

The Methodist Church in Ireland
Council on Social Responsibility
Northern Executive

Human Trafficking and Exploitation (Further Provision and Support for Victims)
Bill, 2013

Principles

There must be an unambiguous declaration that human trafficking is a violation of human rights and is abhorrent.

As a society strongly influenced by Christianity, welcoming the stranger with generosity, hospitality and compassion should be embedded not only in its legislation but also in its treatment of individuals who have been trafficked.

Support the three-fold purpose of the Bill; we commend Lord Morrow's initiative and share his desire for social justice.

We recognise that there are three main categories of human trafficking: forced labour, sexual exploitation and domestic servitude. Due to the secretive nature of this “industry”, it is difficult to establish the overall extent as to the total number affected or indeed by individual categorisation. There is an awareness gathered from recent research, however, that in terms of numerical order it might be as printed above: forced labour, sexual exploitation, domestic servitude. In order to best serve the targeting of resources, it would be helpful for that research to be validated.

We see legislation affecting four broad areas, accepting that each impinges on the other: prevention, detection, victim support and prosecution. Lord Morrow's desire that Northern Ireland should be a model for devolved institutions within the United Kingdom and other national legislatures within the European Union or further afield is to be highly commended; however, for that very reason, it is essential that **minimum expectations** are established and met. There should include;

- Concordance with all relevant Human Rights legislation, European Directives and advice from GRETA;
- Adequate funding to research and implement proposed changes;
- A multi-agency approach and “joined-up” strategy for implementation
- Humane, lenient and compassionate support offered for victims of human trafficking; and
- Clarity and coherence in legislation, prosecution and sentencing as an important signal that traffickers will be treated very robustly.

Any promptings and concerns are, therefore, offered in a spirit of only wishing to enhance further this personal conviction, to provide for better legislation, to root out all manifestations of human trafficking and to offer the best possible support to the victims during their time in Northern Ireland.

Prevention

Northern Ireland is part of an island where two jurisdictions share a common land border. For that reason, the closest co-operation and shared resolve are essential with the relevant national agencies of the United Kingdom and the Republic of Ireland. Legislation that seeks to be a model of best practice can only succeed if there is uniformity of purpose especially when there is a certain dependency on outside agency assistance.

Within the context of raising awareness within the Northern Ireland population, a number of suggestions are offered:

- The Blue Blindfold campaign may need revamping.
- Serious consideration to using social media as a way of raising awareness.
- Additional training for those who work in front line agencies such as PSNI, Health Service, Housing Executive and in the voluntary sector such as Women's Aid.
- Educational materials for schools.

Detection

Human trafficking highlights attendant issues of immigration status as well as assessment of victim needs. As there can be unnecessary confusion as to which agency should take the lead in initial detection, clarity of responsibility and clear lines of demarcation are essential.

- Therefore, it may be advisable to establish an independent agency for this purpose that uses the expertise and local knowledge of the PSNI.

Devolution of justice responsibilities brings a challenge between national and devolved institutions in many areas, not least with regard to human trafficking.

- Therefore, oversight and accountability need to be established with accepted and agreed protocols between the United Kingdom Border Agency and the PSNI / Department of Justice with regard to the screening at the Larne immigration detention centre.

The media seem to concentrate on prostitution as the main driver for human traffickers. Whether that is the case in reality or not,

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- there needs to be greater understanding, detection and action taken against trafficking for forced labour and domestic servitude.
- irrespective of motive, more action is required to prevent, detect and prosecute the user and the trafficker.

Support of Victims

To be “controlled” and forcibly brought to a foreign destination, not knowing its language, culture or what agencies to avail of, must be exceptionally confusing, stressful and traumatising for the victims of trafficking.

- Where possible, a “one stop shop” approach to establish a team of dedicated, professional staff who can avail of educational, legal, linguistic, medical and psychological support and resources is strongly advocated.
- The possibility of availing of chaplaincy support such as that offered at Larne should be seriously considered also.
- Counselling / mentoring should be available as well through a “befriending” scheme to advise the victim(s) at each stage of the administrative and legal process.
- Accommodation facilities should be of the same standard as those provided by Social Services.
- All relevant protocols, directives and Conventions should be trawled for best practice in regard to the treatment of the victim and incorporated into this legislation as indication of support to the victims of trafficking and as a statement of intent, embedded in statute, of the compassionate imperatives. It will also provide a legislative benchmark for accountability to ensure best practice is actually delivered on an on-going basis.
- An independent advocate or Commissioner should be appointed to be the “voice for the voiceless”.

Prosecution

Before agreed statutes and clauses take legislative effect,

- Greater co-ordination between agencies within the United Kingdom as well as those of the Republic of Ireland should occur to maximise the detection and evidence gathering processes required for prosecutions.
- A review of the resources devoted to addressing trafficking should be undertaken to allow for maximum effectiveness.

For the sake of the victims of trafficking alone,

- the fastest process for dealing with trafficking, especially that which leads to prosecution of traffickers is advocated, bearing in mind due cognisance of the human rights of all.

As far as children are concerned, strenuous efforts should be made by all throughout to keep children immune from further hardships than have been imposed on them already so care needs to be made with drafting so that

- children are not criminalised any more than is absolutely required in particular individual circumstances.

Furthermore, every effort should be made to reduce the potential for (further) stress and trauma so

- it may be advantageous for legislators to consult with the Commissioner for Children and Young People and other relevant agencies and advocates before the final draft is presented to the Assembly.

With regard to **Clause 6** in particular, while we consider prostitution as a form of exploitation of vulnerable women and girls and would welcome any change in the law that reduces demand for sexual services, we need to state clearly that it can be difficult to distinguish between voluntary consensual prostitution from that which is forced. However, in the context of human trafficking we have concerns about unintended consequences as the focus could be entirely on those who use women who have been trafficked for sexual exploitation and those who are trafficked for forced labour and domestic servitude may be marginalised. If resources are stretched in policing those who purchase sex, it may be to the detriment of other equally vulnerable people who are trafficked into our country.

- Therefore, Clause 6 as it stands, whilst well-intentioned, reduces the prospect of dealing with human trafficking in its totality.
- Likewise, the issue of prostitution is much wider than the clause implies. A separate, multi-dimensional, cross-departmental campaign, which is evidence-based, leading to separate legislation in this areas is, therefore, advocated.

Establishing legislative standards or guidelines as an indication of minimum public expectation is one thing, it is, nevertheless, of utmost importance that judicial independence – and for that matter judicial discretion, is maintained. These cases are never the same, and judges must have the freedom to determine sentencing on a case by case, person by person basis. This is as true for the sentencing of traffickers and users as it is for the discretion needed when determining culpability of victims who either in extremis, necessity, or for whatever other reason, also transgress the law.

Concluding remarks

It has been stated above that;

- (1) The closest co-operation and shared resolve are essential with the relevant national agencies of the United Kingdom and with the Republic of Ireland.
- (2) Legislation that seeks to be a model of best practice can only succeed if there is uniformity of purpose especially when there is a certain dependency on outside agency assistance.

For those reasons, it is hoped that the issue of human trafficking becomes, if it is not already,

- a regular item on relevant North South Ministerial Council committees,
- a very relevant issue for the British Irish Council to consider, and
- a common position for Northern Ireland's European Parliamentarians to jointly advocate and promote.

End

