



Black and Minority Ethnic  
Women's Network

**Black and Minority Ethnic Women's Network  
SUBMISSION**

**Draft Northern Ireland Human Trafficking and  
Exploitation Strategy 2015/16**

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## **Introduction**

- 1.1 The Black and Minority Ethnic Women's Network (BMEWN) is a women-led organisation that advocates for change on issues affecting black and minority ethnic (BME) women in Northern Ireland (NI). The aim of the network is to develop the capacity of ethnic minority women so that they can support and assist their communities in accessing services, furthering their human rights and developing sustainable community-based leadership.
- 1.2 Human trafficking is an extremely serious issue and its prevalence in NI has been underestimated for many years. BME women are particularly affected by the practice of trafficking, with 61% of victims referred to the National Referral Mechanism (NRM) in 2014 being women. Amongst these victims, the most common purpose for being trafficked was for sexual exploitation.<sup>1</sup>
- 1.3 Thus, the BMEWN welcomes the opportunity to consult on the contents of a Human Trafficking Strategy, aimed at raising awareness of trafficking and reducing the number of offences. It is important that all victims of trafficking are safeguarded and protected through an effective, victim-centred Strategy.

## ***Question 1***

Section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, requires a strategy to be developed to raise awareness of human trafficking and slavery-like offences in Northern Ireland and to contribute to a reduction in the number of such offences. The strategy is required to cover:

- the arrangements for co-operation between relevant organisations;
- provision as to the training and equipment for investigators, prosecutors and those dealing with victims; and
- provisions aimed at raising awareness of the rights and entitlements of victims.

**In your view, does the draft strategy meet these requirements under section 12 of the Act?**

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<sup>1</sup> National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/502-national-referral-mechanism-statistics-end-of-year-summary-2014/file>> [Accessed 20/08/15] p.2

## Cooperation between relevant organisations

- 2.1 While the BMEWN acknowledges that the draft Strategy makes some measures on cross-border and EU cooperation, it is important to note that trafficking is a global phenomenon and international cooperation is required to fully combat this practice.
- 2.2 Indeed, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime 2000 ('the Trafficking Protocol'), ratified by the United Kingdom (UK) in 2006, states – under Article 10.1 – that States Party will 'cooperate with one another' through information exchanges.
- 2.3 Additionally, Section 2 of the European Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings 2005 affirms that Member States should work with 'third countries and...international organisations' in their approach to trafficking.
- 2.4 Thus, the Strategy must go beyond the cross-border and pan-European cooperation that is currently envisaged and develop measures for cooperating with States and organisations outside of Europe.
- 2.5 One way in which this could be done is through the UN Global Initiative to Fight Human Trafficking (UNGIFT), of which the UK is a member. This organ seeks to coordinate States' activities to tackle human trafficking, with one of its core activities being 'knowledge management' – this involves disseminating information amongst stakeholders, identifying gaps in knowledge on trafficking and engaging stakeholders in contributing to the expansion of knowledge on human trafficking.<sup>2</sup>
- 2.6 The BMEWN recommends that the finalised Strategy include measures to facilitate cooperation with third countries and international bodies, including through information exchange via UNGIFT.**

## Provision of Training

- 3.1 Article 10.2 of the Trafficking Protocol asserts that States Parties will provide training for 'law enforcement, immigration and other relevant officials' that will focus on 'methods used in preventing...trafficking, prosecuting traffickers and protecting the rights of victims'.

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<sup>2</sup> UNGIFT, 'Strategic Plan: The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) 2012-2014' (2012) Available at: <[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/un\\_gift\\_strategic\\_plan\\_2012-14\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/un_gift_strategic_plan_2012-14_1.pdf)> [Accessed 20/07/15] p.22

- 3.2 The requirement of training for ‘protecting the rights of victims’ has relevance for competent authorities (under the NRM) when interviewing potential trafficking victims. It is notable that while current guidance for competent authorities notes the existence of victims’ rights, there is no integration of this knowledge into the interviewing process.<sup>3</sup>
- 3.3 The current interviewing process is largely focused on extracting information from the potential victim and assessing the credibility of their testimony, without considering how questioning could be delivered strategically in order to assist the potential victim to deliver a true account and minimise the risk of retraumatisation.<sup>4</sup>
- 3.4 Further on this issue, it is important for the delivery of training to be coordinated amongst multiple actors where possible, in order to maintain consistency in approach amongst different bodies.
- 3.5 For example, it would be possible to deliver cross-organisational training to the PSNI, employment-monitoring bodies and relevant NGOs on indicators of human trafficking the procedures to follow if one suspects that they have encountered a victim of trafficking.
- 3.6 It is notable that now is a particularly timely occasion to deliver such training, as organisations will need to be updated on the new NRM process that is emerging following a review of the mechanism and pilots in Great Britain.
- 3.7 Finally, it is notable that the provision of training to relevant actors represents an opportunity for international cooperation. International organisations can be a useful source of support for training investigators in collaboration with other States, as evidenced by the work of the International Association of Human Trafficking Investigators (IAHTI); the US-based IAHTI has provided training for trafficking investigators across 10 different countries.<sup>5</sup>
- 3.8 Furthermore, the Strategies of other States may be looked to as examples of good practice in this regard. For example, the Albanian National Strategy on Combating Trafficking in Persons envisages working with ‘international partners’ to deliver training to the Albanian State Police and in delivering joint training to investigators and prosecutors.<sup>6</sup>

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<sup>3</sup> Home Office, ‘Victims of Modern Slavery: Competent Authority Guidance’ (2015) Available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450842/Competent\\_authority\\_guidance\\_v2\\_0\\_ext.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450842/Competent_authority_guidance_v2_0_ext.pdf)> [Accessed 20/08/15] pp.21 and 49

<sup>4</sup> *ibid* pp.80-83

<sup>5</sup> See: <http://www.iahti.org/training/>

<sup>6</sup> Office of the National Coordinator on Combating Trafficking in Persons, ‘National Strategy on Combating Trafficking in Persons 2008-2010’ (2008) Available at: <<http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Albania-2008-2010.pdf>> [Accessed 21/08/15] pp. 23 and 28

3.9 Training also needs to address the issue of cultural awareness. Network members have personal experience of GPs asking potential victims to contact their families, when their country of origin is such that this would be difficult or impossible.

**3.10 The BMEWN recommends that training be provided to competent authorities, so that they may conduct interviews in a manner that facilitates accurate disclosure from victims and minimises the risk of retraumatisation.**

**3.11 It is additionally recommended that cultural awareness training should be provided to relevant organisations, so that potential victims are not treated insensitively or asked to provide information or make contact with family members where this is unlikely to be possible.**

**3.12 It is also recommended that the finalised Strategy provide for the delivery of cross-organisational training to the PSNI, employment-monitoring bodies, employers and relevant NGOs on indicators of human trafficking and the procedures to follow if one encounters a potential victim.**

**3.13 It is further recommended that the finalised Strategy draw on support from international organisations or other States in order to deliver training to police and prosecutors.**

#### The Rights and Entitlements of Victims

4.1 It is notable that there are a number of special measures available for vulnerable victims who are giving evidence against perpetrators. These can include screening victims from the defendant, giving evidence via live link or clearing the public gallery.<sup>7</sup>

4.2 While the Public Prosecution Service for Northern Ireland's (PPSNI) current policy on prosecuting cases of human trafficking asserts that special measures will be utilised where appropriate, it does not contain a strict requirement that victims be informed of their potential entitlement to special measures and what these special measures are.<sup>8</sup>

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<sup>7</sup> Public Prosecution Service for Northern Ireland, 'Special Measures at Court for Vulnerable and Intimidated Witnesses' Available at: <http://www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Publications/Special%20Measure%20Leaflet.pdf?>> [Accessed 21/08/15] pp.4-6

<sup>8</sup> Public Prosecution Service for Northern Ireland, 'Policy for Prosecuting Cases of Human Trafficking' (2013) Available at: <http://www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Publications/Policy%20for%20Prosecuting%20Cases%20of%20Human%20Trafficking.pdf?>> [Accessed 21/08/15]

- 4.3 This could result in victims being denied special measures where the prosecutor has failed to apply for them, or refusing special measures where they are not fully informed on what they include.
- 4.4 Further concerning victims' entitlements, it is important that potential victims are made aware of the fact that they may not be forcibly returned to their country of origin if they are found to be a victim of trafficking. Fear of being removed from the UK is a major obstacle to victims reporting that they have been trafficked, so raising awareness of this entitlement is vital to ensuring that an effective system for combating trafficking is established.<sup>9</sup>
- 4.5 The BMEWN recommends that the Strategy include a commitment to adapt PPSNI policy on prosecuting cases of human trafficking, so that victims may be informed of their potential entitlement to special measures. This will ensure that the judiciary utilises procedure to ensure potential victims' safety and privacy where possible.**
- 4.6 It is also recommended that the Strategy commits to a campaign of awareness-raising, so that victims of trafficking are made aware that they will be entitled to leave to remain if they are recognised as a victim.**

## **Question 2**

The proposed overall strategic aim of the draft strategy is: "To equip Northern Ireland to drive out human trafficking, slavery and forced labour."

**In your view, is this strategic aim appropriate? What, if any, alternative strategic aim would you propose?**

- 5.1 While the current aim is broadly acceptable, it is felt that it does not pay sufficient heed to the rights of victims. It is noted that raising awareness of the rights and entitlements of victims is one of the statutory elements of the Strategy, under Section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.
- 5.2 Furthermore, the strategic aim should make a clear distinction between traffickers and victims. It is notable that victims of trafficking have been prosecuted in the past for offences committed while being trafficked and the spirit of the Human Trafficking and Exploitation Act is to provide further support for victims, rather than to further their persecution.

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<sup>9</sup> Home Office, 'Victims of Modern Slavery – Frontline Staff Guidance' (2015) Available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450834/Victims\\_of\\_modern\\_slavery\\_frontline\\_staff\\_guidance\\_v2\\_0\\_ext.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450834/Victims_of_modern_slavery_frontline_staff_guidance_v2_0_ext.pdf)> [Accessed 21/08/15] p.18

### 5.3 The BMEWN recommends that the overall aim of the Strategy read:

**“To equip Northern Ireland to drive out those responsible for human trafficking, slavery and forced labour, and protect the rights of the victims and potential victims of trafficking”.**

#### **Question 3**

Four strategic priorities have been proposed which underpin the strategic aim. These are:

- Pursue (effective detection, disruption, investigation and prosecution of offenders);
- Protect and support (provision of effective protection and support and improved identification of victims);
- Prevent (prevent and reduce risk of human trafficking and exploitation in Northern Ireland); and
- Partnership (effective partnership response to human trafficking and exploitation).

**In your view are these the right strategic priorities? What, if any, alternatives would you propose?**

6.1 While these strategic priorities are broadly acceptable - being in line with international discourse on a ‘four Ps’ approach – it should be emphasised that protection and support will be afforded to victims regardless of their national origins.

6.2 It is notable that the chance of a positive reasonable grounds decision, and thus access to support, varies significantly depending on the potential victim’s country of origin. This trend is most noticeable regarding European and non-European states.

6.3 For example, in 2014 only 2% of Slovakian and 6.9% of Albanian referrals received a negative reasonable grounds decision, whereas 14% of Vietnamese and 21.3% of Chinese applicants received a negative decision.<sup>10</sup>

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<sup>10</sup> National Crime Agency, ‘Human Trafficking: National Referral Mechanism Statistics – January to March 2014’ (2014) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/311-national-referral-mechanism-statistics-january-to-march-2014/file>> [Accessed 21/08/15] p.5; National Crime Agency, ‘Human Trafficking: National Referral Mechanism Statistics – April to June 2014’ (2014) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/434-ukhtc-nrm-stats-april-june-2014-v1-0/file>> [Accessed 21/08/15] p.7; National Crime Agency, ‘Human Trafficking: National Referral Mechanism Statistics – July to September 2014’ (2015) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/501-0124-ukhtc-nrm-stats-july-september-2014-v1-0-internet/file>> [Accessed 21/08/15] p.5; National Crime Agency, ‘Human Trafficking: National Referral Mechanism Statistics – October to December 2014’ (2015) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral->

6.4 While it is accepted that positive decisions will depend on many different factors, it should be clear and transparent that victims will be afforded the same opportunity for protection and support irrespective of their national origins.

**6.5 The BMEWN recommends that the guidance provided to competent authorities emphasise that decision-makers should not allow an individual's country of origin to factor into their decision-making.**

#### ***Question 4(a)***

The draft strategy has identified the following objectives in support of the "Pursue" priority:

- Bring forward secondary legislation to implement the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;
- Implement provisions in the Modern Slavery Act 2015 which extend to Northern Ireland;
- Improve the gathering and sharing of intelligence and ensure effective analysis;
- Effective investigations and prosecutions;
- Effective training for law enforcement;
- Enhance public protection;
- Pursue criminal finances of traffickers and enslavers;
- Enhance understanding of online recruitment; and
- Effective cross-border and international police collaboration.

**In your opinion are these proposed objectives appropriate? Are there any additional objectives that in your opinion should also be included?**

7.1 The BMEWN considers these objectives to be broadly reasonable, although it would recommend further actions to implement them, as detailed below.

#### ***Question 4(b)***

The proposed actions associated with this strategic priority are set out at pages 27 to 31 of the consultation document.

**In your opinion are these proposed actions appropriate? Are there any additional actions that in your opinion should also be included?**

- 8.1 While the draft Strategy currently envisages some measures for cooperating with European States in investigating trafficking, it should be noted that trafficking is a global problem and international cooperation on a wider scale should be provided for.
- 8.2 Concerning the 'pursue' priority of the draft Strategy, there are some further actions that could be taken to achieve the stated objectives. As has been noted by the Home Office in its briefing to Police and Crime Commissioners, trafficking is a global phenomenon and must be tackled on an international level.<sup>11</sup>
- 8.3 Consequently, as well as the cross-border and European initiatives envisaged in this part of the action plan, there should be an action committing to wider international collaboration. This could include international organisations that provide support for tackling trafficking; for example, Interpol supports police investigations of trafficking, providing specialised training and coordinating deployments of police and other actors in order to disrupt trafficking networks.<sup>12</sup> Collaborating with Interpol in this way could help satisfy the fifth objective under this priority.
- 8.4 Furthermore, collaboration with other states should be guided by the available data on victims of trafficking and their countries of origin. For example, recent years have seen a significant increase in the number of victims being trafficked from Albania (19% of referrals to the NRM in 2014), therefore establishing a joint operation with authorities in this State could effectively target the networks that are generating a large proportion of the trafficking victims in the UK at their source, thus contributing to the satisfaction of the fourth objective under this priority.<sup>13</sup>
- 8.5 Additionally, the BMEWN notes with approval that the draft Strategy currently has an action on continuing to use applications for the restraint and confiscation of criminal assets in order to combat trafficking.
- 8.6 However, it is also important to consider the value of the financial aspect of human trafficking as an investigative tool. The US Department of the Treasury has developed financial 'red flag' indicators so that suspicious financial activity, such as numerous sizeable cash deposits across multiple accounts, is identified and reported to the police by the financial sector.<sup>14</sup> Based on this approach, Europol is currently developing a similar set of 'red flag' financial indicators for banks in Europe.<sup>15</sup>

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<sup>11</sup> Home Office, 'Briefing on Human Trafficking for Police and Crime Commissioners' Available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224150/Briefing\\_on\\_human\\_trafficking\\_for\\_PCCs\\_\\_4\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224150/Briefing_on_human_trafficking_for_PCCs__4_.pdf)> [Accessed 23/08/15] p.1

<sup>12</sup> See: <http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Operations>

<sup>13</sup> op cit n 1 p.1

<sup>14</sup> United States Department of the Treasury, 'Guidance on Recognizing Activity that May Be Associated with Human Smuggling and Human Trafficking – Financial Red Flags' (2014) Available at: <[http://www.fincen.gov/statutes\\_regs/guidance/pdf/FIN-2014-A008.pdf](http://www.fincen.gov/statutes_regs/guidance/pdf/FIN-2014-A008.pdf)> [Accessed 23/08/15] pp.9-10

<sup>15</sup> Europol, 'Europol Joins Leading European Financial Institutions in Fight Against Human

8.7 Consequently, there is value in ensuring that bank accounts and bank transfers are used as a tool for investigating traffickers. It should be ensured that the financial sector is adequately briefed on what activity should be reported to the police and that future Europol 'red flag' financial indicators are adequately disseminated and implemented into the police response in NI. Action in this area could help satisfy the seventh objective under this priority.

**8.8 The BMEWN recommends that the finalised Strategy commit to international collaboration in investigating human trafficking through international organisations, including Interpol. Cross-State investigations should also be established in response to data trends on victims' country of origin.**

**8.9 It is also recommended that the financial sector be briefed on suspicious activities that may be indicative of human trafficking operations and which should be reported to the police. The finalised Strategy should commit to implementing Europol 'red flag' financial indicators upon their creation.**

#### ***Question 5(a)***

The draft strategy has identified the following objectives in support of the "Protect and Support" priority:

- Improve victim identification and support;
- Protect and deliver support services to potential victims going through the NRM process;
- Protect and support victims through the criminal justice system;
- Raise awareness of the rights and entitlements of victims;
- Provide protection and support services to children;
- Appropriate access to legal representation;
- Appropriate access to compensation services; and
- Reinforce capacity to respond to major human trafficking or slavery-like incidents.

**In your opinion are these proposed objectives appropriate? Are there any additional objectives that in your opinion should also be included?**

9.1 The BMEWN considers these objectives to be broadly reasonable, although it would recommend further actions to implement them, as detailed below.

### **Question 5(b)**

The proposed actions associated with this strategic priority are set out at pages 32 to 36 of the consultation document.

**In your opinion are these proposed actions appropriate? Are there any additional actions that in your opinion should also be included?**

- 10.1 The Network notes with approval that the draft Strategy contains an action stating that it will ensure that victims are able to avail of discretionary leave to remain where appropriate, but is disappointed to see that it is necessary for the victim to be 'assisting with criminal investigations'.
- 10.2 Victims of trafficking have undergone a serious and traumatising ordeal, making it difficult for them to cooperate with authorities, especially when they themselves continue to face prosecution for offences they have committed whilst being trafficked.<sup>16</sup> Thus, cooperating with the criminal investigation into their traffickers may be extremely difficult for some victims.
- 10.3 In addition to this, many victims of trafficking face being re-trafficked upon return to their country of origin.<sup>17</sup> Consequently, arbitrarily denying leave to remain due to a failure to cooperate with an investigation may directly contribute to experiences that constitute a violation of victims' rights under various instruments.<sup>18</sup>
- 10.4 Further regarding protection and support for victims, it is important to ensure that sensitivity is shown towards potential victims' preference as regards the gender of their interviewer at all stages of interaction with the criminal justice system and the NRM.
- 10.5 It is noted that current guidance for competent authorities in the UK states that officials should respect the potential victim's preference for the gender of their interviewer insofar as this is operationally possible.<sup>19</sup> It should be ensured that this same respect is accorded by policing authorities, interpretation services and prosecutors where possible.
- 10.6 The BMEWN recommends that the action on discretionary leave to remain read 'Ensure that victims of human trafficking can avail of the discretionary leave scheme where appropriate/ necessary'.**

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<sup>16</sup> op cit n 8 pp.20-21

<sup>17</sup> International Organisation for Migration, 'The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database' (2010) Available at: <[http://publications.iom.int/bookstore/free/causes\\_of\\_retrafficking.pdf](http://publications.iom.int/bookstore/free/causes_of_retrafficking.pdf)> [Accessed 23/08/15]

<sup>18</sup> For example, Articles 3, 4 and 5 of the European Convention on Human Rights, Articles 2, 4, 5, 6 and 7 of the European Charter of Fundamental Rights and Articles 3, 4 and 5 of the UN Declaration of Human Rights.

<sup>19</sup> op cit n 3 p.60

**10.7 It is also recommended that an action be included to ensure that potential victims' wishes to be interviewed by a person of a particular gender are respected at all stages of interaction with the criminal justice system and the NRM where appropriate.**

***Question 6(a)***

The draft strategy has identified the following objectives in support of the "Prevent" priority:

- Continued engagement with at-risk groups;
- Raising public awareness of the signs and indicators of human trafficking, slavery and forced labour;
- Targeted engagement and awareness raising with key sectors;
- Engagement with the private sector to increase knowledge and understanding of human trafficking, slavery and forced labour;
- Understand and reduce demand for the services of trafficked and exploited people; and
- Capture learning over time.

**In your opinion are these proposed objectives appropriate? Are there any additional objectives that in your opinion should also be included?**

11.1 The BMEWN considers these objectives to be broadly reasonable, although it would recommend further actions to implement them, as detailed below.

***Question 6(b)***

The proposed actions associated with this strategic priority are set out at pages 37 to 40 of the consultation document.

**In your opinion are these proposed actions appropriate? Are there any additional actions that in your opinion should also be included?**

12.1 It is important for preventative actions to be targeted, in order to improve their effectiveness. As noted above, the National Crime Agency gathers data on the country of origin of potential trafficking victims. This data could be utilised to identify States that are common sources of trafficking and a relationship could subsequently be developed with these States to deliver preventative actions.

12.2 This approach has been adopted on a UK level in the past, with the UK's 2011 Human Trafficking Strategy committing to "greater awareness-raising in source countries to reduce the supply of potential victims"<sup>20</sup>; a tactic that was later hailed as "effective".<sup>21</sup>

12.3 Further relevant to prevention is the need to tackle intra-State trafficking within the UK. The UK itself has been one of the top ten sources of trafficking victims encountered within the UK since 2012.<sup>22</sup> Intra-state trafficking requires a particular approach, as it involves the trafficking of UK citizens within their home State.

12.4 Key to preventing this type of trafficking is reducing the vulnerability of people living within the UK, so that traffickers are less able to take advantage. The Inter-Departmental Ministerial Group on Human Trafficking highlighted that victims of intra-UK trafficking are largely men being trafficked for the purposes of labour exploitation and vulnerable young women who are sexually exploited by groups of men.<sup>23</sup>

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<sup>20</sup> HM Government, 'Human Trafficking: The Government's Strategy' (2011) Available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97845/human-trafficking-strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf)> [Accessed 24/08/15] p.12

<sup>21</sup> Home Office, 'Human Trafficking Gangs Targeted by UK Government' (2012) Available at: <<https://www.gov.uk/government/news/human-trafficking-gangs-targeted-by-uk-government--4>> [Accessed 24/08/15]

<sup>22</sup> op cit n 10; National Crime Agency, 'National Referral Mechanism Statistics 2013' (2014) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/139-national-referral-mechanism-statistics-2013/file>> [Accessed 24/08/15] p.; Serious Organised Crime Agency (SOCA), 'National Referral Mechanism Statistics – January to March 2012' (2012) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/18-nrm-statistics-jan-to-march-2012/file>> [Accessed 24/08/15] p.6; SOCA, 'National Referral Mechanism Statistics – April to June 2012' (2012) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/11-nrm-statistics-april-to-june-2012/file>> [Accessed 24/08/15] p.6; SOCA, 'National Referral Mechanism Statistics – July to September 2012' (2013) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/13-nrm-statistics-july-to-sept-2012/file>> [Accessed 24/08/15] p.6; SOCA, 'National Referral Mechanism Statistics – October to December 2012' (2013) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/14-nrm-statistics-oct-to-dec-2012/file>> [Accessed 24/08/15] p.6

<sup>23</sup> HM Government, 'Second Report of the Inter-Departmental Ministerial Group on Human Trafficking' (2013) Available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/251487/9794-TSO-HMG\\_Human\\_Trafficking.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251487/9794-TSO-HMG_Human_Trafficking.pdf)> [Accessed 24/08/15] pp.20-21

12.5 The UNGIFT has highlighted that vulnerability to human trafficking is 'usually the result of...practices and policies that fail to ensure equal access and protection to all members of society'.<sup>24</sup> Both poverty and gender have been highlighted by this organisation as 'vulnerable conditions' for the purpose of increasing risk of being trafficked.<sup>25</sup> There is a clear link between these 'vulnerable conditions' and the type of intra-State trafficking that is occurring in the UK.

12.6 Thus, it is clear that as long as people living in the UK are sufficiently desperate for employment, or are left vulnerable due to their gender, then intra-UK trafficking will continue to proliferate. Producing actions to tackle these realities in NI are key to preventing this form of trafficking.

12.7 The need to collaborate with employers and employment agencies in preventing trafficking is also of relevance. It is notable that Section 54 of the Modern Slavery Act 2015 applies to NI, meaning that employers will be required to produce a human trafficking statement on the integrity of their supply chains and the policies they have in place relating to slavery and human trafficking.

12.8 Consequently, it would seem timely to deliver combined training to employers and employment agencies on both their obligations under this Section and more generally on developing policies to help prevent their business from utilising exploitative labour. It is notable that the Home Office produces practical guidance for employers that could be a useful resource in delivering training.<sup>26</sup>

**12.9 The BMEWN recommends that current data on victims' countries of origin be used to develop targeted preventative initiatives in cooperation with key states.**

**12.10 It is also recommended that actions be taken under the Strategy to prevent trafficking through reducing the vulnerability of those who are disadvantaged by gender inequalities and/or economic status.**

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<sup>24</sup> UNGIFT, 'An Introduction to Human Trafficking: Vulnerability, Impact and Action' (2008) Available at: <<https://www.unodc.org/documents/human-trafficking/2008/AnIntroductiontoHumanTrafficking-VulnerabilityImpactandAction.pdf>> [Accessed 24/08/15] p.71

<sup>25</sup> *ibid* pp.72-73

<sup>26</sup> Home Office, 'Human Trafficking: Practical Guidance' (2013) Available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/181550/Human\\_Trafficking\\_practical\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181550/Human_Trafficking_practical_guidance.pdf)> [Accessed 24/08/15]

**12.11 Furthermore, it is recommended that training be delivered to employers and employment agencies on their obligations under Section 56 of the Modern Slavery Act 2015, how to develop policies to prevent their business from utilising exploitative labour, indicators of human trafficking and what procedures to follow if they suspect that an individual has been trafficked.**

***Question 7(a)***

The draft strategy has identified the following objectives in support of the “Partnership” priority:

- Cooperation between relevant statutory agencies;
- Cooperation and coordination between Government and civil society;
- Appropriate information sharing;
- Effective cross-border cooperation;
- Strategic alignment with other UK jurisdictions;
- Engagement with the UK Independent Anti-Slavery Commissioner; and
- Building strong pan-European links.

**In your opinion are these proposed objectives appropriate? Are there any additional objectives that in your opinion should also be included?**

13.1 The BMEWN considers these objectives to be broadly reasonable, although it would recommend further actions to implement them, as detailed below.

***Question 7(b)***

The proposed actions associated with this strategic priority are set out at pages 41 to 43 of the consultation document.

**In your opinion are these proposed actions appropriate? Are there any additional actions that in your opinion should also be included?**

14.1 As has been emphasised throughout this response, there is a need to consider global cooperation alongside cross-border and European cooperation in tackling trafficking. There are a number of international organisations, such as UNGIFT and Interpol, which can provide valuable resources, such as information and training.

14.2 Furthermore, bilateral arrangements with individual states can be helpful in both pursuing and preventing trafficking, as regards the establishment of cooperative investigations and the implementation of targeted preventative initiatives across borders.

14.3 Further concerning partnership, the fact that NGOs will likely lose their status as first responders following revisions to the NRM means that the maintenance of a strong relationship between these agencies and the Department of Justice is more important than ever. As well as maintaining information links with NGOs through its Trafficking Engagement Group, there is a need for the Department to ensure that NGOs are adequately funded to perform anti-trafficking activities.

14.4 Indeed, research has indicated that a lack of funding for anti-trafficking NGOs can result in inadequate assessments of the impact of anti-trafficking measures taken by governments and an inability for NGOs to develop long-term outcomes.<sup>27</sup>

**14.5 The BMEWN reemphasises the above recommendations concerning the need to include actions that ensure global cooperation, beyond the context of cross-border and pan-European collaboration**

**14.6 The BMEWN recommends that the finalised Strategy make a commitment that anti-trafficking work by NGOs will be adequately funded.**

For further enquiries about this submission, please contact the following:

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<sup>27</sup> S Hoff, 'Where is the Funding for Anti-Trafficking Work? A look at donor funds, policies and practices in Europe', *Anti-Trafficking Review*, issue 3, 2014, pp. 109—132