



**Government Immigration Bill 262
House of Commons Committee
27 & 28 March 2023**

Modern Slavery

The provisions in this Bill concerning modern slavery starkly expose how dehumanised Government policy has become. It is very difficult to believe – had ministers and their supporters not so long grossly misrepresented what human trafficking and other forms of modern slavery truly are – that what is to be found on these abuses in this Bill could possibly have been included. Senior Conservative backbenchers among others have drawn attention to this repeated failure or refusal to acknowledge what human trafficking is.¹ Thus far, their warnings have been ignored.

Failing or refusing to acknowledge what human exploitation truly is

Most of us will happily never know the full horror of extreme human exploitation – human trafficking and similar abuse. We will never experience being so completely controlled by another person as to become merely a chattel or object of that person's sexual, financial or medical purposes. We will not know the physically, morally and psychologically dehumanising effect of that control – not only the violence and fear by which it is perpetrated but also the experience of being so totally used that is its purpose and result.

Ministers and supporters of this Bill are not merely unknowing of these things (which none of us should know). Regrettably, they are so far removed from any understanding or even care for these things that they repeatedly misidentify what modern slavery is, who are its victims and what it does to its victims.

There is no other rational explanation for their willingness to delude either themselves, or others, that a victim of human trafficking can be deterred from being trafficked to the United Kingdom. There is no other rational explanation for their willingness to perpetrate the cruelty of punishing a victim of human trafficking for being trafficked to the United Kingdom.

¹ See e.g. what was said by Rt Hon Theresa May and Rt Hon Robert Buckland at Second Reading: *Hansard* HC, 13 March 2023 : Col 593

Question for Ministers: Will the Home Secretary stop wilfully conflating human trafficking and people smuggling? And will she explain how she thinks a victim of trafficking is to be deterred from being controlled by their abuser by the threat of refusing to ever protect them?

The monstrous intention of this Bill

By this Bill, the Prime Minister and Home Secretary have created something truly monstrous. There is a deeply shameful irony here. Their Bill comes within ten years of their recent predecessors' and current colleagues' attempts to create an international reputation for the United Kingdom and a domestic reputation for the Conservative Party of leading the way in tackling the perpetrators of human exploitation and eradicating modern slavery.² This Bill is, in many ways, the antithesis to the Modern Slavery Act 2015.

Question for Ministers: Why is the Government now hell-bent on ripping up its previous apparent priority of eradicating modern slavery?

First, it intentionally switches off vital protections for victims that are established by that Act. This is done by clause 21 and those clauses that follow.

Secondly, in doing so it makes a mockery of the ambition that any victim could ever have capacity and encouragement to provide information and evidence necessary to investigate and prosecute human traffickers and other abusers. The provisions of clause 21(3) to (6), and their counterparts in clauses 23 and 24, are mere pretences at care to secure the cooperation of victims, who are to be used as nothing more than the tools of the criminal justice system and to be discarded as soon as that system has no further use for them.³

Question for Ministers: How is the offer to permit a victim of modern slavery to stay only for so long as that person is to be treated as useful for the police or prosecuting authorities anything other than exploiting that person without care for them? And how do Ministers believe that can possibly assist any effort to tackle modern slavery?

How any of that could encourage a victim's cooperation with authorities ultimately intent on expelling and excluding that person is left unanswered.

Question for Ministers: How will refusing to offer any real protection to victims of human exploitation aid in any effort to investigate and prosecute truly dangerous,

² In closing her Second Reading speech on the Modern Slavery Bill 2014-15 (*Hansard* HC, 8 July 2014: Col 178), the then Home Secretary put the matter this way: "We must not – for any reason – repeat mistakes of those Parliaments that were asked to tackle the historic evil of slavery but found reasons to put off the issue. It took William Wilberforce almost 18 years to pass his Bill to abolish the slave trade, and another 26 years passed before Parliament agreed to abolish all slavery from the British empire. We must not delay. Let us act now – together – and send a powerful message to all traffickers and slave drivers that they will not get away with their crimes: we will track them down, prosecute, and lock them up, and ensure that the victims of their appalling crimes are returned to freedom. I commend this Bill to the House."

³ This is the limit of clause 21(3) and similar provisions.

organised crime? And will the Government claim ‘success’ of this Bill simply because it is identifying fewer victims and prosecuting fewer criminals – regardless of whether the victims continue to be enslaved in this country and the business of human exploitation is thriving?

A Charter for Modern Slavery

However, more fundamentally even than any of this, the Bill creates the very conditions in which modern slavery thrives and does so for a mass of people – both people who have been trafficked into the United Kingdom and people who have not. It does so by seeking to make all the people who are to be caught by its provisions terrified of the Home Office. And terrified of any agency, organisation or person who may report the person to the Home Office.⁴

The Bill is a Charter for Modern Slavery. It requires the Home Secretary to expel someone and bars the possibility of the person ever being able to resist that or ever return.⁵ It thereby makes emphatic that no matter what the person has suffered and what the rights, needs or realities for that person, the Home Office is a place that can and will only do the person harm – detaining, isolating, expelling and permanently excluding them. Human traffickers and other abusers will not need to misrepresent anything of Government policy to maintain their grip on the people they control.

To succeed with their miserable aim of deterring people seeking asylum and victims of human trafficking, the Prime Minister and Home Secretary have created a Bill that can be expected to encourage more dangerous and less visible journeys by people attempting to avoid the authorities and thus made vulnerable to a host of abuses and human exploitation.⁶

No rational explanation for this vandalism of modern slavery laws

There are no truly rational explanations for what the Government seeks to do by this Bill. The government’s claims of widespread abuse of the UK’s modern slavery protections rest entirely on a wilful misunderstanding and misrepresentation of what trafficking and other abuse is.⁷ The Office for Statistics Regulations has officially raised concern at the statements of Ministers that are not consistent with official data.⁸

⁴ This is already a profoundly inhibiting effect of a range of measures underpinned by provisions of the Immigration Act 2014 and Immigration Act 2016; but this will all be made far worse by simply prohibiting the Home Office from ever being permitted, even if it would wish to, assisting the person in any real way.

⁵ This is the effect of clauses 2, 4 and 29, notwithstanding feeble provisions in the latter that purport to permit the Home Secretary to act in a way that human rights obligations would otherwise require her to act.

⁶ For example, Home Office analysis made public by the Freemovement.org.uk website tends to confirm the risk of this as a consequence of hardening asylum policies: <https://freemovement.org.uk/wp-content/uploads/2022/11/Annex-A-Sovereign-Borders-International-Asylum-Comparisons-Report-Section-1-Drivers-and-impact-on-asylum-migration-journeys.pdf>

⁷ See fn 1 (above); and see the official data that confirms the overwhelming confirmation rate concerning modern day slavery referrals: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

⁸ See <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-maya-esslemont-and-anna-powell-smith-modern-slavery-data/>

Question for Ministers: Why does the Government persist in making assertions that are contradicted by its own data?

It may be that ministers truly care not one fig for the people whom their Bill victimises as much as any human trafficker. It may be that ministers equally care not one fig about the wider impact of enabling human exploitation to thrive both on journeys to the UK and within communities across the country.

It may be the Prime Minister cares only for the possibility that, by any means, he may be able to present to Parliament and the public the appearance of having 'stopped the boats' and reduced backlogs – because fewer visible journeys are made, more people stay away from the system and even the people who come forward are simply no longer counted (because the system refuses to admit them). Whether he will succeed in giving this appearance, we do not know. But whether he does or he does not, the true impact will be terrible – more people being horribly abused, more thriving criminal enterprise at a huge price that the taxpayer will ultimately be forced to pay (even if that is not on his or his Home Secretary's watch). If this is the explanation for what is to be done, it is politics that does not even deserve the gutter.

Question for Ministers: Is the Government going to claim some sort of 'success' of this Bill merely by pointing to its counting fewer people as having entered the UK or as having entered the asylum system – whether or not the people are here and whether or not they are in need of protection?