000 referrals are crimes that the police investigate or have a chance of investigating. It does not map across into that. At the current stand, we have, including the Met and Greater Manchester, 4,500 live police investigations at this moment in time.

Q456 **Marco Longhi:** Are you saying that 4,500 out of the 17,000 are ones



that the police would be pursuing?

Jim Pearce: We have 4,500 live investigations at this moment in time, but 40% of those 17,000 referrals relate to crimes on a non-UK footprint. That is a big chunk out of those 17,000 referrals sitting outside of the UK. We do have a duty to look at those, but it becomes far more difficult to investigate those types of crimes.

Then we have the element that you are touching on. I will refer to your point at the beginning in terms of drugs and victims. The one thing that we would agree with you on is the polycriminality involved here. People who are prepared to exploit people will also be involved with drugs and with firearms.

Another aspect of raising that point is that we sometimes do not prosecute or investigate the modern slavery aspects, because we can take those perpetrators out through other types of investigations and charge them with other substantial offences, for life. That does not mean that we forget about the victims; of course we do not. We are very conscious of the victims and would use the evidence that sits within that, but we have a number of jobs that sit within that sphere.

I have an example, which is a live case at this moment in time, so I will not go into the details, but it is complex and takes time to investigate modern slavery. From a single report received in 2016, we now have 14 victims and a number of suspects. All of those victims are international, but we have got to the point now where we have charged and are going through the court process at this moment in time. The forensic data that is involved in that is substantial.

The picture I am trying to create is that this is not a straightforward offence—and I do not mean to sound flippant here—that you can take from start to finish in a couple of weeks or months. They are really complex investigations. The best way is to have specialists who understand their business working in this space.

Q457 **Marco Longhi:** It has been stated before in the Committee that, if we take out the ability for the likes of Vivastreet to operate in the way they do currently, it would drive them underground. I am presuming that, by that, you mean the dark web.

Robert Jones: They do not need to be on the dark web. This would be classically on the open web, on a range of ubiquitous applications like Instagram, WhatsApp and others. There may be a small, niche amount on the dark web, but the majority of this will play out on end-to-end encrypted platforms, in plain sight. That is why the point that I made earlier around OSB and the wider picture around online harms is so important. If you shut down public-facing websites, it does not go away. That cohort is driven into darker spaces. There are a range of applications that people use.

Q458 **Marco Longhi:** Is that not happening anyway?



Robert Jones: As well as, yes, it is, but we would have no visibility of that threat and no referrals, because we can get no referrals from end-to-end encrypted platforms. What has happened has been end-to-end encrypted since 2014. There will be no referrals from that medium in relation to challenges like this, because they cannot see the content, so it is important that we look at the whole online environment, and do not just focus on one and call that out. It is a wider problem that we are all wrestling with. We need accountability and we need people to refer criminals to us. They can do that only if they have sight of that material. If they do not have sight of the material, they cannot do it and we cannot investigate it.

Jim Pearce: I will go back to the statement that I made earlier and just reinforce it. At this moment in time, 42% of the work of TOEX, which is the programme that we have within the regional and organised crime units, is linked to adult sexual exploitation. Not all but a lot of that intelligence will come from ASWs. If we shut that avenue down, I can tell you that, of the 133 jobs that make up that 42%, we would be working on fewer, because that is where the intelligence is coming from.

Rob has indicated identifying threat, risk and harm. We build a threat, risk and harm picture through intelligence. We want to get intelligence from wherever we can get it from. Why would we shut down avenues that give us intelligence?

Lynette Woodrow: I can speak to the legal distinction between selling drugs and selling sex, if that is helpful, or we can write afterwards, if we are short of time.

Q459 **Marco Longhi:** The reasoning behind the question was that my understanding of the law, as it is, is that you cannot simply go on to eBay and buy cocaine, although what you are telling me is that, through end-to-end encryption, maybe that is possible—maybe not through eBay but through other platforms. Through the likes of Vivastreet and others, there is this buying and selling of sex, in which we know that there are many, many victims, and it seems to be almost okay for one criminal act and not okay for another. I have heard your explanation, and I am still digesting it.

Lynette Woodrow: Just to speak to the legal distinction and what is lawful, being in possession of, buying or selling drugs is unlawful. When it comes to sex, different provisions apply. The way that the legislation has evolved over time is that the criminalisation of selling sex happens with a variety of offences surrounding that. To exchange sex for money is not a criminal offence. Having sex with an exploited prostitute is a criminal offence, as is controlling prostitution, inciting someone into prostitution, soliciting or kerb crawling.

There is a huge patchwork, if I may say, of different offences that have built up over time—some very old indeed, and some more recent. Of course, the ones that we are dealing with today are trafficking for the



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purposes of sexual exploitation, but there is a legal distinction in the Acts of the criminality between the two. I hope that I have explained adequately.

Q460 **Marco Longhi:** I think I get it. This might be slightly controversial, but would it be the case that, if the selling of sex for money were to be made illegal, it would solve a lot of these problems?

Lynette Woodrow: I know that this Committee has been dealing with this. I gave evidence in 2019 at another Committee that was considering that very aspect. You would probably need to look to the academics to answer that question. There is a lot of impact about it. There are different jurisdictions that do it completely differently. Some will completely ban the selling of sex, and others will move to regulation of it. It has been said that, at the heart of it, if you can limit and curb demand, that must surely limit the exploitation that happens to individuals. It is certainly possible, but it would be for Parliament to determine the best way to do it.

Chair: I just want to be clear. When you are selling sex, the whole thing is that you need to have a market that is able to access the person selling the sex. If you close down adult service websites, as has happened in the United States and other countries, it will be much more difficult for that punter to find the women. If it is not difficult for the punter to find the women, it is not difficult for the police to find what is going on. This is where I really struggle with this idea that you have to keep these pimping websites open because that allows you to get intelligence, but you are not even able to tell me that the intelligence results in anything. That is why I am struggling with the rationale that you are giving for keeping these open.

Robert Jones: We do not want them to stay open. That is absolutely not our position. We cannot shut them down, unless we can show that they are complicit.

Q461 **Chair:** Well, they are. It is obvious.

Robert Jones: But we have to prove that, and we need an offence to be able to prove that. As we sit here now, we have not had evidence, sufficient to investigate and prosecute, that there are named individuals who are complicit in these companies. Of course, if we have that, we will investigate and prosecute them. We are not advocates for those companies in any way, shape or form. It is abhorrent, but the reality is that, if they report intelligence, we would be foolish, and we would not be undertaking our duties in law to safeguard and to investigate crime, if we did not respond to it. We are not advocates for those companies. We do not want them to stay open. If they are open and there is intelligence, we will deal with it, and we welcome regulation to hold them to account.

Q462 **James Daly:** Mr Pearce, can I just ask whether you recognise these figures? During 2022, there were 10,454 offences of modern slavery recorded by the police in England and Wales, less Devon and Cornwall,



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for some reason. I do not know why Devon and Cornwall were not part of these figures. Of those cases, 95 are currently recorded as having resulted in a charge or a summons. What that is telling me is that 2% of the total cases under investigation by the police in 2022 for these matters resulted in a charge. Is that correct?

Jim Pearce: I agree with the second half of the statement. I do not necessarily have the same data that you have in front of you, depending on the time periods. However, the charge rate as it stands at this moment in time is at 2.3%. That is from the fourth quarter of 2022-23, when there were 2,698 crimes. That is the last quarter.

Q463 **James Daly:** Mr Pearce, I am asking you this as a police officer in general as well. In terms of our reports and the work that we do, this Committee looks at all types of criminal offending. One thing that comes back time and time again is that the charge-out rates for offences are unbelievably low. We are talking about this issue, but it is extraordinary that the charge-out rates are more than they are for rape. To me, there is something so fundamentally wrong with how the police are investigating matters that we continuously have figures put in front of us that are just not acceptable. I do not think that they are acceptable to the public. What is it that the police are not doing that they should be doing to remedy the situation?

Jim Pearce: It is a really valid and challenging question, and I would agree with you that 2.3% for modern slavery charges is low and should be increased. As a national programme, we are showing police forces what good practice looks like in order to increase that.

I touched on the rest of my answer earlier, in that, while we have perpetrators who commit modern slavery offences and are caught within that 2.3% charge, they are also—and it is unusual for this offence—prosecuted for other issues, such as controlling prostitution or the movement of drugs. I mentioned polycriminality earlier, and we will charge them for those aspects as well. You could say, “Well, why do you not just charge for the modern slavery as well?”

Q464 **James Daly:** I understand the point that you make, and it is a valid point, but there is a problem. This is where the police fall down. Throughout the criminal justice system, some of the figures are astonishing. The lack of referrals of criminal allegations to the Crown Prosecution Service is absolutely extraordinary. Somebody within the police is directing or giving authority to police officers to, essentially, ignore a whole raft of criminal allegations. That has to be the case, because, if police officers were being told to take these allegations seriously, we would not have this situation.

Jim Pearce: I do not think that I can agree with that. I do not think that any crime report that comes into policing, whether about modern slavery or otherwise, gets ignored. I get the statement and I understand why it



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has been made, but, specifically around modern slavery, I cannot overestimate the complexity of these crimes.

You asked about how we can improve those results. What we do know is that, where you have specialist teams who are focused on exploitation, you get better results—we know that. We engage with victims using third-party resource. There is a victim navigator project, which I hope you have heard about and, if not, we can share evidence of that after. They work within law enforcement, but they are a third party, and they engage really well. In the last couple of years, we have trained 288 victim liaison officers. They are specialist police officers who understand how to get best evidence and how to look after victims.

We also produce numerous guidance and training packages, and we debrief any large investigation and share that best practice as well. There is an element here that you are touching on in terms of policing competing demands. If you have a police force that has modern slavery and wider exploitation within its force control strategy, you will see better and more focused results.

Q465 **James Daly:** Basic competence is what you are talking about.

Jim Pearce: Basic governance.

Q466 **James Daly:** Well, basic governance, but we get this time and time again on this Committee. You just made the statement that, if a force prioritises these matters or has a unit, however you want to describe it, of people whose job it is to prosecute these matters, you get better results. How is that not standard practice across every police force in the country? It has to be incompetence, because, as Ms Harris has said, Parliament has directed that these matters are required to be investigated by the police in a proper way. Who is being held accountable for these errors?

Jim Pearce: It is not incompetence. It is about competing demands. As you quite rightly said, Parliament has directed it. The Modern Slavery Act was excellent in doing that, as was the strategy that dropped out of it. We do not have a national strategy at this moment in time. The strategy and the Bill would recommend that police forces have specialist exploitation teams. If you have competing demands and a direction that comes in that shape or form, that is going to focus minds in terms of police forces.

Q467 **James Daly:** One of the things that police officers speak to me about, mainly off the record, because they do not want to be quoted in respect of this, is the tensions in the relationship between the police and the Crown Prosecution Service, and the level of evidence that is required for the Crown Prosecution Service to even consider charging a matter. This is not universal, but police officers who I have spoken to take the same view, essentially, as what you have just said.

If a police officer is faced with a situation where they do not have that



killer piece of evidence, but they have evidence to suggest that an offence has taken place, they know that it is a waste of time sending it to the Crown Prosecution Service, because the Crown Prosecution Service will say, "Unless the evidence is absolutely a slam dunk, we are not even interested in prosecuting this." Is there a certain amount of fatigue within the police force in saying, "We are not even going to bother sending these to the CPS, because we know the answer is going to be in terms of prosecuting this"?

Jim Pearce: I am sure that you are going to find examples of that. I will also be able to share examples of where that has not happened and we have gone to the nth degree in order to make sure that we get modern slavery prosecutions. I have given you a live case of that at the moment, and I will perhaps bring in Lynette in a second.

To your point around whether this is about evidence, prosecution or otherwise, there is a victim at the heart of this, and we would always make sure that those victims are protected and cared for, either through the existing NRM system or otherwise.

Q468 **James Daly:** Do you feel that police officers have got into a mindset whereby, because of the general relationship between the police and the Crown Prosecution Service, when there is a certain amount of evidence to suggest that an offence has taken place, they say, "We are not going to even bother sending it to CPS, not because, as police officers, we do not want to prosecute it, but because we know that we are wasting our time"?

Jim Pearce: Like I said, I am sure that there will be examples of that. There will be many examples, and my colleague is going to speak to you about one in the next session, where that does not happen. Competing demands are relevant, and what you are articulating is definitely a situation that was occurring around 2015 and 2016. I go back to the impetus that the Modern Slavery Act and the strategy at that time gave police forces.

Another aspect of holding police forces to account, if not through their own force control strategy, is to engage with PCCs. If this is important to the community, it will be important to a PCC. If it is important to a PCC, it will be in their police and crime plan, to which police forces will then respond.

Q469 **James Daly:** It is only fair to give Lynette a chance to answer the points that I put. We talked about the charge-out rate being 2%. What is the referral rate? How many of the 10,000 matters under investigation are referred to the Crown Prosecution Service by the police?

Jim Pearce: Do you have that answer, Lynette?

Lynette Woodrow: I have the numbers of referrals for the last five years, but not the percentage. Would you like me to share the numbers with you?



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James Daly: Yes, please.

Lynette Woodrow: In 2022, there were 286 referrals for modern slavery. In 2021, there were 329. In 2020, there were 331. We can share this dataset with you.

Q470 **James Daly:** There were 286 referrals out of 10,000 cases in 2022 and, of those, 95 have resulted in a charge. Essentially, if I am understanding what has just been said, 50% of the cases, give or take, that were referred in 2022 resulted in a charge or a summons.

Lynette Woodrow: In 2022, 68.8% of cases referred to the CPS resulted in modern slavery charges.

James Daly: The figure of 68% hides behind the fact of the lack of referrals, does it not? We are talking about a very small number of cases here.

Marco Longhi: That is the point.

Q471 **James Daly:** You are the lead for the CPS in respect of this. Have you ever asked Mr Pearce or any other senior police officer, "Why are you not sending us more cases?"

Lynette Woodrow: Yes. Jim and I have had lots of conversations about that. The other thing that is important is our regional relationships. In the CPS, there is a modern slavery lead in each area and division who liaises closely with their policing counterpart. That is very much at the centre of those conversations, looking across the different types of sectors and exploitation types, and at the make-up of cases that are coming into the CPS. Are there opportunities or missed opportunities for investigations, and how can the prosecutor support tackling that?

I know that you asked a question earlier about police fatigue. That does not apply so much in modern slavery cases. These are cases that are dealt with generally by our complex casework units or our specialist divisions, and there is very close working between individual investigators and individual prosecutors, often before any arrest is made.

Jim Pearce: Sorry to jump in, but, just to add to that, you mentioned 10,000. We might just have a look at that, but many of those are still continuing and will be presented to the prosecution.

Q472 **James Daly:** The situation is worse than that, because the brief that I have says that there were 16,000 referrals to the NRM in that year. Of those, 10,000 are being investigated by the police, and 95 are resulting in a charge. What is the conviction rate?

Jim Pearce: I agree with you that the charge rate needs to increase, and we are working hard to do that. That is a point that we will agree on, but I will just make the point that the NRM is not a crime recording system. Those are 17,000 referrals from victims who have reported the fact that they are victims. They will work their way through the system. Of those, 40% sit outside of the UK, and there will be a number of others that will



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manifest themselves as a crime, but the way that they are recorded and so forth gives a police force no chance to investigate, just because of the details within them.

Q473 James Daly: Mr Jones, you are outside the police and the Crown Prosecution Service. Tell us the secret. We want to hear this. Before you all next appear in front of this Committee, what is going to be done in the next 12 months to ensure that that referral, conviction and charge rate is going up? What is going to happen?

Robert Jones: In the criminal justice system that we operate in, you cannot look at one offence in isolation. There are a range of factors that impact on this and other offences, which include digital evidence, disclosure, demands from crimes in action, and other offences in a police force, and, indeed for the NCA.

There is something around prioritisation of this as a threat. There is something about the prioritisation of victim-centred crime, which is very resource-intensive. Drug trafficking is relatively easy to prosecute compared to modern slavery, child abuse or any other sexual offence.

Mastering digital technology, so that law enforcement is not constantly on the back foot with more and more data, trying to deal with disclosure obligations under CPIA, and so that it can investigate very quickly and put in a full file submission, if appropriate, or get a threshold test from the CPS, is something that we are all trying to work on.

Q474 Marco Longhi: If I may interject, that is not really answering the question. We need to understand what really needs to happen. It might have been a flippant comparison that I made between drugs and sex, but it is much easier to go after drugs than it is all of the criminality around sex. What needs to happen for us to make it easier to go after the sex element of crime?

Robert Jones: Continued investment in victims and survivors, with victim navigators, and the ability to deal with people who are involved in this and have been convicted.

Q475 Marco Longhi: Is that not downstream?

Robert Jones: That is one of the things. There are a range of other things upstream in relation to this. When people present, you need a credible, well-resourced investigation, and that means investment in digital technology and the ability to turn an account, which will always be challenged, into good evidence and achieve best evidence—

Q476 Marco Longhi: Rather than the nature of the crime.

Robert Jones: It is the nature of the crime, because you have a victim. You do not have a bag of drugs and a perpetrator. You have a victim, and that victim will be attacked and their account will be challenged. You need to underpin that with corroborative evidence.



Q477 **James Daly:** I understand why you have said what you have just said, but it is incredibly worrying, because you talked in your last sentence about turning an account into good evidence. I was a criminal lawyer for many years. Any statement made at any police station in this country for any offence is going to get challenged. It is not for you to turn it into good evidence. It is for a jury to consider whether it is good evidence. If somebody is brave enough to give evidence, that should be the evidence on the face of it. You do not need to alter that or speak about that. We should be believing witnesses and relying on their testimony.

Robert Jones: We do, but we also need to support them and corroborate them with good digital evidence and other evidence, so that those individuals will succeed in giving their evidence. That is what I mean.

Q478 **Chair:** I just want to be clear as well. ACC Pearce, I think you said that not all NRMs are reported to the police, and yet the Home Office guidance on the NRM states, "A potential victim of modern slavery is a potential victim of crime. All NRM referrals should be referred to the police". Just so that we are clear, are they all referred to the police?

Jim Pearce: All NRM referrals are referred to the police. Just to be clear, if there is a victim who is not supporting that, it still comes to us as what is called an N200, which is a duty to notify.

Q479 **Chair:** We have 17,000—12,000 named persons and 4,000 anonymised. That is what the figures show.

Jim Pearce: I do not have that in front of me.

Q480 **Chair:** Okay, so 12,000 named persons made allegations of serious crime. The police are given 12,000 names of someone who is the victim of serious crime.

Jim Pearce: Of those crimes, 40% will be in a non-UK footprint. Many of those details may well have a name, but the evidence that sits within the form is such that we cannot even follow up the crime investigations linked to them. It is not quite as straightforward as having a crime report with the information on there.

Q481 **Chair:** But you were given 12,000 names of people who are victims of alleged serious crime. Am I right in thinking that the Modern Slavery Act has extra-jurisdictional provisions?

Lynette Woodrow: Yes, you are quite right.

Q482 **Chair:** So this idea that you are suddenly having to deal with things outside the UK is not new.

Lynette Woodrow: There are limitations on it, and I can explain the jurisdictional aspect. We cannot prosecute everyone anywhere, but there is a reach that is international.

Chair: Yes, I remember from the Bill.



Q483 **Simon Fell:** Thank you, everyone, for joining us. I just want to go back to first principles, really. Mr Jones, could you tell us where human trafficking sits as a strategic threat in the UK?

Robert Jones: Across the other threats that we have?

Simon Fell: Yes.

Robert Jones: It is a national priority threat. It is seen as part of the organised immigration crime threat, because, in that journey that is described with offending overseas, many victims of trafficking will be trafficked during their journey outside of the UK. If you investigate organised immigration crime, you are also going to be, hopefully, collecting intelligence on and investigating modern slavery.

In tackling that, we prioritise it for covert assets, and our top 25 operations will always have a large number of organised immigration crime investigations. As you know, the focus on organised immigration crime has changed and is currently small boats in the English channel. As a system, we have all had to respond to that prioritisation, because those 45,000 people in very high-risk circumstances, supported by an organised criminal network that needs to be degraded and dealt with, are the top priority for organised immigration crime.

Within that, we tackle as much modern slavery as we can, and we get after it. Our response in the NCA is to, where we can, tackle people who are enablers involved in the transportation and the upstream. We did a very high-profile case with a Chinese national who had hundreds of addresses being used for cannabis grows and for sex workers. We investigated that individual and secured charges in relation to money laundering, fraud and a range of other offences, collapsing a network that supported over 500 addresses.

Our response to organised immigration crime is very significant for the agency, and modern slavery sits as part of that, but it is not the highest priority within that threat for the system.

Q484 **Simon Fell:** That is really helpful. You have touched on this, and it has come up a few times during evidence today, namely that the people who facilitate human trafficking are often linked to other types of criminality. I am wondering whether you have any statistics on that. Do you find gangs that deal purely in human trafficking, or is it common that they are also into drugs and other sorts of criminality?

Robert Jones: Two of the most significant nationalities that we see are Vietnamese and Albanian. With Albanian nationals, there is a significant amount of polycriminality, where they are involved in other offending. That is why many of those individuals may be convicted for drugs offences, money laundering or other things. Indeed, a lot of what they do is in relation to the organised immigration crime element as well as the trafficking.



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In terms of the Vietnamese, it is a slightly different scenario. We are all aware of the terrible tragedy at Purfleet and the investigations that still continue, which the NCA has led with Essex police, into the response to that, with many convictions in relation to it. With different nationalities, you see different roles and different functions. Those two nationalities, which are significant in the NRM and elsewhere, perform different roles, but they are very significant.

Jim Pearce: If I may, I just need to come back to the conversation that we just had around the NRM, because there are a couple of extra important points around accuracy that I will cover.

However, in answer to the question, as Rob has articulated, it is fair to say that the spotlight was very much on modern slavery. I have already made mention of the Act and the strategy. The spotlight has shifted to the immigration crime space. I do talk about the fact that organised immigration crime can very quickly turn into modern slavery. Sometimes it is minutes or seconds. Arguably, you could say that you are being exploited as soon as you are put on to a small boat, quite frankly.

However, the importance here is just considering that victim piece. There is a misunderstanding, because it is complex—and I have explained priorities within policing—about how best police forces can investigate the difference between organised immigration crime and modern slavery and understand the links between the two, which have been articulated. Many of those jobs do cross over into both.

If I may just pick up on that point of accuracy, we spoke about the 17,000 and I mentioned the 40%. Only 30% of those NRMs come from policing, so 30% go into the NRM, and every single one of those would be crimed, whether or not there are reasonable grounds. It is not just the police that put a report into the NRM in order to create that 17,000 that we spoke about. It is coming from third parties such as immigration enforcement and otherwise.

If one of those third parties puts an NRM report in and it comes back as a negative reasonable grounds decision, that does not necessarily make its way into the police as a crime because it has gone through the system. It would still be reported as an N200 at that point.

Q485 **Chair:** I am getting confused now. With NRMs, I understood that all NRM referrals, as the Home Office guidance states, should be then referred to the police.

Jim Pearce: They will come to us either as a crime or as an N200.

Q486 **Chair:** Leave that aside for a moment. The NRM referral goes to you, either named as an individual or anonymised. That is what I am told. That is what the Home Office guidance says should happen.

Jim Pearce: My understanding is that it will not come to us until it goes through the reasonable grounds process.



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Q487 **Chair:** Can you clarify this in writing?

Jim Pearce: We can clarify it and write in so that we give you a clear picture on that.

Q488 **Simon Fell:** We have talked about Vivastreet a lot. Clearly, the internet is a driver for victim recruitment. We have been talking about sexual exploitation, but what about other types of criminality in this space, such as domestic servitude or people being brought in to grow drugs? How does that break down over internet-based channels? Do people get recruited in from outside the country specifically for jobs, or is it once they are in the UK that they go to different networks?

Robert Jones: It is important to remember that people who will engage in debt bondage to travel to the UK, by their very nature, are not in control of their own destiny. That is why they are treated as potential victims of trafficking if they are detected.

What does that mean? You may be promised something in Albania. You may be promised work on a building site. You might get a small boats crossing where you are not charged any money up front because you are going to work that passage off. In fact, you do not end up on a building site; you end up in a cannabis grow. That then develops the trafficking model, and you could be re-trafficked to do other things.

Some people may have a viable job offer that is made to them at the start of their journey. It may be in domestic servitude; it may be in a range of occupations. Some of the journeys and the agents who run these passages are more sophisticated than others. In the Vietnamese model, people are paying a lot of money to travel that route and are in debt bondage for a lot of money. They are potentially more likely to end up in the type of occupation they are expecting, such as in a nail bar, but they could then be re-trafficked. There is a real risk of that.

There are varying models with different nationalities, but, yes, there is an end-to-end process online, typically in encrypted applications that are ubiquitous, which are channels that people use to communicate and where offers are made. People are then, effectively, moved from an overt presence on Facebook or another social media site into an encrypted channel to then continue those conversations, nail the arrangements for coming to the UK and then their onward transmission.

Part of the problem with illegal labour is that it is very easy to work in the grey economy in the UK for cash. It is very easy for people to come who can stay out of the system. One of the reasons that the small boats challenge does not lend itself very well to trafficking is that people make contact with authority.

As for the individuals who have come into the NRM, we will see where the Albanian spike goes, but certainly the Vietnamese all absconded because they need to work off their debt, so they will no longer collaborate in that NRM process, never mind an investigation. Large numbers of Albanians



will abscond and will not take part in that NRM or investigative process, because they need to work their debt off, and they cannot work their debt off if they are co-operating with authority. Then they may make contact with police in a cannabis grow or an arrest scenario, and then there may be another claim.

It is a complex Venn diagram of activity, depending on the nationality and the route through which you have come.

Q489 Simon Fell: In prior investigations and in this one, we have been in Calais talking to people in migrant camps there, and we have been in Albania recently, talking to people who had been returned to Albania, having been picked up in the UK and other European nations and returned to Tirana. There is a perception, whether it is true or not, that it is easy to come to the UK and work in that grey economy. We would probably hold a slightly different view to that, but you mentioned it, so I feel I need to ask. What do you think we need to be doing to get rid of that perception or erase it?

Robert Jones: It needs to be a much more prominent issue in this conversation. We hear a lot about the threat from organised immigration crime. We hear a lot about the push factors, such as conflict-driven migration or a better life. We also need to deal with the pull factors.

We need to collapse the business model for small boats. Absolutely, it needs to stop. We also need to deal with the conditions that allow people to come into that grey economy. It is harder to work in the grey economy if your identity is fixed. If there is a good biometric identity and you are forced into the HMRC system, it is far harder for you to work for cash. Other partners across Europe comment on that as a potential pull factor to the UK.

Any measures that prevent people from melting away from the authorities into the grey economy and being able to work for cash are very sensible and helpful. Some of those measures could involve digital identity or biometrics. There is a range of measures. I will not try to give you the solutions, but it is about understanding identity for somebody who is in society, part of the economy, in the UK and active.

Q490 Simon Fell: I am going to try not to stick on Vivastreet, but when we had witnesses from there, a couple of weeks ago, the academics who were sat by their side called them out as—I am using this phrase; I am not sure it was theirs—the “best in class” in terms of engagement and sharing information with you. I know we have had a discussion about that already. I asked, “What about the other platforms?” They said, “They are just dark. They don’t share. They don’t put any information forward”. Could you talk a little bit around what your response looks like for those platforms that refuse to bring information to you proactively? Do you trawl them? Do you look at what is on there? What does that engagement look like?



Robert Jones: To be clear, we are not putting Vivastreet on a pedestal. We do not want any of those companies to be doing the business they are doing, but, in the context that you describe, many of them do not engage. We have to chase those companies for evidence or intelligence. That is why I keep talking about regulation and holding people to account.

I would like nothing more than to be able to go after somebody who is complicit in that trade, to show that they are involved in trafficking and to prosecute them, but, just like the financial sector, you need regulation to complement law enforcement. We cannot do this on our own.

Many of these companies are not referring. They should refer. We have tried to create a voluntary framework, because that is all we can do until we have legislation. We are hamstrung by a lack of legislation, a lack of regulation and a wild west on the internet. That is what we need to sort out. Then it will be very obvious what those companies are up to, those that are reporting and those that are not.

Q491 **Simon Fell:** I am trying to get to the level of proactivity that you have there. When we had Vivastreet in front of us, we heard that there are multiple accounts with the same phone number. These are the typical signs you would look for to see that someone is being exploited or that there is a controlling mind behind multiple accounts. You would assume that those same accounts would be replicated on other platforms too. Are you looking at that?

Robert Jones: We are looking at it, but behind what looks like a very obvious lead there is a range of tactics to obfuscate the true identity of that individual, such as a prepaid mobile phone that is gone tomorrow, a virtual private network, or anonymity through other applications. Getting behind what looks like an easy thing to do is very challenging. We pursue it with varying degrees of success.

The point is that we are responding to intelligence because we should. We are proactively telling these companies that they need to make sure that they are not complicit in any of these trafficking offences, or indeed any criminality. In the meantime, we need to hold them to account. We need absolute transparency on their business model, and they need to be forced to report criminality. If they do not, they will not. There is no incentive for them to do it. We know that now.

Q492 **Simon Fell:** In terms of the bigger platforms such as Meta, to go back to Mr Longhi's example, I know that on Instagram you can very easily search my constituency and find someone selling drugs. It is how they operate. Criminals exploit that platform. Do you think these big platforms are doing enough?

Robert Jones: No. It happens in plain sight. The only referrals we reliably get in relation to online harm from those platforms are through the National Center for Missing and Exploited Children and the CyberTip



regime, because domestic legislation in the US makes them do it. Across other crime types, they are almost silent. There is a read-across into fraud; there is a read-across into a range of other threats that we deal with. This is a very good example of an area where they are pretty much silent. Because of their market share, they come to the fore. You cannot demonise one platform, but they are the biggest, as you rightly point out, and they are significant. They are all significant and they all need to report.

Q493 Simon Fell: What is your level of confidence that the OSB will start to move things in the right direction here?

Robert Jones: It will start to move things in the right direction. That is exactly it. It is not going to be a silver bullet overnight. We need to start the journey to hold people to account. This is the first step. We need it, and we need it without any more delay.

Once that is in, this then stops being a phoney war. Ultimately, the people who should be accountable are not in the UK. In the value chain for exploitation, perpetrators act; victims and survivors suffer. There is a missing piece in this jigsaw puzzle when there is no accountability or adverse consequence, and that is technology companies. Where is the incentive to change until there is regulation? We have been very clear about that.

It is the start of the journey. We welcome it. I am sure we will need more over the coming years to deal with the level of problem we have now.

Chair: We are going to have to move on to our second panel. I am sorry that we have not had an opportunity to discuss the use of section 45, because we have lots of other questions. I wonder whether you might be able to write to us from the CPS dealing with section 45. In particular, between 2021 and 2022, of the cases where a section 45 defence was offered, how many were found not guilty or found to be an abuse of process? Does the CPS prosecute potential victims of trafficking even when a positive NRM reasonable grounds or even conclusive grounds decision has been made? Could you address that?

Going back to Vivastreet, could I also ask for someone to write to me on this? Have you ever asked Vivastreet to stop allowing single individuals to advertise multiple women for prostitution? Have you ever asked Vivastreet to stop allowing the same phone number to be used in multiple prostitution adverts? Have you ever asked Vivastreet to provide data on the scale of prostitution adverts posted and paid for on its site that are connected to other adverts? If someone could write to me about that, that would be very helpful.

Can I thank the three of you for your evidence this morning? It has been very helpful to our inquiry. Thank you.

Examination of Witnesses



Witnesses: Stuart Peall and Caroline Haughey.

Q494 **Chair:** Could I ask our witnesses to introduce themselves?

Caroline Haughey: Good morning. I am Caroline Haughey, King's Counsel. I am a criminal barrister. I practise in the area of modern slavery. I have spent the last 12 years dealing with cases of modern slavery. I have done a reasonable tally. Forgive me, it is purely an approximate tally, but I have prosecuted approximately 100 defendants concerning cases with in excess of 800 victims.

Chair: That will be very helpful within the questions we want to ask you today.

Stuart Peall: Good morning. My name is Detective Sergeant Stuart Peall, and I am the sergeant on the exploitation team at Lancashire, which has thematic responsibilities for trafficking, modern slavery, child exploitation and county line offences.

Chair: Thank you. I am going to come straight away to Carolyn Harris.

Q495 **Carolyn Harris:** What protections are offered to victims of human trafficking before and after trial?

Caroline Haughey: If I may, perhaps I can defer to my friend to deal with what happens before they get to me in the criminal justice system.

Stuart Peall: I will speak from experience. We have done a number of sex trafficking investigations. I would say "very little", because there is very little I feel we can offer. For example, about 90% of the sex trafficking victims I have dealt with face to face do not want to make a complaint or will not make a complaint. What you can then offer them is very difficult.

In terms of those who complain as a victim status, again, I have found that very difficult, because often females who have been brought here from Romania, Spain, France or wherever it may be, have been subject to sexual abuse since they entered England. Often they do not want to stay because, let us be frank, why would they? You can place them into the national referral mechanism but, because they do not want to stay in the country and go through that process, the NRM is not open to them.

The best example I can give you is that we have had to manage victims in Spain. We have had victims who have complained, but they do not want to stay in England, so we have had to manage them in Spain, which we have done through social services in Spain. That is what we have done when we have had victims. We have tried to manage them through social services getting together and offering them that adult social care. Then you are saying, "We can understand why you do not want to stay in England and we can't force you to," but the fear has to be what they are going back into.



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Even for those who do not complain, I still do that process. We share it with the Romanian authorities to let them know we perceive someone as a victim, even though they are saying they are not.

Caroline Haughey: That is very helpful. I agree and endorse everything that has been said by my colleague from Lancashire police. My role in the criminal justice system is different. I am not permitted to engage with victims in advance of the court proceedings. What I can inform you about is what happens when I meet them in the courtroom, which is normally about 15 or 20 minutes before they give evidence. I cannot offer them any protections. I personally cannot incentivise them. What I can seek to do is engage them with the process.

In advance of all my trials, the vast majority of the officers with whom I engage know, because they are now in the midst of a trial and, unfortunately for them, working with me, that I will push for them to ask—which they must do; it is set in law—the victim complainant in the proceedings what protections they wish to deploy in court in order to give best evidence. Do they want to give evidence behind a screen? Do they want to do it by remote link?

In Operation Fort, we had 100 complainants giving evidence. About 30% of them chose not to give evidence from behind a screen and wished to confront the perpetrators face to face, but the point was that we made the process work for them as well as us. My job is to prosecute fairly as well as, when I am wearing my other hat, to defend fiercely.

Secondly, I ensure we have cultural engagement. If I may use Operation Fort again, simply because it was the largest labour trafficking case in Europe at the time, we had 350 identified victims. My leading officer in the case, Detective Chief Inspector Nick Dale, ensured that we had a Polish-speaking police officer embedded in the team. We had a single point of contact phone that was given to all our complainers, which was a number they could contact at all times to voice any concerns. All of this was recorded and noted to meet our other obligations under the Criminal Procedure and Investigations Act and disclosure. We, as in the team, ensured, where appropriate, that we put them in contact with the appropriate NGOs.

The biggest hurdle, in my opinion—and I will defer to my colleague on this—is cultural engagement. In Operation Field, for example, which was about Vietnamese child labour exploitation and was the first under the Modern Slavery Act, we lost every one of our victims once we had recovered them. They were young women of 14, 15 or 16. We were quite properly putting them in social services care, but they were being sent to families who did not speak Vietnamese. Forgive me for sounding blunt, but they were not serving noodles. When we asked the victims why they were running away, that was the answer we were given. When there is a lack of cultural engagement with foreign nationals who are being



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exploited—and I am making that distinction—there is very often a desire by them to return to what they know.

May I caveat your question by saying this, Ms Harris? The reality is that victims of modern slavery often do not want to identify as victims of modern slavery. They are ashamed. They are embarrassed that they have been exploited and been vulnerable. Often, the means by which they have been exploited, be that intellectual incapacity, depression, other clinical conditions or the circumstances in which they find themselves, mean that they do not want to or cannot acknowledge that they are victims.

Returning to their perpetrators, who may be of the same cultural background, feels to them, ironically, the safest place for them to be. We may not appreciate or understand that and find that a bizarre lens through which to be looking at our victimology, but as I say, in the 700 or 800 victims I have dealt with, that is a theme that I have seen, particularly with foreign nationals.

Q496 Carolyn Harris: Can I ask you about victims who are not foreign nationals? Can I ask you about victims who are UK residents?

Caroline Haughey: My data background in that is much more limited. My experience and exposure is prosecuting organised crime groups or single perpetrators with predominantly foreign nationals.

Putting on my academic hat, as someone who lectures in this background and has done reviews for the Government, there is the same typology happening. It may not be cultural engagement in the broader sense of, “I am providing you with the language skills so that you can communicate with someone from your own background,” but it is a simple shame and denial: “I do not want to be a victim. I do not want to acknowledge that someone has taken advantage of me. I want to shut this door of my life and move on.” That makes it hard.

Stuart Peall: My experience is very similar. Every group we have prosecuted—and there are many—is foreign. In the last 18 months, a lot of our work has been around county lines, and there are certainly a lot more English drug OCGs exploiting or trafficking young boys, but, again, there is no real difference in terms of how they present and what is offered.

Q497 Carolyn Harris: Is that because there is a mindset that, if you are a UK national and you are being exploited to sell sex, you are not a victim of modern slavery but you are engaging in the sex trade or making a choice to become involved in prostitution?

Caroline Haughey: I am currently involved in a case. I cannot go into more details than that, but it involves in excess of 60 sex workers on an adult site. As practitioners, policymakers and anyone who writes in this area—and I specifically include the media in that—we must be very careful and specific about the language that we use. There are sex



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workers—I have interviewed many and called a large number as witnesses—who choose to do sex work as the least-worst economic option. Is that consensual and voluntary? Yes, but I say that to a degree, and that is a very large, underlined “to a degree”.

In Operation Peltier, a Hungarian joint investigation force where I did have some English sex workers, their view—and I use “they” to cover a number—was that it was safer working in an environment with male management, who controlled the door and the punter, and who provided an administration service and a security service for which they were prepared to pay, normally, between 20% and 35% of the sex act. By the way, it is approximately £65 for half an hour and a full consensual sex act. Again, I am using that word “consensual” with the caveat.

That applies to my experience of both eastern European sex workers and British sex workers. They are choosing this as an economic means because it is a more lucrative means than the alternative. Is it a choice freely given? In that sense, yes, it is. It does not fall into rape or consent, but it is an economically driven one with which I am uncomfortable.

We see a conflation of language. Not all sex workers are trafficked, but all sex workers, unless they are wholly independent and acting on their own without someone controlling any element of how they are selling themselves, are exploited, full stop.

Q498 **Carolyn Harris:** I would argue that women or men who are sold for sex by a person who makes the financial gain from them are trafficked.

Caroline Haughey: Forgive me. Technically, that is not what the law says. Absolutely, they are exploited, but the trafficking in legal terms is the movement. If they go to a brothel and they work exclusively from that brothel, they are not being trafficked. If, however, they are moved from one location to another location—

Q499 **Carolyn Harris:** What about from one person to another?

Caroline Haughey: It has to be from one location to another. They cannot move from one room to another, but if, for example, I run a website and I say, “You are going to work in this brothel this morning, but you have three out calls at 1 Acacia Avenue, Westminster and Victoria this afternoon,” and I organise that, then I am trafficking for the purposes of exploitation, because I am arranging the movement.

Q500 **Chair:** On Vivastreet, when I looked in my own area of Hull, I saw adverts saying, “In town for one week, fresh to the area, only available for a limited time.” That would fit the definition of trafficking that you have just described.

Caroline Haughey: Yes.

Stuart Peall: Yes, for sure. If I go back to operations, we have done it the way I know barristers have used it. Sickeningly, it is almost like a bit



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of a car showroom. That is why it is “new in town”, because, if a car is on the showroom for so long, it does not sell.

What is worrying around punters and sex users is that, once they have used one prostitute, they will often like to use a different one. We have had operations such as Operation Magician, where our offenders would research Vivastreet to find women who looked good on the adverts or were earning a lot of money. They would reach out to them to say, “Rather than working in Watford, why don’t you come and work in Blackburn?” Again, that was perfect around the movement.

My own personal view around the police force is that sometimes we complicate matters when it is not needed. A lot of times, I will talk to other forces about trafficking jobs, and they will say, “Yes, but we couldn’t prove they had brought them in from Romania or Hungary.” You do not need to. Clearly, when you get down the line to the sentencing point, that is a fantastic bit of evidence to show. However, I cover the Blackburn, Burnley and Preston area. Blackburn and Burnley are close. All you have to show is a bit of movement from Blackburn to Burnley, and you have it. Can you then work on it? It will often happen that, yes, they have brought them in. You just have to work it backwards.

Q501 James Daly: Stuart, you have already answered the question I am about to ask you, but I am going to put it this way. You were in for the previous line of questioning. What concerns me, not just in this area, is that there are barriers put in the way. Referral comes to you as the investigating officer. There are barriers within both the police force and the CPS. This is a complex area. I accept everything you said. There are different nuances. Every case is different, but the system makes it more difficult for you as the investigating officer to bring a charge to be tested before a jury. Is that an unfair statement for me to make?

Stuart Peall: For me, personally, yes. I only say that because I have been doing this for seven or eight years now, and in this particular role I have a fantastic relationship with CPS. Maybe it is slightly easier for me because I have assigned lawyers, so I will often go to a lawyer.

On the point you made earlier around the police and CPS, I sometimes think this comes from a police confidence issue. If I make an arrest for any offence, I am immediately thinking that I have 24 to 36 hours to prove that offence, and I will be taking it to CPS. I think that with every person I arrest, because that, in essence, is why you are arresting them. Now, there is a confidence and a way to present the threshold test case, as there is for code. As you rightly put it, there are less and less cases going to the CPS, which then results in less and less confidence with those who are presenting them to do it.

Q502 Simon Fell: Thank you for joining us. Yesterday, we met with victims and survivors of human trafficking and exploitation. It was a harrowing session where they took us through some of their stories and what they had experienced. The thing that really struck me was the number of



those very brave people who told us what happened to them after they turned up at the police station and how they had been treated. They used the word “detention” a lot. They talked about being in unfamiliar circumstances and being very unsure about where they stood, what was happening next, and why people kept asking them questions. Were they ever going to see justice? Were they ever going to get out of the detention that they were in?

Many of these stories have been running for years. I would be interested in your perspective, Stuart, in particular. For this example, let us say someone is not a British national. They have been trafficked over here. They have escaped exploitation. They turn up to Preston police station and say, “I am a victim.” What happens to them then?

Stuart Peall: First of all, you would want an account from that victim. I can speak about my team, when we are on duty; often, even if we are not on duty, I will be contacted. We have what is called a victim suite. In Lancashire, we have a victim suite set-up, which for all intents and purposes is in a police station, but it does not look like a police station—it is a small countryside police station.

In there, we have everything you would need in the first instance to make you comfortable in terms of clothing, bed, food and other items. Then, the first thing we would do is get an interpreter. This might not be open all over the country, but I use two Romanian women interpreters because that works better. They have worked with us for a number of years to explain the process, because they know the process. Again, that comes back to what the chief was talking about around specialist teams.

We want the evidence because I want the perpetrators, but it is very slow with us. You have to gain that trust; that is the key bit, because it is so different—whatever country they come from, whether it is Romania, Hungary or Vietnam, good or bad, the policing of how we deal with this kind of work is going to be so different. That is how we would do it. I can say, from a Lancashire police point of view, that, for any victim I have ever had, whether they present or not, we have always followed it up with an investigation and arrest.

Q503 **Simon Fell:** That is very good to hear. Can I ask what happens after they go through that process though? This was the most horrific bit of the evidence we heard yesterday. To all intents and purposes, it seems they are just left to their own devices in some form of detention. If someone comes to Preston, they go through that process with you, and then what?

Stuart Peall: Then it would be the referral. They might be happy where they are in that victim suite, but obviously they cannot stay there forever. Then, we will explain the national referral mechanism process to them, which will then lead to the charity and the accommodation where they would be put. The difficulty, particularly in a lot of the cases I have dealt with, is that they do not want to be in the NRM. I know there will be



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loads of examples where they do, but, personally, they do not want to be in the NRM.

If I give you the example of the woman who wanted to go back to her children in Spain, that was incredibly difficult, as you can imagine. We briefed Spanish social services, and our interpreter kept her briefed. The Lancashire police paid for the interpreter to go to Spain to keep her briefed around what was going on. As we know, with the way the court system has been for the last couple of years, they take time to get to trial. So, that certainly is not what we do.

Q504 Simon Fell: I am glad to hear that that is not what you do, but it is certainly what we heard in the session yesterday. Do you think the training is sufficient across police forces to make sure good practice is being shared?

Stuart Peall: I do, but, with every specialist crime we talk about, you can do as much training as you want. Policing will always be the same: you will not get competent in it unless you are dealing with it.

Caroline Haughey: I agree that you get competent in it if you are doing it. Humbly, I do not think the training is sufficient or adequate. When I wrote the review in 2016, I did not think it was sufficient and adequate then. It has improved, but I am still dealing with police officers and Crown Prosecution Service who do not understand or are fearful of the complexity of modern slavery cases.

Can I just clarify something that I heard in the last stage of evidence? Having read all the evidence and the questions from the previous Committees, which has been invaluable for me from a practitioner perspective as well, modern slavery cases—I am using that as an umbrella term—are entirely different from any other type of offending, in my opinion. When you are dealing with a murder, you have a linear starting point. You have a dead body. Who has died? How did they die and who did it? If you are dealing with fraud, money has gone. Where has it gone? How did it move? Where has it gone to and who did it?

When you are dealing with modern slavery cases, often the starting point is not that binary. You might become aware that modern slavery is happening, because you have been notified by a bank that there is a heck of a lot of cash going into one individual's account from multiple wage earners with different names. You may then go and speak to those individuals, who are all terrified of the perpetrator because they are in debt bondage back in Romania, Albania or Poland, so they are not prepared to support the allegation. What do you do? You start going back. You are almost putting the cart before the horse in order to do the investigation.

There is another aspect of modern slavery cases that was also picked up on this morning. Having gone back over my own case history, in 50% of my modern slavery cases—again, I use that umbrella term—I have not



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just prosecuted trafficking, exploitation and money laundering. They have also involved assault, kidnapping, blackmail, perverting the course of justice, misconduct in public office, fraudulent marriages, sham marriages, theft, identity, DWP fraud, rape—an entire range of hybrid offending that attaches. I will defer again, but it is unusual for an officer, and in fact the CPS and counsel, to have to deal with such a library of offending with one core gang, if you like.

When we are dealing with the movement of human beings, their use and purpose is multitudinous. You can only sell drugs for consumption. You can only use firearms to shoot them. You can use a human being to breed or to work. You can use their identity. The amount of work they can do and what work they can do is enormous. If you stop a minibus with 15 people in it, they all have ID on them and they all say they are happy to be there, where are you concerned that trafficking is taking place? However, if you stop a minibus and you find a kilo of coke in it, it is a very different angle to pursue. That makes this area of work particularly challenging.

From my personal experience, once I am dealing with officers who engage with this, they are 100% engaged, but sometimes taking them on that journey can be a little challenging. I see that also within the Crown Prosecution Service, because this is complex. Equally, as I am sure you will appreciate, it is expensive and there simply are not the resources.

I am afraid I am an advocate of the Al Capone approach of going after the money. Financial investigative officers cost a lot of money, are thin on the ground and are hard to come by, but there is a difference in the types of evidence we can use. Personally, I would like to rely on my complainants, but sometimes the court experience is too much for them. Sometimes they do not want to engage. How do I bring my case in the absence of the complainant? I do what the chief constable said: I corroborate.

You can have victimless prosecutions and you can get justice. It is hard, but we are resource-deprived. There is a reluctance, when costly cases come along, to put those resources in there because, if I am honest, this is not attractive in the same sense that solving a murder or a massive fraud is. This is just not a priority. That, I am afraid, is reflected in the NCA approach by subsuming this in immigration. This is not an immigration offence; this is an exploitation offence. Until that becomes the underpinning, key issue behind understanding the policy, implementation and application of the Act, we are not going to make any difference.

Q505 Simon Fell: I just want to ask one question to pick you up on something you said. You said we are resource-poor. Which part of the value chain is resource-poor? Is it all of it?

Caroline Haughey: It is all of it.



Simon Fell: That is easy to fix then.

Caroline Haughey: Look, I recognise that the criminal Bar is not a popular place. Crime does not pay, but our responsibility is to take those people whose lives have been exploited. Can I make something clear? I have seen forms of exploitation that are so egregious. I have had complainants, now victims, who have basically felt that the only freedom they had was whether or not they were breathing. They were told when they could eat, what they could eat and how much they could eat. Their living conditions were beyond poverty and squalor. They were paid about £10 a week if they were lucky. They were told when they could go to the loo. They were given no running water and were washing in Birmingham canal. For me, from where I stand, the only thing they do not have taken off them is the right to breathe. Everything else has been taken, so I see it as not far away from murder, but that is not this Government's policy. I do not think it is any party's policy to view this type of offending through that lens.

That is reflected in the fact that we do not have an anti-slavery commissioner who is responsible for calling these things to account. That is reflected in this area's consumption under immigration. That is reflected in the language of the offending when it is called immigration smuggling; it is not. Trafficking and exploitation stand alone as their own offences. Until that is recognised and promoted, I am afraid we will be static in dealing with this.

Q506 **James Daly:** Stuart, I am reading out a statement in quotations here, so it may not be correct, but is it correct that Lancashire police has "the best charge rate for human trafficking offences out of any force in the country at almost 30%"?

Stuart Peall: Yes. I do not know what year that quote was from.

Q507 **James Daly:** If that is accurate, Stuart, I have to say that I have been sat on Committees for four years—both the Justice Committee and Home Affairs Committee—and in half an hour you are the most convincing police witness I have heard in terms of doing the job that you are paid to do. We heard that the charge-out rate nationally is 2% or whatever it is. This is a very difficult question for you, because I am sure you are not going around other police forces and seeing what is going on, but, on the basis that that 30% is correct, what is it that you are doing right and they are doing wrong?

Stuart Peall: That statistic will have been a few years ago when we were purely focused on sex trafficking. There was a problem in east Lancashire. We maybe saw it coming over the hill before others. We saw that there is a clear sex trafficking problem here.

When we go into an address, whether it is any form of brothel visit or we instruct a car to be stopped that we think is involved in sex trafficking, I 100% guarantee you that I will arrest any male who is close to it, because for me, in terms of what the law allows, there is no reason for



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them to be in a brothel. There is no reason for them to be taking women to out-calls or whatever it may be.

Like I said, 90% of the women we engaged with said, "No, there is nothing at all going on here." My view was, "Yes, there is, but I will prove it without you." We did a large Chinese sex trafficking case in September—no complainant. But—we would not get the convictions without it—we use everything that is open to us to prove that case, whether it be the key bits such as mobile phones or adult websites.

We have had two cases where we have found the diary of the victim. While she might look me in the eyes and say, "No, there is nothing going on here. I am doing it of my own choice," or, "There is nothing happening," the diary will then tell the truth, which is as we have discussed before. I know you have met victims of it. It is not something you ever want to read. I would suggest that is why our percentage is so much higher, because we take that stance that we will prove it, complaint-less.

James Daly: After that, there is not much else to say. I was a criminal lawyer for the best part of 20 years. I come from an era before matters were sent to the CPS for charging. I come from an era where policing is essentially what you have just said, which I do not think is there now. I do not know whether it is training; I do not know what the issue is, but you have described in a minute what a police officer should do, and that is the reason why you are having success. I will just say, "Very well done."

Q508 **Chair:** Was it the chief constable who said, "We have to sort this out"? Where did it come from that you were able to focus in the way that you did?

Stuart Peall: It was a retired police officer, a retired DCI called Sion Hall, who is very much still involved. He runs all the charity functions and the victim charities. He is still employed by Lancashire police as police staff. It is something he saw. We sat down. When we first took it to CPS, there was nothing but support. It was an idea at the time, when I go back, that had not been tried before, and they were fantastic. That worked well. That is obviously what you want across the country. There is absolutely no doubt about that.

To be fair to the chief, I have been lucky enough to go and do these talks around the country to different forces on how you should maybe look at it, but I see it myself sometimes. It is around what the priority is that week. In terms of the last couple of months, county lines is a massive problem. There is child exploitation. It is about working out that balance. There is so much horrible stuff going on to people. Which one do you prioritise? That is the difficulty. That is how it came about.

Q509 **Chair:** Going back to Vivastreet and the rather testy exchange I had earlier on in the first session, I just wondered, Caroline, whether you



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might be able to help me. You say, "Go after the money," and you take that approach. What I am a little concerned about is that, with these adult service websites, they are obviously charging lots of money to put these adverts up. We around the table all think that there are red flags in the fact that one person is advertising multiple women and using the same telephone number.

Have you come across cases, or do you think there may be cases, that have been prosecuted by following the money, seeing where that money is coming from, and seeing that it is going into a business and being used then to advertise trafficked women?

Caroline Haughey: No, but, if I may couch my words carefully, there could be circumstances where it has, in the past, been recommended that consideration be given to, for example, prosecuting such websites for the act of money laundering. If you are laundering the proceeds of a crime knowingly—and the standard is lower because it only requires suspicion—then, in my personal opinion, that could lay the foundations for a money laundering charge.

May I make the following observations on the basis of the evidence this morning? There are so many websites out there. If I am honest, Vivastreet at least helps the police and does not obfuscate, delay or—I would go so far as to say—obstruct. The evidence I have deployed from such adult websites has been instrumental in gaining prosecutions. I would say it has been instrumental in every single sex case I have done, and that is 50% of the modern slavery/human trafficking casework that I do.

It is easy to use if it is open source. I will have police officers go on and take screengrabs of sex workers being advertised, and I will then be able to show that the phone number for that person is the same phone number being used. These are the flags that you have absolutely identified, Madam Chair, such as phone numbers and bank accounts. I have used a super-recognising officer before to identify that this sex worker is also that sex worker on this website, doing cross-reference even though it has been a different number.

The issue we have in the criminal courts is the admissibility of that evidence and meeting the evidential criteria, but it is vital. As I say, it has been instrumental in a large number of my cases, but the websites can do a lot more. Frankly, if one person is paying for more than one profile, that is controlling. If one phone number is used for more than one sex worker, to me that is inferentially pretty strong evidence of controlling. If the same address is being used by more than one sex worker, I think that is defined as a brothel—I say that with a hint of sarcasm; forgive me. Those are three basic flags. The suggestion of regulation is the very least we should be thinking about. If banks are required to do suspicious activity reports, why not adult websites?

Q510 **James Daly:** One of the things I go on about here is the implementation



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of the charging standard and how that is interpreted by different lawyers. I see that as a real problem within the criminal justice system. I see the bar to prosecution, in terms of the evidential requirements that the CPS wants the police to meet, as being far too high. From your experience of these types of cases, is that a fair criticism?

Caroline Haughey: It is a fair criticism in some areas. The difficulty is, as you will well appreciate from your time in practice, that each case is identified on its own factual matrix. On Operation Fort, the first time I was brought in, they had been told by a lawyer, who I did not deal with, that that case could not be prosecuted.

While I humbly disagree with my colleague from the police, in my experience there is not enough education, engagement and resource. Education means understanding the terminology we are using and applying it. Engagement is proactively looking. I would be fascinated to know the distinction between proactive responses and reactive responses. I suspect Lancashire police is reacting to some but, more importantly, proactively searching it out to deal with it.

I would like to see financial investigation officers. Forgive me, but they are as scarce as hen's teeth. They are vital in analysing, interpreting and providing. Something else I would commend upon you is to get the left hand and the right hand talking to each other. Last year, I was trying to prosecute a gentleman by the name of David Handy for cheating the public purse, because he failed to declare his illegal income of £250,000 to His Majesty's Revenue and Customs. It took me three years to get a statement from HMRC.

We cannot have this siloing of stakeholders. We all want to achieve the same thing. We may all be on different paths getting there, but we have to be talking and sharing. There is use of language like, "It is a DPA issue," or, "It is a data issue." I am sorry; I am signed up to the CPIA. I am quite clear about what data I can use and when. Telling me that I cannot have the name of my victim, and her or his date of birth and bank account details, in order to prosecute my case is frankly ludicrous. We need to stop that.

I do not just say that to His Majesty's Revenue and Customs. I mean social services. In Operation Field, they were in the process of deporting one of my 15-year-old victims back to Vietnam during the case. I should add—and this is a salutary message that we in this area need to understand—that that same victim is now in a relationship with the perpetrator and has two children with him. Victims are not straightforward in modern slavery cases, and that is what makes them challenging. That is why I admire enormously those who, like I do, pursue, in the absence of complainant, evidence where necessary, because it will always be challenged.

Q511 **James Daly:** One of the things I despair at within the criminal justice system—and I may be an outlier in respect of this—is the downgrading of



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individual testimony. Mr Jones from the NCA touched on that a little bit. We are getting to a point in the criminal justice system where, essentially, somebody has gone through an absolutely appalling set of circumstances, where there may well not be another witness who can support that.

For some reason we seem to be saying at the starting point that that witness testimony is not enough. It is not enough to test that in a court situation. If I had been the victim of trafficking or sexual exploitation, there was no other witness to it and I was brave enough to make a statement, and then the police were saying, "That is not enough. We need to go and do this, that and the other," I would find that appalling.

Caroline Haughey: I agree on the face of it, but may I make this very clear? I am never critical of my complainants in modern slavery cases. I have lost one in 12 years where I did have a lying victim.

Q512 **James Daly:** I am talking about prior to the case coming to you, mainly.

Caroline Haughey: Yes, absolutely, but when we get a complainant statement, if it is given at first instance, often that recollection is trauma recollection. When it gets to me, for example, or a charging lawyer in the CPS, to make the decision, we are looking at it against a background of evidence that may directly contradict that. It is not that we are looking to disbelieve the victim. Perhaps my colleague can help.

Q513 **James Daly:** You are trying the case, in effect. I understand the point you are making. Obviously, there are matters of the public purse and matters of public interest, but it is not your job, I would humbly suggest, to decide whether a jury is going to believe this because there may be that contradiction or this contradiction. In the justice system that we have, if there is a case to answer, it should put in front of a court, not discussed between the police and the CPS prior to getting there. This attitude to the criminal justice system permeates the police. They do not send cases, because they know that the case is going to get taken apart if they send it to the CPS.

Caroline Haughey: The problem we have is that, in order for a case to be charged, the Crown Prosecution Service has an evidential threshold. If that evidential threshold is met, then there has to be a public interest.

The difficulty we have, which is why I am often brought in unusually early on in investigations like Operation Fort, is that I will often have a first statement, look at it and say, "I can see issues with this, but perhaps we can do a further interview. Can we use this method of trying to obtain the account?"

For example, there is a study being done with Northamptonshire police and a gentleman by the name of Dr Craig Barlow, informing Northamptonshire police how it can better obtain statements from victims. That is a really good starting point. We are trying to not traumatise them again, but use the best techniques possible. It was a



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recommendation I made in the review back in 2016. How do we get their account? Unfortunately, sometimes the trauma of the experience colours recollection and it is misinformed recollection—does that make sense?—rather than disingenuous recollection.

Q514 **Chair:** I am very conscious of time. This has been an excellent session. I am very pleased that we have had both of you as our witnesses. Just before we end, is there anything else you want to tell us that you think we should have in mind when writing our report and making recommendations? I know we have had some very clear steers already. Is there anything else you really want to tell us that you feel we need to know?

Stuart Peall: The only other line I had was around section 45 and the hard evidence that I have around the abuse of the NRM. Whether we have time to do that today is another matter.

All I would say is that I have had a number of these cases. Taking Vietnamese cases as an example, I have had cases where we have charged 20-odd people. In that instance, four or five people have said they are 14 or 15 years old. It sounds really easy to prove that they are not, but it is not. It is not easy at all because, in essence, somebody who does not exist has come to the UK. They do not exist. There is no record of them in, say, Vietnam because we have done these checks on the name they have given. That is point one.

There are cases where we have proved that was a lie. On one occasion, the person was 30. We went on her social media. She told us she was 15. She was 30. Again, our good relationship with the CPS meant the CPS would charge those four people who said they were 15, even though, at that moment in time, I had no evidence to suggest, apart from visually, that they were over 15.

Once you have proved that point, rightly so in my view, they are going to say, "All right, I lied about my age, but I was still trafficked." Through that trial, some of the women who had used that defence basically said, "Listen, we've come from Vietnam because we have debt. We ended up in Russia and were put out in"—this is how they describe it—"the jungle in Russia for a number of months." It is usually the same account: "We've then gone to France. The three of us have been raped in containers in France and we've watched friends be killed."

When we worked the timescale back, we found them all on social media. At that point one was in a pool party in Thailand; one was at a party in Germany. In essence, they said, "Do you know what? That was a lie." Does that mean they are not trafficked? No, it does not. It means they have been dishonest about what they have said so far.

Just to highlight this very quickly, that is the difficulty we have with the national referral mechanism. Just because the police or an agency might prove they have been dishonest about something, it does not prove they



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are not trafficked. Sometimes the problem—again, this is about understanding the culture—is that, when you meet a victim and they tell you their story or their account, they go all the way up here, but if they had just stuck to what had happened, it would still be terrible.

You talk about the massive backlog of investigations. Even with the best will in the world, if somebody says to you, “I have been trafficked through France and I have been raped, but I am not really sure where,” I do not really know how you are ever going to prove that that happened or did not happen. With the best will in the world, I do not know how that is possible.

That can sometimes explain what is happening around the NRM, in terms of the—I am not sure I would call it abuse, but we have had so many people who have been proved to be dishonest, although that does not disprove trafficking. I have had a number of cases—double figures—where people have used section 45, and every single one has been found guilty. All we did was prove that their account was dishonest. It did not prove they were not trafficked. I can only talk to you about the cases we have done. I have never had one who has used section 45 who has not been found guilty.

Chair: That is helpful. Thank you.

Caroline Haughey: My hope or desire would be to see better education and, therefore, implementation and enforcement, and a nationalised standard, which is still, sadly, absent. I would like to see better communication and a lack of siloing between those of us who are stakeholders in the criminal justice system.

I know we have had the Sentencing Council guidelines on modern slavery offending. In my humble opinion, the sentences are not commensurate with the seriousness of the offending with which we are dealing. I would really like to see the appointment of an anti-slavery commissioner.

Chair: We would as well.

Caroline Haughey: Frankly, it is farcical, shameful and disgraceful. I would also like to see the correct use of language when dealing with this issue, instead of using it as a politically inflammatory tool.

Dealing with section 45, I wonder whether we should reconsider using section 45, and making it available as, a defence to sex workers who have been promoted through the chain to become, for example, madams in brothels as the least-worst option. Currently, you cannot use section 45 as a defence for being involved in exploitation and trafficking offences. I wonder whether that is something we should revisit.

Chair: That is very helpful to us for our report.

Stuart Peall: Just on the sentencing, when we have run these prosecutions complaint-less, the top sentence was seven years. With a



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complaint, it was 12 years. I do understand judges' predicaments with that. Somebody saying it has happened is better than us showing what has happened. It is a difficult one.

Chair: Thank you very much indeed. If there is anything else you think of that you want to let us know, please do write to us. It has been a really excellent session. I am very pleased you were in for the first session as well and were able to comment on the answers we were given. Thank you very much.

Caroline Haughey: If there is anything further I can provide from a practitioner's perspective, please do tell me what I can address.

Chair: Thank you. That is very kind.