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Dear Justice Committee Chair,

My colleague Lauren and I would like to thank you for the opportunity to provide evidence to the Committee on Thursday 11th November for the Justice (Sexual Offences and Trafficking Victims) Bill. We would also like to commend the Committee for the work that they have done on this Bill so far and welcome the improvements that this will mean for victims of Modern Slavery.

During the evidence session the Committee asked about Slavery Trafficking Risk Orders (STROs) and we asked the Committee for permission to respond in writing to any outstanding queries. Please find the responses below.

i. Whether CARE NI has had any discussions with the Department of Justice with regard to the introduction of slavery and trafficking risk orders here?

To date CARE has not had any discussions with the Department of Justice regarding the introduction of STROs. However, the Department has already made a commitment in the 2020/2021 Modern Slavery Strategy to 'engage with key stakeholders to consider the potential benefits and implications of introducing Slavery and Trafficking Risk Orders in Northern Ireland based on evidence and experience from other jurisdictions.'¹ The Independent Anti-Slavery Commissioner (IASC), Dame Sara Thornton urged the Department to introduce STROs in her 2020-2021 Annual Report.² The IASC reiterated this recommendation when she spoke recently at an event hosted by the APG on Modern Slavery in Stormont, highlighting STROs as a means of protecting victims of modern slavery. *ii. Information on the use and effectiveness of such orders in England and Wales.*

As we outlined during the evidence session, STROs are currently found in section 23 of the Modern Slavery Act 2015 and can be made on application to the court where the person's behaviour indicates that there is a risk they will commit a human trafficking/modern slavery offence and that an order is necessary to protect the public.³ STROs can be helpful in particular circumstances, for example when investigations are lengthy or a trial date is set for 12-18 months ahead and make it possible to protect victims prior to prosecution.⁴ In England and Wales, during 2020/21 29 STROs were granted by the Magistrates Court, this is compared to 26 which were granted in 2019/2020.⁵

In 2017 the Home Office commissioned a review of the effectiveness of Slavery and Trafficking Prevention and Risk Orders which found consensus amongst those in law enforcement sampled for the review, that they were a useful and effective tool in preventing further modern slavery offending. Furthermore, the review noted that there were considerable advantages to the use of Risk Orders

¹ https://www.justice-ni.gov.uk/sites/default/files/publications/justice/modern-slavery-strategy-27-05-v2_0.pdf page 20.

² <https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf> page 28

³ <https://www.legislation.gov.uk/ukpga/2015/30/part/2/crossheading/slavery-and-trafficking-risk-orders/enacted>

⁴ <https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf> paragraph 202.3.8

⁵ <https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf> - see paragraph 2.3.8

compared to bail conditions, noting that it gave them additional tools to place restrictions on perpetrators.⁶

The same report highlighted the significant impact that STROs can have when criminal proceedings are not possible. A case study noted that in 2015 a multi-agency operation took place in Exeter targeting hand car washes, with the operation including representatives from UK Border Force, HM Revenue & Customs, Exeter City Council and Devon and Cornwall Police. The police and CPS were unable to prosecute those responsible for modern slavery offences, as the victims were reluctant to give evidence in court. However, following an application by Devon and Cornwall Police, North and East Devon Magistrates' Court were satisfied that the offenders may commit a slavery or human trafficking offence and that it was necessary to protect against the risk of harm from them committing the offence. Through the application of a Risk Order, a number of prohibitions were granted which included not arranging travel into the UK, or accommodation for, another person; not employing any worker unless all employment law was complied with; and not to open or close any business interest in the UK that involved the recruitment or employment of any staff, without notifying Devon and Cornwall Police as soon as practicable. The application of an STRO in this situation demonstrated that, even without a conviction, they are still an effective safeguarding tool at the disposal of law enforcement.⁷

A further case study in the review highlighted that the application of an interim STRO, applied for by West Midlands Police, resulted in one offender who breached the order being arrested and charged with breaching the order, and subsequently being given a 3½ year custodial sentence.⁸ This indicates the courts' commitment to ensuring that these Risk Orders are adhered to and operate effectively as both a deterrent to offenders and to mitigate risk to potential victims of modern slavery.

In 2020, a woman was issued a STRO by Derbyshire Magistrates' Court to prevent her from exploiting people in forced labour. Detective Constable Danielle Jewitt from the force's dedicated Modern Slavery and Human Trafficking Unit said, "*whilst a criminal prosecution is not always viable, or the best outcome for victims, **STROS allow us to monitor the activity of individuals to ensure any breaches are detected and policed accordingly.***"⁹ (bold added) Earlier this year, Merseyside Police reported that they had applied for and been granted three STROs.¹⁰

In May 2019, the Independent Review of the Modern Slavery Act 2015 noted "*Police officers told us that Risk Orders could be a useful tool to disrupt offending networks and prevent further exploitation or trafficking.*"¹¹

As the evidence above outlines, the adoption and application of STROs in Northern Ireland could provide both a means of protecting victims of modern slavery and provide a means of monitoring and deterring potential offenders.

We also note that a question was raised about the restrictions in our amendment of not being able to cross the border to the Republic of Ireland. The drafting in our amendment mirrors the current restrictions that apply to Slavery and Trafficking Prevention Orders in Northern Ireland under paragraph 5 of Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.¹²

⁶ <https://www.nwgnetwork.org/wp-content/uploads/2019/06/STPO-and-STRO-review-2.pdf> - see paragraph 30.

⁷ <https://www.nwgnetwork.org/wp-content/uploads/2019/06/STPO-and-STRO-review-2.pdf> - see paragraph 26

⁸ <https://www.nwgnetwork.org/wp-content/uploads/2019/06/STPO-and-STRO-review-2.pdf> - see paragraph 16

⁹ <https://www.derbyshire.police.uk/news/derbyshire/news/news/forcewide/2020/august/woman-handed-slavery-and-trafficking-riskorder/>
¹⁰ <https://www.msn.com/en-gb/news/news/liverpool/three-people-slapped-with-strict-anti-slavery-and-trafficking-orders-revealed/arBB1eznww>

¹¹ *Independent Review of the Modern Slavery Act 2015*, May 2019, para 3.2.1, page 66

¹² <https://www.legislation.gov.uk/ni/2015/2/schedule/3>

We hope this information is helpful for the Committee. Please do not hesitate to contact us if we are able to be of further assistance.

Yours sincerely,

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