

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### MODERN SLAVERY BILL

*Second Sitting*

*Tuesday 2 September 2014*

*(Morning)*

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CLAUSE 1 under consideration when the Committee adjourned till this day at Two o'clock.

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**Saturday 6 September 2014**

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**The Committee consisted of the following Members:**

*Chairs:* †MR DAVID CRAUSBY, MARK PRITCHARD

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|--|---|
| † Bradley, Karen ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) | † Lumley, Karen ( <i>Redditch</i> ) (Con)                       |
| † Bruce, Fiona ( <i>Congleton</i> ) (Con)  | † Mactaggart, Fiona ( <i>Slough</i> ) (Lab)                     |
| Burns, Conor ( <i>Bournemouth West</i> ) (Con)   | † Nokes, Caroline ( <i>Romsey and Southampton North</i> ) (Con) |
| † Burrowes, Mr David ( <i>Enfield, Southgate</i> ) (Con)                                   | † Pincher, Christopher ( <i>Tamworth</i> ) (Con)                |
| † Champion, Sarah ( <i>Rotherham</i> ) (Lab)   | † Smith, Chloe ( <i>Norwich North</i> ) (Con)                   |
| † Connarty, Michael ( <i>Linlithgow and East Falkirk</i> ) (Lab)                           | † Stunell, Sir Andrew ( <i>Hazel Grove</i> ) (LD)               |
| † Durkan, Mark ( <i>Foyle</i> ) (SDLP)   | † Teather, Sarah ( <i>Brent Central</i> ) (LD)                  |
| † Hanson, Mr David ( <i>Delyn</i> ) (Lab)  | † Wilson, Phil ( <i>Sedgefield</i> ) (Lab)                      |
| † Hinds, Damian ( <i>East Hampshire</i> ) (Con)  | Fergus Reid, Kate Emms, <i>Committee Clerks</i>                 |
| † Johnson, Diana ( <i>Kingston upon Hull North</i> ) (Lab)                                 | † <b>attended the Committee</b>                                 |
| † Kane, Mike ( <i>Wythenshawe and Sale East</i> ) (Lab)                                    |   |

## Public Bill Committee

Tuesday 2 September 2014

(Morning)

[MR DAVID CRAUSBY *in the Chair*]

### Modern Slavery Bill

9.25 am

**The Chair:** Before I begin, I have a few preliminary announcements. I understand that the amendment papers are on their way. Members may, if they wish, remove their jackets in Committee, but please remember the rules on refreshments—water only. Please could everyone ensure that all electronic devices are turned off or are switched to silent mode during Committee. As a general rule, I and my fellow Chair do not intend to call starred amendments. The required notice period in Public Bill Committees is three working days. Therefore, amendments should be tabled by the rise of the House on a Monday for consideration on a Thursday and by the rise of the House on a Thursday for consideration on the following Tuesday.

Before we begin our line by line consideration of the Bill, some brief explanation may be useful to those who are relatively new to Public Bill Committees. The selection list for today's sitting will soon be available in the room and will show how amendments selected for debate have been grouped for discussion. Amendments are generally grouped together on the same or a similar subject. The Member with their name to the lead amendment in a group is called first. Other Members are then free to catch my eye to speak to any or all amendments in the group. A Member may speak more than once in a single debate. At the end of the debate on a group, I will again call the Member with the lead amendment. Before they sit down, they must indicate whether they wish to withdraw the amendment or push it to a vote. Similarly, if another Member wishes to push a grouped amendment or a new clause to a vote they should let me know. I will assume that the Government wish the Committee to reach a decision on their amendment. Decisions on amendments do not take place in the order they are debated, but in the order they appear on the amendment paper, so decisions on new clauses will be made at the end of the Committee's consideration of the Bill. I have discretion to decide on separate stand part debates on clauses and schedules, taking account of the extent of debate on amendments. This morning, the Adjournment of the Committee at 11.25 am is automatic; this afternoon, it is in the hands of the Whips but around 5 o'clock is the convention. We will now begin our line by line consideration of the Bill.

#### Clause 1

SLAVERY, SERVITUDE AND FORCED OR COMPULSORY  
LABOUR

**Mr David Burrowes** (Enfield, Southgate) (Con): I beg to move amendment 29, in clause 1, page 1, line 12, at end insert—

‘(1A) For the purposes of this Act—

- (a) it is irrelevant whether a person consents to being held in slavery or servitude.
- (b) a person may be in a condition of slavery, servitude or forced or compulsory labour whether or not—
  - (i) escape from the condition is practically possible; or
  - (ii) the person has attempted to escape from the condition.”

*The amendment establishes that consent is irrelevant in cases of slavery and servitude and clarifies that a person may still be in slavery, servitude or forced or compulsory labour even where physical escape is practically possible, recognising that people can be held in slavery by psychological means as well as physical restraint.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 30, in clause 1, page 1, line 13, leave out subsection (2).

*This amendment is consequential on the insertion of New Clause 3 (Meaning of slavery, servitude and forced or compulsory labour).*

Amendment 36, in clause 1, page 1, line 14, after “labour”, insert—

“or other forms of exploitation”

Amendment 37, in clause 1, page 1, line 15, at end insert—

“and/or any of the types of exploitation listed in section 3 of this Act.”

Amendment 38, in clause 1, page 1, line 17, after “labour”, insert—

“or other forms of exploitation”

Amendment 39, in clause 1, page 1, line 17, leave out “may” and insert “shall”

Amendment 40, in clause 1, page 1, leave out line 20 and insert—

“this shall include, but not be limited to; age, family relationships, disability, position of dependency, language skills, and any mental or physical illness”

Amendment 49, in clause 1, page 1, line 21, at end insert—

‘(5) The consent or apparent consent of a person to the acts referred to in subsections 1(1)(a) or 1(1)(b) shall be irrelevant.’.

New clause 3—*Meaning of slavery, servitude and forced or compulsory labour*—

‘(1) This section applies to section 1.

(2) Forced or compulsory labour means all work or service which is exacted from a person under the menace of any penalty and to which the person has not given free and informed consent.

(3) It is irrelevant whether a child has consented to forced or compulsory labour.

(4) Servitude is the condition of a person who provides labour or services, if, because of coercion, threat, or deception—

- (a) a reasonable person in the same situation as the person would not consider himself or herself to be free—
  - (i) to cease providing the labour or services; or
  - (ii) to leave the place or area where the person provides the labour or services; and
- (b) the person is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

(5) Services or benefits of any kind can include forced begging or criminal activities.

(6) Slavery is the condition of a person over whom another person exacts control in such a way as to significantly deprive that person of individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person.

(7) In section 1 the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are also to be construed in accordance with Article 4 of the Human Rights Convention.”

*This amendment adds definitions of slavery, servitude and forced or compulsory labour to the Bill to aid interpretation of the law by frontline police officers and prosecutors. The definitions are based on those in international law.*

**New clause 4—*Slavery of children and adults*—**

(1) It is an offence to hold a person in, or subject a persons to, slavery.

(2) For the purposes of this Act “slavery” means the control by a person of a second person in such a way as—

- (a) significantly to deprive that second person of their individual liberty, and
- (b) by which any person obtains a benefit through the use, management, profit, transfer or disposal of that second person.

(3) Where that second person is a child, slavery also includes any act or transaction whereby the child is transferred or purports to be transferred to another person in return for money or other consideration, other than through lawful adoption or similar formal process.”

**Mr Burrowes:** It is a pleasure to be the first to welcome you, Mr Crausby, to chair an important Committee sitting. I apologise that I will be dominating the first salvos. I welcome the opportunity to take part in what is such a significant Bill, which has cross-party support in principle. I hope that can be reflected in the way we approach matters in Committee, rather than necessarily having some of the usual tribal formulae that happen in Bill Committees. We owe it not least to the victims of trafficking to do the very best we can over the next weeks to ensure that the Bill is fit for purpose and meets the intention of the Government to secure increased prosecutions for those who commit the heinous offence of modern slavery.

The amendments in my name all seek to ensure that the offence in clause 1 has clear definitions based on international law. A key objective, which we all share, of the Bill is to increase the number of successful prosecutions for the abhorrent crimes of slavery, forced labour and human trafficking. That is an objective that we all wholeheartedly support. With that in mind, we must carefully examine the text of the offences; one would expect nothing less. As a lawyer, that is what I particularly go to, but all of us, as legislators, want to ensure that the text is fit for purpose and that we have the strongest possible offences to facilitate the convictions of those who inflict such terrible abuse on others.

The amendments seek to retain the Government’s laser focus on securing convictions of the serious criminals out there. We also have the opportunity to be ambitious, rightly, and to take a lead as a country, where others may follow, and show how we wish to tackle modern slavery in law. The purpose of amendment 29 is to clearly establish that a person’s apparent consent to slavery or servitude is not relevant, and to recognise the important role of psychological constraints and manipulation. It also attempts to plug a potential gap in clause 1 that could be exploited, not least by defence lawyers—as a lawyer, I declare an interest.

Amendment 29 is based on evidence that I and others in the Joint Committee—one can read the submissions—heard from organisations working with victims. Lack of understanding about the issues of slavery and forced

labour leads to confusion and to incorrect interpretation of the law. The charity Hope for Justice has told me that it commonly comes across a misunderstanding among police officers that, in their words, victims have to “be locked up” in order to be in forced labour. We all recognise that is not the case, but we want to ensure that, from the front line through to the court and conviction, we have as much clarity as possible to ensure increased convictions.

Amendment 29 makes it clear that the restraints that hold people in slavery, servitude and forced labour are more complicated than locked doors or barbed wire. People can be manipulated by threats to themselves or others if they try to escape. Victims, especially migrants, who are forced into criminal activities are often told that if they go to the police, rather than receiving help, they will be put in prison or deported. Debt bondage, which can also be the result of deception or fraud, can keep a person working in exploitative conditions without any of the typical physical forms of restraint, as the victim is desperate to pay off the money they have been told they owe. Some victims are dependent on their exploiters in various ways and fear facing greater destitution if they run away.

As I understand from the evidence I have received, myths about slavery involving physical restraint can be a particular problem in cases of domestic servitude, especially those involving children. The victim may be allowed out of the place where they are made to work, perhaps to attend school or to run errands at the behest of the person exploiting them, so there may be a suggestion or perception of consent. Under those circumstances, without the clear understanding that a person might feel unable to run away because of threats or other types of coercion, police officers might not see that as an offence under clause 1. It might be suggested that those misunderstandings can be properly dealt with through guidance and training of front-line officers. Obviously, that process is important and training must happen—we would all support that—but as legislators we should do our best to ensure as much clarity as possible in the courtroom and on the front line. Training for professionals will not properly address the misunderstandings that can arise, not least in juries, particularly given that the element of compulsion, which I am particularly concerned about, is often mentioned by defence counsel.

The lack of such an amendment could have the unintended consequence of giving a foothold for defence submissions. Clarifying in the Bill that a person can be in slavery or forced labour while also being physically able to walk away would reduce the possibility of such myths and misunderstandings, and of legal arguments about what slavery or forced labour is, and give sufficient weight to the important point of the psychological restraints, which are perhaps more prevalent though less visible.

There is also a need for coherence, which amendment 29 seeks to provide. On the question of travel, clause 2(2) says that it is

“irrelevant whether V consents to the travel”.

Therefore, clause 2 makes clear the irrelevance of consent. Amendment 29 seeks to provide that coherence in clause 1. That is not only my view but that of those who spoke to

[Mr Burrowes]

the Joint Committee. Evidence was given by Riel Karmy-Jones, a barrister of Red Lion Chambers who said at question 154,

“I may have it wrong, but at the moment I think you only have consent in relation to clause 2. I think consent is an issue for clause 1 as well, because you do have people occasionally who are brought up in a position of servitude and know nothing else, and so effectively could be seen to be consenting to their condition.”

In oral evidence to the Joint Committee, Nick Hunt, Director of Strategy and Policy at the Crown Prosecution Service, said at question 608,

“I have been sitting at the back of the room hearing the evidence given by the police officers here today, and there was some discussion around consent and whether that is an issue that needs to be considered within the Bill itself. You could say that, looking at the slavery offence in clause 1, you might wish to replicate something similar to clause 2 where you are saying, basically, you can’t consent to being trafficked and so you can’t consent to being held in slavery, servitude or subject to forced labour, to put that beyond doubt within the offence itself.”

That is the purpose and reason behind amendment 29.

Amendment 30 also seeks to clarify the definitions of slavery, servitude and forced or compulsory labour and is consequential on the effect of proposed new clause 3. As it stands, the offence in clause 1 has no definitions of its key terms. That is in one sense unusual, but in another understandable because it is consolidating and bringing together a number of offences. However, there is a danger that the lack of definitions in the Bill could lead to front-line police officers or prosecutors failing properly to identify particular circumstances as falling within the scope of the offence. I have already referred to the effect in relation to psychological controls, but it also has a material impact on the nature of the exploitation.

The Government have rightly stated that they want to consolidate the offences of trafficking and slavery into the Bill, in their words,

“to provide clarity and focus when investigating and prosecuting traffickers”.

Proposed new clause 3 would help to provide that clarity and ensure that the way the terms are used is consistent with international law. There is a danger of a copy-and-paste Bill that does not necessarily meet the high expectations and ambitions that we share across Parliament—fully to embrace the nature and application of slavery, servitude and forced labour.

I know the Minister does not wish to over-complicate the Bill and cause more problems with further potential loopholes and lacunae. I understand that and have been as restrained as possible in keeping that focus. I believe that definitions in the Bill are important and should match our international responsibilities.

The reference to article 4 of the European convention on human rights in clause 1 does not provide officers and those in the front line with sufficient assistance, nor does it provide the necessary application that we want. That article itself does not contain any definitions of the key terms of slavery, servitude and forced labour. It simply lists certain activities that do not fall within the terms. As the right hon. the Lord Judge advised the Joint Committee on the draft Bill, the European Court of Human Rights continues to interpret and develop the meaning of provisions in article 4. It is a moveable feast that naturally moves on in time.

It might be reasonable to expect judges and prosecutors to keep up to date with European Court case law. It is possible to get on Lexis, for example, and keep in touch. That task seems onerous and unfit for purpose for front-line police officers and investigators; that is a practical issue.

**Fiona Mactaggart (Slough) (Lab):** The hon. Gentleman is right about the reference to article 4, which defines things that are not slavery, such as call-up to the Army, but does not any law passed by Parliament have to be read as though it conforms to the European convention on human rights? The reference to article 4 is otiose, and a court would have to decide that there was a special reason why we put it in. That might narrow the definition of slavery, rather than broaden it.

**Mr Burrowes:** The hon. Lady has great experience in this matter and I hear the point she makes. I would not describe the reference as otiose, but I think we can do better. We can embrace the international definition, which deals with the point in practical terms and allows us to have what we would expect in many a Bill that comes before the House: a basic definition we can agree upon, particularly when we are dealing with criminal offences. In addition to the human rights convention, it would be of greater practical benefit.

Officers in the front line identify and investigate cases of slavery to bring more people to justice. Amendment 30 and new clause 3 would give Parliament the opportunity to take the lead and align the definitions of slavery, servitude and forced or compulsory labour, rather than simply having the minimal reference to article 4 of the ECHR. We need to keep in step with international law and norms; we have that opportunity.

The purpose of amendments 36 to 39 is to ensure that all forms of exploitation are covered by the clause 1 offence. I was concerned to read in the Joint Committee’s report that there are areas of exploitation that do not seem to be covered by the existing forced labour offence, nor by its replacement in clause 1. We all agree that modern slavery has many forms; sadly, offenders continue to find new and more varied, more perverse and more abusive ways in which to exploit their victims. We cannot look too far ahead at what is next in line from the evil perpetrators of such crimes, but we want to do what we can to ensure application and coherence, with a proper understanding of exploitation in international terms.

The slavery and forced labour offence is important. It allows for prosecution where the key elements of human trafficking are not present or cannot be proven to criminal standards. However, the restriction of the offence to slavery, servitude and forced or compulsory labour and the absence of any reference to other forms of exploitation means that where a person has been exploited to secure services or benefits, that cannot generally be prosecuted as forced labour. When we compare that offence to the trafficking offence in clause 2, the deficiency is made clearer.

The human trafficking offence has been amended in recent years properly to recognise that people can be trafficked domestically and that such exploitation is not restricted to people brought to this country from abroad. In such circumstances it would seem sensible to allow

the prosecution under clause 1 for other forms of exploitation, beyond what can be narrowly defined as forced labour or slavery. The Minister might be concerned that the term “exploitation” could be construed too widely. However, amendment 37 specifically and deliberately ties the definition of exploitation to the meaning set out in clause 3, so there is consistency in my amendments.

On amendment 40, I welcome the addition of subsection (4) to the slavery and forced labour offence following the detailed scrutiny of the draft Bill. It properly acknowledges that some people are more vulnerable than others to exploitation owing to their particular circumstances, and will go some way towards addressing the issues of psychological restraint that I mentioned in relation to amendment 29, but I think we can do better. One particular difficulty is that, although the addition of subsection (4) is welcome, it offers only a partial reflection of the key factors that can play a role in keeping a person in slavery or forced labour. Once subsection (4) is included, there is a danger that it could be seen as too exclusive and restrictive.

9.45 am

Amendment 40 will add some of the personal characteristics that are commonly found among victims of slavery or forced labour, including limited language skills, being dependent on another person—most likely the one exploiting them—and disability. In fact, disability is included in addition to mental or physical illness in clause 3, consistent with my approach there.

I understand there is a need to ensure that we are as focused as possible on catching serious criminals. It is important that we have that continuity and that we consolidate and build on existing offences, allowing existing expertise and case law to inform the work of investigators and prosecutors. It is important that we hear the evidence that has been brought before the House and the Joint Committee, and do what we can to ensure that the Bill and clause 1 are as effective and far-reaching as possible. I believe we can do that. I look forward to hearing the Minister’s reasons why the amendments cannot add to the good work that has already been done.

**Diana Johnson** (Kingston upon Hull North) (Lab): May I start by saying that it is a pleasure to serve under your chairmanship, Mr Crausby? I also warmly welcome all members of the Committee. As I understand it, this is the first Bill that the Minister has taken through Committee—I know she feels passionately about the subject—and the first Committee for the hon. Member for East Hampshire in his role as a Government Whip. I am sure that we will be a model Committee and gently ease the hon. Gentleman into his new role over the next few sittings.

This Committee is an extremely distinguished one. I am particularly pleased to welcome my hon. Friends the Members for Linlithgow and East Falkirk and for Slough, as well as the hon. Member for Congleton and the right hon. Member for Hazel Grove, who all served on the Joint Committee on the draft Bill. I look forward to this Committee’s debate being informed by the Joint Committee’s work and the extensive briefings we have received from charities, organisations, faith groups and many distinguished lawyers to assist our scrutiny.

I, like everyone on the Committee, wholeheartedly welcome the Bill. It is a particular privilege for me, as a Member representing the city of Hull, to be on this Committee 200 years after William Wilberforce, who was the MP for Hull, piloted the abolition of the slave trade Act through the House. As the hon. Member for Enfield, Southgate said, slavery and human trafficking continue today in the United Kingdom, and that is why the Opposition are particularly pleased to have the Bill before us.

We are looking at the offences specifically related to human trafficking in clause 1, but before I speak to Opposition amendment 49, I want to stress that although we welcome the consolidation of existing offences in relation to trafficking and slavery into one piece of legislation—it is a very positive move—we feel that simply moving offences across from other Acts of Parliament will not achieve the Government’s aim of increasing the number of prosecutions. We know that the number of prosecutions has not been as high as we would like, and that, sadly, criminals have eluded the police and the CPS. Having looked at the evidence from the police, prosecutors and charities, the Opposition share the view of the Joint Committee on the draft Bill that the offences need to be fundamentally restructured to reflect the true nature of slavery, servitude and trafficking today.

Amendment 49, our first step towards doing that, is similar to amendment 29. I support much of what the hon. Member for Enfield, Southgate said when he talked about our need to be ambitious, to focus and to have clarity, particularly in the courtroom. He speaks with great knowledge and practical experience as a defence lawyer, and we should listen carefully to what he has to say. The Opposition support clause 1, but we think that this small amendment on the issue of consent is an important addition that would enable more prosecutions to take place.

We want to make it absolutely clear to police officers, prosecutors and the courts that when dealing with slavery, we should be looking at the perpetrators and not the victims, so we must be absolutely clear that a person cannot consent to being held in servitude or slavery. The amendment, as has been said, replicates the provision in clause 2 that states explicitly that someone cannot consent to being trafficked. We need to include same explicit provision in clause 1. The amendment would give clarity to the Bill and enable prosecutions in some of the many cases in which the police identify victims and even carry out prosecutions, but not for the offences of trafficking or slavery. That is what happened in the Craig Kinsella case.

Mr Kinsella, who had a range of mental health problems, was duped into moving into the house of the Rooke family. Once there, he was effectively imprisoned. He was made to scavenge food from bins; the family assaulted him on numerous occasions, hitting him with pickaxes, shovel handles and a crowbar; and they made him work for 12 hours a day. Craig was too frightened to run away, and he was kept in squalid conditions in the Rookes’ garage, sleeping on bits of carpet with only an old curtain for cover. The Rooke family sometimes left out plates of food in the garden for him, and they even gave him orders by text message from the comfort of their living room. There was CCTV evidence of what was going on and the criminal offences that were being

[Diana Johnson]

committed. The Rooke family were convicted, but the convictions were for assault and false imprisonment, not slavery and servitude.

Surely the point of the Bill is to enable prosecutions in such cases. Most of us would recognise that the condition in which that man was held amounts to slavery or servitude, but the Kinsella example is not an aberration. The issue of consent has been raised repeatedly by the police. I draw the Committee's attention to an example provided to the Joint Committee on the draft Bill by Detective Inspector Roberts of Kent police, who said:

"Another example would be prostitutes within debt bondage. Even when they come to our notice, they are not purporting to be victims. They are allowing themselves to carry on within that exploitation. It has been very difficult for us to make those people out to be victims within the criminal justice system as it is at the moment."

The hon. Member for Enfield, Southgate referred to the evidence of Nick Hunt, the director of strategy and policy at the Crown Prosecution Service, but it is worth repeating because it is so important. He said we need to put consent on the face of the Bill in clause 1:

"I have been sitting at the back of the room hearing the evidence given by the police officers here today, and there was some discussion around consent and whether that is an issue that needs to be considered within the Bill itself. You could say that, looking at the slavery offence in clause 1, you might wish to replicate something similar to clause 2 where you are saying, basically, you can't consent to being trafficked and so you can't consent to being held in slavery, servitude or subject to forced labour, to put that beyond doubt within the offence itself."

We need to listen to the lawyers who argue these cases in court and who think there needs to be further clarity.

The Bill aims to enable more prosecutions of those who hold people in servitude, slavery or forced labour. Amendment 49 would ensure that such individuals could be convicted, regardless of how the victim behaves. The Law Society has distributed among the Committee a briefing that makes clear its concerns about the need for the Bill to be clear on offences. That is why I feel strongly that there is an omission that this Committee must put right, and I will press my amendment to a vote unless the hon. Member for Enfield, Southgate decides to push amendment 29 to a vote, in which case I will support him.

Turning to the other amendments in the group, I strongly support the principles set out in amendments 36 to 40, which, as the hon. Gentleman explained, would expand the scope of the forms of exploitation that the courts could find to be slavery, servitude or forced labour. The hon. Gentleman has identified a very real problem. In my comments on consent, I gave clear examples of where slavery and servitude must be addressed, and, as I said, most people who looked at those examples would consider them to be servitude, but we are clearly not going to get the prosecutions we all want under the Bill as drafted. In their evidence to the Joint Committee, the police identified a particular problem in relation to prostitution, but there are also problems relating to forced labour and to children who are manipulated into working in cannabis factories. Although I agree with what the hon. Gentleman is trying to achieve, instead of trying to include exploitation under clause 1, for the

sake of clarity we should look at separating out the offence of exploitation altogether—a point I will expand upon later in Committee.

Given the amendments that have been selected for debate, there will be the opportunity for a full debate about whether we stick with the two offences currently defined in clauses 1 and 2, or move to a hierarchy of offences. I know that my hon. Friend the Member for Slough will press the case for a hierarchy, particularly because the Joint Committee called for one to be established. That would lead to the creation of a specific exploitation offence to stand alongside the trafficking and slavery offences. Although I am sympathetic to amendments 36 to 40, as well as to new clause 3, I think that there is a different way of tackling the problem.

I understand the need to ensure that the Bill is in line with international law; that is extremely important. Will the Minister explain why clause 1 as drafted does not fit with internationally recognised definitions? From the evidence given by prosecutors—Nick Hunt at the Crown Prosecution Service and Peter Carter QC—to this Committee and to the Joint Committee, we know that more prosecutions would be possible if the Bill was in line with international definitions, including the Palermo protocol and the EU directive, as well as with the expertise that has built up around those documents.

I agree with what the hon. Member for Enfield, Southgate is trying to achieve with his amendments, but I disagree on the means because I think there is a better way to do it. I want to see a set of explicit offences for servitude, slavery, forced labour, trafficking and exploitation, and I particularly want the issue of consent to be dealt with on the face of the Bill in clause 1. I also want the wording in the Bill generally to match up to international definitions. I am concerned that if we try to make provision in clause 1 rather than separate out the offence itself, we could cause problems for and complicate prosecutions. The hon. Gentleman said that new clause 3 would assist both the police and prosecutors, but there are many cases where the police see trafficking for what it is, but they are then left exasperated when the CPS prosecutes for other offences. It is clear from the evidence given to the Joint Committee how we can deal with that by separating out the offences.

As I understand new clause 4, tabled by my hon. Friend the Member for Slough, is part of the attempt to ensure that we debate the recommendations of the Joint Committee. I support in principle what new clause 4 is designed to do, but a better way of ensuring that we debate the recommendations is to leave clause 1 as it is but amend it to include consent, and then to separate out the issues of trafficking and exploitation as we debate later clauses.

10 am

**Chloe Smith** (Norwich North) (Con): I am sad to see that I beat the hon. Member for Slough by rising before her; I would be more than keen, of course, to hear her comments on this group of amendments.

I rise to offer a few comments on a subject that goes along with consent, which is awareness, including among potential victims. One thing that we are doing in the Bill is seeking to provide greater information and greater routes to reporting for those who may be in the situations that clause 1 outlines and that my hon. Friend the

Member for Enfield, Southgate and the hon. Member for Kingston upon Hull North have already spoken about.

It is positive that as we begin our consideration of the Bill in Committee the Home Office publicity machine has already ground into action, revved up its gears and produced leaflets, television and radio material, which my constituents already know about. I have been able to talk to many constituents about the Bill over the summer; in fact, I have deliberately sought out local opinions and awareness of what we are doing. Of course, I have also sought to find out information about the regional prevalence of the concepts that we are discussing.

I spoke to members of the Norfolk constabulary, who gave me considerable information about how they are working with the law as it currently stands. I am pleased to report that they say that all incidents of human trafficking reported within Norfolk are seen as a priority, and officers and staff are required to respond to all such incidents with a victim-focused approach to ensure that the safety and welfare of victims remain the primary objective.

I have the Norfolk constabulary's statistics to hand. Although members of the constabulary say that the number of referrals to the National Crime Agency for trafficking victims in Norfolk has been increasing, thankfully it is still very small. I am seeing figures here that show an increase from "no slaves" being identified to three being identified. There are similar single-digit numbers going ahead into 2014.

I offer those figures as a live example to the Committee of the rates in my area. Crucially, however, they link back to the point about awareness. We cannot hope for the police to be in a position to identify and appropriately help the people who are represented by those numbers without there being greater awareness, so I welcome the public awareness campaign that has been launched.

I also wanted to note some numbers that the local Salvation Army told me about; helpfully, they dovetail with what the police told me. In the Anglia division of the Salvation Army, the incidence was three transports in Norfolk, three in Suffolk and significantly more in Cambridgeshire, which I found interesting. Another subject of my research over the recess has been whether there is a particular prevalence in the agricultural part of the world that I come from.

I said on Second Reading that I was extremely keen not to do down the agricultural economy. That is important. Awareness must not tip over into over-awareness or a mistaken desire to see something under every bulge in the carpet if it is not there. Awareness must provide members of the public, law enforcement agencies and, of course, victims with the ability to respond.

**Michael Connarty** (Linlithgow and East Falkirk) (Lab): I am somewhat concerned by the trend of the hon. Lady's comments. Some 1.6 million people every year come into the agriculture industry in the UK. Every time one turns a stone, one will find malpractices, excessive charges and what is in fact enslavement. People are contracted before they come to earn less than the minimum wage, and they then have much of that taken off them.

The Gangmasters Licensing Authority certainly told us that it would like more resources; it is somewhat constrained at the moment by the change to its role. In incidents such as the Olympic case—freedom eggs, spring

chickens or whatever they were called—it is clearly exploitation that has made certain products available to many well-established and reputable supermarkets. I am worried that because just three people have been found in Norfolk, police are saying that only three people are being exploited or enslaved at the moment. I had hoped that the hon. Lady would take a more vigilant line than the one that she seems to be pursuing.

**Chloe Smith:** The hon. Gentleman began with an important point and has ended on a poorer one. I reassure him of exactly what I read out from the Norfolk constabulary. For their part, all incidents of human trafficking reported within Norfolk are seen as a priority. I have no reason to doubt what they say about their vigilance.

I also have no reason to put so much as a cigarette paper between the hon. Gentleman and myself on our desire to stamp out the forms of exploitation that we are discussing in the Bill; I want to make that absolutely clear. I have gone back to my constituency to have exactly such discussions with different sectors of the economy, because I share his passion for talking fairly about the prevalence of the problem where it exists, and about good practice where that exists, in sectors such as agricultural work.

I also said on Second Reading that I have worked for a gangmaster; I wonder whether the same is true of the hon. Gentleman. I would be interested to know that as we go on. Not that that gives me any form of privileged opinion; I merely offer it as a relatively light-hearted point to say that of course there are gangmasters who operate legitimately, and that there is a legitimate agricultural industry requiring good work and a good reputation where that is deserved. He need have no concern whatever that I seek to play down the prevalence. I am keen that it should be known that modern slavery can occur in any corner and under any surface of British life. However, that is not to say that every truck that a member of the public may see going down a farm track with a few workers on it, going to do acceptable work, is illegal, because it will not be. We need a sensible and balanced response in what members of the public are alerted to by the public awareness campaign. I wanted to make that point, so I am glad that the hon. Gentleman's intervention allowed me to do so. There is a balance to be struck. It will never be an easy question for law enforcement agencies, nor will it be easy for members of the public to opine on.

That returns me to the point about consent. Consent will rarely be a straightforward matter for a third party to observe. It will be complex, and it will require careful investigation and sensitive handling by the agencies involved. Of course I want to see clause 1 offering the appropriate tools for that job. The Bill does well to introduce several interesting legal concepts. One that comes up in conversation with constituents and witnesses, and to which we need to give attention, is that of consent in clause 2 and, as mentioned by my hon. Friend the Member for Enfield, Southgate, in clause 1. I look forward to the Minister's comments on that and I thank you, Mr Crausby, for allowing me to speak on this first day under your chairmanship.

**Fiona Mactaggart:** In a way, I apologise to members of the Committee, because I think we are all united in wanting a Bill that works, in order to tackle the scourge

[*Fiona Mactaggart*]

of human trafficking and modern slavery. In many ways, the Government have gone through a model process in trying to do that. They published a draft Bill and they commissioned my right hon. Friend the Member for—oh, somewhere in Liverpool, to do some pre-legislative thinking. We then had detailed pre-legislative scrutiny.

**Sir Andrew Stunell** (Hazel Grove) (LD): I hesitate to interrupt the hon. Lady's flow, but I think the right hon. Member for Birkenhead (Mr Field) would object to "somewhere in Liverpool". It is Birkenhead, which is the other side of the Mersey.

**Fiona Mactaggart**: The right hon. Gentleman is quite right, it is Birkenhead, but it had flown out of my head. I think in Committees one ought not to have a carefully written and detailed speech, if one can avoid it, but one should actually respond to what is happening on the ground in the Committee. In my attempt to do that, I forgot the constituency, for which I apologise; I am sure my right hon. Friend the Member for Birkenhead will accept that.

I was talking about the Government's process to get us to this point. After my right hon. Friend the Member for Birkenhead had done some pre-pre-legislative scrutiny, he was then invited to chair a detailed Joint Committee of the Lords and Commons to look at this Bill. We started on 9 January and continued until 8 April. We had evidence from 102 groups and individuals in writing and 82 oral statements from UK and international witnesses. I think that is a model process for developing better law.

I am trying to give this Committee the opportunity to use the fruits of that model process. It is worth reminding the Committee that that pre-legislative scrutiny came up with a unanimous report, not demurred from by any member, that suggested a more powerful approach than the one that the Government have put before us. In a way, I am sad. There have been some amendments as a result of the pre-legislative scrutiny, but frankly they have not been particularly extensive. I am glad to see Members from all parties being prepared to find ways to amend the Bill to try to make it more effective in tackling human trafficking and modern slavery.

I have tried to structure part 1 of the Bill in the way that was proposed after that pre-legislative scrutiny, following extensive and careful examination. The reason I want to do that is not because I am perverse. It is because it is quite clear, from the evidence before this Committee and before the pre-legislative scrutiny Committee, that if we do that we will more successfully prosecute this kind of exploitation. The Minister will be frustrated by my citing the statistics again, but it is quite striking that this form of legislation—the Bill is effectively a cut and paste of existing laws, as those who submitted evidence to the Committee said—has produced few successful prosecutions of the offences that we are being asked to consider in part 1.

10.15 am

In a written answer to my hon. Friend the Member for Islington South and Finsbury (Emily Thornberry) on 24 June 2014 about the number of offenders cautioned

and defendants proceeded against at magistrates courts and found guilty and sentenced at all courts for offences related to human trafficking—the definition of human trafficking is the definition in part 1—the Government stated that there were 16 in 2010, eight in 2011, 12 in 2012 and 19 in 2013. We know that there are literally hundreds of human traffickers, but we also know that we are failing, with the present structure of the law, to proceed against them.

It is not that we do not try. Operation Golf, which took place some years ago, partly in my constituency, led to 17 prosecutions in the United Kingdom. Yesterday, I had the opportunity to meet a representative of the Government of Romania, where there have been 450 convictions as a result of Operation Golf. It is clear that other countries that have more closely modelled their offences on international definitions and have described the offences more effectively than we have in previous legislation, which is almost exactly reproduced in the Bill, have had more successful convictions than we have.

**Mr Burrowes**: As my amendments show, I share the hon. Lady's desire to be as ambitious as possible, but I want to temper her focus. Will we, by legislative means, be able to increase the number of prosecutions? Alison Saunders, the head of the CPS, said in evidence:

"I do not think that cases are slipping through because the legislation is not there to prosecute; I think cases may not be brought before the courts because we have not got the evidence and we have not got the complaints in the first instance."—[*Official Report, Modern Slavery Public Bill Committee*, 21 July 2014; c. 9, Q17.]

Therefore, there is only so much we can do in legislation. There is obviously another area that is not down to legislation. We must improve the number of complaints that come through and the evidence that flows from that.

**Fiona Mactaggart**: The hon. Gentleman is right that evidence is important. The amendment proposed by my hon. Friend the Member for Kingston upon Hull North on the issue of consent is significant because that is one thing that trips up juries in these kinds of cases. We need to look at that issue. Last week, I spoke to a team in Dover that works with trafficked people. Those front-line interviewers made it clear that people who are severely exploited often apparently consent to their own exploitation. If someone is moved from extreme poverty by somebody whom they feel under the control of or dependent on, they may apparently consent until they realise what their rights are in the UK. Many of those workers are, for example, European nationals who have the right to work here and the right to a minimum wage, and yet apparently consent to being grotesquely exploited in labour because they are unaware that they have other options.

We need a clear definition. The Public Bill Committee received evidence from many voluntary organisations that requested that we do something that my new clause would do, which is to differentiate between the experiences of children and adults. Children, in those circumstances, can consent to their own exploitation if they are simply not aware of their own rights. One thing my new clause would do, which no other amendment before us would,

is ensure that the law provided protection, for example, in the case of miracle babies. My new clause states refers to a situation

“whereby the child is transferred or purports to be transferred to another person in return for money or other consideration, other than through lawful adoption or similar formal process.”

No other amendment would deal with the issue of illegal adoptions and miracle babies, and that is because we do not think about such things without going through an extensive evidence process and looking at cases that have been difficult to prosecute. The pre-legislative scrutiny process did that and, through it, we learned that prosecutors find it extremely hard to deal with these admittedly very unusual cases, because they are not provided for within legislation. In the series of amendments I have tabled, I have sought to describe the hierarchy of offences in the way that the draft Bill proposed by the pre-legislative scrutiny Committee did. The new clause would set out the first in the hierarchy of offences, and the other new clauses that I propose, which are also drawn from that careful pre-legislative scrutiny, would continue it.

I want to refer to the weaknesses in the clause, because those are very serious. The hon. Member for Enfield, Southgate mentioned the problems of article 4 of the ECHR, which talks not about what slavery and servitude are but what they are not. I fear that the whole approach to definition in clause 1 is an excluding, not an including, one. I would welcome an explanation from the Minister on the meaning of

“regard may be had to all the circumstances”

in subsection (3). One rather hopes that, when courts look at something, they do have regard to “all the circumstances”. I wonder what that is designed to achieve.

The evidence from CARE suggests it is concerned that there is not a clear enough definition of slavery, and I welcome the hon. Gentleman’s attempt to provide a clearer one. If my approach of trying to add a hierarchy of offences, which the Joint Committee worked so hard for so long to devise, does not succeed, I will certainly support his amendment. The evidence from the Anti-Trafficking Monitoring Group is quite clear that the offence needs to be strengthened and brought into line with international standards by including a subsection on the irrelevance of consent. That is what my hon. Friend the Member for Kingston upon Hull North offers us.

While the Government have started with an exemplary process—it is absolutely right to do this—they have ignored that process in all sorts of ways, and that is a great pity. I have written to the Home Secretary and not yet had a reply, but I was shocked to learn that the Government have advertised for the post of commissioner, which we will debate, without there being an opportunity for the Committee to change the commissioner’s responsibilities. That is the most egregious example of the Government failing their own processes in terms of the apparent consultation, openness and engagement with the many wonderful voluntary organisations and victim care organisations that have tried to help us to do better. Unless we get the framework of the offences absolutely right, we will not be a world leader, which is what the Government claim. Frankly, we are not; we are a world follower. We have failed to use international language and failed to have a sufficiently comprehensive

definition of slavery. The clause fails to recognise that someone cannot consent to be enslaved, and that is a very serious issue.

If the approach of the Joint Committee, which I will speak about when we discuss the other new clauses I have proposed, is accepted by this Committee, we will have an opportunity for a much more effective way of prosecuting offences. The Joint Committee identified the need to have a hierarchy, whereby we start with the major offence being slavery of children and adults. My new clause 4 specifically separates slavery of children and of adults, because of the real risk of slavery and exploitation of children—for example, being encouraged to beg by members of their family. Such a case was found in my constituency, where slavery and exploitation were obvious but hard to prosecute. A kid who was kept out at all hours selling *The Big Issue* and begging was put there by relatives. That is why the hierarchy was devised by the Joint Committee in its pre-legislative scrutiny.

There is a problem with the language in the clause. The Joint Committee felt that the existing offences—in clause 1 they are somewhat squished together—are not easily understood by police officers, do not help to increase successful prosecutions, and are not as broad as the international definitions such as those in the Palermo protocols. As a result, they fail to capture current or potential future forms. We know that legislating is a very precious thing. We are not likely to get a new Bill on modern slavery soon, so we need to get the offences right. Many of the other things in the Bill that I have queries about are not as serious as those in part 1, which we are discussing today, because part 1 is where we will actually catch the exploiters.

If new clause 3 is not pressed to a vote, I really would like to press new clause 4, along with supporting the amendment tabled by my hon. Friend the Member for Kingston upon Hull North. By creating a clear separation between the exploitation of children and the exploitation of adults we create a legislative framework that can ensure the effective protection of the most vulnerable people, and the most vulnerable people are children. The other forms of vulnerability, which the hon. Member for Enfield, Southgate highlights in some of his amendments, are important, too. I am not in any way undermining that, but we need clear recognition, from the start, that child exploitation is a particular offence and that children can be put into servitude very easily. Often, children are in domestic servitude, for example, but again, it is rare to have prosecutions in such cases.

School teachers are not well trained to identify such things; they think, “Oh, it’s just a child who’s helping out at home”, but often, ensuring that a child is going to school is good cover for an exploiter. For example, a child may be exploited for child benefit and other tax and benefit advantages that accrue to the alleged carer/parent, and exploited through domestic service in the household. Those things need to be criminalised in the Bill, but I am anxious that we are not effectively doing so, which is why I tabled my amendment.

10.30 am

**Sir Andrew Stunell:** It is a privilege to serve on this Committee, Mr Crausby, and I am looking forward to the work we will be doing.

[Sir Andrew Stunell]

I am very sympathetic indeed to the amendments tabled by my hon. Friend the Member for Enfield, Southgate and considerably sympathetic to the one tabled by the hon. Member for Slough—and I apologise for tweaking her tail on the chairmanship of the Committee. One reason for being sympathetic is that we all served on the Joint Committee, which was an interesting experience. For some of us who did not have the depth of experience of others, it was an eye-opening experience to hear the evidence and understand the issues in more depth.

I support at least one thing that the hon. Member for Slough said: there was a process and, at the end of it, the Joint Committee produced a very sound report, with recommendations to the Government, which I have to say they have responded to. The original draft Bill that the Government laid before that Committee has been extensively updated and modified. I welcome all those changes and amendments tabled by the Minister—although we are not discussing them at the moment—which bring further improvements. We have to recognise, as members of the Joint Committee, that we were in a process, but it would have been an unusual process if its outcome was that the Government uncritically accepted, without reservation, everything we said. I do not want to be too defensive about the fact that the Bill is not exactly the Bill we recommended. We should focus on whether it is deficient now and, if so, how we can put it right.

One core issue that has come out of Committee members' contributions so far is the extent to which gaps in the Bill before the Committee are of real concern and whether those will make it less effective or perhaps ineffective in some respects. I am looking forward to the Minister's responding to the various criticisms made in that regard, which are at least twofold. First, for a reason not clear to those of us who were members of the Joint Committee, the Government have chosen not to close the gap between clauses 1 and 2, on the application of the issue of consent, so it would be good to hear why they feel that that gap is best left unclosed.

At the heart of that issue is a concern that, at present, the Bill may not be able to deal with some serious cases of abuse that arise. Miracle babies have been mentioned, and another example is using children—importing children, I suppose we should say—to prosecute benefit fraud. Often, the victim strongly opposes identifying themselves as a victim. We heard evidence about the case of an eight-year-old who had been rescued. He instructed his lawyer to say that the slave master was his parent and said that he would deny in court that he had been abused. How can the system tackle that? Would the clause as drafted allow such things to happen?

**Sarah Teather** (Brent Central) (LD): As a constituency MP I have seen the impact on people's behaviour when they realise that their immigration status is not regularised. I have seen a number of adults who were unwilling even to register at doctors' surgeries or come forward for any kind of help. They can find themselves in an extraordinarily vulnerable situation, and may be willing to consent to the position in which they are housed because they are afraid to give information to the authorities on their lack of legal immigration status.

**Sir Andrew Stunell:** My hon. Friend's experience is much more direct than mine; I live in a much more sheltered environment and have a much more sheltered constituency in the north-west—quite close to Birkenhead.

My hon. Friend raises an important point: consent is a very grey concept in this regard. People are often under the thumb, sometimes psychologically—my hon. Friend the Member for Enfield, Southgate sketched out that idea very effectively—sometimes physically, but sometimes simply because their whole life and existence depends on giving a good result to the slave master. Their food depends on it, their accommodation depends on it, and their health and well-being depends on it. Perhaps more frighteningly, one thing I learned clearly from my experience on the Joint Committee is that often, the bonds stretch back to the home country—members of the family might be at risk, and there might be all sorts of debt bondage issues. Establishing consent is difficult, so the Minister must address that point in her response.

In an intervention, my hon. Friend the Member for Enfield, Southgate quoted the answer given by the Director of Public Prosecutions to a question I asked in Committee on 21 July. She said:

“I do not think that cases are slipping through because the legislation is not there to prosecute”.—[*Official Report, Modern Slavery Public Bill Committee*, 21 July 2014; c. 9, Q17.]

I followed that up by asking:

“Are you satisfied that there are no gaps?”

To which she replied:

“Yes, because I think the gaps are in relation to these incredibly difficult cases to bring forward. It is often very difficult to get victims to come forward. It is difficult when we have people who, even though we may think they are offenders, are victims, to get them to tell us that they are victims and give evidence about their traffickers”.—[*Official Report, Modern Slavery Public Bill Committee*, 21 July 2014; c. 9, Q18.]

She recognises that there are serious problems.

Later in the same sitting, I asked Peter Carter QC whether he would like to comment on the DPP's view that there were no gaps. He said:

“I must say I thought...that some of the DPP's answers about what was included clearly within the clauses in the Bill and what was not were not altogether precise—for example, whether begging would be and whether miracle babies would be—and that is a problem.”—[*Official Report, Modern Slavery Public Bill Committee*, 21 July 2014; c. 37, Q70.]

We have been presented with serious advice and evidence about the difficulties associated with this issue.

At the conclusion of the sitting in July, I asked Nadine Finch whether I could summarise what she had said as

“you believe there are gaps in the Bill as it is”,—[*Official Report, Modern Slavery Public Bill Committee*, 21 July 2014; c. 37, Q71.]

and she said yes. I then said:

“Would you be able to write a note for the Committee to express that more precisely?”—[*Official Report, Modern Slavery Public Bill Committee*, 21 July 2014; c. 37, Q72.]

To which she said yes. On Friday, the Clerks were good enough to circulate the note from Nadine Finch and Peter Carter QC, which is, in effect, the answer to that question. On some 15 pages of text their concerns are well set out. I am not expecting the Minister to give me a page-by-page critique of what they have said, but those of us who received the evidence in the Joint Committee have serious and legitimate concerns that we have somehow not quite captured it in clause 1.

**Michael Connarty:** I know that the right hon. Gentleman is a mild-mannered, but very effective Member of Parliament. I am concerned that he is letting the Minister off the hook by saying that he does not expect her to respond by giving us a critique of the evidence we received. That is the problem. What we have before us is something that is not based on the evidence that we received. If the Government wish to convince the Committee, Parliament and the people of this country that they are trying to tackle slavery, they must respond in detail, rebutting each question, because they did not do so in the response to the Joint Committee. I hope the Minister is prepared to take on the evidence from somebody such as Peter Carter and tell us why the Government think that one of the leading people in this field is wrong.

**Sir Andrew Stunell:** The hon. Gentleman is also an effective Member and I dare say that on this issue we could characterise ourselves as soft cop, hard cop. It is one of the core issues. The hon. Member for Slough made the point that it is crucial to get clauses 1 and 2 right. There is other stuff that we need to get right, but we need to get those clauses right or prosecutions will not be taken forward effectively, victims will not be able to give evidence and the cases that we all believe are there and not prosecuted properly will not come to a successful conclusion. I look forward to the Minister's contribution, either now or after lunch as timing dictates, because this is one area where the Committee needs assurance that we have got it right before we let the Bill proceed to Report.

**Sarah Champion (Rotherham) (Lab):** It is a pleasure to serve under your chairmanship, Mr Crausby. I want to speak in support of amendment 49 and to follow on from the points made by my hon. Friends the Members for Kingston upon Hull North and for Slough about consent because that is the nub of the issue.

The aim of the legislation should be both to prevent the crime occurring in the first place and to enable the authorities to prosecute and get convictions if people are caught committing this crime. Without amendment 49 that will be a lot more difficult; specifically, when it comes to a jury the debate around consent tends to muddy the water and take up a lot of time. There will be people who have paid traffickers to come into this country who then find themselves in servitude or slavery. A jury is likely to wrestle with that, and I am concerned that the debate about whether consent is informed, uninformed or not given will lead the jury in the wrong direction. I do not think it is possible for these people to give informed consent; therefore it is not possible for them to give consent at all. It is not possible for children to give consent, informed or otherwise, in any situation.

My final point, which has already been made very well by my hon. Friend the Member for Slough, is that the psychological manipulation and abuse that goes on means that victims will try, in court, to protect their slavemaster. They may do so in honesty, but it is more likely that they do it out of fear of retribution to their family back home or of the increased abuse they are likely to suffer if they have the courage to stand up against their slavemaster. Completely removing the question of consent from the Bill takes away that lack of clarity, which, I know from speaking to the police, barristers,

lawyers and the Crown Prosecution Service, prevents them getting the prosecutions that we need. Will the Minister look favourably on all these amendments, particularly amendment 49?

10.45 am

**Fiona Bruce (Congleton) (Con):** It is a pleasure to serve under your chairmanship on this Committee, Mr Crausby, as indeed it was on the earlier Joint Committee. I will refer to some of the evidence and information given to the Joint Committee as I speak to the amendments tabled by my hon. Friend the Member for Enfield, Southgate, and I shall comment on the contributions made in this Committee by the hon. Members for Kingston upon Hull North and for Slough.

We need to ensure that, within a definition of servitude, we have the widest possible range of pressure that can be brought to bear on vulnerable people, including psychological restraint. I recall the evidence given to the Joint Committee by Detective Inspector Keith Roberts of Kent police. He said that he had

“worked extensively within this field and dealt with cases at all ends of the offending spectrum in terms of both forced labour and trafficking for sexual exploitation”.

We would all agree that the definition needs to cater for the most extreme human rights abuses against individuals, but there are many other types of pressure on individuals and we need to ensure that we cover those as well. The Home Secretary has called forced labour, servitude and slavery “multi-faceted”. She said that

“this crime is so multi-faceted that it should not be put in one box.”

Detective Inspector Keith Roberts said that there needs to be a wider definition,

“which encompasses criminality which involves those forced to work seemingly voluntarily within the sex trade (perhaps under debt bondage) and those working in parts of the labour market where they are being economically exploited. Those cases where the victim seems to almost be complicit in their own exploitation. This could be those encountering threats, poor living conditions, being paid well below the minimum wages etc. It should also include those persons who are subjecting themselves to this treatment due to such pressures as immigration status or economic hardship.”

He said:

“Thousands of victims fall within a category of allowing themselves to be chronically exploited”

in that way. It is critical that we ensure that those victims are covered and appropriately protected by the legislation, so a wider definition is vital.

Interestingly, Detective Inspector Roberts informed us that

“male victims of labour exploitation in particular often do not perceive themselves as victims. Male workers are often reticent to liaise with authorities once initially encountered. They see Police as the authority who has just taken away their ability to earn money and that has deprived them of accommodation.”

Their wages can often be

“pitifully small and their accommodation is often overcrowded and unsanitary”,

but this is often accepted

“in order for them to earn any sort of wage”.

They would often have been recruited from what he called

“the fringes of society and consequentially have very low expectations”.

[Fiona Bruce]

He said:

“Once authorities intervene in these circumstances workers can see this, as not being rescued, but inconvenienced”.

It is vital that we cover the issue of psychological restraint and the lack of consent that so many people in society suffer from, even in our country in the 21st century. It is serious abuse and we must address it.

Detective Inspector Roberts went on to discuss women, saying that the issue of

“females within the sex trade who are subject to debt bondage” can be particularly acute. The Joint Committee heard that, for those women, their

“main driver is not to be rescued and certainly not to cooperate with authorities”.

It is vital that a particularly sensitive approach is taken with such women. For them, exploitation is often the only means they can see for survival. They often owe their traffickers many thousands of pounds and find themselves in the most horrendous difficulties in this country, yet their families—as far away as the far east—can still be subject to threats. We must ensure that the Bill covers that kind of multi-faceted intimidation and pressure on vulnerable individuals.

A wide definition is essential because we must ensure, too, that employers are held accountable for allowing workers to be subject to such psychological pressure, exploitation and servitude. We must also ensure that there are health and advice services for the individuals who have suffered. We must be alert to that need, because authorities have often not been in the past.

I was interested to hear the right hon. Member for Hazel Grove refer to Peter Carter, QC, because I, too, was impressed by his written evidence to the Joint Committee. He said:

“Early identification and protection is essential”,

so we must ensure that we have the definition that ensures the broadest possible approach to encountering such individuals, protecting them, rescuing them and relieving them from their circumstances. Peter Carter also said:

“The current law provides no effective protection to the victims. Often a victim’s first encounter with the state is as a result of being arrested. Claims to be victims of trafficking and/or exploitation are too often derided or ignored. The victim is denigrated by the immigration or criminal justice system which in any event (s)he had been warned by the exploiter to avoid. The process of discovering that the supposed culprit is in fact a victim is uncertain and protracted...victims are usually vulnerable, frightened, and easily intimidated by their exploiters.”

Whether or not we sat on the Joint Committee, we must now ensure that any gaps in the Bill that have been highlighted to us today are covered by our review of the legislation.

**Michael Connarty:** It is a pleasure to be under your chairmanship, Mr Crausby. You know me to be assertive, but hopefully not aggressive, in matters that I put forward. If that makes me the hard cop, it also, if you look at my record, means that I am a successful cop in the things that I pursue, sometimes even against my own Government. I was named inquisitor of the year when I chaired the European Scrutiny Committee on our report on the Lisbon treaty, and that was because

we put our own Government to the sword on that one. That is what we have to do when we take up this role in Parliament. I take it very seriously. It is the most effective way to help the citizens of our country. For me, as a humanist, it is certainly how I can do my best for the philosophies that brought me into politics, so I do not apologise if I sometimes demand a little more than compromise.

In this case, I was amazed by some of the leaflets coming out from the Home Office PR machine, claiming already that it is doing so much to change the lives of victims in this country and to change attitudes, and describing its success in prosecuting human trafficking, exploitation and slavery, when the facts put forward by my hon. Friend the Member for Slough show that we have been appallingly bad at doing so, in all parts of the United Kingdom.

Tam Baillie, the Children’s Commissioner for Scotland, published a report that I spoke about in Parliament, “Scotland: A safe place for child traffickers”. He could identify more than 150 trafficked children who had come to the notice of the authorities over an 18-month period in Scotland. That seems to be a much higher rate of identification than can be found anywhere in the rest of the United Kingdom. I was worried that the hon. Member for Norwich North was suggesting that, because not enough numbers of offenders had been agreed by the police, there was not therefore a much larger problem. I give her credit for saying later that we know that that is not the case and that vigilance will hopefully change things.

We have had comments from police officers. There was the well-known case—infamous rather than famous—of a woman inspector who had identified quite a number of human trafficking incidents in her area, but was told by her chief constable, “We do house-breaking and violence here. We do not do human trafficking.” She got in quite a bit of bother and eventually resigned her post. She is suing her authority because of the treatment she received when she tried to make it take the human trafficking and exploitation problems in her community seriously. We have a long way to go in these matters.

There was the magistrate’s comment—I think this is what the hon. Member for Enfield, Southgate was trying to get at—about a 14-year-old youth who was found in a cannabis factory. He had previously been found in another situation where he was involved in criminality. The magistrate said that he had obviously made a lifestyle choice, and he was sent to a young offenders institution. In my community, in Polmont young offenders institution, there are three young Vietnamese men who were found to be farmers in cannabis factories in Scotland. They are there because they were criminalised, but before that they were being victimised.

**Chloe Smith:** I simply want to take the opportunity to check that the hon. Gentleman agrees that we are all in the same business. We want to use the Bill to secure more prosecutions and more understanding and enlightenment of the problem. The figures that any of us has will indicate that the number of identified victims is small, because we still need to uncover the rest of the iceberg. Does he agree and will he reassure me on that point?

**Michael Connarty:** I have not put forward the idea that anyone on this Committee or anyone who has spoken in the many debates in this Parliament—people who listen to the debates outside have commented on them—wants to do anything other than what we set out to do way back when we set up the all-party group on human trafficking under Anthony Steen or when we set up Parliamentarians Against Human Trafficking across Europe, which was funded by the European Union, or what the ongoing work of the Human Trafficking Foundation aims to achieve. I would never allow anyone to say, in the most scurrilous way—people sometimes have scurrilous attitudes about the motivations of Members of Parliament—that any Member in this House does not want to put together the wherewithal and the structures to allow us to seriously challenge, hopefully drive down and possibly eradicate the exploitation of people, which is the great aspiration.

Exploitation is a huge criminal enterprise. I have spent time in the parliamentary police scheme, which I will talk a little about in a minute. It is clear that exploitation is a business model. As one door is closed to try to stop the exploitation of human beings for finance, another way of exploiting them is found, because the purpose is to make money out of abusing humans, as if they were just commodities. There is no doubt about that.

I refer to the evidence that we received from Luis CdeBaca, the plenipotentiary ambassador for human trafficking for the United States of America. He was the chief prosecutor. He is the man who has prosecuted more human trafficking slavers than anyone else in the world. He said to us, “You cannot prosecute your way out of this problem.” My worry is that the Government have pulled together a lot of consolidation that is about trying somehow to get more prosecutions when there are many things that have to be done other than just prosecuting. There is no doubt about that, and we should explore those things in some detail.

The hon. Member for Norwich North asked whether I had ever worked for a gangmaster. When I was young, I used to be exploited regularly by the local farmers in the summer, doing what they call in Scotland thinning neeps—neeps being turnips or swedes in the English language—for a derisory 15p a dreel. It was hard work and we felt exploited, but there was not a gangmaster between us and the turnips.

11 am

I went to the Ethical Trading Initiative and spoke there with my hon. Friend the Member for Slough. We met a gangmaster who was proud of the fact that both he and his father were gangmasters. He was one of the people who drew up the agreements on how people should be treated correctly when they were contracted to someone to be sent to various agricultural enterprises. In fact, I think he was involved in drafting the Gangmasters Licensing Authority legislation for us, so there are good gangmasters; there is absolutely no doubt about that. They are people who take seriously the fact that people in many industries, particularly agriculture, want to have labour supply, and they try to ensure that people are paid correctly, are looked after correctly and go back to their families with some money in their pocket and a sense that they want to come back and do that work again. There are people who do that; there is

absolutely no doubt about that. All the analysis shows that direct contracting—with a farm enterprise that is able to cope with that, not just a fly-by-night short-term contract situation—is the best way, because there is clear evidence that some people are contracted in their home country for what they think is an adequate sum of money and they discover that it is half the minimum wage, and then they are charged for their transportation, accommodation and food, and they end up being seriously exploited.

There is a question about how the police deal with that. The hon. Member for Norwich North has no reason to doubt that her police authority is trying to do its best. I have been in the parliamentary police scheme twice. On one occasion, I was attached to what was then the West Lothian division of Lothian police and I discovered that I had a cannabis factory next door to me. It had been a children’s home, but it was given up for various reasons and taken over by someone who, I thought, knew that the people using it were using it for nefarious purposes, and it turned out to be quite a substantial cannabis factory. I told the Scottish intelligence unit, which was then based at Livingston, that I suspected that the house next door to me was a cannabis factory. Six weeks later, they had done nothing—absolutely nothing. When I saw what I thought was the link—there was a big black four-wheel drive SUV in the driveway—I took the number and phoned the Scottish equivalent of what was then the Serious Organised Crime Agency, and my liaison officer, who had got me involved in the intelligence unit and other things, foolishly phoned the local police. The local police then phoned the owner of the house, and at the weekend a furniture van arrived in the middle of the night, and the equipment, the cannabis plants and everything else, as well as the poor person—a woman—who was in the house as the farmer, were all spirited away and the police never caught the people who ran the farm. All they got was a lovely story in *The Sun*, which had a large photograph of my house beside the cannabis factory, and two red arrows, one saying, “Cannabis factory”, and the other saying, “MP’s house”, and now everyone knows where I live. They are welcome to do so, but the irony for me is that all I got were two very long and apologetic letters from the intelligence unit and my local police admitting that they had not handled the matter very well.

Even with the best will in the world, and I am sure that the police want to catch the people who do these things, police methodology has to improve quite a bit. They have to learn to lift every stone and give priority to doing so, because I do not think that there is anything worse than the exploitation of a human being as a commodity to be sold because there is money to be made; in fact, at the moment there is as much money in that as in moving drugs around the world. Therefore, I do not apologise for my efforts, and if I am called the hard cop, the hard cop it is.

The Palermo protocol was mentioned in passing and I will come back to it, but the hon. Member for Enfield, Southgate, who raised the issue, is correct, in that he outlined the idea that many people are trafficked and they are not forced to be trafficked. In many cases, they are not held in any locked premises. Often, they pay to come here; as the hon. Member for Congleton said, people pay to come to the UK. However, often what happens when they come here is that they think they

will be treated well and that things will be better. There are often familial reasons; I have met people who have mentioned their family. I met a gentleman from China who has been trafficked around the country for 11 years as a chef in various restaurants. He said that his family had raised the money for him to be trafficked to the United Kingdom.

There was also a good exposé of the trade for curry houses in London. Many people are brought here and told that they will be trained, so they think they will be able to stay on as a chef, but then find that they have a one-year visa. They cannot go back home, because they have often borrowed a lot of money from the people who brought them here and who are connected to the restaurants in which they are working. The gentleman from China said to me, “I do not want to go back to mainland China; also, I can’t go back because it would bring shame on my family, because I would have failed.” That is exactly the story of people trapped in London in Asian restaurants: they feel ashamed because they thought they would come here, make money and send it back to their family, but in fact their family are still indebted for transporting them.

People think that is going to get better and that the person who trafficked them, who is taking all their money, treating them badly and using them by sending them to various places to work, will eventually give them a better life. They think, “What are the options? To go back home having failed, with no money, to be just as poor as I was before?” People always think it will come right in the end. As we know, there are also cases of people who have, let us say, a chaotic lifestyle and are somewhat destitute. They are held in slavery in the real sense. There are therefore lots of reasons why this group of amendments would improve the Bill and I commend the hon. Member for Enfield, Southgate for trying to do that.

The latest case in Scotland is that of a rich Russian gentleman who owns a vast property in Skye and was discovered to be part of a network of traffickers. But—and this is problem with the law as it stands at the moment, as my hon. Friend the Member for Slough said—although 20 Romanian men can be identified as having been trafficked by this person and his gangs, some into prostitution, some into exploitative labour and some into work in hotels and other places, in the past few days the case has collapsed and been abandoned because of the inability of the prosecuting authorities to get the necessary evidence together. All of those trafficked were citizens of the European Union. Most were from Romania, and have gone back there—in fact they were helped to go back by the Government. Why it was thought that they would then come back to give evidence against somebody who has contacts in their community—evidence that might lead to violence or other actions against them or their families—I do not know. Under the current laws it is difficult to get the prosecutions we require.

A lot of the problem for the police is that they do not have enough people—or they do not have any—who can speak the languages of people who are trafficked and of the traffickers. It is particularly a problem with evidence from children who are put into care; some say that over 60% disappear—some say it is over 80%—because they do not feel that they are in an environment in which they are safe and can speak to people. The people

who they know and can communicate with are usually the people who brought them here, so they go back to that environment; it is the same with adults. They go back because they think it is an escape route from impositions that have been put upon them—perhaps the children have been put into unsuitable foster care, for example. There are strong reasons why we have to look clearly at the offences but also, as the hon. Member for Congleton said, at the support for victims and the way that we treat trafficked people who are exploited even in their own countries.

There are lots of reasons why what we have before us is a very inadequate Bill. I looked at the Government’s excuses for refusing to accept the logical, unanimously supported idea of separate offences, and some of them were quite honestly puerile. For example, on the question of specific offences relating to children, the Government response says that that they are

“too broad in scope and uncertain”.

Then it says—this is from the Home Secretary; I hope that she is ashamed of it—

“For example, there is a risk that the proposed child exploitation offence could cover a parent who expects their child to help with household chores”.

That is an absolute joke. That possibility was taken on board, and we discussed it. We have evidence from Peter Carter, QC, on why the proposed offences would not do so. No prosecuting authority—and, I hope, no judge or magistrate—would genuinely take a case in which a child who had been told by their parents to do household chores claimed that it was an offence under the Modern Slavery Bill. To argue that is to dismiss all that hard work, as the hon. Member for Slough said, and the number of written submissions, evidence sessions and responses from learned people on what we need to do to get out of the present situation. All we got was a bunch of consolidations.

On the consolidation of the offences, Peter Carter said that placing all those unsatisfactory provisions in a single Act was not a solution, yet that is what we have before us: all the unsatisfactory laws that have not worked in a Bill bundled up together. We are told that that will change things and make us more effective in identifying what exploitation is happening and what is to be done about it, but it just repeats existing offences under section 71 of the Coroners and Justice Act 2009 and so on; the list goes on.

That is where I disagree with the Government. Sadly, I think that the hon. Member for Enfield, Southgate is in the same situation. He is trying to amend an unsatisfactory law, but doing so will not necessarily make that law more effective. Some might suggest, although I would not argue it strongly, that this is more about the Government trying to say they are doing something than about doing the right thing. I sat on that Committee and listened to the evidence from learned people such as Peter Carter, QC and Lord Judge, one of the highest judges in the land, who backed him up in a lot of what he said, which was then ignored by the Home Secretary. It does not make sense to me.

We commended the Home Secretary when she said that she was going to introduce this Bill. I went to the launch meeting at the Speaker’s House and applauded her roundly for doing it. Opposition Front-Bench Members welcomed the fact that we were passing a Bill in this

sphere and dealing with the great challenge before us. It is a major challenge because the people who engage in modern slavery do it as a business. They do so because they know that there is money to be made. They know that there are weak people out there who can be used, and that there are ineffective laws that they can get round. We said that we would challenge them and take them on. It was the 200th anniversary of Wilberforce's slavery Act, and we said that we would do it in that context: we would finish his work. But the Bill will not do that, because it just contains things that existed before, all in one large set of clauses.

I hope that we can get down to detail later and that, having spoken on this group of amendments, we will still be able to talk seriously about the need for the hierarchy proposed by the Joint Committee. I hope that those who were on that Committee will realise that what we did was correct and was well done. That is the point: it involved 12 weeks of evidence sessions, reading and rereading written material and interrogating people in some detail, and bringing a Bill out of that process—a real Bill. That was the Bill, and that is what we should be discussing, but we are not. We are discussing something that, in the main, dismisses all the work in the first clause. I hope that we will consider new clause 4 seriously as an example. In a sense, it is the amendment in this group that poses a challenge to the Government. It is

required; it is necessary; it is sensible and it is in line with the evidence that the Joint Committee heard. I hope that we will seriously consider it.

Having looked at all of Peter Carter's evidence, which I have with me, I frankly cannot think how anyone who sat on that Joint Committee could side with the Government in this case, whether they are in the same party or not. This is not about parties. People will not remember that detail in future—maybe they will if they want to score points—but I hope that they will not see this as a party matter. At the moment it is a matter of the establishment versus a genuinely innovative approach to a problem that we face. The Government will be found wanting if they do not accept that the Bill needs amendment and that we need to go back to the original recommendations. I hope that is what we see.

I am sorry if I have taken longer in my opening contribution than I would like, but I have to say to you, Mr Crausby, as you are sitting in that Chair, that I will be back again and again because there is no other way forward than to change the Government's mind on these offences. If we do not, we will fail in what we set out to do: challenge modern slavery with a Modern Slavery Bill.

*Ordered,* That the debate be now adjourned.—(*Damian Hinds.*)

11.16 am

*Adjourned till this day at Two o'clock.*

