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Dear Caroline

Thank you for your letter of 1 July to the Home Secretary regarding the Modern Slavery Bill. I am replying as the Minister for Modern Slavery and Organised Crime.

I welcome your support of the Government's commitment to tackling the brutal and appalling crime of modern slavery in all its forms, including child trafficking.

As you know, the Modern Slavery Bill received its second reading on 8 July. The Bill will enable us to strengthen our response to human trafficking and modern slavery and underpin the important work of law enforcement agencies in the UK. It contains a number of measures that will strengthen protection and support for child victims of modern slavery. These measures include:

- an enabling power which provides the Secretary of State with a power to make arrangements so that specialist child trafficking advocates are available to support and represent children who there is reason to believe may be victims of trafficking;
- a presumption that where the age of a trafficked person is uncertain and there are reasons to believe that the person is a child, they are presumed to be one; and
- a change to the slavery, servitude and forced or compulsory labour offence to ensure that the courts take account of the vulnerabilities of child victims.

Legislation is only one part of the solution. We are currently working on a comprehensive programme of activity to tackle modern slavery. A summary of our approach can be found at: <https://www.gov.uk/government/publications/modern-slavery-uk-action-to-tackle-the-crime>. In addition, we will publish a full modern slavery strategy in the autumn.

In your letter you raise three specific points also highlighted by UNICEF in their second reading briefing. Your first point calls for a separate offence for child trafficking and child exploitation.

We believe that the most effective way to protect children is to have general offences, which do not require prosecutors to prove the age of the child. The Home Office has consulted with the Crown Prosecution Service and reviewed the evidence taken by the pre-legislative scrutiny Committee, and there are real practical problems for prosecutions in proving the age of often undocumented young victims. These issues do not arise where a general offence is used.

In some circumstances, a separate child offence is necessary to ensure suitably severe punishment for those who target children for abuse. However in this case, there is no such advantage because both the main offences in the Modern Slavery Bill will carry the maximum available sentence of life imprisonment, and targeting a child victim will be an aggravating factor on sentencing.

Your second point calls for the non-prosecution of child victims for crimes they may have committed as a direct result of being trafficked. The Government strongly agrees that trafficked children should not be criminalised where they are forced to commit crimes as a result of their abuse.

We are already fully compliant with our international obligations in relation to non-criminalisation of children. For example, the Director of Public Prosecutions has issued strengthened guidance this year to prosecutors on this issue.

However, we believe that going further and creating a defence for victims in the Modern Slavery Bill will strengthen non-criminalisation protection for victims (including child victims) and encourage them to come forward and support prosecutions. The test for whether the defence applies reflects that a child's age should be considered by the court.

The defence will not only apply in court. It will mean police and prosecutors understand from the earliest stages of cases that victims of modern slavery who are forced to commit crime are able to be protected from prosecution.

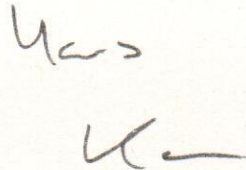
With regard to your final point about independent legal guardians, our aim is to provide the most effective possible support and protection for vulnerable trafficked children. The Modern Slavery Bill provides for the Secretary of State to make arrangements for the appointment of child trafficking advocates to represent and support children who may be victims of human trafficking. Accordingly, this clause takes account of trafficked children's particular vulnerability and need for support, including navigating support and legal systems.

The clause also allows the Secretary of State to stipulate the functions of these advocates, including the circumstances and conditions under which a person may act as an advocate.

We will be trialling specialist independent advocates for victims of child trafficking from summer 2014 for a period of 12 months so that we can better understand the difference a system of specialist independent advocates make in providing support, advice and guidance to children who have been trafficked. By trialling the approach, we believe that we will gain a better understanding of the difference a system of specialist independent advocates make.

For the first time, this vulnerable group of children will be supported by a dedicated contact with the capacity and expertise to address the additional needs of the child including immigration issues and, in particular, reducing the risk of the child going missing and re-trafficking.

The findings from this trial will show what worked well and what challenges there were, before we specify how any system will work. Subject to the outcome of these trials, the detail of the roles of child trafficking advocates would then be set down in regulations, to be approved by both Houses.



Karen Bradley