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Public Bill Committee

MODERN SLAVERY BILL

Third Sitting

Tuesday 2 September 2014

(Afternoon)

CONTENTS

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Saturday 6 September 2014

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: Mr David Crausby, †Mark Pritchard

† Bradley, Karen *(Parliamentary Under-Secretary of State for the Home Department)*
† Bruce, Fiona *(Congleton)* (Con)
† Burns, Conor *(Bournemouth West)* (Con)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Champion, Sarah *(Rotherham)* (Lab)
† Connarty, Michael *(Linlithgow and East Falkirk)* (Lab)
† Durkan, Mark *(Foyle)* (SDLP)
† Hanson, Mr David *(Delyn)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† Johnson, Diana *(Kingston upon Hull North)* (Lab)
† Kane, Mike *(Wythenshawe and Sale East)* (Lab)
† Lumley, Karen *(Redditch)* (Con)
† Mactaggart, Fiona *(Slough)* (Lab)
† Nokes, Caroline *(Romsey and Southampton North)* (Con)
† Pincher, Christopher *(Tamworth)* (Con)
† Smith, Chloe *(Norwich North)* (Con)
† Stunell, Sir Andrew *(Hazel Grove)* (LD)
† Teather, Sarah *(Brent Central)* (LD)
† Wilson, Phil *(Sedgefield)* (Lab)

Fergus Reid, Kate Emms, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 2 September 2014

(Afternoon)

[Mark Pritchard *in the Chair*]

Modern Slavery Bill

Amendment proposed (this day): 29, in clause 1, page 1, line 12, at end insert—

'(1A) For the purposes of this Act—

(a) it is irrelevant whether a person consents to being held in slavery or servitude.

(b) a person may be in a condition of slavery, servitude or forced or compulsory labour whether or not—

(i) escape from the condition is practically possible; or

(ii) the person has attempted to escape from the condition."—*(Mr Burrowes.)*

The amendment establishes that consent is irrelevant in cases of slavery and servitude and clarifies that a person may still be in slavery, servitude or forced or compulsory labour even where physical escape is practically possible, recognising that people can be held in slavery by psychological means as well as physical restraint.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 30, in clause 1, page 1, line 13, leave out subsection (2).

This amendment is consequential on the insertion of New Clause 3 (Meaning of slavery, servitude and forced or compulsory labour).

Amendment 36, in clause 1, page 1, line 14, after 'labour', insert

'or other forms of exploitation'

Amendment 37, in clause 1, page 1, line 15, at end insert

'and/or any of the types of exploitation listed in section 3 of this Act.'

Amendment 38, in clause 1, page 1, line 17, after 'labour', insert

'or other forms of exploitation'

Amendment 39, in clause 1, page 1, line 17, leave out 'may' and insert 'shall'

Amendment 40, in clause 1, page 1, leave out line 20 and insert

'this shall include, but not be limited to; age, family relationships, disability, position of dependency, language skills, and any mental or physical illness)'

Amendment 49, in clause 1, page 1, line 21, at end insert—

'(5) The consent or apparent consent of a person to the acts referred to in subsections 1(1)(a) or 1(1)(b) shall be irrelevant.".

New clause 3—*Meaning of slavery, servitude and forced or compulsory labour—*

'(1) This section applies to section 1.

(2) Forced or compulsory labour means all work or service which is exacted from a person under the menace of any penalty and to which the person has not given free and informed consent.

(3) It is irrelevant whether a child has consented to forced or compulsory labour.

(4) Servitude is the condition of a person who provides labour or services, if, because of coercion, threat, or deception—

(a) a reasonable person in the same situation as the person would not consider himself or herself to be free—

(i) to cease providing the labour or services; or

(ii) to leave the place or area where the person provides the labour or services; and

(b) the person is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

(5) Services or benefits of any kind can include forced begging or criminal activities.

(6) Slavery is the condition of a person over whom another person exacts control in such a way as to significantly deprive that person of individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person.

(7) In section 1 the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are also to be construed in accordance with Article 4 of the Human Rights Convention."

This amendment adds definitions of slavery, servitude and forced or compulsory labour to the Bill to aid interpretation of the law by frontline police officers and prosecutors. The definitions are based on those in international law.

New clause 4—*Slavery of children and adults—*

'(1) It is an offence to hold a person in, or subject a persons to, slavery.

(2) For the purposes of this Act "slavery" means the control by a person of a second person in such a way as—

(a) significantly to deprive that second person of their individual liberty, and

(b) by which any person obtains a benefit through the use, management, profit, transfer or disposal of that second person.

(3) Where that second person is a child, slavery also includes any act or transaction whereby the child is transferred or purports to be transferred to another person in return for money or other consideration, other than through lawful adoption or similar formal process."

If colleagues want to take jackets off—jackets only, please—they are free to do so.

Fiona Bruce (Congleton) (Con): On a point of order, Mr Pritchard. I understand that the Home Office has advertised for an anti-slavery commissioner, but the role to be fulfilled is still to be fully defined and deliberated upon by this Committee and, indeed, the Lords. Concern has been expressed that some potential applicants may refrain from applying owing to concern that the role does not fully encompass what they might have to offer. Will the Minister comment on that and perhaps allay such concerns?

The Chair: I am grateful to the hon. Lady. That is not a matter for the Chair, but I am sure that her point of order will have been noted by the Minister, who will comment either now or later.

Diana Johnson (Kingston upon Hull North) (Lab): Further to that point of order, Mr Pritchard. I wonder whether the Minister can provide some clarity on the advertisement. If, in the event of our discussions on the

Bill, we decide not to proceed with the role—we might delete that clause, for instance—who would bear the cost of the advert? I should also like to press her on the scope of the role, because a series of amendments have been tabled to extend it. Will she comment on what effect those changes would have on the advertisement that has already gone out?

The Chair: On a procedural point, points of order should be addressed to the Chair, who will then take a view on whether they are in order or not. However, given that both points of order are related and that, I think, that the Minister is minded to respond at this point, I will call the Minister.

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): Thank you, Mr Pritchard. It is a pleasure to serve under your chairmanship as I make my first contribution to this debate. I thank my hon. Friend and the shadow Minister for the point of order.

We are extraordinarily keen to ensure that the anti-slavery commissioner, who will play a very important role and be integral to the process of ensuring that we catch and convict these heinous criminals, is in place as soon as possible. To that end, we feel it is important that a designate commissioner is appointed. We did not advertise for the post until after Second Reading, and we have been clear in the advertisement that the role may change as Parliament scrutinises the Bill, but we do not want to delay tackling this problem. We want to ensure that we have someone there, ready to start work as soon as the Bill becomes an Act of Parliament.

I very much hope that we will have an anti-slavery commissioner at the end of this process, because the commissioner will be an incredibly important weapon in the battle against modern slavery. I therefore hope that we will not even have to think about the role being struck down. It is probably worth putting on the record that anyone who is interested in applying is welcome to contact the team at the Home Office, who will talk them through the role and the reasons why the job description has been set out as it has and give them any assistance they need, so that we can ensure that we have a commissioner in place, ready to start their important work as soon as possible.

Fiona Mactaggart (Slough) (Lab) *rose—*

The Chair: Is this a point of order? We are not in the debate.

Fiona Mactaggart: It is further to the point of order, Mr Pritchard. My concern is not that the role will be struck down, but that the advertised role—I am looking at the job description—which requires someone who can

"drive improvement in the response of law enforcement organisations to modern slavery",

is much narrower in scope than most comparable commissioner roles. In Finland, the rapporteur—that is what they call the commissioner there—is able to report on phenomena and offences closely related to human trafficking. Thanks to that wider perspective, their reporting on human trafficking has helped to clarify the boundaries between various phenomena and offence categories and therefore facilitated the identification of trafficking victims. That is one thing that would not be possible under the rather narrow job description that has been issued. Will the Minister reassure us that—

The Chair: Order. The hon. Lady is a long-serving Member of the House and will know that that stretches the latitude of the point of order, because the merits or demerits of the commissioner and the job description will be debated later on. Indeed, Members can bring that up with the Minister in their interventions. The point of order was with regard to an advertisement that the hon. Member for Congleton felt may be premature, and I think we have exhausted that point. The Minister has responded and may respond later in more detail. Resuming the debate from this morning, I call Mark Durkan.

Mark Durkan (Foyle) (SDLP): Thank you, Mr Pritchard. It is a pleasure to serve under your chairmanship. I appreciate the significance of the questions that arose in the point of order. I will make reference to something the Minister said in her reply in the context of our discussion of clause 1 and the related amendments and new clauses.

There were a number of telling contributions this morning. The hon. Member for Linlithgow and East Falkirk made the point that we cannot simply prosecute our way through or out of this problem. Many of the campaign groups, non-governmental organisations and people who have experience in victim support have asked whether too much of the burden of the Bill is on law enforcement and not enough is on the complementary actions that are needed. The enforcement questions are, of course, highly important, and the clauses in the first part of the Bill relate to whether we are competently and cogently improving the law as far as enforcement is concerned.

We have been told that the Bill is about making the law here world-leading, yet we heard in the Second Reading debate and at other times that we are, in essence, bringing together existing provisions of the law. There is a difference between bringing together what we already have and are doing, and leading the world in something new. I commend the hon. Member for Enfield, Southgate on the terms of his amendments and the case he made for them, because it helps to alert us as legislators. It is our role as a legislative Committee to ensure that the Bill does more than just draw together existing provisions.

The hon. Gentleman and the hon. Members for Slough and for Kingston upon Hull North are all mindful of the evidence received in the Joint Committee and in this Committee's first sitting, which I was not able to attend because I was on a trip to Colombia. We all heard concerns about the gaps between some of the definitions and understandings in clauses 1 and 2, not least around the key issue of consent. Those of us who are not from London become very familiar with a phrase we had perhaps not heard before: "Mind the gap." This is clearly a time to "mind the gap," and I am struck that that was the salient point of the contribution this morning from the right hon. Member for Hazel Grove, who was on the Joint Committee and sees that the gap highlighted by the evidence and consideration still exists.

[Mark Durkan]

We need to ensure that we do not simply say, "That gap is good enough. It's what is already there, so we'll go forward with it." If we leave those sorts of gaps there, we will basically leave planning permission for all sorts of cynical legal abuses and loopholes that will help people who are engaging in activity that we all say is illegal, and that should be clearly and categorically illegal, to escape their criminal liabilities. It would be wrong to give unscrupulous people planning permission to play their way around the system.

If the criminal elements of the Bill are not as cogently and competently drafted as possible, we will also undermine the work in the complementary actions that are needed to tackle modern slavery. People who are working in victim support, people who are working on prevention, people who are trying to identify the patterns and practices that are involved in this terrible area of activity will be demoralised when they find that cases that are being taken for prosecution are failing because of these loopholes. They may find that cases that should be taken for prosecution are not because the very authorities that would want to take them forward are stymied by some of the contradictions, inconsistencies and gaps that will be left if we leave the Bill as it stands. That is why I am particularly taken with amendments 29 and 49.

I also appreciate the work that has been done in new clause 3, tabled by the hon. Member for Enfield, Southgate, and new clause 4, tabled by the hon. Member for Slough, to ensure that we have better, tighter, and wider definition and understanding of what we are trying to do. I share the concerns of others that enforcement and prosecution are not the only way in which we should try to deal with this problem, but I believe that where the Bill focuses on that element, it needs to be more balanced and better meshed. We see gaps even in the first two clauses and on fairly basic issues; if we do not get those things right, fine tune them and square our lines, we will undermine the work that we will need to do later to improve the Bill.

In response to the point of order regarding the commissioner, the Minister explained the Government's urgency and how they were being proactive in advertising the post. She talked about the importance of the commissioner's role in relation to catching and convicting, but many of us want to ensure that the commissioner's role relates to far more than catching and convicting. That is one of the points that will discuss later in the Bill. In some ways the Minister's reply shows that the Government's main focus is very much on the enforcement side and not on the other aspects of the Bill. But if the Minister argues that the most important thing we need to focus on as a Bill Committee and more widely in the House is improving the catch rate and the conviction rate, we need to take on board some of the amendments.

If we only have a regrouping and a rebranding of the existing provisions and, as the hon. Member for Slough says, if we do not even have definitions that are consistent with modern interpretations of international law, we will certainly not be world leading and we will not move forward in the way that the Government suggest we will. I would hope that when the Minister speaks to the amendments she will not use differences between the amendments and gaps between them as the excuse to cover the gaps and inconsistencies in the Bill itself. In speaking to the amendments, I do not see them as rivals or contraposed; rather, I see them as providing a very helpful spotlight on the deficiencies in the Bill—deficiencies that we should make good. I hope that, in the spirit in which the Government have responded to other advice on and insights into the legislation, they can adjust to accept the key burden of some of the amendments.

2.15 pm

The Chair: Before I call the Minister, I encourage colleagues—I am sure that most of them have done this already—to put their phones on silent, and I encourage those in the Public Gallery to do the same, please.

Karen Bradley: I start by welcoming all members of the Committee. It has been a long road to get here. We have gone through a lot of process, debate and discussion. I want to refer on the record to the incredibly valuable contribution that the pre-legislative scrutiny Committee has made to this debate. It was chaired tremendously well by the right hon. Member for Birkenhead (Mr Field) and his co-Chairs, my right hon. Friend the Member for Uxbridge and South Ruislip (Sir John Randall) and the noble Baroness Butler-Sloss, all of whom worked very hard to analyse the evidence and look at what was being said, and whose contributions have helped us to get to this point.

I also pay tribute to the members of this Committee who served on the pre-legislative scrutiny Committee: the hon. Members for Slough and for Linlithgow and East Falkirk, my hon. Friend the Member for Congleton and my right hon. Friend the Member for Hazel Grove. Their contributions and the knowledge that they have gained through that process will be immensely helpful to all of us in our debates over the next few weeks.

I welcome, as the shadow Minister did, the Government Whip to his first Committee. I know that he will be a sterling Whip and that we will have a wonderfully well whipped Bill Committee. His opposite number will, I know, ensure that too. I also welcome the shadow Front Benchers, who have been very co-operative. I appreciate the consensual approach that we have all taken. Across the House, we all feel strongly about this issue and want to achieve the end result of more and more victims being rescued and more and more criminals being convicted.

Although I have already made one small contribution to the Committee in response to a point of order, I am grateful for the chance to make my first proper contribution to the line-by-line scrutiny of the Modern Slavery Bill. Modern slavery is a heinous crime that reduces human beings to the most abject misery and subjects them to terrible abuse, so it is absolutely right that this Committee gives the Modern Slavery Bill careful scrutiny to ensure that it will have the desired effect of giving law enforcement the tools to tackle this crime, while improving support and protection for victims.

We have already heard today some of the most shocking examples of how one human being can treat another human being. I was appointed to the role of Minister and, as I often tell people, I may be called the Minister for modern slavery, but I am very much not in favour of it. I was appointed to this role just over six months ago and have said previously that in early February of this year I was in the same blissful ignorance as the rest of the population about this crime and what was done by

one human being to another human being. I have been shocked to the core by some of the stories I have heard, and it makes me all the more determined that we should do the right thing to ensure that we rescue those victims and convict the criminals.

I am grateful to all hon. Members who have spoken in this substantial debate on the first group of amendments and specifically about the offences related to slavery, servitude and forced or compulsory labour. I want to be clear that in the Bill we are talking about two different offences. We are talking about the clause 1 offence of slavery, servitude and forced or compulsory labour, and about the clause 2 offence of trafficking. We need to be clear that they are two separate offences—that we want to give prosecuting services and law enforcement the tools that they need to be able to prosecute those criminals who are guilty of putting people into slavery and those criminals who are guilty of trafficking with a view to exploitation. They are two separate offences.

Hon. Members have raised a number of ways in which the clause 1 offence—and, indeed, all the offences in the Bill—could be defined, and many are substantially different from what is in the current Bill. I assure all members of the Committee that we are listening carefully to all the arguments and discussions. There is a suggestion that we were "dismissive" of the pre-legislative scrutiny Committee's report. I assure hon. and right hon. Members that that is in no way the case. I read the report and I enjoyed listening to the evidence heard by that Committee. I was very touched and affected by much of that evidence and by the Committee's findings.

The views and suggestions expressed by the pre-legislative scrutiny Committee have all been considered in depth. The draft Bill, which was published in December 2013, was substantially changed following the pre-legislative scrutiny Committee's report, but there were also other deficiencies. The fact that new suggestions, new advice and new draft Bills keep being proposed by many different organisations shows that there is not one black and white answer; there are differences and differing approaches. The Bill before the Committee is the best way to provide the tools that are needed.

Michael Connarty (Linlithgow and East Falkirk) (Lab): It does not surprise me that many people have proposed other Bills, because they did not take the trouble to sit on the pre-legislative scrutiny Committee, which received 102 written submissions and sat through 12 weeks of evidence, and the Government do not appear to have done so either. I refer to the Government's response to the draft Modern Slavery Bill, because the Minister's contention is that the Government have listened and taken on board those things and have somehow come to a different, better conclusion. The Government's response states that

"creating a suite of offences that could result in six different offences relating to each victim being considered at trial risks causing confusion for juries… The current scheme of offences (relying on two offences; trafficking and slavery, servitude and forced or compulsory labour) is simpler and more familiar to the judges"—

the poor souls—

"whose responsibility it is to direct juries on the law".

The Government are basically saying that the measure would be difficult because it would confuse juries and that judges would somehow not be able to deal with such a modern concept.

Peter Carter, QC, who was involved in the drafting of the concept of cascades, states:

"A series of overlapping offences ensures there are no gaps."

That point was made earlier by the hon. Member for Foyle. Peter Carter, QC, continues:

"A jury would consider the most serious first and only if not satisfied would they consider the next."

Surely the Minister cannot say that the Government are responding to what the Committee said, because for her to say so would not be accurate. The Government have ignored what was said by the Joint Committee.

The Chair: Order. It is very early in our proceedings this afternoon, so I will allow that intervention, but I advise other colleagues that if interventions are that long—more than a minute—I will cut them short, according to the procedure of the House.

Michael Connarty: On a point of order, Mr Pritchard. Will you therefore allow further speeches after the Minister finishes on these points?

The Chair: As the hon. Gentleman has already pointed out, he has had an opportunity prior to today; he will have an opportunity today on other amendments; and indeed he will have an opportunity going into October. I am sure he will want to avail himself of those opportunities. *[Interruption.]*

Order. The hon. Gentleman has been in the House for a very long time and, however distinguished he may be, he knows not to challenge the Chair. I am sure he will want to contribute later in the debate. I advise colleagues that interventions need to be short and to the point.

Karen Bradley: The hon. Member for Linlithgow and East Falkirk raises a number of points. I will attempt to address all the points that have been raised, both in that intervention and in previous contributions, as I work through my speech. If he feels that there are further things that have not been addressed, we can come back to them, either via a written response or later in the debate.

Diana Johnson: I want to be clear with the Minister that the proposals that were put forward in the draft Bill about having a hierarchy of offences and those put forward by the Anti-Trafficking Monitoring Group are similar, in the sense that they would set up a hierarchy of offences. It is not right to say that there are many different variations; the theme is to have a hierarchy of offences that includes slavery, trafficking and exploitation.

Karen Bradley: I thank the shadow Minister for her point. We have looked at all the contributions that were made and tested the examples that we were given, and we consider that the offences in the Bill cover the offences that we seek to deal with. They will be subject to life imprisonment—the maximum sentence that can be given in a court of law in the United Kingdom—so Parliament must ensure that people understand the implications of carrying out those heinous and hideous crimes: that they can potentially be convicted of life imprisonment.

[Karen Bradley]

We consider that the offences in the Bill as drafted cover the offences and the examples that were put to us. As I make my way through my contribution, I will deal with the specifics of why we consider that this approach will lead to the result we are all looking for, which is to catch and convict. I will continue to use the words "catch and convict", because if we do not catch and convict the criminals, we cannot protect the victims. The victims will not be protected if the criminals continue to walk free.

A victim I met a few months ago gave me a lengthy description, for 45 minutes, of what happened to her and the situation she had been in. At the end, I asked her, "Was there a point during your experience at which someone could have rescued you? Could anything have been done before you finally got away from your captors?" She said, "No, nobody could have helped me. There is no law that could have helped me to escape." I asked her, "What about the man who kept you in servitude, prostituted you, treated you as a slave and beat you?" She said, "I don't know. I have not been able to help to find him, but I know he is out there doing this to someone else."

The important thing is to find that man and the other men like him who are doing to victims—men, women and children—the most horrendous things. I have used the word "heinous" too many times today, but I am sure I will continue to use it. I am convinced that every member of the Committee shares the objective of ensuring that many more criminals are caught, prosecuted, convicted and severely punished. Throwing away the case law, statute and experience that we already have is not the answer. We must ensure we have the right training, experience, knowledge and awareness, as my hon. Friend the Member for Norwich North said, to find the victims and the criminals.

Fiona Mactaggart: The Minister's point about throwing away what we already have echoes the Government's response, which states:

"existing offences are already being used effectively to prosecute".

How many people have been prosecuted under the existing slavery offence?

Karen Bradley: Not enough have been convicted, and I am absolutely clear that we must find and prosecute those people. We all know that the place we have got to is not good enough. A 41% increase in the number of victims referred to the national referral mechanism is good news, in that it means that more people are being found, but it is not good news because it is not enough. The proposal is part of an overall strategy. The offence will not solve the problem in isolation, but it is one aspect of the Government's comprehensive strategy. However, there are many other aspects, including policy, the way we treat victims and the way we deal with the NGOs that support victims so incredibly well. We know that we tend to lose the victims when the NGOs have finished helping them; that is not right. We know that it is not right and we are here to try to rectify the situation.

2.30 pm

Mr David Burrowes (Enfield, Southgate) (Con): I am not sure whether or not my hon. Friend the Minister was talking about my amendments when she referred to proposals to throw away existing case law. Nevertheless, is the point not that we must build on the international law and case law that is referred to and relied on in the European courts, but make it clear for ourselves and build on that foundation? We must have high ambitions to ensure that the law covers as many people who commit such heinous offences as possible.

Karen Bradley: My hon. Friend makes an important point. From an international perspective, we cannot tackle this problem alone. In terms of the definitions, we clearly must have regard to the international protocols—for example, the Palermo protocol—because they will help us. The example of the Hungarian prostitution ring is relevant to my hon. Friend's constituency. We must ensure that the Hungarian authorities understand the crime we are looking at, because it is the same crime that they are experiencing—it is just that the girls are being trafficked from Hungary into the UK and being prostituted here. We must ensure that we are working together and that we have well understood and easily understood international comparators. I will come shortly to the point about the definitions with regard to international protocols and other matters.

The Director of Public Prosecutions—who gave evidence to the Committee—and the Crown Prosecution Service have been integral in working with us. The legislation is about making sure we get the prosecutions. The DPP said clearly that the offences set out in the Bill are clear and welcome. The issue is often not the definition of the offence, but having the evidence required for a conviction. Addressing that problem requires much more than legislation alone, which can take us only so far; we need the comprehensive strategy that we have been working on. That is why we need the other aspects of the Bill, including the work we are doing with law enforcement to make modern slavery a high priority.

We need the anti-slavery commissioner, which we have already mentioned, to be focused on improving the work of law enforcement and the identification of victims. We keep returning to the deficit—if I may put it that way—in convictions, law enforcement and the police. That deficit is why it is so vital that the anti-slavery commissioner—we will debate the role further in due course—can hold the police and prosecuting services' feet to the fire and ensure that the necessary training is carried out through all levels of policing. We must ensure that the bobby on the beat knows the signs to look for and that the custody sergeant realises that the person they have locked up for marijuana production is a victim, not a perpetrator or a criminal. We need to make sure that that education goes through the whole police force.

We must also make sure that that education goes through the whole of the public services. The hon. Member for Slough talked about teachers. She is absolutely right that we need teachers to be able to identify the signs of slavery. We need them to say, "There is a child who is attending school but clearly not doing their homework or bringing in their school uniform because no one at home is taking notice of what they are doing. Although the child is ostensibly doing everything that is required of a child, it is clearly being treated as a slave at home." The teachers must know what the signs are and where to go.

My hon. Friend the Member for Enfield, Southgate discussed the police understanding of the matter, and he is right: it is about understanding at all levels. We

need health professionals to understand; we need doctors, nurses and GPs to spot the signs of the girl who comes in with recurring sexually transmitted infections or recurring unwanted pregnancies, and who leaves the GP's surgery to be put into a big 4x4 by a gang and driven back to whichever gang is keeping her as a prostitute. We need education at all levels, and we are working on that as part of the overall comprehensive strategy.

We need to make sure we improve the protection of victims through the criminal justice system. The Bill includes measures to protect victims so that they will feel confident to come forward and support prosecutions. The statutory defence, which the pre-legislative scrutiny Committee put forward, is incredibly important to make sure that victims who are, through no fault of their own, guilty of a criminal offence—they have been forced by their slave drivers—can feel confident about coming to the authorities and giving evidence, and confident that they will be protected through the statutory defence.

We also need to get the wider package of support for victims' rights, so we are reviewing the national referral mechanism and looking at the care contract currently run by the Salvation Army to make sure we have the right victim care contract, so that victims get the support they need. We need victims to come forward so that we can find and prosecute perpetrators. Unless we find and prosecute the perpetrators, we cannot help the victims. It is a crime that requires both. We have done work on this and we are looking at it in perhaps a different way from other crimes, to reflect the help needed for victims. The solution to more prosecutions is better work by law enforcement, better support for victims and witnesses, and clear offences with more severe penalties, as set out in the Bill.

I was struck by the comments that my hon. Friend the Member for Norwich North made about awareness. I have described this in the past few weeks, but the challenge that Wilberforce faced 200 years ago was to convince people that slavery was wrong. It was open—there was no hiding slavery—but how did anyone convince people that it was wrong to have slaves? That was the challenge Wilberforce faced. We are now in a position where we do not have to convince anybody that it is wrong. I do not think there is any man or woman in the street who would suggest that slavery was anything other than wrong, but it is hidden, and the challenge we face is finding the victims. How do we find the people who are suffering? We have been running awareness campaigns over the summer.

Fiona Mactaggart: I am sorry to interrupt. I welcome much of what the Minister says about awareness, but we are trying to deal with clause 1, which is a definitional clause of offences. I asked her a question about the number of offences made under the clause, which has exactly the same wording, apart from little bits of it, as a present offence, because I am not confident that the clause will achieve what she says her ambition is—I think the Committee has expressed that a little. In defending her Government's position, I wish the Minister would focus on clause 1, rather than on the other excellent things the Government are doing.

Karen Bradley: I take the hon. Lady's point. She did talk about clause 2 quite significantly during her contribution, but we will not be picky. I am making these points because I want to be clear up front that simply passing one definition and leaving it at that will not solve the problem. The issue is much bigger and much more complicated. It is important that the Committee understands the context within which the definitions are being placed, in terms of all the other work that is happening.

There have not been enough prosecutions; I absolutely agree. I have no qualms at all about saying there have not been enough prosecutions. I sit in an operational meeting on modern slavery once a month, and I talk about the need for more prosecutions. The education is happening.

Fiona Mactaggart *rose—*

Karen Bradley: I am sorry, but I would like to make some progress. We have talked about getting on to the substance of clause 1. I am trying to get there, and I have been generous in giving way.

The prosecution services, police and others understand what the offences are and they are determined to make this work, but it is about making it work at all levels and making sure we have the evidence. That is vital.

My hon. Friend the Member for Norwich North and talked about Norfolk constabulary. I met the constabulary in the summer and I was very impressed with what it is doing. It has a dedicated modern slavery team that works to ensure it can assess the risks. She says there has been a 71% increase and it has gone from one to four. That does not sound much, but it is an incredible difference for a force that had not taken any notice of this issue. I do not criticise Norfolk or any other constabulary for that, but to have moved to the point where they are looking at the problem, taking it seriously and ensuring there is education about it is incredibly important.

Devon and Cornwall constabulary, which I have visited, has two migrant worker police community support officers to ensure that they have people working on the ground in the agriculture and tourism industries to check that migrant workers are being treated appropriately. That work on the ground, combined with the offences that we are looking at today, will assist us in getting more cases to court.

Border Force, which I visited at Gatwick, Manchester and Glasgow airports, is focused in specific safeguarding teams. It is training its staff to understand what trafficking victims coming into the UK look like, so that they understand the non-verbal indicators and can see that the victim, who has given their consent to travel, is clearly being forced to travel, albeit that they do not realise they are being forced. We will talk about trafficking later, but I attended an operation at Manchester airport. It was incredibly powerful and something that I will not say I enjoyed, but that I got a lot out of.

Mike Kane (Wythenshawe and Sale East) (Lab): Will the Minister give way?

Karen Bradley: I give way to the hon. Member for Manchester airport.

Mike Kane: And Wythenshawe and Sale East, it is not just an international airport with a constituency attached. I visited the airport last week and talked

[Mike Kane]

through some of these issues with staff there. Does the Minister concur that, as good as Border Force is, those girls are getting into our care system and then getting lost from it? They are being dragged from point to point, from Europe and Africa to Manchester, into the care system, and then trafficked out of it and moved down south.

Karen Bradley: That is one of the points that we need to overcome. It is part of the whole strategy and why we cannot look at the Bill in isolation, or even just at clause 1; we have to look at everything. If we are to make it clear that the UK does not welcome anybody who is involved in this crime, that this is not a place they can come to and they will suffer if they do, we need to work across all the authorities, agencies and parts of society, so I thank the hon. Gentleman for his contribution.

I will turn to the detail of the proposed amendments to clause 1 in a moment, but in broad terms they include redefining the offence to make conduct covered much broader or easier to prove by, for example, stating that possible circumstances such as consent are irrelevant. We cannot avoid the hard work needed from law enforcement and the new commissioner by simply making the offences in the Bill very broad or apparently easier to prove. The public need to be clear on the conduct we are targeting through serious criminal offences that carry a life sentence as a maximum penalty. I will set out why introducing a broad exploitation offence into the clause or stating that consent cannot be considered by the court means that everyday behaviour undertaken by many people could, in theory, carry a life sentence.

A number of hon. Members have asked about the alternative suite of new offences. We considered the recommendations carefully to assess the most effective approach for achieving our overall goal, which is successfully prosecuting the perpetrators of these appalling crimes so that we can protect the victims, but we do not believe that introducing a whole new set of offences is proportionate or necessary. It would, in fact, introduce a number of significant risks: for example, the clauses drafted by the pre-legislative scrutiny Committee are too broad in their scope and could criminalise behaviour that would not be appropriate to criminalise. There should not be even a theoretical risk of a parent who asks their child to perform ordinary household chores being prosecuted. It is not appropriate for serious criminal offences to be drawn in such a broad and vague way. I know that hon. Members have talked about that and that no prosecuting authority would ever bring this kind of case. I understand that line of reasoning, but that would not stop private prosecutions or something in the future. We are talking about putting an offence on the statute book that carries life imprisonment and then saying, "It doesn't matter if in theory it could apply because no one is ever really going to prosecute it." That is not the right thing for this Parliament or this Government to do. Parliament is not doing the right thing if it introduces an offence whose meaning is not absolutely clear. An individual should know when they commit that offence that they are doing so and could potentially face life imprisonment.

2.45 pm

Michael Connarty: Peter Carter QC says, on that point, that it

"misses the significance of the word 'exploitation'. It will not and cannot extend to sulky teenagers required to clean their rooms or do some washing up."

That is why I said it was a puerile statement by the response of the Government.

Karen Bradley: We may have to agree to differ on that. On the six cascading offences, the proposal to include those on indictments and prosecutions would confuse a jury and could, in fact, make it more difficult to achieve successful prosecutions. That was confirmed by the Director of Public Prosecutions in her oral evidence to the Committee. She said that the experience of prosecutors suggested that the clause 1 offence is already being effectively used to prosecute and convict individuals of slavery, servitude and forced or compulsory labour against both adults and children. I accept the point that it is not enough but it is already being used.

The reason we are having difficulty getting prosecutions is lack of evidence. That is something that the Director of Public Prosecutions clearly said. It is right that we make it as easy as possible for the evidence to be gathered so that we get the successful prosecutions.

Fiona Mactaggart: The Minister is reiterating the point made in the Government's response, yet she admitted that there have been too few prosecutions for an offence set out using exactly the same words. I cite the evidence that Nick Hunt, the director of strategy and policy for the Crown Prosecution Service, gave in the pre-legislative scrutiny. He said:

"There are problems with some parts of the offences which make it difficult at times."

He meant it is difficult to prosecute.

"For example, the existing section 71 offence, which is now clause 1 in terms of slavery, sets the threshold quite high by referring back to article 4 of the ECHR and the case law generated by that."

Peter Carter suggested in his evidence to this Committee that that reference to article 4 means that the issue of people being able to consent to being enslaved becomes an issue which is justiciable in the courts. That cannot be acceptable.

Karen Bradley: I will come to the issue of consent shortly but I will first finish discussing the offences proposed by the Committee. The other concern we had was that the offences as proposed lacked any explicit mental element—the mens rea. That is an integral part of all serious criminal offences and an important part of those attracting a maximum sentence of life imprisonment.

Michael Connarty: I am sure there was some advice given in a consistent manner by whoever was the adviser to the Government, but Peter Carter says quite clearly:

"Bullet point 4 is wrong. Slavery is a state of affairs which is criminal in itself. Ignorance that the condition in which a victim is held amounts to slavery is a mistake of law and cannot give rise to a defence."

I think that that is a correct interpretation and there is not a mens rea reason for not carrying out the recommendation of the Committee.

Karen Bradley: We are here debating an offence that will incur the maximum penalty we can possibly give in UK law. It is important that we have the mental element. We have asked for examples of cases where people consider that the offences as drafted would not catch perpetrators. We consider that they all do but I invite the Committee to continue to provide examples, because I want to get to the result that we all desire: a Bill that deals with the crime.

Diana Johnson: I wondered whether the Minister might comment on the case I raised, that of Craig Kinsella. I think all of us would agree he was held in slavery or servitude, but the offence as drafted in clause 1 was not taken forward by the CPS. A conviction for false imprisonment was obtained, but not one for slavery or servitude.

Karen Bradley: I cannot comment on the specifics of any case because the decision taken by the CPS on which offence to prosecute under will be determined by many different factors, and the CPS will look for the best way to get a conviction. It is also important to say that the offence we are talking about has not carried a life imprisonment sentence but, now that it does, the most serious criminals will be subjected to it and be sentenced to life imprisonment rather than the 14 years maximum we have had so far; that may mean we see more emphasis on that particular case. I cannot, however, say why the CPS chose a different offence under which to prosecute that case. I can only state that it will have done so on the basis of the likelihood of getting a conviction, which is what we are all looking for.

Michael Connarty: Earlier, the Minister played the Director of Public Prosecutions in her defence, but when we took evidence in the first sitting of the Committee, the DPP said in answer to my question:

"We know that we prosecute under different offences that are not recorded as trafficking."—[*Official Report, Modern Slavery Public Bill Committee,* 21 July 2014; c. 11, Q23.]

That was basically her excuse for not being able to cite more offences when I questioned her on the lack of offences and convictions under the present provisions, which as we know are all bundled into clause 1. If they are all bundled in there, what chance is there for anything to change? The CPS will still look for easier things to get prosecutions on and not, in fact, do the job. The suite of offences the Joint Committee put forward would give the CPS exactly what it needed to prosecute people.

Karen Bradley: I would not wish to second-guess the CPS decision on which offence to prosecute under in any particular case. Its decision would be based on the evidence available and the likelihood of achieving a successful outcome. The Bill is designed to give the CPS another route through which to prosecute and to provide a sentence of life imprisonment; that is what the Bill is about. We are trying to ensure that the CPS can choose the most appropriate offence to get a prosecution, and I repeat that it will look at the likelihood of achieving a successful prosecution and choose the offence it feels is most appropriate. It is not for me as a Minister or for anyone else to second-guess why it might choose as it does; it is there to ensure it gets the convictions and that is what we want. These offences have been worked through with the CPS and we believe they give the CPS the weapons it needs to bring prosecutions and law enforcement the weapons they need to find the criminals. My hon. Friend the Member for Enfield, Southgate said that he thought it was important for the offences to be as focused as possible on catching and convicting very serious criminals, and that is what we are doing through the Bill.

I now turn to the amendments in detail, starting with new clauses 3 and 4, because they suggest substantial changes to how we define the offence. New clause 4 is designed to set out the meaning of slavery in more detail and does not explicitly include servitude or forced or compulsory labour in this offence. As the hon. Member for Slough said, this is part of the alternative suite of offences proposed by the pre-legislative scrutiny Committee. Most of those new offences will be covered by the debate on clause 2, so I hope the Committee will forgive me if I restrict my comments to the clause 1 offence and then set out the Government's view on the alternative suite of offences in detail later.

Fiona Mactaggart: May I ask the Minister one particular question about new clause 4 which will not be dealt with in the later debate? I raised this point earlier. The new clause states that child slavery includes any

"transaction whereby the child is transferred or purports to be transferred to another person in return for money or other consideration, other than through lawful adoption or similar formal process."

How would the approach that she argues for deal with that issue? I cannot see it being dealt with elsewhere or by any of the other amendments.

Karen Bradley: I hope the hon. Lady will forgive me but I will return to concerns about children later.

New clause 3 and the consequential amendment 30 add further detail to the definitions of slavery, servitude and forced or compulsory labour for the purposes of the clause 1 offence. The clause 1 offence outlaws three types of conduct: slavery, servitude and forced or compulsory labour. The offence is based on that in section 71 of the Coroners and Justice Act 2009. The offence was introduced as a result of concerns that the UK was not compliant with its obligations under article 4 of the European convention on human rights. We are confident that we are fully in line with our international obligations. The reference to article 4 ensures that this is the case and will remain so. We have also heard from the Director of Public Prosecutions that she welcomes the offences in the Bill as stated and confirms that they comply with the international obligations.

Diana Johnson: There is discussion about opting out of various articles that feed into the Human Rights Act. How would it affect the Bill in future if article 4 no longer applies in British law?

Karen Bradley: I do not think we should debate ifs and maybes here. I should like to debate what we have today and how things stand. We are legislating based on the rules as they are today and not on what they may be in future.

The offence deliberately does not set out a very detailed definition of slavery, servitude and forced or compulsory labour. We are discussing a modern slavery Bill,

[Karen Bradley]

as opposed to a slavery Bill, because the nature of slavery changes over time, as slave masters and traffickers find new ways to abuse their victims. We want to ensure that the offences in the Bill are sufficiently flexible that they will not rapidly become out of date or hard to use in practice.

My hon. Friend the Member for Enfield, Southgate talked about the legal definition of offences. As he knows better than anybody, under the UK's common law system many offences are not defined in statute. For example, kidnap is a common law offence that is punishable by up to life imprisonment. It consists of taking or carrying away a person by force or without their will and without lawful excuse. The victim must have been deprived of their liberty. That is known; it is something the courts understand; it is common law; it is case law, and judges and courts in Britain are well used to dealing with it. Whatever we pass today in statute will then be interpreted by the courts and will be subject to change as case law changes.

Setting out the offence in broad terms and retaining a reference to article 4 allows for that flexibility and effectiveness over time. It means that any developments in the case law on article 4, both in the UK and in Strasbourg, will be reflected in the way our courts interpret the offences in the Bill, and it helps to ensure that our law reflects developing international standards over time. As offending behaviour changes and the case law changes with it, this offence can still be used to effectively tackle slavery, servitude and forced or compulsory labour.

Our understanding of this crime is continuing to change and we are seeing different forms of it. I do not want to tie the courts' hands today to say, "This is slavery. This is what it looks like." We do not want to find in years to come that we cannot keep up with criminals who have changed the way that they abuse people because our legislation is too fixed and inflexible. If we set out in much greater detail what we mean by slavery, servitude and forced labour, we risk losing flexibility. We risk introducing new elements of the offence, which might have to be proved, making the offence harder to prosecute.

3 pm

There is a specific issue with new clause 3. If we set out in greater detail what we mean by slavery, servitude and forced or compulsory labour and, in addition, we tell the courts to interpret the offence in accordance with article 4, we risk making the law very unclear if those definitions no longer accord with case law under article 4. The specific wording in new clause 4 demonstrates some of the difficulties with an alternative approach to definition. For example, the wording suggested does not appear to reflect that of the 1926 slavery convention. I understand and support the desire to make the law as clear as possible. I am listening carefully to all of today's contributions, and I will reflect and consider them as the Bill proceeds through Committee, but there is a careful balance to strike between trying to define terms and details now and retaining some flexibility. I have yet to be convinced that there is any significant problem with the Bill as it stands or with the existing offence.

Fiona Mactaggart: Will the Minister give way?

Karen Bradley: I will, but I will then make progress.

Fiona Mactaggart: What is the Minister's response to Lord Justice Judge's suggestion that the reference to article 4 is inflexible because he, and judges like him, will be expected to assume how article 4 was interpreted at the time we legislate?

Karen Bradley: We need to reflect the international development of the understanding of this crime. Many of the leading cases are from Strasbourg, and we need to ensure that UK law reflects that. I understand Lord Judge's point, but we do not feel that is necessarily the issue. Again, I will reflect on that point and consider it carefully.

It is also important that we provide clear guidance to prosecutors and front-line law enforcement professionals on how to interpret the terms "slavery," "servitude" and "forced or compulsory labour." I undertake that that will happen as part of the Bill's implementation, building on existing guidance and training in that area. Adding more technical definitions to the Bill, however, risks making it more confusing and potentially, over time, less coherent and harder for the courts to interpret.

I will now address the amendments that raise the question of whether the Bill should include a statement that consent is irrelevant either to some or to all aspects of slavery, servitude or forced or compulsory labour. New clause 3 and amendments 29 and 49 all address that issue. I am grateful to hon. Members and hon. Friends for highlighting that there are circumstances where a victim of the offence set out in clause 1 may appear to consent to their treatment but where the court should still find that an offence has taken place. Let us consider a child who has been kept in a form of domestic servitude and put to work on tasks similar to a maid's, for example. Let us imagine that that child may have been influenced by adults with power over them into accepting their condition without outward demonstrations that they do not consent to their condition. I entirely agree with members of the Committee that the court should be able to look at the circumstances of the case and, where appropriate, find that slavery, servitude or forced labour has taken place under clause 1 despite the child not overtly demonstrating a lack of consent.

Diana Johnson: I am rather concerned that the Minister seems to be talking about consent and children. My understanding is that consent is not a relevant factor with children. Will the Minister reflect on that?

Karen Bradley: I am talking about consent overall. I am merely using that as an example.

The Bill, as drafted, has been designed to allow the court to make exactly that finding, as has the relevant case law in this area, which the Bill preserves. The amendments are not required, and I hope the Committee will allow me to set out how making amendments to state that consent is irrelevant could have the entirely unintentional side effects of making the law less clear, making the offence harder to prove in certain circumstances

and possibly criminalising daily aspects of domestic life, which I suspect many hon. Members do not wish to see.

Sarah Champion (Rotherham) (Lab): Will the Minister tell us what would happen if the court did not make the correct judgment that a child cannot give informed consent?

Karen Bradley: I will further address consent later. The basic position is that consent is not a requirement under the article 4 case law that we are talking about in this case. There is no requirement for there to be consent. The courts do not need to see that consent has either been given or not given in order to proceed with a case, but consent is a relevant factor. It would be a relevant factor in the evidence used to secure a conviction if an individual says, "No, I do not wish to do this. I do not want to be forced to do this." Our concern is that, by amending the Bill to state that consent is an irrelevant factor, we would be telling the courts that they should not look at consent when they determine whether someone has been a victim of slavery, servitude or forced or compulsory labour. That could lead to fewer convictions, because the fact that consent was not given could not be put forward as relevant evidence if Parliament said it was irrelevant—that is our concern on consent. We do not wish to tie the hands of the courts by saying, "You must ignore all issues of consent," because consent, if it was not given, could be a very relevant factor in making sure there is a conviction.

I will come on to further points about that. I have heard all the points that have been raised, and I will reflect on them. That is our view, but I would like to take the issue away and confer further on it.

Sarah Champion: I really appreciate the Minister saying she will go away and confer on that point, because it is important, not least given the flipside of her argument. I understand what she says, but I am concerned that a barrister would use the fact that the victim—because they are terrified of retribution—says they gave consent to get the perpetrator of the crime off. Making it clear in the Bill that consent is completely irrelevant is the best way to neutralise that possibility.

Karen Bradley: I take the point. Because consent is not a requirement, the judge can instruct the jury to ignore anything about consent. However, consent is a relevant factor where it has not been given. It would be absolutely devastating to see a case where consent was not given, and we were unable to get a conviction, because we had said that that was not relevant evidence—because we had said in the Bill that consent was irrelevant in the case of slavery or servitude.

It is a question of common sense as to whether or not we are dealing with a case of forced or compulsory labour; that is very apparent. As I say, I will cover this issue further. However, we have this concern about the issue of consent.

Sir Andrew Stunell (Hazel Grove) (LD): The Minister is being generous in giving way and thorough in her explanations. I very much welcome her saying that she will the issue more thought. In doing so, will she refer particularly to the response the Committee received last weekend from Nadine Finch and Peter Carter QC? It contains points that are very salient to this issue, and if the Minister, in reaching her ultimate response, could reflect on those in more depth, that would be some consolation to those of us in the Committee who find what she is saying helpful, but not really helpful enough.

Karen Bradley: I thank my right hon. Friend for his intervention. I assure him that I will look carefully at all the representations that are made and will continue to test the examples we receive to see whether the offences would be caught. We believe they would, but I will consider these points and ensure the Committee has reassurance on them.

Subsections (3) and (4) make it clear that the court may already consider all the circumstances when deciding whether an offence has taken place, including any vulnerabilities the victim may have. It is well established legally that slavery, in accordance with the 1926 slavery convention, is the status or condition of a person over whom all or any of the powers attaching to the right of ownership are exercised. Lack of consent is not required and it is not an element of the offence. It would therefore be open to the court to look at all the circumstances and conclude that slavery has taken place, even where there is no explicit evidence of lack of consent.

Fiona Mactaggart: Will the Minister give way? I am sorry to keep bobbing up.

Karen Bradley: Could this be the last intervention, please?

Fiona Mactaggart: In paragraph 3 of their evidence to the Committee, Peter Carter and Nadine Finch specifically say—this is why I asked what the Minister meant by "all the circumstances"—that "all the circumstances" can be interpreted "to include consent". Given their expert evidence and, in some ways, what the Minister has just said, I cannot believe, if consent can be used on one side of an argument, that a defence barrister will not be able to use it on the other side of the argument. May I urge the Minister to think again on this matter? I echo the words of the right hon. Member for Hazel Grove.

Karen Bradley: This is the concern that we have. We want to ensure that we successfully prosecute criminals. We are concerned that putting such a provision in the Bill would undermine the prosecution's ability to get a successful conviction. I am certain that everybody in this room wants more successful prosecutions. Please be assured that we want to get this right and ensure that all views and considerations are looked at. I will come back to the Committee, having considered the extensive debate we had this morning, if any of that should change.

Diana Johnson: Can the Minister help the Committee by explaining why consent is explicitly mentioned in the Bill in clause 2(2) but not in clause 1?

Karen Bradley: The shadow Minister pre-empts where I was going next. First, let me complete the point about lack of consent in slavery. In many cases of slavery there

[Karen Bradley]

will in practice be evidence of lack of consent. That will often be one of a number of compelling forms of evidence supporting the case that slavery is taking place. It is proper for law enforcement and the courts to take that evidence into account. I say again that I am concerned about amendments that make consent irrelevant, because that could be interpreted by the courts as implying that Parliament does not wish them to consider any evidence of lack of consent. That would narrow the evidence that can be used in cases of slavery and potentially make it harder for law enforcement to achieve successful prosecutions.

If we compare clause 1 with clause 2, we need to be clear that we are talking about two separate offences: clause 1 being the offence of slavery, servitude and forced or compulsory labour, and clause 2 being that of trafficking. In the case of trafficking the evidence is that the individual moves from A to B and is then exploited, so there is no need to have evidence of consent or otherwise to prove that there has been a movement.

In fact, I have come across very few cases where the victim of trafficking was moved unwillingly. On the whole, the victims of trafficking are coming for a better life. For instance, they believe that the man they are travelling with on the flight that the Manchester airport operation was looking for is their boyfriend who wants to bring them to the UK to marry them—although he will then prostitute them. Or, in the case of a child, they are coming to the UK because they believe that the person trafficking them is an uncle. They travel willingly with consent because that is the nature of the crime of trafficking. It is important in clause 2 to ensure there is the reference to consent. Consent would not be used as relevant evidence because the evidence of trafficking is the movement from A to B and the exploitation afterwards.

In clause 1 we are talking about servitude, slavery and forced labour without movement. That is why the issue of consent becomes more relevant for the court: if it can be demonstrated that there was no consent, that makes a much more compelling case for the prosecution. By taking away the relevance of consent we feel we would undermine the ability of prosecutors to get successful convictions on the clause 1 offence. The clause 2 offence is different and evidence of consent or otherwise is not relevant to the evidence of the trafficking.

Sarah Champion: The reason why I am labouring this point is that I have been doing a lot of work on child sexual exploitation, and historically an awful lot of cases never got to the CPS because the witnesses were not seen as credible because it was implied that they had given their consent. That is why I am particularly concerned about the issue.

3.15 pm

Karen Bradley: I absolutely understand. The hon. Lady is someone we are all thinking of at the moment. I have looked carefully, for example, at Operation Bullfinch in Oxford, to learn from experiences there. That is why there is much in the Bill about victim protection and ensuring that witnesses have the protection they need and are treated as vulnerable. As we all know, these people are some of the most vulnerable people in society—in many cases they are not going to be credible witnesses. That is the difficulty we face.

Nevertheless, removing the ability of the court to use lack of consent as evidence would undermine many of the cases we see. I am not yet convinced that the upside of making consent irrelevant is enough to warrant risking getting convictions in those cases where consent clearly has not been given, bearing in mind the fact that the courts know that consent is not a requirement anyway—the case law is very clear on that. It would really give us problems if the courts lost the ability to use evidence of a lack of consent, so I am not convinced by being explicit about consent.

Michael Connarty: I am trying to follow the Minister's thought process. It is clear that if we want to say that consent is not an issue, it cannot be argued that, lacking consent, the person is therefore not to be prosecuted. If we say that consent is never required in law—another recommendation by that eminent person is that a subsection could make it clear that consent can never be an issue—the assumption is that the courts and prosecutors will do something different from what they did in the Rotherham cases, where it is quite clear that people's evidence was dismissed on the basis that they looked like the kind of people who might have been up for it, which is basically what the police were saying. If we do not say to them, by putting it in law, that that is not an issue—that it is never an issue—how can people ever say, "It does not matter if I'm a vulnerable person who fell into this trap thinking it was a good thing, it is not consent because consent is never acceptable in the law"? It has to be there so that people can see that even if it seemed that someone consented, they were still exploited, abused or enslaved.

Karen Bradley: If I may reiterate the point: consent is not a requirement under the definition as drafted—*[Interruption.]* But making it an irrelevant factor in the law would potentially prevent the fact that consent was not given from being used as relevant evidence. That is our concern. There is no need to state it because there is already no requirement for consent, as shown by the case law. We are concerned that we will end up with fewer convictions because someone who said that they clearly did not consent would not be able to show that as part of the relevant evidence. I have concerns about Parliament saying in the Bill that we do not want the criminal courts to consider consent; I am not convinced that that would not risk our seeing fewer convictions as a result.

Mark Durkan: The Minister seems to be saying that if we do not put provisions on consent into the Bill, convictions might be less likely. Does that not send a signal to the Crown Prosecution Service that convictions are more likely where an absence of consent can be shown, and that, where there might be doubts or arguments around the presence of consent, convictions may therefore be less likely and so we get fewer prosecutions?

Karen Bradley: I absolutely do not agree with that. I want to ensure that we have a definition that—

Mark Durkan: In what circumstances is the Minister saying that there would be a telling difference by having the consent provisions in clause 1? In what circumstances would the amendments lead to fewer convictions?

A particular issue that we know about from other cases is whether or not the CPS mounts charges in relation to these incidents. The Minister's argument about consent gives me serious cause for concern that we will end up with fewer charges being brought—if there is a salient difference, why would they be brought?

Karen Bradley: This is absolutely not about having fewer charges; it is about ensuring that we have the right offences so the right charges can be brought. Much of it is about education throughout law enforcement, which is why the commissioner must ensure that law enforcement understands what we are saying. Many of the examples of child sexual exploitation are about deficiencies not in the legislation but in those who are interviewing the witnesses and in their taking it seriously. I have met far too many victims who said the police came but were not interested. I am certain that the individual officers were interested, but that they did not know what the crime looks like, and so did not understand it or know how to deal with it. This is a difficult and complicated crime, and we need to get that awareness to all levels of policing.

Sir Andrew Stunell: I realise that the Minister is having a hard time, and I want to help her if I can. There are some parallels with other offences. There is a similar set of difficulties with consent in relation to rape. If the victim of rape is a child, the issue of consent does not arise at all, but if it is an adult, consent might be a relevant consideration. We are all familiar with court cases in which it was considered, and in which the witnesses and victims were put through a difficult time when it was discussed, although the judiciary works hard to prevent that from happening, and the Home Secretary has said it is not satisfactory in some circumstances.

The Minister kindly offered to take this issue away. I hope she will consider not only the intricacies of the argument, which are complex and difficult for some of us to understand, but the parallels with equivalent offences, such as rape, where the territory is more transparent and better explored.

Karen Bradley: I thank my right hon. Friend for his comments. Throughout this process I have been keen to consider rape, domestic abuse and sexual exploitation, from which there is much we can learn. I sometimes feel that with this crime we are 10 years behind where we are with domestic abuse, so we need to catch up quickly. I hope it will not take 10 years for the crime of modern slavery to get to where we are today with domestic abuse.

We have learned so much, but there is always more to do, and it is vital that we have offences. My right hon. Friend said I am being given a hard time, but I do not feel that I am. We are talking about an incredibly important offence that will result in people being subjected to life imprisonment, so we have to get it right. I am not upset or concerned that we are considering it properly.

I want to move on, and if the Committee will allow me, I will reflect on all the discussions we have had on the consent issue. I hope hon. Members will not press their amendments, as we need to be able to consider their points and come back with some further thoughts.

Diana Johnson: I am listening carefully to what the Minister said about reflecting on this important issue that has exercised many Committee members this afternoon. Does that mean we will return to it on Report, or is it a matter for the other place?

Karen Bradley: I am absolutely certain, given the importance of the definitions, that we will return to this issue on Report. Members feel passionately about the definitions, and we must ensure we get them right. We all want to see successful prosecutions, so we can support the victims.

On the issue of labour that is forced or compulsory, in the sense that I have already described, inevitably consent is often relevant to whether forced labour has taken place, and the courts need to be able to consider it. To try to avoid that means producing incoherent law which will make it harder for law enforcement to focus their attention on the serious criminals we want to see behind bars. I not believe the Committee intends that.

I will now turn to a second issue raised by amendment 29, which would also make it explicit in the Bill that a conviction should be possible whether or not escape is practically possible. I entirely agree with the objective behind the amendment. Courts must be able to find a defendant guilty of slavery, servitude or forced or compulsory labour where the perpetrator had mental control over the victim such that the victim did not seek to escape, even when the victim could have done. I want to reassure my hon. Friend the Member for Enfield, Southgate that clause 1 has been specifically designed to ensure that the court can find a defendant guilty in such circumstances.

First, we altered the draft Bill following pre-legislative scrutiny to make it clear that the court could look at all circumstances when determining whether an offence had taken place, including any vulnerability of the victim. Therefore, where the lack of any attempt at an escape is understandable in the circumstances—perhaps because the defendant was vulnerable or subjected to intimidation and manipulation, which will often be the case—the court will consider that. Secondly, the case law of the European Court of Human Rights—

Fiona Mactaggart: I am not a lawyer, but I am surprised by the Minister's definition that behaviours rather than characteristics are covered in subsection (4). The subsection uses a set of examples, all of which relate to a characteristic—not a behaviour—and she is talking about behaviours, which are usefully covered by the amendment tabled by the hon. Member for Enfield, Southgate.

Karen Bradley: If the hon. Lady will allow me, I am about to come on to the case law. The case law of the European Court of Human Rights also demonstrates that a clause 1 offence can take place where escape was not attempted, even if it was practically possible. In the case of Siliadin, the child dropped off younger children at school unsupervised and so presumably could have attempted to escape. However, the child was still found to have been a victim of forced labour, contrary to article 4 of the convention. My hon. Friend the Member for Enfield, Southgate talked about whether the victim could physically walk away. In that case, the victim

[Karen Bradley]

could have walked away and escaped. The victim chose not to owing to the situation that they found themselves in. The case law is clear that the possibility of escape and not choosing to escape does not affect the finding that somebody is held in slavery, servitude and forced or compulsory labour.

We want to ensure that the drafting of the clause 1 offence remains clear and simple, so I do not believe that adding such a clarification to the Bill would be helpful. The proper place for further detail explaining the position on consent and escape for front-line law enforcement is in guidance. I will work with the Crown Prosecution Service and law enforcement authorities to ensure that we provide the best possible guidance to front-line operational staff, alongside implementation of the Bill.

Amendments 36, 37 and 38 seek to extend the scope of the clause 1 offence of slavery, servitude and forced or compulsory labour, so that the conduct defined as exploitation under clause 3 would also constitute a clause 1 offence. This would mean that a much broader range of behaviour could be prosecuted under the slavery, servitude and forced labour offence. I am not sure the amendments as currently proposed would technically achieve the desired effect, because the definition of this offence would still be specifically limited to slavery, servitude and forced or compulsory labour by subsection 1(1), where there would be no reference to exploitation.

In any case, I intend to focus on the intention of the amendments, which raise a very important point about the proper scope of our clause 1 offence. I understand why it might seem desirable to extend the range of behaviour that the offence can cover. I share the determination of my hon. Friend the Member for Enfield, Southgate to punish serious abuse. I do not want to see serious criminals avoiding prosecution under the offence for serious abuse, which could properly be termed slavery, servitude or forced or compulsory labour.

However, I am equally concerned that we use the offence to target the serious criminals—the modern slave masters—who deserve to be caught and severely punished.

I do not want to confuse law enforcement and the courts by creating an offence that could cover a wide range of ordinary conduct that is not currently criminal, and that many of us undertake in our daily lives.

Mr Burrowes: On the Minister's point about exploitation, we are not talking about an ordinary meaning, but a legal one. Clause 3 provides the meaning of exploitation. It is wholly tied to that meaning, and so the argument that making someone do the washing up could be covered is somewhat spurious when we are dealing specifically with the Government's own meaning of exploitation.

3.30 pm

Karen Bradley: I come back to the point that we are looking at an offence that carries a life sentence. I am concerned that we do not confuse law enforcement, which wants clear direction to target serious abuse. The definition of exploitation is not designed to give rise to a criminal offence on its own; it is designed to form part of the wider trafficking offence in clause 2. The trafficking offence involves arranging or facilitating another's travel with a view to exploiting that person. In that case, exploitation is deliberately defined widely in the Bill, as the trafficker might want to use the person being trafficked in a wide range of ways. However, it is the combination of the travel and the view to exploit that gives rise to the offence. Law enforcement is used to dealing with that offence to effectively tackle serious criminality.

Looked at as an offence on its own, however, exploitation could cover some banal conduct. For example, clause 3(5) defines exploitation as including deception to induce someone "to provide services" or "benefits of any kind." On that basis—I am not saying the prosecution service would bring this—if an employer exaggerated how exciting a job would be to induce an applicant to take it, that could be defined as exploitation. We have a moral imperative here; we are here to help stamp out slavery from our society. I do not want to detract from what we are doing by creating offences that could undermine that desire and that aim, which I am sure is shared by every Committee member. If we are to achieve it, we need to ensure that we create clear offences that are focused on the severe abuse that amounts to modern slavery.

Building on well-established offences that practitioners have been using for some time will help law enforcement to tackle those serious modern slavery offences. We should note that it is often a lack of evidence that results in failed prosecutions. Gathering that evidence is not dependent on having widely drafted, broadly defined offences that could potentially catch innocent behaviour. Gathering that evidence is part of the wider strategy that we have talked about already.

Mr Burrowes: The Minister is saying that the lack of a definition in the Bill is because there needs to be flexibility. Is there sufficient flexibility to prosecute, under the terms of forced labour, a person who has been exploited for securing services or benefits? It is a concern that there might not be sufficient flexibility in that area, which is why we need to look more keenly at definitions.

Karen Bradley: I will come to that point—where a victim is exploited for benefits, begging or other forms of labour—because I am confident that the offences cover it. Seeking to cover any form of exploitation in our society risks diluting the effect of the Bill by potentially making a criminal of every one of us, confusing law enforcement and undermining the focus on the victims of serious abuse.

I turn now to amendments 39 and 40, which raise important issues about how the courts should determine whether someone has been subject to slavery, servitude or forced or compulsory labour. It is vital that the courts are able to consider a victim's personal circumstances and vulnerabilities when determining whether an offence of slavery, servitude or forced or compulsory labour has been committed. That is why we added subsections (1), (3) and (4) after pre-legislative scrutiny. I fully understand why my hon. Friend the Member for Enfield, Southgate has suggested a further change, through amendment 39, to replace the term "may" with "shall" in clause 1(3). I agree with the principle that the court should always consider relevant circumstances when deciding whether an offence has been committed. However, the term

"may" was carefully chosen in this context to give the courts the flexibility to exercise their judgment appropriately. There will be many circumstances in any case and some of them will not be relevant to whether a clause 1 offence was committed. It would be unreasonable and unnecessary to ask the court to consider every single circumstance in every single case, even when they are patently irrelevant.

I also understand why my hon. Friend has tabled amendment 40. It would amend clause 1(4) to require the court to have regard to a series of specific types of vulnerability, including some that are not explicitly mentioned in the Bill, such as disability and a lack of English language skills. I agree that a lack of English language skills or a disability would often be a source of vulnerability that the court should consider. However, clause 1(4) already allows the courts to do exactly that. It allows the court to consider any personal circumstances that

"may make the person more vulnerable than other persons."

Subsection (4) gives an explicitly non-exhaustive list of examples, such as age and family relationships. However, the drafting absolutely enables the court to consider the additional examples my hon. Friend refers to.

This has been a long debate, but also a good one. My focus is on the clause 1 offence being a crucial part of an effective overall strategy to drive up prosecutions for really serious abuse. The offence targets those who hold people in modern slavery. Given those reassurances and clarifications and the fact that we will continue to consider the offences and all representations made today, I hope that Members will not press their amendments.

Michael Connarty: First, I give a brief apology to the Chairman: in my sedentary, I was seeking clarification that I could speak after the Minister in this particular debate. I do not want to say very much, but I ask Members who did not sit on the Joint Committee to take the trouble to read the six clauses—I am sure Members on their side will make them available—that were drafted, after serious consideration, on the idea of a cascade of offences. If Members wish, I am quite happy to supply them with Peter Carter's responses, both in originally helping us to draft those clauses and to the Government's response. He makes very good arguments for many of the logics to be carried forward rather than accepting the Government's clause 1, which will not help us do the things the Minister wants to do—I am sure she is making a sterling defence of what she has been handed, but it does not add up to a convincing argument.

On many of the specific points, particularly on consent, if the amendments are not passed and are withdrawn, I hope they will come back to us, because it is quite clear—and I think Rotherham has shown this so starkly—that we must clear this up. There is no question that it should be left to the court to decide whether consent is important; it should say, "Consent is never important if people are exploited, enslaved, prostituted or abused."

Mr Burrowes: It is a pleasure to serve under your chairmanship, Mr Pritchard. I know you take a great personal interest in the subject. This has certainly been a good and significant debate, and I am pleased to have played my part in tabling amendments that have helped to prompt it, as we are dealing with a significant clause. I welcome all the contributions from across the Committee, in which there is a large amount of consensus about the need to do the best we can for victims of trafficking.

I welcome the care the Minister has taken, both inside and outside the Committee, on the amendments. She said in her response that there was a need for education across the board in relation to enforcement. She also mentioned that law enforcement officers understood the offences, but I am not convinced by that. The evidence I have heard is that while there are some excellent law enforcement officers, there is not a universal understanding. We need to be very cautious about that and do a lot more to develop understanding on the front line and all the way through to the point of ensuring an increase in prosecutions, but particularly convictions. We must also do all we can to ensure that everything is as clear as possible for the jury, so that no loopholes can be exploited by defence lawyers—I declare an interest.

Fiona Bruce: Referring back to the expertise of law enforcement officers, when I asked Cheshire police what training had been given to its constabulary in this sphere, the answer, as I understood it, was that one officer had been appointed to oversee human trafficking but had received no specialist training at all in that field. That was this year. Does my hon. Friend agree that that is not satisfactory?

Mr Burrowes: Yes, and the Minister gave us her assurance on the issue of guidance. This Bill provides a real opportunity to do what we can for training—that should be a given. As the Bill goes through its passage, today and over the coming weeks, we have a golden opportunity. I very much welcome the Government's lead in ensuring that we have this opportunity to do all we can to get it right. As legislators, the obvious way to do that is by getting the definitions right in the Bill.

I hear the Minister's point about flexibility and ensuring that we are not tied into what are sadly an increasing number of modern forms of slavery that we cannot always anticipate. However, we are here to legislate on the basis of our understanding of modern slavery. The amendment seeks to provide only a very basic definition—one that is applied in international law, in courts in our country through article 4, and the case law, which then references and applies international law. We can consolidate what has been around in our domestic law and what has been around internationally, so that we set the bar on our understanding as legislators. There are different views about what modern slavery is and there are misunderstandings, ranging from law enforcement all the way up to the jury room. It is our duty to do all we can to go further to deal with that.

The problem is a lack of definition, and it pervades many of our concerns, particularly around consent. As has been mentioned by many hon. Members, article 4 contains no definitions of slavery, servitude or forced or compulsory labour. It makes no mention of consent one way or the other. That leads us to want to ensure that the Bill contains some reference to it. As the Minister pointed out, provision already exists in section 71 of the Coroners and Justice Act 2009, but there is problem. We have heard and we can read in the Joint

[Mr Burrowes]

Committee evidence that the problem of consent has been raised in relation to section 71, which is now being copied and pasted into the Bill. Practitioners are saying all the way into the court room and on to the front line that this is an issue that needs to be taken seriously.

I welcome the Minister's assurance that she takes the issue seriously. The level of cross-party concern about it amplifies that. We are relying on ECHR case law, which relies upon international conventions: the 1926 slavery convention and the 1956 supplementary convention. The irrelevance of consent when it comes to slavery and servitude is clear there. We are all on the same page. When it comes to slavery and servitude, we all recognise that consent is irrelevant. We want to find a way to frame that to make it clear, so as to avoid the situation which the Minister says would undermine prosecutions. She suggested that there are problems of inadmissibility and of relevant evidence concerning consent. We want to make it clear to everyone—from the practitioners' point of view, for the victims, for the public, for legislators—that consent should not play a part. There must be a way of doing this.

In amendment 29, I have sought to find a way through that. I also want to rebut the Minister's concerns, although I take them seriously, by having a pause in pressing this. She says that she has clear advice that putting the proposed provision in the Bill would undermine prosecutions. I would not want to ignore that. I hope that as time goes by the DPP will explain why that is the case and provide further evidence why putting in the Bill what is clear in international law would undermine prosecutions.

Clause 1(3) states:

"regard may be had to all the circumstances."

I believe that mitigates the Government's concern. "All the circumstances" include the slavery convention, which refers to

"powers attaching to the right of ownership,"

and the supplementary convention, which, in the case of servitude, refers to the inability to change one's condition. That is all about the lack of consent. When there this level of ownership, consent is plainly irrelevant and should be disregarded. No prosecutor or judge who sees that there is a case before them about slavery and servitude will deny putting forward what is a constituent part of the offence, which is ownership.

My amendment states:

"For the purposes of this Act…it is irrelevant whether a person consents to being held in slavery or servitude."

Yes it is irrelevant, but that is whether a person consents. The fact that, plainly, a person does not consent when they are in slavery or servitude, which all international law recognises is obviously a basic definition, cannot mean that it is not relevant to put forward evidence about the lack of consent, because that would be denying putting forward any basic evidence about the reality of servitude and slavery. Therefore, although I would ask the Minister to reflect on that—that it is possible to put it categorically on the face of the Bill that it is irrelevant whether a person consents; that does not mean that one undermines all the evidence and the admissibility about the lack of consent—that can be further reflected upon.

3.45 pm

This is a complex matter, but one that is important and goes to the heart of many Members' concerns. We have heard from the hon. Members for Kingston upon Hull North, for Slough, for Rotherham and for Foyle, from my right hon. Friend the Member for Hazel Grove and from my hon. Friend the Member for Congleton on the issue in support of the intention behind my amendment and the Opposition's amendment 49. The important point to mention is the complexity—and this is why I sided towards amendment 29 and not amendment 49: there is a distinction here. The definition of forced labour in international law refers to labour not given voluntarily or under menace of penalties. That makes the issue of consent in relation to forced labour more complicated, in that it cannot be said to be entirely irrelevant in all cases.

There needs to be consideration of the presence of threats and the menace of penalties to determine whether forced labour has taken place, whereas slavery or servitude are at such levels of control that that is not so relevant. That is why, if the Opposition want to press amendment 49, I am not with them. I am with the intentions—we want to ensure that we are clear on the irrelevance of consent—but amendment 49 encompasses forced labour and there are cases in which forced labour is relevant. In fact, the prosecution would need to make the case about menace of penalties and the presence of threats. I think the Minister has a stronger argument about amendment 49—that it could undermine those prosecutions—but I still see the merits of amendment 29. However, given the clear advice that the Minister is receiving—that amendment 29 will also undermine prosecution—and her assurances that she will look at things carefully, I will withdraw amendment 29.

We need to look a bit further. The debate is highlighting the lack of definitions. Although I hear the Minister's concerns about flexibility and consolidation, I believe we could do better. We need to hear the evidence that came through saying that we need to set the mark—not in a way that avoids flexibility, because we are just dealing with basic definitions that have existed since 1926 and 1956. Those basic definitions are still applicable. The intention behind amendment 29 was to give some life to it on the face of the Bill. That is why I tabled amendments 30 and 36 to 39.

I heard the Minister's comments about the issue of exploitation and I accept them, to a large extent, although I have not yet heard her reply to my question about whether someone would be prosecuted under this legislation if they were exploited in relation to securing services or benefits. My view is that that will not happen without amendments 36 to 39, and, as we know from our constituencies, those people are more prevalent in terms of forced labour. We heard the hon. Member for Linlithgow and East Falkirk talk about issues, such as curry houses, in other constituencies. Whether it is sweatshops or nail shops or the rest of it, we do not know the wide extent of exploitation. Serious criminals are putting people there, and causing huge hardship and exploitation. This debate is about whether that is covered. The Minister assured me that she was going to provide some assurance in relation to amendments 36 to 39. I look forward to her response.

The debate we have had is illustrative of the fact that we should not just rest on what has happened so far. We need to recognise the genuine process of Committees

and the House. I take very seriously the Minister's assurances that she will reflect carefully. I will be asking to withdraw the amendment, while recognising that there could be further work to be done across the parties on the matter of definition. I will come back to the subject on Report if we do not hear more on this crucial issue. If we do not we will be letting down the victims of trafficking and those who have given us clear evidence. I do not know if the Minister wants to come back to me on the point or write to me about it. *[Interruption.]* It seems we may have reached the point where some pearls of wisdom are coming to the Minister.

The Chair: Order. I will just say something so that everybody is clear procedurally. If the Minister is minded to intervene before the hon. Gentleman sits down she can do so, but she cannot respond after he has sat down.

Mr Burrowes: No, I appreciate that.

Karen Bradley: I am confident that the offences as drafted do cover begging and benefits exploitation. However, I will endeavour to write to my hon. Friend with the explicit explanation of that.

Mr Burrowes: Finally, I appreciate that the Minister agrees with the principle of amendments 39 and 40 and I understand they are not necessary. I appreciate that we have had the debate. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 49, in clause 1, page 1, line 21, at end insert—

'(5) The consent or apparent consent of a person to the acts referred to in subsections 1(1)(a) or 1(1)(b) shall be irrelevant.". —*(Diana Johnson.)*

Question put, That the amendment be made.

The Committee divided: Ayes 8, Noes 10.

Division No. 1]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Lumley, Karen
Bruce, Fiona	Nokes, Caroline
Burns, Conor	Pincher, Christopher
Burrowes, Mr David	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew

Question accordingly negatived.

The Chair: Order. If I can pause for a moment regarding the preamble this morning. I do not set the rules, I am just here to oversee them. I am aware that somebody has ordered a cup of tea to come into the room. I know we would all like a cup of tea. The tea can be consumed outside the room but, unfortunately, not inside, unless the particular Member—I will not embarrass them—has a medical condition requiring lots of tea.

Question proposed, That the clause stand part of the Bill.

Karen Bradley: The clause provides for the offence of slavery, servitude and forced or compulsory labour. That offence will replace the existing offence of slavery, servitude and forced or compulsory labour set out in section 71 of the Coroners and Justice Act 2009. We have had an extensive debate on the substance of the clause as part of the debate on the amendments, so I do not propose to detain the Committee with further comments about the clause, suffice it to say that I propose it stands part of the Bill.

Diana Johnson: It was remiss of me not to have welcomed you to the Chair earlier, Mr Pritchard.

Briefly, the Opposition support the clause. We would like to see it slightly amended, but we understand that the Minister may revisit it later. The only issue I want to raise with the Minister is about how the clause and the Bill will apply to England and Wales. The Parliaments and governing bodies of Scotland and Northern Ireland are working on Bills that will be introduced, but what discussions are taking place with them about the clause and the issue of slavery and servitude? Obviously, the borders between the nations are porous, so it would be helpful to know how the proposals fit with what the other nations are planning to do on this policy area.

Karen Bradley: The shadow Minister makes an important point. We are in extensive discussions with the devolved Administrations of Scotland and Northern Ireland to ensure the proposals do not end at a border. We must deal with the offence across the board. There have been significant and extensive discussions about this issue, and I hope we will be able to publish the results of those discussions and the work that the devolved Administrations are doing shortly.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2

Human trafficking

Mr Burrowes: I beg to move amendment 41, in clause 2, page 2, line 26, at end insert—

'(8) A person commits an offence if he is the Director, Employer, Employee, Occupier and/or concerned in the management of any premises or business and he knowingly permits or suffers any of the activities detailed in sections 1 and 2 to take place on those premises."

The Chair: With this it will be convenient to discuss amendment 54, in clause 3, page 3, line 16, at end insert—

"(d) is in a situation where their employment could reasonably be constituted as slavery, wherever in the world they are employed, if their employment is related to services or goods for sale in the UK".

Mr Burrowes: It is me again. Amendment 41 is a probing amendment to elicit some assurances from the Minister. It seeks to amend the clause to ensure agencies and businesses that are involved in sometimes lengthy human trafficking chains can be held to account for their part in the process; we want to ensure they are covered.

[Mr Burrowes]

I welcome the reference in subsection (3) to the variety of acts that comprise human trafficking. The clause recognises that the modern form of human trafficking involves a chain of people. The amendment would spell out more clearly that trafficking can involve many people at different stages, and is not confined to the simple case of a person physically transporting a victim from one place to another. With the clause, the Government seek to recognise, cover and catch everybody involved in trafficking. I recognise that the offence as it stands can, in theory, be prosecuted against legal persons—companies as well as individuals—so the Minister may reassure me that my amendment is not necessary. However, I am concerned that it may not be possible in all cases to demonstrate personal involvement. The amendment seeks to deal practically with how personally involved somebody is in a business, whether they are involved with the business to the degree required for an offence, or whether they simply have a relationship with the property where the trafficking is taking place.

Hope for Justice, an organisation I have mentioned before that does an excellent job throughout the country, told me it is increasingly coming across agencies and businesses that are involved with traffickers. However, there is some doubt about whether the full extent of a trafficking offence could be proven against, say, the director of a business that uses an agency to supply labour, even if the agency itself could be prosecuted. The amendment would allow for the prosecution of the key individuals in that business, and would allow for those involved in the operation and management of the business or its premises to be prosecuted for human trafficking offences where they have allowed trafficking to take place on those premises. The Minister talked about the issue of education, and the law can take a lead in providing education about responsibilities. The amendment would place a responsibility on employers and businesses, and also on landlords and tenants who allow their premises to be used for prostitution. We will have further debates about the procurement of those services when we come to clause 5.

The offence may dissuade disreputable companies. It may lead to a culture change that would prevent managers from turning a blind eye to human trafficking occurring in their premises or businesses and it may encourage companies to be more proactive in trying to eliminate trafficking within legitimate businesses. At the very least, I hope that the Minister can reassure me that managers of businesses where trafficking is found to have occurred can properly be prosecuted under the Bill, and that she, no doubt beyond legislative terms, is engaging in programmes with businesses to encourage greater responsibility and that proactive approach to seeing what is going on in their premises, and not turning a blind eye or walking on the other side.

4pm

Diana Johnson: I support the aims of the probing amendment that the hon. Member for Enfield, Southgate has set out. As has been said, modern slavery is an abhorrent crime. The hon. Gentleman has explained that anyone who in any way facilitates, commits or allows trafficking or servitude, even if they are not directly behind it, should be guilty of organising an offence. That is a good aim and it will be important to hear what the Minister has to say in response.

The role of landlords needs to be considered, particularly the practice of making available space in houses and converting flats and residential properties so that they can be used as brothels. It would be interesting to explore the liability of the landlord or the managing agent in that context, given what is going on in the property. I welcome the fact that that matter has been brought up and I look forward to the Minister's comments. Amendment 54 seeks to extend the scope of exploitation as defined by clause 3 to include the supply chains of UK companies in the UK and abroad. I do not suggest that is the only way to get companies to amend their behaviour or to behave better, but the Committee should consider that proposal. I should make it clear that I do not intend to press for a Division, because I understand that we will have an opportunity to debate the bigger issue of supply chains nearer the end of our sittings. However, I bring the amendment to the Committee's attention to establish the principle that supply chains are an important part of our response to modern slavery, and they need to be a part of our deliberations.

As my right hon. Friend the shadow Home Secretary said on Second Reading, the Opposition believe that the absence of any measure in the Bill to deal with supply chains is one of its biggest failings. I have had extensive discussions with the Clerks about this matter, and I record my thanks to the Committee Clerks, particularly Kate Emms, and the Clerk of Legislation, Jacqy Sharpe, for their advice about how to raise an issue that I think many members of the Committee feel it is important to address. As I said, I plan to come back to supply chains at a later date, but I am conscious that time is pressing and we may not have the opportunity to have that fuller debate later on, so I want to talk a little bit about the issue.

It is important to remind ourselves of some of the issues about supply chains and businesses. One instance relates to the discount clothing store, Primark. In 2008—some years ago—it was reported that Primark had sacked three Indian clothing supply firms after the BBC's "Panorama" programme found refugee children slaving away in factories for as little as 60p a day making sequinned vests. It was reported:

> "Last October, kids as young as 10 were found making clothes for Gap Kids in Delhi. And in 2006, children of eight were found working in Delhi sweatshops, attaching...sequins and beads to clothing destined for the UK and the US."

One could say that was some time ago, but just this summer there was a report in *The Guardian* about Asian slave labour producing prawns for supermarkets in the US and UK. A six-month investigation showed that a large of number of men were being bought and sold like animals and held against their will on fishing boats off Thailand collecting prawns destined for supermarkets, including Tesco, Aldi, Morrisons, the Co-op and Iceland. The company responsible is CP Foods, one of the world's largest prawn producers.

I thought it would be interesting to remind the Committee of this story.

> "Men who have managed to escape from boats supplying CP Foods and other companies…told the Guardian of horrific conditions, including 20-hour shifts, regular beatings, torture and execution-style

killings. Some were at sea for years; some were regularly offered [drugs] to keep them going. Some had seen fellow slaves murdered in front of them.

Fifteen migrant workers from Burma and Cambodia also told how they had been enslaved. They said they had paid brokers to help them find work in Thailand in factories or on building sites. But they had been sold instead to boat captains, sometimes for as little as £250.

'I thought I was going to die,' said Vuthy, a former monk from Cambodia who was sold from captain to captain. 'They kept me chained up, they didn't care about me or give me any food … They sold us like animals, but we are not animals – we are human beings.'

Another trafficking victim said he had seen as many as 20 fellow slaves killed in front of him, one of whom was tied, limb by limb, to the bows of four boats and pulled apart at sea.

'We'd get beaten even if we worked hard,' said another. 'All the Burmese, [even] on all the other boats, were trafficked. There were so many of us [slaves] it would be impossible to count them all.'"

That example from June, just a few months ago, shows that the products that we buy in our stores come from a part of the world where slave labour is used. I was also shocked by the company's response. Bob Miller, CP Foods' UK managing director, said:

"We know there's issues with regard to the [raw] material that comes in [to port], but to what extent that is, we just don't have visibility."

That is a damning quote from a company that makes billions in profit every year.

We need to consider such ongoing cases. Many members of the Committee will also have read the letter from the Ethical Trading Initiative, including the 80 corporate members, who are campaigning for legislation on supply chains to be included in the Bill.

When the Minister responds, will she deal with the fact that a clear 82% of the UK public believe that there should be legislation to govern supply chains? The charity sector is equally clear. The Joint Committee, which we have already referred to many times in our deliberations, supported action on that particular issue. I say to the Minister that many businesses including big ones such as Ikea, Tesco and Marks & Spencer want to see legislation rather than a voluntary code.

I know the Minister organised a business summit last month in an attempt to agree a voluntary code. As I understand it, businesses were still pressing the Government to introduce legislation to restore consumer confidence and to create a level playing field. We know that good companies are doing what they need to do, but they are going to be undercut by less scrupulous companies that do not seem to want to consider their supply chains or where their products are actually coming from.

We know that other countries have already started to address the issue, and there is a growing consensus on the need for legislation relating to large companies. I want to stress that I am talking about large international companies. I am mindful of the fact that the Minister is likely to respond by saying that any such legislation would be a burden on businesses, and I know that the coalition Government are keen not to add additional burdens on to businesses, but I am talking about large businesses that are already subject to a number of reporting requirements. I think that telling them that there will be an additional requirement for them to be very clear about their supply chains will make a difference, and it will also put minds at rest among the general public.

From the evidence given by the business community to the Joint Committee, it is clear that there is a belief that legislation could help. Companies already have to comply with conditions relating to due diligence under the Companies Act 2006, for example. What is the Minister's view on whether such matters should be looked at again? As currently drafted, the Bill does not contain any provisions on supply chains, but it is important that we address the particular issues relating to slave labour.

Will the Minister accept the principle of an amendment relating to UK companies and the supply chain? There are four issues that we must address. I just mentioned how any new measures should cover only large companies, and the first issue is which companies we would want to be covered. I think we would all agree that it would be wrong to impose reporting requirements on smaller businesses or those under a certain size, but what does the Minister think?

Secondly, what exactly do we want companies to report on? Do we ask simply for a report on modern slavery issues? Do we specify the points that must be covered in an annual report, as the Joint Committee recommended? Or would giving detailed guidance to companies be a better way forward? That is what has happened with California's transparency of supply chain requirements.

Thirdly, if we decide that there must be a stand-alone reporting requirement, how would that happen, and in what way should it be made public and consumers be given access to the information?

Fourthly, we must decide what enforcement action should be taken against companies if they do not comply. It is all very well getting them to report, but we need a mechanism to deal with companies that fail to do what the law requires of them.

I understand that we are likely to discuss this issue later in Committee, but I wanted to flag it up as we start to look at the offences so that we have regard to the need to address a gaping hole in the Bill. The Minister is listening very carefully to the suggestions of all members of the Committee and to the concerns about gaps or problems with the Bill as it is currently drafted; I hope that she is minded to consider opening up the issue of supply chains—if not at this stage, then perhaps on Report.

Sir Andrew Stunell: I was very pleased by amendment 41, proposed by my hon. Friend the Member for Enfield, Southgate, and amendment 54, to which the Opposition spokesman was just speaking. I very much hope that there will be an opportunity to debate the issue more thoroughly in Committee at some future date, or, if not, on Report, or perhaps in the other place. It is an important element of dealing with modern-day slavery.

It is extremely important that companies that trade and do business in this country should have processes in place that mean they are not inadvertently, or possibly even sometimes knowingly, supporting the modern slavery industry anywhere in the world. I know that consumers of all sorts in this country would be appalled, and have shown that they are appalled, when they learn that that has not been achieved.

4.15 pm

I have done my best to be helpful to the Minister during the debate so far and I want to help her again by saying that I have been looking at the Companies

Act 2006 (Strategic Report and Directors' Report) Regulations 2013 and section 414C(7) says:

"In the case of a quoted company, the strategic report must"—

Then there are various things that it must do—(a), (b) and (c), and 1, 2, 3. There are all sorts of things. However, I am sure that she will tell the Committee that those 2013 regulations placed an additional obligation, in section 414C(7)(iii), on quoted companies to produce a strategic report that included information about

"social, community and human rights issues".

That is certainly a good step in the right direction, and the Minister might be inclined to tell us that until we have seen what sort of a footprint that step made we should not be adding to it.

However, I will amplify the remarks I made on Second Reading, when I somewhat optimistically said that a mere six words added to the Companies Act 2006 would do the job. I must concede that it is actually 14 words that should be added, and the brackets might be extra. However, if one has information about

"social, community and human rights issues",

and add the words, "including the impact of the company's supply chain of goods and services on them", those additional 14 words put in play exactly what the spirit of amendment 54 is and gets us well on the way. I hope that I will have the opportunity to steer past the Table Office an amendment that is substantially in that form.

In responding to the debate, the Minister could reflect on the widespread views expressed on Second Reading. I think that there were 20 contributions by Back-Benchers from every part of the House, 16 of them positively in favour of consideration of the supply chain and the other four picking up on a variety of other issues and perhaps inadvertently failing to mention this issue. However, it is very much seen as a missing element of the current Bill and I hope that the Minister will respond favourably to say how we can achieve what she wants, what I know the Home Secretary wants and certainly what a widespread range of Members of this House want to see.

Michael Connarty: I want to speak about amendment 41, but I will first commend the hon. Member for Enfield, Southgate on his diligence and the precision with which he has tried to draft a number of amendments, giving us some substantive points to debate.

Mr Pritchard, I said earlier—when you were not in the Chair—that in fact there had been a cannabis factory in the house neighbouring mine. It had been a children's home, but it fell into disrepute in a number of ways and eventually ended up with its windows permanently sealed up with silver paper. If anyone wants to know how to spot a cannabis factory, the central heating will be on constantly and when anyone eventually gets inside they will find that cables have been run around the meter and the factory is being run by using heat lights at great expense. If the house is rented, as was the case with the house next to me, the question that struck me was, "How come this home had been used for another previous doubtful use and then quite clearly been used as a cannabis factory?"

I said earlier that eventually I spotted a four-wheel drive in the driveway, took the number down and, having reported it to the Scottish intelligence unit, I phoned the equivalent of the Serious Organised Crime Agency and told them about it. The question is: who is responsible? Amendment 41 refers to anyone

"concerned in the management of any premises or business".

That is the question: exactly who is responsible, and should be taken to court and charged? In the case of the owner of the house next to mine, they were told by the local police and that weekend the cannabis factory equipment disappeared in a large vehicle, along with the poor woman who had been entrapped in the house as the farmer.

That is a common practice. The question for me was: was it the letting agent? It turned out that the 4x4 vehicle belonged to the letting agent. Did they know what the property had been let for? Did the owner know, or was the owner they innocent? I am told that the letting agent reported to the owner regularly that they visited the premises every month to check that it was in good condition, but I never saw them until the day that I spotted them and phoned. It is important to realise that there are people who are at one remove from the kinds of malpractice that we are dealing with in the Bill, and they may be the people who create the environment in which the exploitation can take place.

I do not know whether any other hon. Member joined in, as I did, with the "If you see something, say something" campaign, which ran during last year and analysed very well the use of bed and breakfasts, small hotels and flats let or purchased for the purpose of buy to let that became regular haunts for the grooming of young women. People were asked to record regular journeys back and forward by taxis dropping off men at such premises, after having dropped women off, for parties organised clearly for the purpose of selling sexual favours. All these things were recorded in quite some detail by the "If you see something, say something" campaign, which I believe was started in Leeds or Sheffield, to campaign against the creation of an infrastructure that could be used for the exploitation of vulnerable young women, who may have been exploited and enslaved without ever having been trafficked outside their own city. All this is relevant to amendment 41.

I hope that the Minister will take that on board, because we have to think about the people who profit from this trade. They do not necessarily eventually become the gangmasters or criminals who are bringing people into this environment, but they provide an infrastructure in which such people can operate, and at the moment they seem to be outwith the scope of the criminal process. Perhaps the Minister could get a researcher to consider the evidence of the "If you see something, say something" campaign. I put information about that campaign around all my local shops and other premises, including bed and breakfasts, small hotels and letting companies in my constituency, because it is clear that, without the infrastructure, it is much easier to spot what is happening. I hope that, although it is likely to be withdrawn, amendment 41 will be seriously considered.

Let me turn now to amendment 54, dealing with the worldwide nature of modern slavery, which hon. Members have heard me speak about on the Floor of the House a number of times. We do not complete the work of Wilberforce if we do not have an extraterritorial dimension to the Bill. It is clear that modern globalisation of the production of garments, foodstuffs and so on means that every pound spent by any organisation in the UK goes down a long supply chain—into the "murky depths" of the supply chain, as we were told in evidence—where it is often difficult to see exactly who is supplying the

first service or good that ends up in the retail or service outlets in our country. That has to be looked at. The best example of that is the Manpower organisation, which audited to the third and fourth level—we are talking about millions of sub-suppliers at that level—and trained people at those levels to audit and report back up the chain. There was a break clause for every one of them, if they were found not to be doing so, meaning that they would lose their part of the contract.

It goes deep in countries where people do not know that they have rights and where people think there is nothing wrong with taking their children with them while they carry out often difficult tasks in the most terrible environments. I am sure Committee members have seen photographs of children on tips, breaking up electrical equipment and melting it down. People in some countries do not know that there is anything wrong with that, because they do not know they have rights. It is up to the companies that eventually take and use those scrap goods in the supply chain in some way to stop that happening. It is our responsibility.

We heard from my hon. Friend the Member for Kingston upon Hull North that things have changed since I put forward my private Member's Bill. When I put forward a private Member's Bill on supply chains, there was clearly quite a bit of resistance from the companies who are now signing up and who made it clear in their written evidence to the Joint Committee that they want to see a statutory obligation. We got evidence from people like Luis CdeBaca from the USA about how the California Bill was used. I know we have been discussing this in terms of definitions of crimes, but it was not seen as a negative thing: it was seen as a positive thing. It was seen as a benchmark—an attempt to get a high-level coding as an ethical company. It is a saleable product. That is what is changing, I believe. Good companies do not want to see bad companies undercutting them so the atmosphere has changed. I welcome that.

On a lighter note, my wife wears a chain with three letters on it: OCD. It stands for Olivia, Carmen and Donnie, our grandchildren; but she says it is also about me: obsessive compulsive disorder. I cannot let this go—I am always going on about supply chains. I do not apologise for that. If we do not put something in the Bill to extend it, to make it extraterritorial and link in our massive reach as a country into other people's exploitation in the world, then we will fail entirely to address what the public see this is about. They often do not see the minutiae of it.

As was said, 82% of people want us to do something about supply chains. The terrible thing is that it is probably because of Rana Plaza and the deaths by burning of women who were locked into garment factories in Pakistan and India that I have quoted in various speeches. That is what has made the public aware of it and it is shocking that that has to be the case because it has been going on for such a long time: we accept that the garments we get may be tainted with modern day slavery, contaminated with slavery. That is what it is about. If it takes that—I am sad that is has done so—to make people realise that we can do something about it and if we are willing to do it in this Bill, then I welcome it. It is timeous that we have tabled this amendment. I hope that it will be welcomed in its spirit as amendment 41 was welcomed in its spirit: we must do something in our communities at the same time as with businesses and outside our communities and countries if we are really to make a change.

Karen Bradley: I am grateful to my hon. Friend the Member for Enfield, Southgate for tabling amendment 41 and right hon. and hon. Members for tabling amendment 54. This group of amendments has given rise to an interesting debate about the responsibilities of those in business in relation to modern slavery, and when those responsibilities should result in very significant criminal liability. Amendment 41 raises the important issue of how best to deal with those who have a role in facilitating offences related to modern slavery. Specifically, it focuses on those who allow trafficking or slavery offences to take place within premises they have a role in managing. I share my hon. Friend's concern that we take a tough approach to all those involved in trafficking or slavery of vulnerable people.

My hon. Friend asked whether the clause 2 offence covers legal persons as well as individuals. Yes, the offence applies to persons. In accordance with the usual legal principles, person includes both natural persons and legal persons. I hope that gives him the clarification he sought.

Amendment 41 provides a useful challenge and I welcome the chance to explain the Government's approach to criminalising and tackling the facilitation of slavery and trafficking offences. It would introduce a new offence whereby anyone involved in the management of premises would be liable if they knowingly allowed slavery or trafficking offences to take place on those premises. The likely effect would be that those involved in managing premises would have to report any suspicion of modern slavery taking place on those premises to law enforcement authorities in order to be sure that they were not committing a very serious offence.

I have carefully considered whether amendment 41 is needed to capture those who facilitate slavery and trafficking offences. I believe that the Bill, working alongside measures proposed in the Serious Crime Bill, which is currently in the other place, and other established principles of criminal law, provides highly effective ways to tackle those acts which are clearly criminal. First, under clause 2(3), a person commits the offence of human trafficking where they facilitate a victim's travel by recruiting, transporting, transferring, harbouring or receiving the victim. This is broad enough to capture those individuals who facilitate modern slavery or human trafficking by making their premises available for use by others involved in trafficking.

Secondly, such activity will often be caught by the provisions of the Serious Crime Act 2007. Specifically, clause 44 of that Act criminalises

"intentionally encouraging or assisting an offence".

That would include clause 1 and clause 2 offences under the Modern Slavery Bill. A person can commit such an offence through

"an act capable of encouraging or assisting the commission of an offence".

That could include a landlord knowingly letting his property to a person who uses it for the sexual exploitation of a victim of trafficking.

4.30 pm

Thirdly, under the normal principles of our criminal law, those who facilitate an offence can be guilty of the

main offence as a party to a joint enterprise or as a person who aids and abets an offence. Fourthly and finally, the Serious Crime Bill, which is currently in the other place, contains a new measure specifically targeting those who participate in the activities of an organised crime group. I am sure that Members will carefully scrutinise that proposed offence in clause 44. I hope they will also consider how useful that would be in tackling those on the edges of organised crime groups who support or facilitate trafficking or slavery offences. Law enforcement authorities therefore have the offences they need to prosecute the facilitation of slavery and trafficking offences effectively.

The Government are also determined to raise awareness of the signs of modern slavery and human trafficking among members of the public and encourage greater reporting of suspected cases of these offences. As we discussed earlier, that is essential to discover and help victims, and that is why we have been running a multimedia campaign this summer using television advertisements and other social media to spread the message that modern slavery happens in the UK. I believe that is the best way to encourage reporting. With those points in mind, I hope that my hon. Friend will feel able to withdraw his amendment in due course.

Amendment 54 relates to those who employ slaves anywhere in the world where that employment relates to goods or services in the UK. I take the issue of global modern slavery very seriously, and am working with the Foreign and Commonwealth Office, the Department for Business, Innovation and Skills and the Department for International Development to tackle abuse across the world. While I do not believe that we can police the entire world or should seek to do so, I highlight that the Bill contains a strong measure to tackle UK citizens who enslave and traffic people anywhere in the world. Indeed, strictly speaking, the amendment would not have a significant impact on the Bill because of the broad way in which exploitation is already defined. The trafficking offence already captures those who facilitate or arrange the travel of a person with a view to exploiting them, as set out in clause 3: subsection (2) defines exploitation as including slavery, servitude and forced or compulsory labour anywhere in the world. A UK citizen commits a trafficking offence where he or she arranges or facilitates the travel of a slave, serf or someone subject to forced or compulsory labour anywhere in the world, including where the victim is being forced to produce goods or services used in the UK. If the trafficker is not a UK citizen, the offence still applies where any part of arranging or facilitating travel or any part of the travel itself takes place in the UK.

Michael Connarty: It has never been my approach that we are here to criminalise someone on the basis that they would sell a good. However, the Minister seems to be implying that we should accept that the Bill somehow prevents someone from buying a good that is made by someone locked in a factory, as they were near the Rana Plaza, where workers burned to death. I am trying to follow her logic, but if someone does not actually do it in the UK, but buys goods made by someone they know is doing it, does the Bill have any application to them?

Karen Bradley: I am talking about the specifics of the amendment. I understand that the shadow Minister has tabled the amendment so that we can start the debate about transparency of supply chains. The amendment is unnecessary, because it would provide that someone guilty of the offence would come under the trafficking offence in clause 2, with the possibility of life imprisonment, but that is already the case under the Bill. Anyone who knowingly traffics an individual with a view to exploitation, because they want to use that person to make goods for exploitation, and so on, would be guilty of the clause 2 offence; therefore, we do not need the additional wording in the amendment.

I shall come on to the more general issue of transparency in supply chains—

Michael Connarty: Later.

Karen Bradley: Shortly, in fact.

Diana Johnson: I am grateful to the Minister for taking us through potential problems in relation to the drafting of the Bill and the amendment, but as she will understand I am interested in what she is now likely to say about her approach to the supply chain, and whether it will be possible to make it specific in the Bill.

Karen Bradley: As I have said, I was trying to be clear about why the amendment is not necessary, although I understand the thinking behind it and the discussion.

Trafficking is a global phenomenon where it is reasonable for us to take extra-territorial jurisdiction, which gives us a powerful weapon to tackle serious wrongdoing. I urge the shadow Minister to withdraw the amendment, because I do not believe it adds anything to the Bill.

Going beyond the offences in the Bill, and the issue of transparency in the supply chain, I am determined that Government and business should work together to help to eliminate modern slavery from supply chains. Addressing the issue of transparency in supply chains is not something that should be seen simply through the lens of legislation. Human rights reporting requirements already exist under the Companies Act 2006; my right hon. Friend the Member for Hazel Grove has referred to section 414C, the requirement for companies to report on human rights in their annual report. He pre-empted me; that change was made in October and we have yet to see how it will work.

The point I want to make to the Committee is that the problem is not a simple one that we can solve with one item of legislation. It is extremely complicated. The shadow Minister said that legislation could help and raised several questions about how we would proceed. The work I have been doing with the Home Secretary and with business, including the Ethical Trading Initiative, is an attempt to get the right result. I want an effective way to deal with things.

It is not right that consumers should be put in the position of feeling forced to buy goods produced through slavery, and we must make sure it does not happen; but a problem that companies have, which we will explore later, is how we assist them effectively in spotting the signs of slavery, servitude or forced labour in their supply chains. Until we have the evidence we need, so that we know we can do that in an effective and appropriate way—and I assure the Committee that I am working closely with business and others to reach that point—

I would not want to pre-empt anything by suggesting that the right approach might be x, y or z. I want an open mind.

Sir Andrew Stunell: I appreciate that the last thing any Minister wants to do is to pre-empt a decision, and I do not want to take her in the direction of doing so—but as a Back-Bench member of the Committee I am happy to do so. I am talking about a low-cost way of making a start. The main start, to echo the words of my hon. Friend the Member for Norwich North, is to do with awareness. We need companies to have an awareness and understanding that they must take an interest. I welcome the step forward last year regarding quoted companies—so we have a size and a scope limit—required to report on social, community and human rights issues. I just want some simple wording to be added that says, "including the impact of their supply chain on those issues." That is not onerous. I do not want to transgress on intervention time, but if we are not careful the good companies will comply with the code and have higher costs than those that are unscrupulous or uncaring. That is exactly the reverse incentive to the one we want from the Bill.

Karen Bradley: I thank my right hon. Friend for his contribution and I understand exactly what he is saying. I would like to continue the dialogue with business and the other Departments and to ensure that whatever we do actually works. The idea that we spend time putting our hearts and souls into the Bill and then do not solve the problem is not attractive. We want to see this issue resolved in an appropriate and effective way.

Michael Connarty: I suggest that the Minister gets one of her researchers to look at the experience of the Apple company. It is bound by the California Bill, and because it was going to come under discussion in the US legislature—there was talk of a possible federal law—it did 360 audits, which were reported. I got a live tweet from Apple when I was speaking on the issue at the Council of Europe. It had discovered that part of the iPods and iPhones it sells involved child labour in China. It then said, "This is a programme we will institute to eradicate that entirely", so it is not beyond likelihood that anything we do in the UK with a similar aim—it is not a punitive act—would generate that kind of change. That a company such as Apple is willing to take to heart the need to eradicate that murky part of its supply chain in parts of China is massive progress.

Karen Bradley: I thank the hon. Gentleman for his contribution. Anybody directly or indirectly involved in buying goods and services on behalf of a business has a responsibility to put effective policies and practices in place to ensure that the supply chain is clean, audited and there are no abuses. I assure the hon. Gentleman that the conversations I have had with all businesses indicate that that is what everyone wants to achieve. The question is, how do we do it in an effective way to ensure it works? I am working on that to ensure that we have an approach that enables business to take the action that we need in a way that works. It would be a waste if we spent a lot of time doing something that does not get the result we want. That is what I am working on. Obviously, we will discuss the matter of transparency in supply chains later in the Committee. I look forward to doing that and, if any of the amendments are put to a Division, I urge members of the Committee to reject that Division while we are still working on the evidence we need.

I firmly believe that the offences set out in the Bill are effective. Clause 1 captures any offence of slavery, servitude and forced or compulsory labour in England and Wales. Clause 2 captures any offence of human trafficking into, out of or within the UK. It also covers any human trafficking offence committed anywhere in the world by a UK national, or a foreign national if the arranging or facilitating took place in the UK or if the trafficking victim's travel involved the UK. Given that clarification, I hope my hon. Friend the Member for Enfield, Southgate feels able to withdraw his amendment.

Mr Burrowes: I welcome the response and the debate involving the hon. Member for Kingston upon Hull North, my right hon. Friend the Member for Hazel Grove and the hon. Member for Linlithgow and East Falkirk. I particularly appreciate the Minister's response and the clear assurance that the Government have a tough approach to all those involved in trafficking, and was reassured that the Bill also gets down to the detail of those involved at the business end, as it were, of trafficking. I recognise and appreciate her assurances that clause 2 covers natural persons and legal persons, which means that companies are covered, as well as the ordinary individual. I also recognise her assurances on the extent of the coverage of clause 2(3) and the Serious Crime Bill provisions within that, along with her assurances on the ordinary principles of criminal law on joint enterprise.

The hon. Member for Linlithgow and East Falkirk mentioned campaigns and the importance of their continuing. It was good to hear evidence from the latest campaign, which was referenced. What was its name?

Michael Connarty: The campaign, which I hope we all support, is called, "If you see something, say something". It has good materials to give out to local businesses.

Mr Burrowes: It will be interesting to see what further campaigning opportunities arise from this Bill, as well as the cultural and campaigning change in our communities as this continues. It was also helpful to hear early salvos on the transparency of supply chains debate and to see how we are inching along in that direction. I look forward to an earnest debate when scrutinising that matter, and what the Government come back with when we get to it. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned. *—(Damian Hinds.)*

4.46 pm

Adjourned till Thursday 4 September at half-past Eleven o'clock.

Written evidence reported to the House

MS 02 Peter Carter QC
MS 03 Nadine Finch
MS 04 CARE
MS 05 Dr Andrew Rowland
MS 06 UNICEF UK
MS 07 Unseen
MS 08 British Medical Association
MS 09 Law Society
MS 10 Liberty
MS 11 Amnesty International UK
MS 12 Immigration Law Practitioners' Association
MS 13 ShareAction
MS 14 Justice
MS 15 Restore
MS 16 Peter L. Talibart
MS 17 Anti-Trafficking Monitoring Group