

MODERN SLAVERY ACT 2015

EXPLANATORY NOTES

BACKGROUND

4. Modern slavery is a brutal form of organised crime in which people are treated as commodities and exploited for criminal gain. The true extent of modern slavery in the United Kingdom, and indeed globally, is unknown. Modern slavery, in particular human trafficking, is an international problem and victims may have entered the United Kingdom legally, on forged documentation or clandestinely, or they may be British citizens living in the United Kingdom. Modern slavery takes a number of forms, including sexual exploitation, forced labour and domestic servitude, and victims come from all walks of life. Victims are often unwilling to come forward to law enforcement or public protection agencies, not seeing themselves as victims, or fearing further reprisals from their abusers. In particular, there may be particular social and cultural barriers to men identifying themselves as victims. Victims may also not always be recognised as victims of modern slavery by those who come into contact with them.
5. There are a number of international instruments on human trafficking. The main international instrument is the Protocol to the United Nations Convention against Transnational Organized Crime, named the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the “Palermo Protocol”). The definition of trafficking contained in that instrument was adopted in the Council of Europe Convention on Action against Trafficking in Human Beings (the “Convention on Action against Trafficking”). That international instrument was ratified by the United Kingdom on 17 December 2008. After this time, the European Commission tabled a proposal for a Directive on trafficking in human beings. A final text was agreed in March 2011 and was adopted on 5 April 2011: Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decisions 2002/629/JHA (the “Directive on preventing and combating trafficking”). That Directive adopts and expands upon the obligations and definitions contained in the Palermo Protocol and the Convention on Action against Trafficking. The United Kingdom has opted into this Directive. In order to ensure full compliance with the obligations contained in that Directive in England and Wales, Parliament made changes to the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 through sections 109 and 110 of the Protection of Freedoms Act 2012.
6. In relation to slavery, servitude and forced or compulsory labour, the ILO Convention (No. 29) Concerning Forced or Compulsory Labour added a prohibition of forced or compulsory labour to the existing prohibition of slavery and servitude contained in the 1926 Slavery Convention. These instruments have been ratified by the United Kingdom. A related more recent ILO Convention, ratified by the United Kingdom on 22 March 2000, is ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. That Convention commits signatories to take immediate action to prohibit and eliminate the worst forms of child labour. Article 4 of the European Convention on Human Rights prohibits

*These notes refer to the Modern Slavery Act 2015
(c.30) which received Royal Assent on 26 March 2015*

holding a person in slavery or servitude, or requiring a person to perform forced or compulsory labour.

7. The Government outlined its strategic response to modern slavery in the Modern Slavery Strategy, published in November 2014.¹ The Inter-Departmental Ministerial Group on Modern Slavery also published its annual report² in October 2013 which highlights activity to fight modern slavery across the UK, as well as providing information on the nature and scale of the problem. The Inter-Departmental Ministerial Group published a further joint statement in October 2014.³
8. The intention to introduce a Modern Slavery Bill was announced by the Home Secretary on 25 August 2013. The Home Secretary subsequently announced a series of evidence sessions⁴ to gather information to support pre-legislative scrutiny of the draft Bill, led by Frank Field MP. A report from the evidence sessions was published on 16 December.⁵ A draft Bill was published on 16 December and was the subject of pre-legislative scrutiny, with the Joint Committee publishing its report on 8 April.⁶

1 <https://www.gov.uk/government/publications/modern-slavery-strategy>

2 <https://www.gov.uk/government/publications/human-trafficking-inter-departmental-ministerial-group-report-2013>

3 <https://www.gov.uk/government/publications/joint-statement-of-the-inter-departmental-ministerial-group-on-modern-slavery>

4 <https://www.gov.uk/government/news/home-secretary-begins-evidence-sessions-on-modern-slavery>

5 <http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/Establishing-Britain-as-a-world-leader-in-the-fight-against-modern-slavery.pdf>

6 The draft Bill is at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266165/Draft_Modern_Slavery_Bill.pdf

The Joint Committee report is at: <http://www.publications.parliament.uk/pa/jt201314/jtselect/jt slavery/166/166.pdf>