

Dear Members of the Justice Committee

I am writing in response to your call for evidence with regard to Lord Morrow's bill on human trafficking and exploitation. I wholeheartedly support this bill and believe it will make a real difference for victims in our province as well as helping to stamp out this crime and tackle its root causes.

Clause 6: Paying for sexual services

I support clause 6 because:

- I was shocked to learn that N.Ireland, per head of population, has the highest demand for paid sex in the whole of Europe! The demand for paid sex is the single biggest driver of trafficking to Northern Ireland. Clause 6 will help to reduce demand for paid sex and therefore reduce the incentive for traffickers to traffic vulnerable men, women and children into Northern Ireland to work in prostitution.
- Clause 6 would introduce a much more effective approach to tackling demand than the current offence under the Policing and Crime Act 2009, which currently requires proof of coercion within a tight timeframe. To date there have been no successful convictions in Northern Ireland. Clause 6 would introduce a much more effective approach.
- Clause 6 very significantly addresses exploitation where there is no element of trafficking. This will help to protect extremely vulnerable people, many of whom have been subject to sexual abuse as children.
- A similar clause has worked successfully in Sweden and Norway.
- The evidence from Sweden indicates that criminalising the purchase of sexual services does not drive prostitution underground. Kajsa Wahlberg, Swedish National Rapporteur on Human Trafficking has reported that, instead of pimps sending the women out to look for buyers, they now have to advertise which leads to an increased risk of getting caught.
- Clause 6 can be effectively enforced in spite of initial police concerns. When the law was first discussed in Sweden, the police force raised concerns. Chief Detective Inspector Per-Uno Hågestam of the Stockholm Police District Anti-Trafficking Group in particular was highly critical when the law was introduced. However, on retiring he commended the effectiveness of the new approach. The introduction of the law included a package of training, together with resources dedicated to enforcement and monitoring of the law. Over a decade later, the Swedish police are supportive and have found criminalisation of the purchaser to be an extremely effective way of finding pimps and traffickers.

Clause 8: Non-prosecution of victims of human trafficking

I support Clause 8 because:

- Victims are often pursued in court, with the result that they are forced to face one trauma after another.
- The GRETA report has found evidence that some "*victims of trafficking have been prosecuted and detained in Northern Ireland before it was established whether their involvement in unlawful activities had been due to coercion.*"
- The clause does not provide a blanket immunity from prosecution but only applies non-prosecution as a direct consequence of having been trafficked.

Clause 10: Requirements for assistance and support

I support clause 10 because:

- Trafficking and slavery are very traumatic to victims. There is currently no long-term assistance available to victims in N.Ireland.
- Clause 10 incorporates obligations as set out in Article 11 of the EU Directive and Article 12 of the European Convention.
- Clause 10 would make the provision of assistance and support for victims of trafficking secure. Currently these services are provided by Migrant Help and Women's Aid, but they have no foundation in law and without this protection they exist simply at the pleasure of the current administration
- The provisions in Clause 10 are in line with recommendation 26 in the Greta Report in 2012 e.g. translation and interpretation services, legal counselling and representation.

Clause 11: Compensation for victims of trafficking

I support clause 11 because:

- Having clear compensation procedures in line with article 17 of the EU Directive will help to ensure that victims of human trafficking will be able to easily discover how to claim compensation for what has happened to them.
- There are only two cases of compensation paid to human trafficking victims in Northern Ireland. Current measures are inadequate. This is highlighted in Recommendation 29 of the Greta Report.

Clause 12: Child Trafficking Guardian

I report this clause because:

- Having a child trafficking guardian would ensure effective support could be given to children who have been trafficked into Northern Ireland. Trafficked children are particularly vulnerable to re-trafficking (3 out of 8 such children went missing in Northern Ireland between January 2009 and September 2012)
- The provision of a child trafficking guardian is internationally recognised best practice. UNICEF has recommended and defined the role and it has been recommended by GRETA in 2012, and the US State Department in June 2013 and the *Still at Risk* report, funded by the Home Office in 2013.

Clause 15: Prevention

I am pleased that the Minister of Justice, despite initial opposition, has recently decided to introduce an annual action plan on a non-statutory basis. However, it would be better if the report was required by law.

I support clause 15 because

- The Anti-Trafficking Monitoring Group has highlighted the current low levels of detection and prosecution of slavery offences in Northern Ireland. This is an area that needs attention and monitoring.

Clause 16: Northern Ireland Rapporteur

I support clause 16 because:

- Introducing a national rapporteur would be positive in ensuring that the work of Government agencies could be scrutinised effectively.

In summary, the Department of Justice has taken some positive steps to protect victims and punish perpetrators. However, I don't think that the Department of Justice has gone far enough to deal with

the root causes of human trafficking and to ensure that victims are adequately protected. Lord Morrow's Bill rises to this challenge. The Bill will also make a real and very positive difference for the many people in Northern Ireland who have suffered exploitation and slavery but who have not been trafficked. This includes many individuals working in prostitution in Northern Ireland who have entered the industry, due to poverty or vulnerability, as well as those who are victims of forced labour.

I wholeheartedly support this comprehensive bill and hope that it will be fully endorsed by all members of the Justice Committee.

Yours sincerely

Karen Barkley (Mrs)