

ILPA information sheet

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Draft Modern Slavery Bill

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A draft Modern Slavery Bill has been presented to Parliament. Modern slavery is defined in the draft as encompassing human trafficking, slavery, forced labour and domestic servitude. The Government states that this is a growing problem in England and Wales. While exact figures on the scale of the problem do not exist, an indication can be gleaned from the National Referral Mechanism (the Government's framework for identifying trafficked persons); 1,186 potential victims of modern slavery were referred in 2012 - a 25 per cent increase on the previous year. The Government believes that there are many more unseen victims and this draft Bill is its latest attempt to tackle the problem.

What is a draft Bill?

A draft Bill is essentially a Bill that is published in advance of being introduced to Parliament as part of the formal legislative process. The publication of a draft Bill is an optional process for the Government to undertake; it enables a longer period of scrutiny or consultation prior to a Bill actually being presented to Parliament. In this case, the Government intends to bring forward an actual Bill in May 2014. The Bill currently only covers England and Wales, although the Government has said that the problem is UK-wide and that it wishes to work with the devolved Parliaments in other parts of the UK to extend the Bill's reach.

Why is it being done?

Prosecutions for human trafficking have been few to date and the Government hopes that this new legislation will assist the prosecutors to bring more perpetrators to justice and thereby (indirectly) assist victims. The Government considers that the Bill:

"sends a strong message, both domestically and internationally, that the UK is determined to put an end to modern slavery"

- Rt Hon Theresa May MP, Ministerial Statement
HC 16 December 2013, vol. 572, col. 81WS

What are the proposed changes?

The Bill:

- Increases the **maximum sentence** for trafficking and slavery offences from 14 years to life imprisonment;
- **Consolidates legislation** on trafficking-related crimes into one Bill – this is designed to make it more straightforward to prosecute these offences;
- Provides for **new offences** of slavery, servitude and forced/compulsory labour and trafficking;
- Creates **Slavery and Trafficking Prevention and Risk Orders**. The latter can be imposed on people who have not been convicted of any crime and can *inter alia* bar their foreign travel for periods of up to five years at a time (and can be extended indefinitely);
- Provides for a (Government-appointed) **Anti-Slavery Commissioner** who will produce annual reports on progress in the area;
- Creates a **legal duty to report** potential victims of trafficking to the National Crime Agency – this will affect public bodies and potentially other organisations exercising public functions.

What does it not do?

On the face of it, the Bill does little to protect victims. As things currently stand, trafficked persons do not receive adequate assistance, and moreover continue to be prosecuted in the criminal courts despite guidance to the contrary. A [report](#) by Frank Field MP, commissioned by the Home Secretary and released to coincide with the issuing of the draft Bill, made a series of recommendations which did not make their way into the final draft. These include:

- Create a specific child exploitation offence to ensure that all forms of exploitation of children can be prosecuted;
- Put the Crown Prosecution Guidance on non-prosecution of victims into statute, as currently the guidance is too often not followed;
- Put the National Referral Mechanism on a statutory footing so that it leads to a guaranteed legal status and a package of assistance for victims;
- Create an independent review or appeal process for decisions of the National Referral Mechanism and remove it from the remit of UK Visas and Immigration
- Improve protection for witnesses in Court proceedings

Overall

The emphasis in the draft Bill is very much on the offender and not the victim, with the focus on strengthening the penalties, creating new criminal offences, and controlling the movement of suspected offenders. It does however present an opportunity to improve practice and policy in this area.

ILPA will be working with other groups to increase the protection content of the Bill and to respond to the Joint Committee's call for evidence, due on 10 February 2013. For further information and a copy of the draft Bill, see the Government's website [here](#).