



Human Trafficking and Exploitation

(Further Provisions and Support for Victims) Bill 2013

Submission to Committee for Justice – Oct 2013

Thank you for the opportunity to make a submission on this draft Bill.

As requested, we are commenting on specific clauses, and would be happy to meet the Committee if you considered that would be helpful to you in work.

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Clause 4

It is not clear enough in this primary legislation as to under what circumstances the minimum sentence should be applied. It is important not to criminalise children any more than is absolutely needed, and we have concerns that this issue of the potential criminalisation of children needs to be more clearly addressed in the draft Bill. We would ask that special provision is afforded to children and that every attempt is made to keep them outside the Criminal Justice system.

Clause 6

We do **NOT** believe that the case has been adequately made for such a blanket provision on payment for sexual services. To be absolutely clear, we do believe that prostitution is an evil in our society, but in the absence of any clear and coherent policy on dealing with the issue of prostitution (which is much wider than human trafficking), we are not convinced that such a wide ranging clause should be introduced into a Bill that is primarily dealing with human trafficking. Such a clause should be considered as part of a different, but much needed, Bill on prostitution in Northern Ireland.

Clauses 9 / 10 / 11

We strongly endorse the emphasis on the support of victims and would stress our desire to see all victims of trafficking properly supported and protected

- the Presbyterian Church has consistently held (in dealing with human trafficking) that the protection of the victims of trafficking is of paramount importance
- (e.g. we responded to the 2006 Consultation on the UK Anti-Trafficking Action Plan)
- therefore we welcome the comprehensive measures contained in the Bill; including tackling the demand factors which drive trafficking, given that the issue is not confined to those trafficked for prostitution / sexual exploitation

In addition to the measures outlined in the Bill we would welcome additional safeguards:

- (i) We suggest that the Bill could go even further in ensuring that a 'reflective period' is observed before trafficked victims are removed from the country
- (ii) This would ensure that unconfirmed or suspected victims of trafficking are not removed from the jurisdiction until such time as they can be screened and a definitive judgment made as to whether they are trafficked or not.
- (iii) To this end it is vital that other agencies such as UKBA are involved in the process. We have real concerns that the potential of target driven responses by the UKBA mitigates against proper support for victims. We fully accept that the proposed legislation does not directly affect the legislation under which the UKBA operates, but urge that the support services available and the liaison with the UKBA are to the highest possible standards rather than minimalist requirements to ensure high quality support.
- (iv) We would also suggest that more specific attention is given in the draft Bill to the role of **all** the agencies involved in support and assistance – perhaps being much more specific about what is expected of them?
- (v) Indeed we would be concerned that the media preoccupation with making payment for sexual services illegal would detract from the wider problems of those trafficked for bonded labour and domestic servitude – see comment on Clause 6 below

We acknowledge the resource requirements involved if this Bill is to become law

- We believe that it is necessary to commit to proper resourcing by all the agencies involved, not only to deal with the victims and the issues raised, but also to make a clear statement as a society that trafficking of human beings is totally unacceptable.

Clause 16.

Given the international nature of trafficking, we would be much more supportive of a UK wide rapporteur on human trafficking, rather than one limited to this work in Northern Ireland only.

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Finally, we re-iterate our willingness to discuss the issues further with you if that were helpful.

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