

Baroness Butler-Sloss  
(CB)



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My Lords, I support all these amendments but I will speak to Amendment 169, to which I have put my name. I will deal with two other people apart from the anti-slavery commissioner who said that her gravest concern lies with Clause 62 above all the other clauses in this part of the Bill.

The United Nations rapporteur said:

“We are concerned that Clause 62(3) would be in violation of the State’s obligation to ensure non-punishment of victims of ... forms of slavery for any unlawful acts ... that are a direct consequence of trafficking.”

That, of course, is exactly what the Modern Slavery Act says in relation to people who commit offences if they are done in the course of being a trafficked person. So far as children are concerned, if they are under 18, they cannot be responsible for acts that they have done under the coercion of being a trafficking victim.

Perhaps of more significance to the Government is the issue of pro Column 1871 line Haughey QC, who advises the Government and regularly prosecutes traffickers—with great success I am glad to say—has described this Bill as catastrophic. She is a very successful QC. She is very measured and “catastrophic”, to my mind, is the most unusual word for a sensible prosecuting QC to use. She goes on to warn of the risks of losing witnesses for prosecutions because they have been guilty of offences themselves. We do not have enough prosecutions. It is an extremely serious matter that we do not have enough, and this clause is certain, if it is left in its original state, to reduce the number of prosecutions that Caroline Haughey and other QCs are trying to do in the criminal justice system.

I think again the Government ought to bear in mind why so many people who are victims have criminal records. It is perfectly obvious—they are much easier to identify and traffic, children as well as adults. They are the sort of people the traffickers go for because they know they are much less likely to come voluntarily to the public eye. They need protection against having been trafficked just as much as anybody who has a clear record. I implore the Government to think very carefully about this effect on prosecutions and the fact that criminals are very likely to be trafficked people.

Baroness McIntosh of Pickering  
(Con)

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