



HOUSES OF PARLIAMENT

Joint Committee on Draft Modern Slavery Bill

Oral evidence: [Draft Modern Slavery Bill](#), HC [1019], Tuesday 4 March 2014

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Ordered by the House of Commons to be published on 27 February 2014.

Members present: Mr Frank Field (Chairman), Baroness Butler-Sloss, The Lord Bishop of Derby, Baroness Doocey, Baroness Kennedy of Cradley, Lord McColl of Dulwich, Lord Warner, Fiona Bruce, Michael Connarty, Fiona Mactaggart, Sir John Randall, Mrs Caroline Spelman and Sir Andrew Stunell

Questions [874-958]

Witnesses: **Chloe Setter**, Head of Advocacy, Policy & Campaigns (Child trafficking), ECPAT UK, and **Philip Ishola**, Director, Counter Human Trafficking Bureau, examined.

Q874 Chairman: Chloe and Philip, will you identify yourselves for the record, please?

Chloe Setter: My name is Chloe Setter. I am from ECPAT UK.

Philip Ishola: I am Philip Ishola, director of Counter Human Trafficking Bureau. I currently work with the Association of Directors of Children's Services asylum taskforce.

Chairman: Thank you very much. We have around half an hour for you, but we have lots to ask you. You do not both have to answer questions. When you do, it would be really good if you would direct your attention to the question.

Q875 Mrs Spelman: We are wrestling with the question of whether or not there should be a separate child exploitation offence. Why do you think there are so few successful prosecutions for child

exploitation? Are age assessment and potential cultural misconceptions the real causes of those low prosecution rates?

Chloe Setter: I would not say that age assessments are a reason why there are low prosecution rates. I certainly think there are some cultural misconceptions. There is definitely an element of cultural relativism that exists. We see that particularly with domestic servitude cases, where it is viewed that the child is being given a slightly better life if they have been sent to school or something. Because it is a traditional practice in certain parts of Africa, it is almost tolerated in some way and seen as being what they do, and therefore not so bad. Quite often it is not viewed as abuse, as it should be.

There are a number of reasons why there are low prosecution rates. One is that it is very difficult to prosecute child cases, because human trafficking prosecutions rely so heavily on victim testimony. In many children's cases, the children are too young, too vulnerable or too traumatised to testify, which means that they are not able to take their cases forward. I am thinking of three cases, in particular, in the youth group where we work with victims—three girls who were trafficked for domestic servitude. None of those three cases was prosecuted. They were told that it was because there was not enough evidence and it was just their word against the traffickers'. Because of that, those three lots of traffickers have been left unpunished and able to bring in more children. That is not monitored after the cases are first looked at, so the likelihood is that they will just have replaced the girls with someone else. That is a great injustice to the victims who have suffered, who have to live knowing that the traffickers who abused them have gone unpunished, but also for potential victims. It means that we are not holding to account those whom we should in criminal law.

There is also the element where there is a gap or lacuna in the law. The threshold for children's cases should be seen as lower. The definition of child trafficking is a lower threshold than that of adults, yet we see fewer prosecutions for children's cases when, in theory, they should be simpler. This is partly because, with trafficking being a process, there are different elements that have to be proven in a criminal case. However, with many cases of domestic servitude or cases where there is a very young child, the threshold for the forced labour offence that was previously in the Coroners and Justice Act is too high. It was not designed with children in mind. There are notes in the CPS guidance about coercion, and a child cannot be subject to forced labour because it cannot consent to being involved in that kind of work.

Q876 Chairman: If we had child guardians or advocates, would that make a difference?

Chloe Setter: In terms of what?

Q877 Chairman: Successful prosecutions.

Chloe Setter: Yes, I think it would somewhat. It is quite hard to measure and gauge that, but the purpose of a guardian is to improve the child's well-being, primarily, and to make sure their rights are upheld. If those things are happening and the child feels safe and that they have someone they can trust and disclose to, it is much more likely that they will want and be able to participate in a criminal case. Unfortunately, we regularly see cases like the ones I have mentioned, where police fail to prosecute—or sometimes, even fail to investigate—allegations of trafficking. I believe a guardian would help to hold them to account.

Q878 Chairman: Philip, do you agree with the line that having an offence of child trafficking makes it more difficult to prosecute—what Chloe is telling us?

Philip Ishola: Having a specific offence of child trafficking sounds or seems enticing, but I am not entirely convinced that it would be effective. I come back to the question that was originally asked. The reasons why we have such a low rate of prosecutions are numerous. An influencing factor is the conflict in the whole range of current law—within the Sexual Offences Act, the Immigration Act and the range of laws that the police have at their disposal to charge. Trafficking is not one of those substantively.

I believe that the mechanisms that are currently employed by children's services and the police to collate evidence—the child protection process, if we are talking specifically about children—are not used. Outside that process, it becomes woolly. You have to have an effective mechanism of joint investigation between the statutory care providers and the police to collate that evidence and formulate a charge of trafficking. In the context of asking police officers why the number of arrests is so low, the situation has not really changed for the last 10 years. It is complex, difficult and very hard to get a conviction if you follow the trafficking process, so they use a whole range of other mechanisms and charges to arrest those who will have trafficked children. If we are talking about sexual exploitation, for instance, there have been a number of convictions of trafficking rings, but substantially the charges have been focused on the sexual abuse of children or other forms. Technically, we are not recording this as trafficking, but in actuality it is.

Chairman: That is really helpful. Chloe, what you said poses big questions for us in our report.

Q879 Lord McColl of Dulwich: You have answered the first bit of my question. What do you believe to be the key requirements of a legal guardianship role, and why? Do you believe that a guardian should have a statutory role, and why? Should a guardian have parental responsibility for the child?

Philip Ishola: If we were to create and implement a guardianship arrangement in the UK, it should be statutory and individual guardians should have powers in the context of supporting agencies to deliver their statutory responsibility holistically, for the outcomes of children. If we were to create a guardianship structure in the UK, it should be national and there should be a very clear independent governance arrangement. The Holland example is a very good one. It is independent, but it is attached to the Ministry. There is some link to central Government, which should be the case.

There are some alternatives that have been proposed around delivering this arrangement for children. Coming out of children's services, I think that it is part of social workers' responsibility to act in the best interests of children, but the current legal arrangements—section 20 of the Children Act and the voluntary arrangement that is in place for children—mean that technically local authorities do not have parental responsibility for these children.

Q880 Lord McColl of Dulwich: Why should it be statutory?

Philip Ishola: I think it is a national child welfare issue with a very clear global dimension, in the context of migrant children. Anything that sits outside the statutory structure just means that we may be at risk of repeating what we currently have, which is good intention and not particularly effective statutory arrangements for all children. Having that link to child safeguarding, welfare and child protection considerations is important.

Q881 Fiona Mactaggart: It is very interesting. You have been talking about the existing responsibilities of social workers. One of the arguments that the Government are making is that existing roles within the care system would come into conflict with a legal guardian because they fulfil at least some of those post duties. Given that you support the introduction of a guardian, why don't you agree with them?

Philip Ishola: Why would I not agree with them?

Q882 Fiona Mactaggart: I am not trying to rush you into disagreeing with the Home Secretary.

Philip Ishola: It is a really crucial question from this perspective. The current social work structures in the UK that provide specific services to unaccompanied migrant children and so on are too weak. The knowledge and experience of social workers at this point in time is limited. With the dismantling of specialist provisions—asylum teams in local authorities—over the last two years, we are in a slightly worse position. That is not necessarily a central Government issue—it is a local authority response to manage the current financial crisis we are in. It is a shared responsibility.

The philosophy and principles of social work have the best interests of children at their core. They are absolutely crucial to that, but we are not there. If we look at the issue of migrant children over the last 10 or 15 years, it clearly indicates that we deal with this in a slightly different way—from a perspective of asylum, immigration and border control. They are dealt with as migrant children and, post-adult, as failed asylum seekers. We are not in a position to have a national social work-led change or refocus—a shift in the paradigm, if you want to use that expression. We are not there yet.

In the meantime—certainly in the current global situation—this is urgent. The guardian system has been tested in the EU. As we know, there is a current proposal for a Home Office advocacy model, which is good and is a start, but it is not guardianship. Not to prejudge the outcome of that, we are likely to see the same situation that happened in Scotland, which was hugely important and positive for the outcomes of children but where the relationship with statutory services—social workers—was more complex and difficult, and slightly adversarial. If we have the statutory structure I referred to a moment ago, we are likely to build, with a lot of support, a positive, supportive working relationship between guardians, local authorities and other agencies. It can be, and would need to be, positive, as part of working together under section 11 and so on. There is some real potential there. The guardianship structure is a good one. In the long term, it should be embedded in social work practice.

Q883 Fiona Mactaggart: Chloe, do you agree with Philip that guardianship is a temporary solution rather than a permanent one?

Chloe Setter: No—sorry, Philip. I see that an independent legal guardianship system would complement the existing care structure, not conflict with it. Of course we would have to be very definite, concise and clear for those statutory roles about where the guardian would fit in. That is something the Scottish guardianship service discovered in its two-year pilot. When they began their trial, they did not have a clear definition of what the guardian was, and this caused untold problems. When they did their survey of social workers and others, there was

quite a negative attitude towards the guardian. However, at the end of the two years, that had dramatically improved, with the social workers understanding that the guardian was there not to step on their toes and do their job but to complement and support their roles.

I believe that guardianship would be a really progressive and educational system that would help to educate the other statutory agencies around the child that will never be able to have the specialism that a guardian would have. It would act as the key link in bringing together that multi-agency context around the child, with the child and their best interests at the centre. The guardian would act as a co-ordinator for that but would also have the powers to step in when things were not being done, to hold authorities to account when they were not acting as they were required to do, to be present at all the key meetings where they needed to be and to have jurisdiction in all the different criminal, immigration and welfare settings. I agree with Philip that if the guardian does not have those statutory powers they almost have to be adversarial, in order to fight their way into those situations. That is something that has happened under the Scottish model.

Chairman: That is clear.

Q884 Lord McColl of Dulwich: When should the child become eligible for guardianship?

Chloe Setter: It is a tricky question. For me, one of the guardian's key roles is helping the identification process. It certainly should not rely on the NRM. Very often, in our experience, we have to advocate for the child even to get into the NRM—for the social worker even to believe their story in the first place in order to make the referral. For us, it will be when a relevant NGO or public authority first identifies that there are indicators of trafficking. The guardian can help to inform the NRM process to ensure that it is a quality referral, so that it is more likely to get a positive decision.

Q885 Chairman: To be precise—when? What is the time factor?

Chloe Setter: We have been in discussion with the Home Office on this around its independent advocates trial.

Q886 Chairman: Never mind the discussion, what is the answer?

Chloe Setter: The answer, as I said, is as soon as any relevant agency or NGO first identifies the child as a potential victim of trafficking.

Chairman: Fine.

Q887 Fiona Mactaggart: Would you have to do it for every unaccompanied child coming through?

Chloe Setter: That is a point I wanted to make in relation to the numbers of separated children and trafficked children. In 2012, there were just over 1,000 separated children. According to UKHTC, there are around 550 potential child victims of trafficking.

Q888 Chairman: As part of that 1,000, or separate from it?

Chloe Setter: There will be some overlap, so we are not talking large numbers. Separated children, too, have very specific needs. They also have the same issues about being accommodated under section 20 and lacking anyone with parental authority. Not only would it act as a safety net for trafficking victims, who very rarely disclose immediately—it is very difficult to identify it that early on.

Q889 Chairman: So if we were informing the Home Secretary, we would say that if the scheme worked properly, between 500 and 1,000 children at any one time could need guardians or advocates.

Chloe Setter: Yes. Obviously it would be one guardian per child.

Chairman: Sure, but that is the number that would need coverage.

Q890 Baroness Kennedy of Cradley: You have both mentioned the Home Office trials for personal advocates. We have limited information about those, but what is your view of the proposed scheme so far?

Philip Ishola: My position is similar, I am afraid—I have limited information currently available. I understand that a number of local authorities across the UK have been asked to participate in that process and that there will be both a fully independent structure and a semi-independent structure. I am assuming that that means that some staff will be linked directly to the local authority and will be similar to IROs— independent but working within the children’s service’s structures. That is probably as much as I know around this process.

Q891 Baroness Kennedy of Cradley: Chloe, you said you had had some discussions about this?

Chloe Setter: Yes, we have been involved in early discussions with them. One of the things we have raised with them is that a six-month trial, which is what was originally proposed, is far too short. We are talking about looking at children’s long-term outcomes and the effect that a guardian would have. You would never be able to measure in six

months whether they had built up a relationship of trust and had an impact on the child's life, so we have been trying to discuss extending that. We would recommend that—similar to the Scottish trial—two years would be a period that would be effective.

There is also a lack of clarity around the multi-agency framework and how the advocate will sit within that. For us, it is just a halfway measure. It does not substitute for an effective legal guardianship system, which is what is recommended under international standards and international law.

Q892 Michael Connarty: As you know, we have had evidence from our colleagues in Scotland. They spoke quite highly of the results that they have had in Scotland, particularly in Glasgow, which is a unique environment; as you know, it is the only place that takes dispersed asylum seekers. They said that part of the caveat was that it was already prepared ground, if you like. What advantage and disadvantage do you see in the Scottish approach to guardianship?

Philip Ishola: My observation would be that the advocacy approach that was taken is limited. There is a limited effect, as you cannot compel agencies to act to undertake certain tasks that are required so that, in effect, you are acting as the voice of the child, advocating on its behalf. I say that coming from children's services. There is a whole range of additional pressures that apply to children's services and this is just one aspect, so it potentially limits the effect. That said, the outcomes for children that were evidenced were phenomenal and terrific; it was a really successful project. There were some benefits to it. I would say it was a very good attempt—the term halfway house has been mentioned—to do something, but there is room to do a lot more.

Q893 Michael Connarty: Can I press you on one point? It is not a statutory scheme, but you seem to be leaning towards having it embedded in the remit of social workers. I have quite a bit of knowledge about Glasgow, and it does not seem to be something that they want to have embedded in their remit. They do not want to be given this responsibility but, according to the evidence that I have had personally and that we have been given here, they are very happy to work with these people, who pull it all together, co-ordinate and work with other agencies. The social workers do not want to take it inside, but you seem to be saying that it can work only if it is inside the social work remit and embedded in the statutory duties of social services.

Philip Ishola: There are three things. Yes, I would say that it needs to be within the philosophy of social work, because, if you do not have the best interests of children at heart in all circumstances, there is a

problem. However, if a guardianship structure were to be created, I do not think it should be embedded in the social care structure—it should be part of the social care framework, part of that multi-agency, multidisciplinary approach that has proved to be always in the best interests of children, with positive outcomes. “Independent” would be the crucial term there—sitting outside but part of that social care approach. That would benefit and improve the social care systems we have in the UK and really reinforce section 11 of the Children Act 2004, which talked about multi-agency working. That came from somewhere. I am sorry if I was not clear enough. I think it should be at the core of social work practice. We are not anywhere near that at the moment, so if we are to create something, that something should be part of that structure but sitting outside it.

Q894 Chairman: You are agreeing with Chloe.

Philip Ishola: I agree with Chloe in the sense that if we were to develop a guardianship structure, that is what it would look like. Would it be possible to touch on the time scales you talked about—when trafficked children should become that, if they are? Based on practice within children’s services, I would say it should happen immediately. It could be short term, temporary or long term, but you would do that immediately.

Q895 Mrs Spelman: Can I press you on the other end of the equation? In Scotland, recognising the problem of when the role of the guardian should cease, they use the phrase “until a durable solution can be found”. If you enter this into our care system, children in care get support up to the age of 24. What is your view on not the beginning but the end?

Philip Ishola: It is always a tricky one. Getting durable solutions is really important and fits within the social care philosophy around leaving care—long-term planning and transition to full independence—so all the requirements would apply. Yesterday, I noted down that I would be looking to transition these young people out of that guardianship arrangement at 18. All things being equal, you would then start to plan and to work with them, using the leaving care provision, which is similar in Scotland, England, Northern Ireland and Wales. You would be looking to deliver all the leaving care outcomes, which are, in fact, durable solutions: employment, education, training or safe return to their country of origin. It can be planned in that way, so the system in place would work.

I suppose it would throw up one potential problem. Most of the young people who arrive in the UK as unaccompanied children—I think that guardianship, if applied, should apply to all children—tend to be older: 14,

15, 16 or 17. If they arrive at 16 or 17, planning a transition out of the provision at 18 is too soon, so what local authorities did—and do less now—was an extended planning process. At 19 or 20, you would be looking to implement the provision for 18 or 19-year-olds, simply because the children had arrived much later in the process and all the early work had not necessarily been put in.

Chloe Setter: I believe that the guardianship should cease when the young person reaches the age of 21 or unless a durable solution has been found for that child. I agree with Philip that it is difficult if the child is aged 16 or 17. There should be a minimum term of guardianship for each child. If they are 17 when they are assigned a guardian, it will not be in their best interests to take that away when they turn 18, for example. From experience of working with young people, I know that the age of 18 to 21 is a really difficult, traumatic time for them. For most of the young people we work with, that is when nearly all the services and a lot of support fall away. In that period, they are hugely vulnerable to being re-trafficked and re-exploited, so I do not think that as soon as they reach 18 you should start withdrawing. If anything, that is a time when a guardian would be crucial in helping them to reach independence or integration.

Q896 Chairman: Could you give us a couple of paragraphs on that very point?

Chloe Setter: Certainly.

Q897 Lord Warner: You are both very clear on the fact that, as soon as you have identified a traumatised young person or child, they need access to an advocate or guardian or someone who is a befriending representative. Given Philip's point, which he has come back to several times, about the importance of bolting these children into existing local authority services, do you think we have given up too quickly on the use of care orders under section 31? Is there a case for some kind of interim care order on application to a magistrate at an appropriate point in time—for example, referral to the NRM—that would quickly bolt the child into existing services? Are we brushing aside that Children Act provision too quickly?

Philip Ishola: I believe we are. Section 20, on the back of the Hillingdon judgment, was hugely important in its time. In effect, it moved children out of the asylum estate—being treated as asylum seekers—into the children's services structure, quite rightly. We are probably five years behind where we should be now. We need to transition to care orders for these children, to ensure they are afforded the same rights as any other child.

Section 31 is crucially important. Interim care orders may work better because section 31 is quite tricky to deliver in the current legal framework, as you are reliant on judges to provide or confirm that. An interim care arrangement, where children become legally the responsibility of a local authority, is absolutely right. It needs to be done sooner rather than later. The asylum and immigration pressures affect that decision. If we are being open, local authorities are sensitive to that, because the current funding arrangements for these children are limited—70% of what the total cost is. If you go for a full care order or an interim care order, the costs are likely to rise. You will not get Home Office funding for that, so there are some problems around that.

Chloe Setter: The threshold for section 31 is very high. That is one of the reasons why it was not designed—

Q898 Lord Warner: Let me stop you. I am not suggesting that we have section 31 as it is. I am talking about some new provision that looks like an interim care order, without that kind of restriction. I am trying to find a way into the system—

Philip Ishola: That would work.

Q899 Lord Warner: I am trying to respond to Philip's point.

Chloe Setter: The difference is that section 20 and section 31 do not afford the child any different treatment or different protection measures. The danger of the proposal to use section 31 potentially instead of guardianship is that it assumes the local authority will have acquired parental responsibility for a trafficked child through a care order and that the social worker will then have the role, responsibilities and duties of a guardian. That is not the case. A social worker is responding to the child's welfare needs; a guardian is responding to their needs across a variety and range of settings and would have the legal power to act in any court, which a social worker would not have. It is important that we do not see section 31 or an interim version of section 31 as a substitute for guardianship.

Q900 Baroness Butler-Sloss: If you got an interim care order, wouldn't that then trigger a guardian?

Chloe Setter: But the guardian would be limited—

Q901 Baroness Butler-Sloss: You just need to look at what the effect of the Children Act would be. The child would then be entitled—

Chloe Setter: But only in certain settings. That would not apply to immigration or criminal proceedings—it would apply only to welfare.

Q902 Baroness Butler-Sloss: No, but if you got an interim care order, as Lord Warner is suggesting, surely CAFCASS would have to come in and provide a guardian, so you would not need a separate guardian service.

Chloe Setter: I believe you would. The CAFCASS guardian would not be the equivalent of a legal guardian for a trafficked child. That person would not have the remit, the specialism and the responsibilities outside welfare and the family court. They would not have any remit in other types of proceedings and would not have the role of the guardian, which is to protect the child's interests and rights and to act as a link between all those agencies. The CAFCASS model is not relevant or designed to do that.

Chairman: Let us take these differences on.

Q903 Sir John Randall: Do you think it is necessary to legislate for victim care and services? Is it really more a matter of policy?

Chloe Setter: Yes, I believe it is important to legislate for victim care. We have tried and tested this already for the past five years, with the NRM system as it is, and it does not work very effectively. Children are not mini-adults—they have different needs from adults, and the law must reflect that. We think there should be a statement of rights for victims, as you mentioned in one of the questions—not a prescriptive thing in the Modern Slavery Bill that determines every detail but a statutory obligation on public authorities to identify, and provide assistance and support to, victims, so that we can hold them accountable when they do not. I genuinely believe that if social workers, police and others do not have that statutory responsibility, there will be times when they just do not do it because they do not have to, in the same way that people do not refer children to the NRM because they do not have to. It is a dangerous place to be, because it is creating a postcode lottery for victims. There is no standardisation and no accountability in the system.

Philip Ishola: My view is that we already have statutory arrangements in place and legislation that covers a lot of this. Chloe's point about a postcode lottery is right. The proposal to include a statement around this in the Bill is quite important. That statement could align very well with the rights of children in the convention on the rights of the child, which chime with the principles of working together; they are linked. To stipulate that would be helpful. It would not impact on the fact that some organisations and individuals do not deliver their statutory duty, which is a different question.

In direct response to the question that was asked—"Would legislation make a difference?"—I think, "Probably not." We need to focus on what the problem is—why agencies and authorities with the task of protecting children or prosecuting traffickers are not doing that and what can be done to support them to do it, based on the principles that could be highlighted in the Bill, with the Bill acting as a mechanism that draws that together. When I say that I am conscious that, ideally, that sounds terrific, but it is a huge task—delivering a national response around child protection, safeguarding and international conventions in a single form. There is no easy solution—it is a medium to long-term project to change what we currently do. I am sorry that that sounds a bit like a "yes and no" answer, but legislation does not always deliver what we hope for.

Chairman: Chloe, we can probably bring out your difference on this in the next question.

Q904 Fiona Bruce: Chloe, you have proposed that the Bill contain a statement of victims' rights, but you have just said, maybe not in the Bill. Can you clarify that? Philip may then want to come in.

Chloe Setter: The Bill should place a statutory duty on public authorities to identify and provide protection and assistance to victims. That should be in statute. The inner workings and details of the NRM or however that system works can be in accompanying statutory guidance.

Q905 Fiona Bruce: How would you cover the different needs of children and adults in that statement?

Chloe Setter: One of the key things—this comes right back to the first question, so it is a neat circle—is that in the directive on trafficking there is a clause that says that children should be presumed to be children if there is reason to believe so. It would be very important to include that in the Modern Slavery Bill to afford children that extra protection, because so often we see children being treated as adults, ending up in adult prisons and suffering really badly as a result of poor judgment and the culture of disbelief that exists. That would benefit not only the child themselves but the criminal cases we talked about earlier, in terms of whether age assessments impact on criminal prosecutions.

They are two separate issues. The fact that age assessments are very poorly handled in the current situation and framework is a separate issue from why criminal prosecutions might fail on the basis of age. The child's age should have been determined before a criminal case comes to court. If the local authority is treating that child as a child, the

defence should not be able to use that as something to damage the child's credibility. It is not the child's fault, if they have been brought in, that they do not know their own age or have been brought in using false documents that say they are an adult. The child should not be penalised as a result of that and their access to justice should not be based on that. It highlights a need for something that is non-legislative, in terms of improving the age assessment process and making that a much more multi-agency framework, with input from various experts, rather than the current set-up, which is based just on social workers, who have a slight conflict of interests in determining a child's age because their support will depend on what they determine.

Q906 Chairman: Can I ask both of you a last question? The Home Secretary is really anxious to get the number of successful prosecutions up. What one thing does she need to do to set out on that task successfully?

Philip Ishola: If we are talking about how this can be reflected in the Bill, she needs to draw together the CPS, the police, guidance and instructions around prosecution and the law, to emphasise the child protection approach and to provide some clarity to the police—Chloe touched on statutory instruction to provide some clarity—and to say, "This is how you approach it at every level. These are the current pieces of legislation that are in place. This is the statutory guidance that is in place." She needs to draw that together and to redefine how we approach this issue. That could have an immediate effect. Behind that, there will need to be the logistical support for organisations and agencies to do that.

Chloe Setter: I have one answer with several threads. In addition to having legal guardianship, which I do believe would certainly assist a child through the criminal proceedings process, it needs to be made a policing priority, which it currently is not. There also needs to be much more clarity around who investigates cases. We must have specialism within the police to do that and increase the knowledge of front-line officers more generally, without their having to have embedded specialist knowledge.

In the Met police, we now have a human trafficking unit, a child abuse command and a sexual exploitation command, as well as the child abuse investigation teams at local level. Practitioners—police on the front line and social workers—have told us that it is very unclear who investigates child cases, who has accountability, who is in charge of taking on those cases and who follows them through. Because there is uncertainty in the structures around it, it often slips through the net. In terms of police focus, it needs to be made a priority. I understand that resources are an issue, but specialist teams are able to provide those

types of investigation that are international; this is organised crime, on the whole. In addition to that, there are things like specialist judges and specialist prosecutors.

A key thing that we are missing is the judiciary in terms of the juries. I know you have heard evidence from prosecutors, but I am thinking of one case in particular. I know the young person in that case, which failed in court partly because the jury did not understand the mental control that traffickers have over a victim. In the case, photos were shown of the child in a supermarket and the defence said, "Here you are in a supermarket. Why didn't you run and get help if you were so scared?"

Q907 Chairman: So your comment to the Home Secretary would be that policy will be as crucial as the legislation itself.

Chloe Setter: Yes. They both have to play a part and to work well together.

Chairman: That was fascinating, particularly the differences between you. Thank you very much.

Examination of Witness

Witness: **Corinne Dettmeijer-Vermeulen**, Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, examined.

Q908 Chairman: Corinne, welcome. Might you identify yourself for the sake of the record?

Corinne Dettmeijer-Vermeulen: My name is Corinne Dettmeijer. I am the Dutch national rapporteur on human trafficking and sexual violence against children.

Chairman: As you know, we have a series of questions for you. One of the things we are hoping to tease from you is: how do we fulfil the Home Secretary's wish to increase significantly the number of successful prosecutions? If you think we have failed to elicit the full answers on that from you, may we come back at the end and ask you for any concluding comments that you could make to help us? Alastair, might you begin?

Q909 The Lord Bishop of Derby: Thank you very much for coming to talk to us. This is a general question about the impact of your office since it was formed in 2000, in terms of protection of victims, prosecutions, Government policy and the attitude of the public and

business. In those areas, what has been the impact of having a rapporteur?

Corinne Dettmeijer-Vermeulen: Maybe I should be modest, but I will not.

Q910 The Lord Bishop of Derby: No, don't! Keep on.

Corinne Dettmeijer-Vermeulen: The impact has been enormous. When I started in 2006, and issued my first report, the communication adviser in the Dutch Ministry of Justice said, "Madam, who is waiting for your report?" The situation has changed dramatically. Everybody is waiting for the data I give and the research projects I do. One of the main things, of course, is the independent stature of my office. It has now even been put down in a law—there is a law on the national rapporteur to emphasise their independence and to see to it that it will be a continuous thing.

What has been the impact? I will name a few.

Q911 The Lord Bishop of Derby: Specifically in terms of victims and prosecutions.

Corinne Dettmeijer-Vermeulen: I was very worried about the rate of convictions and of unsuccessful prosecutions. Even compared with rape cases, which are also sometimes difficult to prove, the number of acquittals was dramatic. I did research into the rulings by judges on human trafficking. My first research project got attention but did not really result in the specialisation of judges. In the meantime, the specialisation of prosecutors had improved the way the prosecution worked.

In my second piece of research into the rulings, I was a little less hesitant in my wording. I called the head of the judiciary and said, "You can have headlines in the newspapers that the judges don't know anything about human trafficking, or you can have headlines that the judiciary have decided to go to specialised judges." This is not something that got into the newspapers, but it exemplifies how I work. I gave them all the credit and now we have specialised judges, because that was the result that I wanted. Maybe that illustrates the way I work. I am not about naming and shaming if I do not have to. I start with the softer approach, trying to get things done behind the scenes.

Q912 The Lord Bishop of Derby: Have you been able to do that for victims, to give them more confidence to participate in the process?

Corinne Dettmeijer-Vermeulen: Taking care of victims is not a soft issue. Protecting victims and prosecuting criminals are two sides of the same coin. If you get that into people's heads, the way they look at protecting victims shifts, which is really necessary. They are victims, but they are human beings and should be treated respectfully—and we need them to get the criminals behind bars. If you do not see that and you see protecting victims as only a soft way, you let criminals get away with all the things they do.

Q913 The Lord Bishop of Derby: Could you give us an example of how you have had a harder approach to helping victims?

Corinne Dettmeijer-Vermeulen: We invested a lot in training. For instance, in the last phase, just before illegal people have to leave the country, our immigration services detect victims of human trafficking on a scale of 30 or 35 per annum, which is an extreme example of how the immigration services are sensitised to human trafficking. This is a result of training but also of trust. I am trusted not only by NGOs but also by Government institutions. Both entrust me with their data. When a Government institution does a good thing, there is no reason not to name that; the same goes for the NGOs.

The impact of my office and my function has also been that of a *trait d'union* between governmental and non-governmental institutions and has improved the trust between them. They both have their own responsibility towards the fight against human trafficking. When you see that this is a common fight, in the end, you are more effective.

Coming back to your question about prosecutions, the number of successful prosecutions has really risen a lot. I have figures on that, which you can see. It has also sensitised the judges—which may be even more important—to what it means to be a victim of trafficking and the importance of avoiding secondary victimisation by the way the victim is treated in the criminal court. Those are all subjects I have dealt with in the past years.

Q914 The Lord Bishop of Derby: What kind of impact have you had on business opinion, in terms of the supply trade and businesses generally?

Corinne Dettmeijer-Vermeulen: Business is mostly influenced by the public—the behaviour of buying or not buying. Nevertheless, I have also reached out to businesses. We have had a very good scheme with hotel personnel. That was something that the police did, but I also intervened in it. The hotel branch in the Netherlands has really been sensitised to hotel prostitution, which is illegal prostitution and very often involves victims of trafficking.

Q915 Chairman: If I were a slave victim in your country, who would be the person or people who would identify me as a victim? Would there be a set menu of care, once I was identified, that I could gain from you?

Corinne Dettmeijer-Vermeulen: The identification now lies primarily with the police. When the police or military police come upon a situation of trafficking, at the slightest indication that someone may be a victim of trafficking they will refer that person to an NGO, which will take care of their registration and shelter. The presumed victim will then have a three-month reflection period to think about whether or not they want to complain or file charges. Sometimes, victims will work together with the police and will testify, but are anxious about filing charges. One of my recommendations was to equalise this co-operation with the police.

There are times when the police come upon someone they think is a victim but who is too afraid or for whom it is too dangerous to testify. Then it is possible to give the victim a residency permit without their testifying. That does not happen very often, but it is a possibility. We are now thinking of giving the social workers within the shelter a say in this identification process, but that is not a rule in the Netherlands as yet.

Q916 Chairman: You said that the NGO registers their status. Does it register it with you or with an arm of government?

Corinne Dettmeijer-Vermeulen: It registers this on my behalf. I get its data, analyse them and compare them with data from the Government. I do not do the registration myself—my staff is not large enough for that—but you could do it in such a way. If any person would be equipped to take in the registration of all the different players in the field, it would be a national rapporteur. It is done on my behalf. I have access to all these data and publish them.

Q917 Sir Andrew Stunell: The Bill that we are considering proposes an anti-slavery commissioner. How do you think that compares with your role? What do you see as the differences, strengths and weaknesses?

Corinne Dettmeijer-Vermeulen: First, in my view, independence is quite an important element. Why is it so important? If you worked for the Government, you could not pull off what I did with my research on the judiciary—the judges would not really believe you or care for you meddling. They would see that as political, which would make it difficult. Being independent, for me there was no restriction in doing that.

My independence also makes for trust between the NGOs and the governmental institutions. I am not an NGO. NGOs are extremely important in this field, but for a rapporteur it is better to keep some distance. I do not look at individual cases; I have a helicopter view. Of course I am involved, in the sense that if you do not have any passion for this field you should seek another job, but if you have too much passion it is not effective. The effectiveness lies in the independence and the in-between role that I have.

Q918 Sir Andrew Stunell: Could you say something about your organisational relationship with the Government? You can be independent, but are you funded by or do you report to a particular Department?

Corinne Dettmeijer-Vermeulen: I am funded by five Departments, but there is only one Department that sees to it that I get my money. I have a very broad mandate. I just have to report on the scale and nature of human trafficking, which leaves room for a lot of innovative action and creativity in acting upon things that I see. It is not like ticking off the boxes—I have very clever, scientific, academic staff who do this.

Q919 Sir Andrew Stunell: In your evidence so far, you have mentioned that your role has evolved and that you now have some statutory protection and so on. Do you think your remit has reached the point it needs to get to, or do you still have aspirations for the role developing even further?

Corinne Dettmeijer-Vermeulen: You should always look further because circumstances change. Do I think I should grow? No, probably not. A monitoring body should never outgrow the people who really do the work. In that respect, I have achieved the growth that I need. Yes, the Government pay for me and for my housing, but I am free in all the rest of the stuff. Independence is also a little between the ears. I have been a judge for the best part of my career, so this is sort of second nature. Also, when choosing a person like this, maybe you should look for an older person who is at an advanced stage in their career, which helps with their independence. Maybe it also helps with the authority that you have. Parliament in the Netherlands sees me as an authority. It has my reports open when it talks to Ministers on human trafficking issues. Of course I have opinions, but my opinions are always founded on solid research. That lends an authoritative aspect to my role, which is important.

Q920 Fiona Mactaggart: You say that parliamentarians have your reports open. Do you report formally to Parliament or to Government?

Corinne Dettmeijer-Vermeulen: Formally, I report to Government. The reports go, with the Government's remarks, to Parliament, but my connections with Parliament are now such that I inform them twice or three times a year on all sorts of issues concerning my mandates. If they want to know anything specific, they call me or my office. If I want them to do something specific, I call them, so there is a lot of stuff going around.

Q921 Fiona Mactaggart: You say that your reports are published with the Government's remarks. Part of our concern is about independence, which you have made much of.

Corinne Dettmeijer-Vermeulen: Maybe I did not make myself clear. My reports are published with no Government remarks, but the published reports go to Parliament with the comments of the Minister. It is for Parliament itself to see whether or not the comments are valuable or contradictory to the reports. The reports themselves will not be altered by Government. Nevertheless, if I get my information from certain Government or NGO bodies, I always ask them whether I have got it correct. I send my report to the Government about a week before I publish to enable them to give a reaction.

Q922 Fiona Mactaggart: One of the anxieties that this Committee shares is that in the present draft of the Bill the rapporteur role will be conducted by someone who is directly employed by the Home Office, which also deals with matters of immigration. What impact do you think that will have on the capacity of the rapporteur role to be effective?

Corinne Dettmeijer-Vermeulen: I have seen many rapporteurs in the EU network of rapporteurs. Only the Finnish office and my own are independent, so you see quite a difference between the rapporteurs. I am not so afraid of the connection with immigration, because immigration personnel can also be sensitised to detect victims of human trafficking, as they are in the Netherlands. I am much more concerned by the fact that, if you are directly under the Minister, he or she will not really be amused when you criticise their policies. If you want to be an effective rapporteur, you have to criticise, too, because that is the important part. It is not criticising for the sake of criticising, but it is very important not to cover up everything with nice political words.

Q923 Fiona Mactaggart: You have made it very clear that the things that you think are really important for a rapporteur are

independence and expertise. What about resources? How much resource do you need to be able to sustain that so that you are effective?

Corinne Dettmeijer-Vermeulen: For human trafficking, it would be about €700,000—maybe a little more—plus the housing.

Q924 Fiona Mactaggart: What does that get you in terms of people and—

Corinne Dettmeijer-Vermeulen: That would get me about five researchers, one of whom would be my head of office. Because I am now bigger, with the other mandate, my budget is now €1.2 million and I have 15 people. The housing is also offered free by the Ministry of Justice.

Q925 Mrs Spelman: You said that you were trusted by the NGOs. That is a remarkable achievement, but it is central to your data gathering. We face a situation here where NGOs are nervous about giving up their data to government authorities because it may lead to the deportation of trafficking victims. How did you achieve that level of trust? Could you expand a bit on the way you use the NGOs to deliver services to victims?

Corinne Dettmeijer-Vermeulen: Maybe the situation in the Netherlands is a little different because there is a lot of co-operation between the different stakeholders, which means persons from immigration services, the police and the NGOs. Of course, that was furthered by me and my predecessor. When the police report a possible victim to the NGO so that it can seek to shelter them, they immediately send a notice to immigration services that they have given the person a reflection period of three months. This working together is part of our national referral mechanism. Once you have a victim who has been identified by the police, that victim should not have an illegal status. There should be a status and all sorts of shelter or other accommodation and services. That is also one of the things in refugee law.

There should also be trust in the Government. When reading the Bill and every comment around it, I was struck by the sense that there was a lot of mistrust between different agencies. A rapporteur could take away some of that mistrust. I will give you an example. Our immigration services have a conference each year and usually ask me to open it, to speak or whatever. Once they said to me, “When the ombudsman comes here we all close up and don’t give out any information, but when you come here we really want to share our information with you, because we know that you treat it respectfully and don’t give it out to the media or whatever and you try to help us to do our job better.” The whole human trafficking issue—victims and perpetrators—is something that undermines our society and should

affect us all. It should also affect immigration services. We do not want modern slavery in our society. Of course you want to help somebody. That is not a feeling that is limited or given only to NGOs—it is also given to Government officials. This is something that struck me and that I thought you could change a little bit. A rapporteur could do a lot of good on that.

Q926 Michael Connarty: You referred to an ombudsman and what they do when the ombudsman comes in. What is the ombudsman? What role do they perform?

Corinne Dettmeijer-Vermeulen: In the Netherlands, the ombudsman reports to Parliament and has a role in individual cases.

Q927 Chairman: Aren't they also there to find fault?

Corinne Dettmeijer-Vermeulen: Yes—and they find fault a lot more. I am much more interested in the structures and in how to improve training or knowledge. In my role that is more important than an individual case where something has gone wrong. Of course, somebody has to care about that as well. I am not advocating this, because then too many people would come to me, but there are incidences when I see that something could easily be improved with a telephone call. I will do that in an individual case.

Q928 Baroness Butler-Sloss: We are struggling a bit with definitions in the Bill. We are looking at situations where you are not necessarily being moved from place to place but you are found to be in a position of being a slave. You are the national rapporteur on human trafficking. Does that limit you in any way in dealing with issues that are not the movement of victims but where you can see that the victim is in a situation of slavery?

Corinne Dettmeijer-Vermeulen: We do not use the word “slavery” in our human trafficking article—

Q929 Baroness Butler-Sloss: I appreciate that.

Corinne Dettmeijer-Vermeulen: You can call it modern slavery as long as it has the aspects of human trafficking. We use practically the exact wording of the Palermo protocol and have adapted our article on human trafficking not just to cover the Palermo protocol but to criminalise all trafficking in women. It is not really my role to criticise on a legal basis, but the Bill does look a little complicated.

Q930 Baroness Butler-Sloss: We agree with you on that.

Corinne Dettmeijer-Vermeulen: One of the things that worries me is that it does not use the wording of the Palermo protocol—all the behavioural parts of it. Human trafficking is an international crime that knows no borders. The very object of the Palermo protocol, or any other treaty on crimes, is to facilitate law enforcement from one country to another. If you have a difference in the wording of that, it could mean that the co-operation of Europol or Eurojust does not end in a conviction because the wording is different.

Q931 Baroness Butler-Sloss: In this country, we see trafficking as the movement rather than the situation; I think that is what has been happening with our prosecutors. I get the impression that in the Netherlands trafficking is seen as something broader than movement.

Corinne Dettmeijer-Vermeulen: The movement part seems to be part of the Palermo protocol. I say “seems” because it is not really—the harbouring does not need any movement whatsoever. The part in our trafficking Bill that excludes movement and deals with the actual exploitation is our old trafficking in women part. With this Bill, when an illegal person goes to a restaurant, asks for work and is given work for 15 hours a day, for £1 a day, sleeping with 12 people—all the ordinary trafficking signals—I doubt whether that will lead to a trafficking conviction. In the Netherlands, it would undoubtedly lead to a trafficking conviction.

Q932 Chairman: But you would not have to prove movement for that. It would not be a defence in the courts.

Corinne Dettmeijer-Vermeulen: No—it would be harbouring. If you gave him a room upstairs, it would be harbouring with the object of exploitation.

Q933 Baroness Butler-Sloss: It is a broader definition of trafficking.

Corinne Dettmeijer-Vermeulen: Well, it is the Palermo protocol.

Chairman: Yes, it is. That is terrific.

Q934 The Lord Bishop of Derby: You talked a bit about working with judges and so on. Have you been able to work with prosecutors to help them to be aware of the interests of victims?

Corinne Dettmeijer-Vermeulen: The work with prosecutors has been there from the beginning, because long before that prosecutors saw the importance of training and specialisation. Of course, they have also seen the undermining effect of human trafficking. One of the things

that the prosecution has done very well in the Netherlands, together with the police, is trying to target trafficking situations and traffickers around the victim, so to speak—seeing areas where there is a lot of trafficking and targeting it with observations or tapping of telephones. Once they have a round case, they go to the victims and ask them to co-operate, but even if they do not, they have enough of a case to get it to court.

For years now, the prosecution in the Netherlands has been very active in trying to find innovative ways of law enforcement, because traffickers are clever. You might wish that they would put this cleverness into another role, but they are. One of the things that we see is that they do not restrict themselves to trafficking—they dabble in drugs, weapons or whatever gets them a lot of money. You need a prosecution service that does not restrict itself only to trafficking but sees beyond that. Partnerships on all different levels are very important in dealing with trafficking.

Q935 The Lord Bishop of Derby: Creating evidence alongside that that can be produced by the victims is very important.

Corinne Dettmeijer-Vermeulen: Yes.

Q936 Michael Connarty: Are you conscious of working across the boundaries? I have been in Netherlands with the police; we have a police scheme here. They always take me to meet the police in Rotterdam and other places; obviously you have Europol there. Are you conscious that information is being transmitted across and is not based just in the Netherlands?

Corinne Dettmeijer-Vermeulen: Yes. On an operational level, police can exchange information, which they sometimes do via Europol but not always—there is a lot of bilateral police information giving. For instance, if we have a lot of Romanian or Hungarian victims, at a police level there is a lot of co-operation with those countries. I think that is beneficial to us both, because if you have a lot of victims from one country you need to seek out that country and try together to get some preventive action started.

Q937 The Lord Bishop of Derby: Could I ask further about victims? To what extent can victims' services and care be enshrined in legislation?

Corinne Dettmeijer-Vermeulen: In the Netherlands it is not in the legislation. At the moment, it is a little diffuse because we are changing our national referral mechanism, but the object is that it will be a

binding document, binding on all those concerned. It will therefore give rights to victims.

Q938 The Lord Bishop of Derby: How are you changing your national referral mechanism?

Corinne Dettmeijer-Vermeulen: It is going to be much more comprehensive. The police and prosecution were bound by prosecution rules and immigration services were bound by their rules. They have both modernised their way of dealing with this. That led me to give a recommendation that there should be a national referral mechanism that was much broader and should still be binding on all those concerned.

Q939 The Lord Bishop of Derby: Lastly, are there any particular protections for child victims? Do you make particular provision for them?

Corinne Dettmeijer-Vermeulen: This is one of my issues. We have a lot of internal trafficking, as does the UK. That means that the ordinary child protection services are the services that are bound to help these victims. What we see in the Netherlands is that they have a problem with indentifying these problems as trafficking. They see it as runaway girls, youth prostitution or all sorts of problems, without really identifying it as a trafficking problem. This was the central issue in my last report. We are changing that now.

When we look at foreign juvenile or minor victims, we have a situation in place where a guardian will be appointed. This is nothing to do with trafficking, but every child who comes into the Netherlands unaccompanied will have a guardian appointed. We have seen many west African girls who were victims of trafficking, would be sheltered somewhere and would leave without leaving a trace within seconds of being put there, so we have put in place a sort of closed shelter. It is not closed in the sense of having locks and things like that, but it is in a tiny village. West African girls stand out there, so the police will know when they run away and will take them back.

Q940 Baroness Kennedy of Cradley: To get more successful prosecutions, do you think there needs to be legislation around victim care? Would we get fewer prosecutions if we did not have that in our legislation?

Corinne Dettmeijer-Vermeulen: Whether it is in legislation or otherwise binding is different in every country, but it should be binding on all concerned. That is very important—also in order to get better prosecutions, because you need the victims. There are other ways of getting prosecutions. Sometimes, the victims are so traumatised that they cannot give evidence, so you should also look for ways of

prosecuting without the victims. Every new law needs some time and patience to get into the judicial system; that is just the way it is. It helps to word it as clearly as possible, of course, to help the judiciary to use it in the way it was meant.

Q941 Baroness Doocey: A child's consent to being exploited is irrelevant. Has the Netherlands recognised this through the wording of its legislation on criminal offences?

Corinne Dettmeijer-Vermeulen: I did not really catch the first part.

Q942 Baroness Doocey: I will repeat it. A child's consent to being exploited is irrelevant. Has the Netherlands recognised this through its legislation on criminal offences—for example, by having a separate offence of child exploitation?

Corinne Dettmeijer-Vermeulen: In our article on human trafficking, there is a part on children, which says that all the matters of force or coercion that are needed with adults for it to be considered trafficking are not needed for children. That is in line with the EU directive. It is clear not in the wording but in the notes on the law that the consent of a child is irrelevant, so this is a clear thing. Nevertheless, I have seen judges struggle with this. I have written an article on the point, hoping that it will help in that respect. Judges sometimes have a hard time understanding that a 17-year-old might say, "Yes, I will go into prostitution. Of course I will give you all the money," but it is irrelevant.

Q943 Baroness Doocey: Do you have a separate offence of exploitation—something that would pick up things like domestic servitude and begging?

Corinne Dettmeijer-Vermeulen: Yes. Begging and domestic servitude are all part of the intent of exploitation, as worded in the Palermo protocol. We have a different section that criminalises the actual exploitation. In that section, we have a broad wording that means that it is up to the judiciary to fill this in. As I said, traffickers are innovative and will find new ways of exploiting people. I do not think that legislation will be able to keep up with that. That is the reason that it is worded in a way that leaves room for new areas of trafficking.

Q944 Baroness Doocey: Do you get many successful prosecutions for exploitation?

Corinne Dettmeijer-Vermeulen: Yes—and for begging or selling street newspapers, which is also an area where people are exploited. We had a case of a Roma grandfather who made his 10-year-old

granddaughter steal in a supermarket. In the end, this was constituted as human trafficking.

Q945 Chairman: Coming back to this point, although “trafficking”, for conventional purposes, is used locally and internationally, what you prosecute on is way beyond that. It is on the exploitation side, isn’t it?

Corinne Dettmeijer-Vermeulen: The exploitation is part of the trafficking. If you look at the EU directive, it is part of it. It is more than just the movement from A to B—it is the whole exploitation part, as well as everything that precedes it. The trafficking part is from the moment that somebody lures or forces somebody with the intent of exploitation.

Q946 Chairman: But a slave owner would not get off because you had failed to prove the movement bit in court.

Corinne Dettmeijer-Vermeulen: That is not an issue in the Netherlands.

Chairman: That is interesting.

Q947 Mrs Spelman: While we are wrestling with this, in English trafficking means movement.

Corinne Dettmeijer-Vermeulen: Of course. It is the same—

Q948 Mrs Spelman: Our lawyers are pointing out that people often move of their own volition—they pay good money to come here, not realising that when they get here they will be exploited. That is what we are wrestling with.

Corinne Dettmeijer-Vermeulen: You are not the only country wrestling with that. The word “trafficking” was not the best choice, but now that we are stuck with it we should use it in the way that it was meant. The exploitation part is the important part of the trafficking article.

Mrs Spelman: Absolutely.

Chairman: That is really good.

Q949 Lord Warner: Could I ask you some questions about the mechanisms in the Netherlands for the recovery of assets from traffickers? We are wrestling with this. At what point in the prosecution process are assets frozen or constrained, so that they have not disappeared at the end of a successful prosecution?

Corinne Dettmeijer-Vermeulen: We have just had a new Bill that deals with that, so that they can be seized or constrained up front, not just after the conviction. They are frozen up front, as soon as somebody is in view as a suspect. In the end, of course, the judge will have to decide whether or not the assets should be seized. If there is an acquittal, the assets go back to the trafficker, but they are safeguarded and are not to be taken away.

Q950 Lord Warner: Is that at the point of charge or even earlier?

Corinne Dettmeijer-Vermeulen: That is earlier, at the point that a perpetrator comes into view, but it does need a judge to okay it.

Q951 Lord Warner: So it is really in the hands of the police to move on that.

Corinne Dettmeijer-Vermeulen: The prosecution and the instructing judge.

Q952 Lord Warner: How is the money from asset recovery used? Is it ring-fenced, is it part of victim compensation, is it part of guardianship, or does it just disappear into the state's coffers?

Corinne Dettmeijer-Vermeulen: Maybe you could say that it disappears into the state. On the other hand, when compensation is awarded to a victim, the state pays the whole amount up front. It will then try to get it back from the perpetrator. The state takes and gives back, I would say. Of course, there is a relationship between compensation and seizure. This is something we see judges and prosecutors struggle with, but I think I can now plainly say that, in essence, the claims of the victim precede the claims of the Government, so to speak.

Q953 Lord Warner: Does there have to be a successful prosecution for the victim to get compensated, or are they taken out of that requirement?

Corinne Dettmeijer-Vermeulen: When it is within the court hearings, yes, but we also have a foundation that awards compensation to victims notwithstanding the criminal case. Of course, there is also a civil way to get it, but that is not used very often.

Q954 Michael Connarty: We are told by NGOs and others that, basically, people get prosecuted in this country for all sorts of other things. They are traffickers but they cannot get them on trafficking, so they get done on all sorts of other, minor offences. What is the record in

the Netherlands? With all the work you have done, you seem to have more cohesion. Are more genuine trafficking cases prosecuted, or do the NGOs tell you there are still lots of people getting prosecuted for minor breaches of other laws because they cannot get them on trafficking?

Corinne Dettmeijer-Vermeulen: This has been one of my great debates with the labour inspectorate. Specifically there, there was the idea of getting them on all sorts of other offences, which was easier, brought in more money and so on. In the end, I was able to convince them that that does nothing for victims. If it is a trafficking offence, the care for victims or their interest should be part of the decision on how to prosecute a case. That has now sunk in.

Q955 Chairman: You have given evidence to us beautifully. It is immensely helpful for our report. Can I ask for your help in three other ways, which you may want to give us notes on? You spoke about prosecuting without victims. Might we have some details of how you have gone about that and what the proportions are on that? Secondly, you talked about five Departments making up your budget. Could we have some details on that, if possible? Thirdly, under clauses 31(5) and 32(7) of the Bill, the Home Secretary will have the power to redact parts of the equivalent of your report if she feels that it is against national security and so on. Do the Government have that power over you as well?

Corinne Dettmeijer-Vermeulen: No. I do not think I would do my job if they had.

Q956 Chairman: Will you give us written answers to the other two on a postcard?

Corinne Dettmeijer-Vermeulen: I will.

Q957 Chairman: On that last point, is it because she trusts you not to put things in a report that will mess up trials, could endanger an individual or could be covered by national security—because she would never think that you would do that? It comes back to this trust factor.

Corinne Dettmeijer-Vermeulen: I think trust comes into it—and you have to earn that trust. For instance, nowadays when the prosecution are on to a really big case and do not want anybody to hear about it, they will tell me. I will know, as they know the way I go about handling this information. The same goes for the police. If they have a huge raid somewhere, very often, one or two of my staff join them, just to see how they are doing it. That gives me a really good insight into this work and its effectiveness.

Trust has a big part in it. I also think that our Government—and, I tend to think, many Governments—have the political will to fight human

trafficking. If not, they should, because it undermines society on all different levels. It is partly about trust, so maybe you should seek out a person who would earn that kind of trust, but I do not think it has ever really been a problem. Apart from operational things that the police and the prosecution tell me, I cannot really think in what way the Government themselves would be able to give me any information that would be dangerous to the public or whatever, so I do not see that dilemma.

The Departments that pay for my office are Justice, the Home Office, Foreign Affairs, Social Affairs and Health. On your first question, I wrote down—

Q958 Chairman: You were saying that it was very important to develop prosecutions without having to use victims.

Corinne Dettmeijer-Vermeulen: This has something to do with the way our prosecution works. In big areas where they find they need to do something constructive, they have a sort of programmatic approach. While they follow up on victims who come to them, they do not just wait for those victims to come. They look into a certain area: Chinese massage salons, for example, where a lot of illegal prostitution is going on. There has been a project really to look into what is happening there, without going to the victims and waiting for the victims to come to them.

This is a different approach. I have been to Sweden, for instance, where their approach is very much to wait for the victim to come and file a complaint. If you do that, you do not get many successful prosecutions. You have to go out there and look for it. Human trafficking is not a crime that comes to you. We say, "They don't bring it—you have to go and get it." To go and get it requires a frame of mind that wants to go and get it. That has led to the successful prosecutions in the Netherlands. Compared with many other countries, we have a very high rate of prosecutions—and with that, a higher rate of convictions, too.

Chairman: Thank you very much. That was brilliant evidence.