



**Response to Consultation on The Human Trafficking and Exploitation
(Further Provisions and Support for Victims) Bill**

October 2013



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1. Who we are

International Justice Mission is a human rights agency founded in 1997 that brings rescue to victims of slavery, sexual exploitation and other forms of violent oppression. IJM lawyers, investigators and aftercare professionals work with local officials to secure immediate victim rescue and aftercare, to prosecute perpetrators and to ensure that public justice systems - police, courts and laws - effectively protect the poor

Our Vision: To rescue thousands, protect millions and prove that justice for the poor is possible.

Our Mission: To protect the poor from violence by rescuing victims, bringing the criminals to justice, restoring survivors to safety and strength, and helping local law enforcement build a safe future that lasts.

2. IJM's work globally

IJM investigators, lawyers and social workers intervene in individual cases of abuse in partnership with state and local authorities to ensure proper support for the victim and appropriate action against the perpetrator. Such collaboration is essential to obtain convictions against individual perpetrators and to bring meaning to local laws that are meaningless if not enforced.

IJM casework covers:

- Sex Trafficking
- Forced Labour
- Sexual Violence
- Citizenship Rights
- Illegal Property Seizure
- Illegal Detention

Obviously, our work in the first two areas, is most pertinent to this Bill.

In all of our casework, IJM has a four-fold purpose:

1. Victim Relief

IJM's first priority in its casework is immediate relief for the victim of the abuse being committed.

2. Perpetrator Accountability

IJM seeks to hold perpetrators accountable for their abuse in their local justice systems. Accountability changes fear expectations: When would-be perpetrators are rightly afraid of the consequences of their abuse, the vulnerable no longer need to fear them.

3. Survivor Aftercare

IJM aftercare professionals and trusted local aftercare partners work to ensure that victims of oppression are equipped to rebuild their lives and respond to the complex emotional and physical needs that often arise as a result of abuse.

4. Structural Change

IJM seeks to prevent abuse from being committed against others at risk by strengthening the community factors and local judicial systems that will deter potential oppressors. Based on our extensive casework, we are able to clearly identify where the justice system is broken, enabling us to work with governments and local authorities to put in place transformation projects to fix the underlying structural issues e.g. lack of training of local police and judicial authorities in India and Cambodia.

Our approach, the different types of casework and global presence gives us a unique insight into:

- The nature and causes of human trafficking on a global as well as local level
- The abuse of power and human rights for personal gain or gratification, by those with power, influence and money against the poor and the outcasts of society.
- The consequences of trafficking from a victim's perspective, their needs for physical and emotional healing and the support required to enable them to reintegrate successfully into society and ensure they are not re-trafficked.
- An understanding of the signs of trafficking and the dynamics of this type of criminal activity
- How governments and local communities are responding to the challenge and what they, as well as individuals and businesses, can do to help bring this global injustice to an end, support the victims and prevent future abuses.

Since 2005, IJM has provided relief to over 15,000 victims of slavery, sex trafficking and violence around the world

3. Successful Anti-Slavery Models and Learning

Project Lantern

After four years of IJM casework in Cebu, the Philippines, outside auditors found a stunning **79% reduction in the availability of children for commercial sexual exploitation**. Thousands of girls who would have been exploited never will be because now, traffickers and pimps know they will pay for their crimes.

To see this change, IJM partnered with local and regional government agencies and non-government organisations to reduce the availability of trafficked women and children for sexual exploitation in commercial sex establishments and street-based prostitution in Metro Cebu.

IJM built the capacity of local counter-trafficking stakeholders in Cebu through training and professional support. It was believed that as a result of this, local authorities would arrest more suspected sex traffickers and there would be an increase in the number of successful prosecutions of sex traffickers. IJM believed that the increase in arrests and prosecutions of suspected traffickers in Cebu would result in an increased expectation of criminal sanction for individuals engaged in sex trafficking, deterring existing and potential sex traffickers. The deterrent impact of effective law enforcement would cause a significant reduction in the number of individuals engaged in trafficking in Cebu and a corresponding reduction in the number of women and girls victimized by sex traffickers. The results reflected these beliefs were correct.

Structural Transformation

IJM currently has eight field offices working on structural transformation models to fix broken justice systems in Guatemala, Kampala (Uganda), Chennai and Bangalore (India), Cambodia, and Cebu, Manila and Pampanga (The Philippines).

India – Forced Labour Slavery

In India, we have already seen success in IJM’s largest anti-slavery advocacy campaign ever, with goals to significantly improve the enforcement of anti-slavery laws and create additional accountability mechanisms for states and districts. With financial support from Google, we are now training other organisations across India in our approach and methods of operation, to address the problem nationally. Through this, we are multiplying the impact of our casework. We have helped rescue more than 1,300 people since the project began in early 2012 (figure correct at end of June 2013).



4. Comments on The Human Trafficking and Exploitation and (Further Provisions and Support for Victims) Bill

We would like to begin by thanking the Justice Committee for taking into account this submission in your considerations of the above Bill. The issue of human trafficking is one which must be tackled – but also one which, we believe, can be tackled. Therefore, we welcome the new Bill as one which gives, among other things, greater protection for victims and greater clarity on the definition of trafficking.

We would make the follow specific comments:

- Clause 2 – We welcome this clarity on the situations where consent is nullified, especially point 2(1)g which sets out that consent is nullified when the victim was a minor at the time of the offence. Minors should always be categorised as victims whatever the circumstances. Further, in IJM’s work, we have found that in instances of human trafficking, the use of force to keep victims from leaving the situation of exploitation or speaking out, and the use of deception to trap them into exploitation in the first place, is widespread. Trafficking often occurs because perpetrators believe they can abuse the power they have over someone else, and can do so with impunity.
- Clause 3 – As shown through our work detailed above, such as Project Lantern, we have seen evidence that stronger law enforcement acts as a deterrent to existing and would-be traffickers. Therefore, we welcome this clarification of aggravating factors, which would potentially increase sentences and therefore, act as a stronger deterrent.
- Clause 4 – In our experience, prison sentences for traffickers play a major part in deterring existing and would-be traffickers. We would argue that two years for the minimum sentence is not strong enough, and may not provide the incentive required. For example, in the Philippines, where we have seen great progress as outlined above, the penalty for trafficking of children is automatically life.
- Clause 7 – We welcome a commitment to the provision of specific training and equipment for those involved in investigating and prosecuting human trafficking crimes. In IJM’s work, we have found that training is required to help various stakeholders understand the specific nuances of human trafficking, the specific needs of victims and international best practices.
- Clause 8: We strongly support holding harmless victims of the crime of trafficking who are compelled to commit criminal acts that are a direct consequence of their status as a trafficking victim.
- Clauses 10 and 11 – IJM has found that adequate aftercare for victims is essential in order to mitigate the risks of re-exploitation. Therefore, we welcome this clause which would lengthen the time a victim is entitled to assistance, and ensure assistance includes accommodation, counselling, education (if a minor) and compensation. We welcome the provision that does not make victim assistance conditional on their willingness to participate in prosecution. In IJM’s field experience, victims should never be forced to

participate in prosecutions though many are willing to do so once they have received appropriate counselling and aftercare services.

- Clause 12 – We agree that minor victims of exploitation need extra arrangements to protect them during the process after rescue. As subsection 7(b) sets out, training specific to the needs of a trafficked child is essential for any individual taking on the role of a guardian.
- Clause 13 – A victim of trafficking has usually gone through an immense amount of trauma, and so it is vital to put practical measures in place which will minimise the risk of further distress during any investigations and court proceedings. We agree that the use of communication technologies, where possible, is necessary, as well as minimising the number of interviews a minor victim has to undergo. We have found in our work that victim testimony is often key in securing convictions, so measures to make this process easier for victims are to be embraced.
- Clause 15 – Part of the work of our Belfast-based office is to educate on issues of global injustice and violence against the poor more generally, and human trafficking particularly. Our focus is on the global issues as that is what our work entails, but this helps people to see a bigger picture of how Northern Ireland fits on the global stage. We would be happy to be part of any consultation with the Department looking into the effectiveness of efforts in this area.

5. Recommendations

In summary, our recommendations are based on our 16 years of experience of tackling the issue of human trafficking (specifically for sexual and labour exploitation) around the world. We have seen much progress as a result of our holistic response which entails working with law enforcement to perform victim rescue, aftercare of survivors of trafficking, prosecution of those involved in carrying our trafficking crimes and working with local governments to address underlying structural issues.

In light of that, we reiterate:

- Our support for this Bill, especially those clauses outlined above, as it incorporates an holistic approaching, for example, strengthening both law enforcement but also aftercare for survivors.
- Under Clause 4, we would recommend a stronger minimum sentence than two years.