

Modern Slavery Bill

Factsheet: Slavery and Trafficking Prevention and Risk Orders (Part 2)

Minister for Modern Slavery and Organised Crime, Karen Bradley:

“Effective prevention is an essential part of our efforts to stamp out modern slavery. It is crucial that law enforcement bodies and the courts can respond flexibly to the risks posed by individuals and prevent very serious modern slavery offences from occurring.

These orders will give law enforcement the powers they need to protect vulnerable people from horrendous abuse.”

Background

There are a number of civil orders available for specific crime types like sexual harm. They allow law enforcement to place restrictions on individuals deemed to pose a serious risk of harm, and are used successfully to protect vulnerable potential victims.

However, there are currently no bespoke civil orders for modern slavery. Given the complex and unique nature of modern slavery offences, this can restrict the ability of law enforcement bodies to act early to prevent the harm caused by the commission of modern slavery offences.

What we are going to do

We are going to introduce slavery and trafficking prevention orders, to restrict the activity of individuals who have been convicted of modern slavery offences, and slavery and trafficking risk orders to restrict the activity of individuals who have not been convicted of a modern slavery offence but who pose a risk of causing harm by committing such an offence. The orders will be able to prevent anything described in them, but there must be sufficient evidence to satisfy the court that any restrictions are necessary to tackle the specific risk posed.

These orders will require a high threshold to be met before the courts can restrict activity and may only be used to prevent the harm caused by the commission of modern slavery offences.

These orders are designed so that law enforcement bodies and the courts can respond flexibly to changing modern slavery practices, and to tailor prohibitions to the specific risk posed by an individual.

These orders strike the right balance between protecting civil liberties of those who could be subject to an order, and protecting the rights of those who could be subject to horrendous abuse. The provisions are closely modelled on existing orders to prevent the harm caused by sexual offences.

Benefits

- Law enforcement will be able to step in before serious abuse has occurred, to prevent slavery-related harm.
- Organised crime gangs often work across borders. Slavery and Trafficking Prevention Orders will help law enforcement stop those convicted of modern slavery offences abroad from committing further modern slavery offences.
- Law enforcement and the courts will be able to respond flexibly to changing modern slavery practices.
- Fewer victims will be abused and fewer perpetrators will be able to reoffend.

Q&A

Are there really situations where a slavery and trafficking risk order will be used? Is it necessary to have orders which affect people who haven't been convicted of a modern slavery offence?

- The Government works closely with law enforcement and we are confident that the slavery and trafficking risk order is needed. We must be able to prevent very serious modern slavery offences where the risk is clear, but we cannot secure a criminal conviction for a previous offence.
- The police have indicated that slavery and trafficking risk orders could be used to restrict the behaviour of individuals who are at the periphery of modern slavery investigations, where there may be insufficient evidence to convict an individual but the risk is still clear.
- They also considered that risk orders could be useful to control the behaviour of others who pose a risk but where it was more difficult to prosecute, such as brothel keepers who advertise internationally for women, and move victims backwards and forwards across borders.

Are there sufficient safeguards in place for the slavery and trafficking risk order, where there is no previous conviction?

- Yes. We have included very substantial safeguards to ensure that the risk orders will only be used in appropriate circumstances.

- The court may only make a risk order if it is satisfied that there is a risk that the defendant will commit a modern slavery offence and the order is necessary to protect people from the harm that would be caused. The court can only make an interim order where it considers it just to do so and this will also require an assessment of necessity.
- A high burden of proof, akin to the criminal standard, applies to these orders and the test that the court must apply is tightly drawn regarding the persons at risk and the type of harm being prevented.
- In determining what measures are necessary, the court must have regard to the European Convention on Human Rights when considering the position of the person at risk and the defendant.
- Statutory guidance will be issued that illustrates risk factors and categories of restriction which may be contained in an order.
- The Government will also ensure that defendants have the same access to legal aid as is applicable to other civil order regimes.
- Individuals concerned will also have the right to appeal the making, variation or renewal of an order, and apply to vary or discharge an order if circumstances change.

Home Office
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