



Response to the Committee for Justice

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill

Submission by the Joseph Rowntree Foundation

November 2013

The Joseph Rowntree Foundation (JRF) is one of the UK's largest social policy charities.

We fund a UK-wide research and development programme to reduce poverty and strengthen communities across all ages. Our strategic aims address:

- The root causes of poverty and injustice
- Housing, communities and cities
- The challenges and opportunities of our ageing society

We seek to inform policy and practice based on high quality evidence, and to inspire positive social change. More information about JRF can be found at www.jrf.org.uk

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Introduction

The Joseph Rowntree Foundation welcomes the opportunity to comment on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill, in the NI Assembly, during the Committee for Justice's scrutiny of the legislation.

JRF has supported a programme of research and policy development work which aims to improve the evidence base on **forced labour in the UK** and improve support for victims of forced labour. The programme has focussed on forced labour and labour exploitation in the UK, including trafficking for labour exploitation. The research JRF has funded is based on sectors where the work itself is legal e.g. cleaning, picking crops, catering and construction.

We have only included commentary on the questions in the consultation that are relevant to JRF's evidence base on forced labour in the UK. JRF has not undertaken projects that cover trafficking for sexual exploitation and child trafficking. Although we recognise these are very serious crimes against vulnerable individuals, we will not be commenting on these areas as we do not have our own evidence base upon which to draw.

Key points

JRF responded to the consultation by Lord Morrow MLA in October 2012.

In this submission, we welcomed the focus of the Bill on better assistance and support for victims of human trafficking and exploitation whilst encouraging the inclusion of forced labour as a consideration in the legislation.

The fact that the Bill has brought a renewed focus on to the area of human trafficking and forced labour is to be commended. In regards to individual clauses in the Bill, JRF's position can be summarised as follows:

- We welcome the fact that the amended Bill places more emphasis on trafficking for labour exploitation through connecting with Section 71 of the Coroners and Justice Act 2009;
- We welcome that Clauses 13 and 14 will allow victims of forced labour access to the same protection in criminal investigations available for other trafficking victims;
- On requirements for an Annual Action Plan (Clause 15), we welcome the extension of this clause to include victims of forced labour;
- We acknowledge and welcome moves by DOJ to make forced labour a greater priority through the Human Trafficking Annual Action Plan and the DOJ / Crimestoppers "*Read the Signs*" campaign which is aimed at raising awareness around forced labour;
- We understand that the clause which deals with compensation does not apply to victims of forced labour. We would encourage further discussion with relevant justice agencies and the Department for Employment and Learning (NI) on how victims of forced labour can be supported. We would suggest that all assistance and protection measures should be available to victims of both offences that relate to modern day slavery, i.e. human trafficking **and** forced labour.

Brief summary of relevant messages from JRF's research on forced labour

- The ICR-led (JRF-funded) project, “Forced Labour in Northern Ireland: Exploiting vulnerability” (Allamby et al, June 2011) was the first piece of research to try to assess the scope of forced labour in Northern Ireland. A number of issues arose from the report:
 - Evidence of forced labour and exploitation in the mushroom industry and the catering industry and among Romanian Roma and Filipino workers. It is relatively little known phenomenon and difficult to research.
 - The researchers used the ILO indicators of forced labour to examine the cases they came across in the research. Examples included: isolation, restricted movement, verbal and physical abuse, serious health and safety violations, pay lower than the minimum wage.
 - The research showed that people put up with working in poor conditions and extreme levels of exploitation because it was better than the options available at home.
 - Migrant workers are often vulnerable because of their lack of English language skills, limited access to social networks and a lack of local knowledge.
 - The need to raise awareness and understanding of the issue in Northern Ireland among trade unions, employers' bodies and with key government departments. Community organisations can have an important role in supporting exploited workers.
- Most victims of forced labour and exploitation in our research in Northern Ireland were EU citizens (this trend is also reflected in our other research on forced labour). However, immigration status and vulnerability to forced labour are linked.
- Forced labour can be seen as being at one end of the spectrum starting in decent work, through increasing levels of exploitation, to forced labour at the other end. This framework of a continuum of exploitation has been useful for researchers directly investigating forced labour. A key element to understanding forced labour is to look at the concept of coercion in the modern economy. The terms ‘forced labour’ and ‘human trafficking’ are sometimes conflated and there is a literature on the use of the terms in international conventions, policy and national law.
- A more systematic framework of enforcement and regulation is required to respond to forced labour in the UK. A number of different public agencies are involved in tackling different aspects of forced labour and a multi-agency response / investigation is often needed.
- As well as a legal response, businesses and individual consumers have a role to play in tackling forced labour. Our research has looked at the way certain businesses strategies that can facilitate forced labour.

We have drawn upon the findings of this research in formulating our response to the individual clauses within the Bill.

Detailed comments on clauses in the Bill

Clause 7 - Requirements and resources for Investigation and prosecution

Clause 7 requires the Department to provide suitable training and tools to ensure effective investigation and prosecution of human trafficking offences. We welcome the recognition in the Bill that resources need to be made available to mount such operations.

Our research has explored the issues with mounting investigations into forced labour and human trafficking for labour exploitation in detail. Investigations need to involve multiple agencies (such as the police, the Gangmasters Licensing Authority, UKBA and HMRC) and are often complex operations. The 2013 Anti-Trafficking Monitoring Group report also recommended improved PSNI training to identify all forms of trafficking, especially forced labour and child trafficking, and that it should be ensured that training is mandatory for all police officers. We therefore welcome the extension of this clause to cover investigation of offences committed under Section 71 of the Coroners and Justice Act 2009, offences of forced labour without trafficking.

We understand that there is a wider debate on whether this clause should be enshrined in primary legislation or whether a policy approach might be more appropriate. Whilst this is ultimately for legislatures to decide, we would encourage forced labour to be considered in any policy or legislative amendments.

We would also encourage Lord Morrow and the Department of Justice to recommend to the UK Government to extend the power of the GLA (Gangmasters Licensing Authority) to be the lead investigative agency on trafficking for labour exploitation and forced labour. The GLA has been the centre of excellence in the areas where they are currently mandated, however, research funded by JRF has showed the urgent need to extend its powers and resources to cover forced labour investigations and to act in all relevant sectors where exploitation and forced labour have been identified and workers remain most vulnerable.

Clauses 9 – 11 Assistance, Support and compensation

JRF welcomes sections of the Bill that set out assistance that should be available to victims. However, we understand that the clause which deals with compensation does not, as currently proposed, apply to victims of forced labour.

Providing better services to victims should mean that more victims are able to come forward and potentially contribute to making human trafficking and forced labour a higher risk crime. It is very important that more successful prosecutions take place in Northern Ireland and this was emphasised in the recent GRETA report.

Our research shows that it is very difficult for workers who have been victims of forced labour or high levels of exploitation to come forward to make a complaint or to contact the authorities. Our research (Scott et al (2012)) also talks about a ‘justice gap’ for victims of forced labour and exploitation.

We would recommend that **all** assistance and protection measures should be available to victims of offences that related to modern day slavery, i.e. both trafficking **and** forced labour. We would therefore encourage Lord Morrow, the Justice Minister, the Justice Committee and the Minister for Employment and Learning to liaise to explore options for support mechanisms for victims of both forced labour and human trafficking for labour exploitation. The inclusion of a commitment to “*review of measures for trafficked victims of labour exploitation in Employment Tribunals*” in the DOJ Annual Action Plan on Human Trafficking is welcome and we would encourage continued focus on this area.

Clause 13 – 14 - Protection of victims in criminal investigations

JRF welcomes the inclusion of support mechanisms for victims of forced labour within Clause 13 and 14 of the Bill. These clauses mirror the text of the EU anti-trafficking directive and seek to ensure that protections outlined are available to all victims of human trafficking, whether subject to sexual exploitation or forced labour.

Clause 14 will ensure that all victims of human trafficking are supported and protected during criminal proceedings against traffickers. In Northern Ireland, vulnerable witnesses are eligible for so-called special measures and under the Criminal Evidence (Northern Ireland) Order 1999, victims of sexual offences are automatically entitled to such protection.

We welcome the fact that clause 14 seeks to extend the provisions to victims of trafficking or other types of exploitation such as forced labour. Providing victims of trafficking with special measures in trial scenarios will make it much easier for them to act as witnesses in criminal trials. As referenced above, providing better services to victims should mean that more victims are able to come forward and potentially contribute to making human trafficking and forced labour a higher risk crime.

Clause 15 – Prevention and an Annual action plan

JRF welcomes the inclusion of an annual action plan within the legislation and feels that enshrining this commitment in law will ensure a guaranteed commitment from the DOJ in future.

We note that since our initial consultation response in October 2012 much progress has been made. In particular, the Department of Justice has already committed to publishing an Annual Action Plan and we welcome this first plan [published](#) in May 2013. We particularly welcome the Action Plan's commitment "*to ensure a victim-centred approach to human trafficking across the Criminal Justice System*" and its "*review of measures for trafficked victims of labour exploitation in Employment Tribunals*" (point 13) in conjunction with DEL and the PPS. We are also encouraged to see this annual strategy includes a data collection element. It is vital for this to continue if we are to be able to monitor incidences of human trafficking and forced labour in Northern Ireland and to track progress.

JRF also welcomes the DOJ / Crimestoppers campaign on forced labour announced in January 2013. This '*Read the Signs*' campaign highlights that people are trafficked into Northern Ireland for forced labour and encourages the public to report their suspicions. Our research shows that this type of awareness-raising is a key requirement in tackling forced labour.

We also welcome the updated clause in Lord Morrow's Bill that extends the scope of the action plan to include "*co-operation with non-governmental organisations and other relevant organisations.*"

We believe that any strategy to prevent forced labour/trafficking for labour exploitation needs to look at working with the private sector. It would also be important to consult with businesses about prevention methods (reducing demand for labour exploitation) and what works in terms of raising awareness within the private sector.

For further information about JRF research on forced labour (including electronic versions of both summary and full reports of research funded through the programme), please visit: <http://www.jrf.org.uk/work/workarea/forced-labour>

JRF
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