

## **Modern Slavery Bill**

### **Factsheet: Special Measures (Clause 46)**

Minister for Modern Slavery and Organised Crime, Karen Bradley:

“Victims of modern slavery and human trafficking are amongst the most vulnerable people in society. Once identified, their courage in assisting the police and prosecutors in holding those responsible to account is both inspiring and invaluable.

As a Government, we need to ensure that victims have the best possible chance of giving effective evidence to the police and in court, so that perpetrators can be brought to justice. By extending the special measures provisions to all victims of modern slavery we hope to give more victims the confidence to come forward, testify, and see their abusers locked up.”

### **Background**

Many witnesses experience distress and fear during the investigation of a crime and subsequently when attending court and giving evidence. Such distress and fear can affect the quantity and quality of communication with, and by, witnesses of all ages. Some witnesses may have particular difficulties attending court and giving evidence due to their age or other particular vulnerabilities.

Individuals who have been subjected to abuse and exploitation are extremely vulnerable, often threatened and intimidated and may fear reprisals from their traffickers or slave masters, if they give evidence against them.

Currently, "Special Measures" - a series of provisions that help vulnerable and intimidated witnesses give their best evidence in court and help to relieve some of the stress associated with giving evidence - are available to vulnerable and intimidated witnesses, as set out in the Youth Justice and Criminal Evidence Act 1999. Victims of trafficking are currently treated as a particularly vulnerable group who should automatically be considered for special measures, but victims of slavery, servitude and forced labour are not.

### **What we are going to do:**

Ensure all victims of modern slavery offences (clause 1 and 2 offences in the Modern Slavery Bill) are treated by the courts as a group likely to require special measures, so that they have the confidence to come forward to help the police with investigations, and feel able to support a prosecution by giving their account in court.

Clause 46 of the Modern Slavery Bill amends certain legislative provisions (contained within the Youth Justice and Criminal Evidence Act 1999) relating to special measures and applies them to victims of the clause 1 and 2 offences – victims of trafficking and modern slavery. These include provisions whereby witnesses in certain cases are automatically treated as eligible for consideration for special measures.

### **Benefits:**

These measures will ensure that all victims of modern slavery can come forward to help the police with investigations, and feel able to support a prosecution by giving their account in court.

Extending special measures provisions to also cover slavery, servitude and forced labour cases (as well as human trafficking cases) will help more victims to feel secure and confident about giving evidence in court which is crucial in our fight against the perpetrators.

Providing an assurance to these victims that special measures are available will help us to better tackle perpetrators of modern slavery. Special measures can include, but are not limited to:

- screens to shield witnesses from defendants;
- live video link evidence;
- video-recorded interviews can be used as evidence-in-chief; and
- reporting restrictions.

### **Q&A**

#### **How will this affect child victims of trafficking?**

All children under the age of 18 are defined as vulnerable witnesses under section 16 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA) and as such child victims are already eligible for “special measures” due to their age, when giving evidence in court.

**Home Office  
November 2014**