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**NICEM
SUBMISSION**

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

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Introduction

1.1 The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation. As an umbrella organisation¹ we represent the views and interests of black and minority ethnic (BME) communities.² Our mission is to work to bring about social change through partnership and alliance building, and to achieve equality of outcome and full participation in society. Our vision is of a society in which equality and diversity are respected, valued and embraced, that is free from all forms of racism, sectarianism, discrimination and social exclusion, and where human rights are guaranteed.

1.2 Human trafficking is a global problem, but one that has proven to particularly affect Northern Ireland (NI). As the prevalence of this practice has been overlooked in NI for many years, NICEM welcomes the introduction of a Strategy for tackling human trafficking and the opportunity to consult on its drafting. Such a Strategy should be robust, victim-oriented and in compliance with international standards, in order to ensure that traffickers are caught and victims protected.

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?

¹ Currently we have 27 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland. Many of these organisations operate on an entirely voluntary basis.

² In this document “Black and Minority Ethnic Communities” or “Minority Ethnic Groups” or “Ethnic Minority” has an inclusive meaning to unite all minority communities. It is a political term that refers to settled ethnic minorities (including Travellers, Roma and Gypsy), settled religious minorities, migrants (EU and non-EU), asylum seekers and refugees and people of other immigration status united together against racism.

Employment Monitoring Bodies

Arrangements for cooperation between relevant organisations and provision of training and equipment for investigators, prosecutors and those dealing with victims.

- 2.1 The Human Trafficking and Exploitation Strategy (hereafter ‘the Human Trafficking Strategy’) is required under Section 12(4)(a) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (hereafter ‘the Human Trafficking Act’) to set out the arrangements for co-operation between relevant organisations in dealing with relevant offences or the victims of such offences.
- 2.2 Section 12(5) defines a ‘relevant organisation’ as ‘any body, agency or other organisation with functions or activities relating to relevant offences or the victims of such offences’; this is a wide definition, which encompasses a range of different bodies, including public bodies and civil society.
- 2.3 Perhaps the most important bodies to coordinate the work of are those responsible for overseeing labour practices in NI, as the vast majority of potential victims of trafficking identified in NI in 2014 were trafficked for the purpose of forced labour. Indeed, statistics illustrate that this is a growing practice, with a 233% increase between 2013 and 2014 in the number of potential victims trafficked for this purpose in NI.³
- 2.4 Despite this, the system for overseeing employment practices in NI is significantly fractured. A number of bodies have responsibility for monitoring different practices and different workers, including the Gangmasters Licensing Authority, the Department of Employment and Learning’s Employment Agency Inspectorate, the Health and Safety Executive NI, Her Majesty’s Revenue and Customs (HMRC) and the Agricultural Wages Board.
- 2.5 All of these bodies have the potential to encounter victims of trafficking for the purpose of forced labour, but there is significant disparity between these bodies as regards their preparation for this eventuality. The Gangmasters Licensing Authority regulates employment standards amongst those providing labour to the agriculture, horticulture, shellfish gathering and associated processing/packaging sectors. In the course of this work, the Authority frequently encounters victims of trafficking, which it then refers on to the National Referral Mechanism (NRM). Indeed, the Authority recently exceeded its target of increasing the number of potential victims of trafficking it refers to the NRM by 15%.⁴

³ 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 24/06/15] p.25

⁴ Gangmasters Licensing Authority, ‘Gangmasters Licensing Authority: Annual Report and Accounts, 1 April 2013 to 31 March 2014’ (2014) Available at:

- 2.6 The GLA currently trains its staff in terms of how to identify potential victims of trafficking, in line with guidance that it offers to other organisations.⁵ Indeed, the GLA currently works in partnership with the University of Derby to deliver a training course on identifying worker exploitation.
- 2.7 Furthermore, the GLA ensures that it shares information with relevant Government Departments and, as noted above, it provides information to other organisations on how to identify potential victims of trafficking.
- 2.8 However, while the GLA maintains a relatively high focus on trafficking – in terms of training and information-sharing – it must be noted that it is mandated to monitor only one area of employment. Indeed, of the referrals made to the NRM in 2013, only 1% was made by the GLA.⁶ Thus, a comprehensive approach that engages all employment monitoring bodies is needed in order to maximise the identification of potential victims.
- 2.9 The Employment Agency Inspectorate monitors the compliance of those employing agency workers with relevant legislation⁷ - this includes the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005, which contain a number of restrictions on how agencies may treat their workers. Naturally, agency workers are vulnerable to experiencing forced labour⁸, making trafficking an issue that Inspectors may encounter.
- 2.10 Despite this, the Inspectorate does not offer its staff specific training on identifying potential victims of trafficking and, perhaps partially due to this omission, the Inspectorate has never signposted a victim to the NRM.
- 2.11 The Health and Safety Executive NI is responsible for enforcing health and safety at work standards across NI. As Health and Safety Executive staff perform on-site inspections as part of their work, there is a clear potential for them to encounter victims of trafficking.⁹

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/331163/ARA_2013-14_Web_Version_3_07_07_14.pdf> [Accessed 24/06/15] p.4

⁵ Gangmasters Licensing Authority, 'Labour Exploitation: Spotting the Signs' Available at:

<<http://www.gla.gov.uk/PageFiles/1602/Human%20trafficking%20-%20Spotting%20the%20signs%20v5%20all%20amends.pdf>> [Accessed 26/06/15]

⁶ Home Office, 'Review of the National Referral Mechanism for Victims of Human Trafficking' (2014) Available at:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372960/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf> [Accessed 30/06/15] para.5.2.8

⁷ House of Commons Home Affairs Committee, 'The Trade in Human Beings: Human Trafficking in the UK' (2009) Available at:

<<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/23i.pdf>> [Accessed 24/06/15] p.22

⁸ Lalani, M. and Metcalf, H., 'Forced Labour in the UK: The Business Angle' (2012) Available at:

<<http://www.jrf.org.uk/sites/files/jrf/forced-labour-and-business-full.pdf>> [Accessed 24/06/15] p.9

⁹ HSENI, 'Enforcement Guidelines for Health and Safety at Work in Northern Ireland' Available at:

- 2.12 Nevertheless, the Health and Safety Executive does not deliver any training to its staff on the need to remain vigilant for potential victims of trafficking or what to do if one encounters a potential victim.
- 2.13 HMRC and the Agricultural Wages Board both monitor the provision of minimum wage and receive complaints to that end. Again, there is potential for both bodies to encounter victims of trafficking whilst carrying out this work. This is especially so for the Agricultural Wages Board, as agricultural work is an area wherein forced labour practices typically proliferate.¹⁰
- 2.14 Nevertheless, staff from these bodies do not receive training on how to recognise a potential victim of trafficking and what procedures to follow if they encounter such an individual.
- 2.15 Thus, whilst all of these bodies have a role to play in identifying victims, the level of training offered to their staff and the degree of information-sharing undertaken amongst these bodies is inconsistent. While the GLA provides training to its staff and ensures information-sharing with some relevant bodies, it is responsible for overseeing only one area of employment; a joint approach, from all employment monitoring bodies, is required to tackle the pervasive practice of trafficking for the purpose of forced labour.
- 2.16 In terms of information-sharing, it is reassuring that the current draft Human Trafficking Strategy provides for the creation of a Memorandum of Understanding to facilitate the exchange of operative learning between the PSNI, the GLA and the Employment Agency Inspectorate.¹¹ However, it is felt that all employment monitoring bodies that could encounter potential victims of trafficking should be party to this memorandum, including the Health and Safety Executive NI, HMRC and the Agricultural Wages Board.
- 2.17 As regards training, the GLA guidance for those who may come into contact with victims of trafficking, mentioned above, is notable. This guidance includes indicators for assessing whether somebody may be at risk. This would be a useful resource upon which to base training for the staff of other employment monitoring bodies.

<https://www.secure.hseni.gov.uk/register/enforcement_guidelines.pdf> [Accessed 25/06/15]

¹⁰ Joseph Rowntree Foundation, 'Forced Labour in the United Kingdom' (2014) Available at: <<http://www.gla.gov.uk/PageFiles/1602/JRF%20-%20Forced%20Labour%20in%20the%20UK.pdf>> [Accessed 25/06/15] p.6

¹¹ Department of Justice, 'Draft Northern Ireland Human Trafficking and Exploitation Strategy 2015/16' (2015) Available at: <<http://www.dojni.gov.uk/index/public-consultations/current-consultations/consultation-document-draft-northern-ireland-human-trafficking-and-exploitation-strategy-2015-16.pdf>> [Accessed 26/06/15] p.29

2.18 Ultimately, the Human Trafficking Strategy is an opportunity to ensure that cohesive standards, information-sharing and cooperative working are established amongst what is currently a disparate and segregated system for monitoring employment practices.

2.19 NICEM recommends that the Human Trafficking Strategy provide for standardised training – based on the GLA guidance on this area - to be delivered to all employment monitoring bodies in Northern Ireland, focusing on:

- **What constitutes forced labour;**
- **Indicators that may suggest that an individual is a victim of trafficking;**
- **Procedures to follow if you suspect that an individual has been trafficked.**

2.20 NICEM also recommends that the Memorandum of Understanding provided for in the current draft Human Trafficking Strategy be extended to include agreement from the Health and Safety Executive NI, HMRC and the Agricultural Wages Board.

Provisions aimed at raising awareness of the rights and entitlements of victims.

3.1 NICEM notes that there are a number of initiatives contained within the current draft Human Trafficking Strategy that aim to raise awareness of human trafficking generally. This includes a large number of proposed actions directed towards raising public awareness in order to enhance the identification of potential victims.

3.2 While the draft Strategy envisions a significant number of awareness-raising actions for this purpose, it is notable that few are specifically directed at raising awareness of the 'rights and entitlements of victims', as required by Section 12 of the Human Trafficking Act.

3.3 Furthermore, there is no awareness-raising role envisioned for those employment monitoring bodies that may encounter potential victims at first instance.

3.4 It is not disputed that furthering the identification of potential victims is an important aspect of awareness-raising, however legislation specifically provides that victims' rights and entitlements be promoted. Therefore, the finalised Strategy should expand its current provisions on raising awareness of victims' rights and entitlements – which are currently limited to the provision of multi-lingual leaflets, signposting through DoJ support services for victims of trafficking and briefing members of the legal profession.

3.5 NICE M recommends that training on the rights and entitlements of victims be delivered to the staff of relevant employment monitoring bodies, so that this information may be passed on to potential victims and they may be appropriately signposted.

Statutory Bodies

Arrangements for cooperation between relevant organisations and provision of training and equipment for investigators, prosecutors and those dealing with victims.

4.1 Section 54 of the Modern Slavery Act 2015 extends to NI, requiring commercial organisations to provide a slavery and human trafficking statement. While the arrangements for overseeing this process are still in development, it is likely that a body will be responsible for monitoring organisations' compliance with this requirement.

4.2 The results from the Home Office consultation on this mechanism will be forthcoming within the next month, so it is important for the Human Trafficking Strategy to consider how relevant actors, such as Government Departments and legal authorities, will interact with this new body to facilitate its oversight role.

4.3 NICE M recommends that the finalised Strategy contain a commitment to include representation from any future body responsible for monitoring Human Trafficking Statements on the DoJ's Human Trafficking Engagement Group.

First Responders

Arrangements for cooperation between relevant organisations and provision of training and equipment for investigators, prosecutors and those dealing with victims.

5.1 Following a review of the NRM, the arrangements by which first responders refer individuals onto the NRM will be undergoing change, subject to a number of pilot schemes over the coming year. While it is unclear what the new role of first responders will be until these schemes conclude, the recommendations made by the review seek to create a more professionalised system of 'Slavery Safeguarding Leads' (or 'Slavery Referral Leads' in NI), membership of which would be limited to employees of public bodies.¹²

¹² op cit n 4 paras.5.3.2 and 5.4.2

5.2 The Human Trafficking Strategy should be mindful of these future changes and ensure that there is clarity as regards what organisations will be fulfilling this duty in NI and how they will cooperate with one another and organisations in the rest of the UK in order to share information and develop best practice under any new system.

5.3 Taking actions to ensure the sharing of good practice is particularly important, as the Home Office does not produce central guidance for all first responders in line with the guidance it produces for child first responders.¹³ No such guidance is likely to emerge until guidance is produced by the Department of Justice under Section 13 of the Human Trafficking Act, which itself will not be produced until the new NRM system is in place.

5.4 Furthermore, if NGOs are to no longer participate in the NRM as first responders, then a link must be maintained between NGOs and Slavery Referral Leads, in order to facilitate information-sharing and the signposting of potential victims encountered by NGOs to Slavery Referral Leads.

5.5 Indeed, it will be important to ensure that key actors generally are aware of what their roles will be under the new system and what bodies they are to approach. Consequently, it would be beneficial for NGOs and other bodies that may encounter potential victims of trafficking to receive more information on the revised system when it comes to be implemented. In this regard, it is notable that Australia provides guidance to NGOs that work with trafficked persons.¹⁴

5.6 NICEM recommends that the finalised Strategy commit to the establishment of a system of information-sharing amongst future Slavery Referral Leads.

5.7 NICEM further recommends that the finalised Strategy commit to the maintenance of a relationship between NGOs and Slavery Referral Leads through the Human Trafficking Engagement Group.

¹³ Home Office, 'National Referral Mechanism: Guidance for Child First Responders' Available at: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244697/NRM_First_Responder_Guidance.pdf> [Accessed 30/06/15]

¹⁴ Working Group of the National Roundtable on People Trafficking, 'Guidelines for NGOs Working With Trafficked People' (2010) Available at: <<http://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Documents/PeopleTraffickingNGOGuidelines-English.pdf>> [Accessed 06/07/15]

5.8 NICEM also recommends that the Department of Justice deliver training and/or guidance to NGOs, employment monitoring bodies and other non-Slavery Safeguarding Leads who may encounter potential victims of trafficking, focusing on:

- **What constitutes human trafficking;**
- **Indicators that may suggest that an individual is a victim of trafficking;**
- **Procedures to follow under the revised NRM if you suspect that an individual has been trafficked.**

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?

6.1 While it is important for the overall aim of the Human Trafficking Strategy to highlight the combative purpose of the Strategy under Section 12(3)(b) of the Human Trafficking Act, it is equally important for the victim-oriented aspects of the Strategy to be recognised within its strategic aim.

6.2 Section 12(4)(a) and (b) of the Human Trafficking Act requires that the Strategy set out arrangements for cooperation amongst and training for relevant organisations in terms of dealing with victims of trafficking. Additionally, Section 12(4)(c) states that the Strategy will include provisions aimed at raising awareness of the rights and entitlements of victims. Consequently, victim-oriented provisions are as relevant an aspect of the Strategy as those provisions aimed at tackling trafficking in a criminal justice sense.

6.3 Some acknowledgement of the provision for victims made within the Strategy should be made in its strategic aim.

6.4 NICEM recommends that the finalised Strategy’s overall strategic aim read: ‘to equip Northern Ireland to drive out human trafficking, slavery and forced labour and protect victims and potential victims of trafficking from harm’.

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?

7.1 The international discourse on combating trafficking is rooted in Article 2 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 ('Protocol on Trafficking'), which requires States Party to 'prevent' and 'combat' trafficking, 'protect' victims of trafficking and 'promote cooperation' in tackling trafficking. This Protocol was ratified by the United Kingdom in 2006.

7.2 While the UN Protocol established a 'three Ps' approach - focused on prevention, protection and prosecution – discourse has since evolved to support a five Ps approach, which addresses 'Prevention', 'Prosecution', 'Protection', 'Partnership/Promotion' and 'Punishment'.¹⁵ Since 2009, the UN Special Rapporteur on Trafficking has supported the adoption of a five Ps approach by States Party in their efforts to combat trafficking.¹⁶ The United Arab Emirates, for example, adopts the 'internationally preferred' five Ps strategy for combating trafficking.¹⁷ The Netherlands also utilises this approach.¹⁸

¹⁵ See, for example: Mattar. M., 'Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective' (2006) Available at: <http://www.protectionproject.org/wp-content/uploads/2010/09/PP_Chartbook_English.pdf> [Accessed 06/07/15] p.15

¹⁶ Special Rapporteur on Trafficking in Persons, 'First Decade of the Mandate of the Special Rapporteur on Trafficking in Persons, Especially Women and Children' (2014) Available at: <http://www.ohchr.org/Documents/Issues/Trafficking/FirsDecadeSRon_%20trafficking.pdf> [Accessed 23/06/15] p.10

¹⁷ National Committee to Combat Human Trafficking, 'Combatting Human Trafficking in the UAE' (2014) Available at: <<http://www.nccht.gov.ae/en/Publications/PDF/English.pdf>> [Accessed 06/07/15] pp.6-7

¹⁸ National Rapporteur on Trafficking in Human Beings, 'Human Trafficking – Ten Years of Independent Monitoring' (2010) Available at: <<http://www.nccht.gov.ae/en/Publications/PDF/English.pdf>> [Accessed 06/07/15] p.15

7.3 While these elements are arguable covered under the four strategic priorities in the current draft Strategy, including prosecution (addressed under 'Pursue') and provision (addressed under 'Protect and support'), consideration should be given to restructuring the Strategy under the five headings that are utilised internationally.

7.4 NICEM recommends that the Strategy's four strategic priorities be restructured to provide for five strategic priorities (Prevention, Prosecution, Protection, Partnership and Punishment), in compliance with current international practice.

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?

8.1 As has been noted above, forced labour is the main purpose for which identified victims of trafficking have been brought to the UK. Consequently, employment inspection is vital to ensuring that perpetrators are identified and prosecuted.

8.2 However, the employment monitoring system that operates in NI is fractured and incomplete. The Gangmasters Licensing Authority, which has the most well-developed approach to identifying instances of trafficking, is only authorised to oversee working practices within the agricultural, shellfish-gathering and related packaging industries, as per Section 3 of the Gangmasters (Licensing) Act 2004.

8.3 Additionally, the Employment Agency Inspectorate only monitors the practices of employment agencies in terms of their compliance with the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005.

8.4 Consequently, the working practices of many employment sectors in NI are not overseen by an employment monitoring body. Naturally, this piecemeal coverage severely limits the capacity of the State to identify victims of trafficking for the purpose of forced labour and renders the identification of these victims largely dependent on the work of law enforcement agencies, which can generate additional expense.

8.5 Indeed, the NI approach to identifying victims of trafficking is heavily police dependent, with 80% of NI referrals to the NRM in 2014 being made by the PSNI.¹⁹ Arguably, employment monitoring bodies are being significantly underutilised as a potential source of passive victim identification, resulting in an overdependence on costly policing operations in order to identify victims and thus potential offenders.

8.6 NICEM recommends that an objective be added to improve detections through the better utilisation of employment monitoring bodies.

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?

9.1 If employment monitoring bodies are to be utilised to facilitate the detection of instances of trafficking, then additional actions will be required. Staff on employment monitoring bodies will require training so that they may identify potential victims of trafficking and alert the PSNI. The potential format for such training has been noted above.

9.2 Furthermore, in order to facilitate interactions between employment monitoring bodies and the PSNI – and thus support the pursuit of traffickers - representatives from each body (including the Employment Agency Inspectorate, the Health and Safety Executive, Her Majesty's Revenue and Customs and the Agricultural Wages Board) should attend the meetings of the Organised Crime Task Force's Immigration and Human Trafficking Subgroup. This could help keep employment monitoring bodies informed on current issues, such as what employment sectors are of interest to law enforcement authorities and what practices they should be alert to.

¹⁹ op cit n 3 p.26

9.3 This could also foster information-sharing between employment monitoring bodies to better detect instances of trafficking. For example, if the Agricultural Wages Board received a complaint regarding an employer that the Health and Safety Executive had recently found to be in violation of safety standards, this could warrant further attention from law enforcement bodies depending on the context of the employer's conduct.

9.4 Furthermore, ensuring representation from these bodies on the Subgroup could also develop a synergistic relationship between their work. For example, if the Health and Safety Executive had noted characteristic health and safety violations at a workplace, the Employment Agencies Inspectorate could be notified that it should pay particular attention during an upcoming inspection.

9.5 In this way, the work employment monitoring bodies could support the pursuit of traffickers as a part of their current duties, in a manner that complements the work of law enforcement agencies and reduces the reliance upon policing authorities to make initial detections.

9.6 NICEM reemphasises its above recommendation on training for employment monitoring bodies and further recommends that the Strategy's action plan include a measure to ensure that the OCTF's Immigration and Human Trafficking Subgroup has representation from all of the employment monitoring bodies active in NI.

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?

10.1 While the currently proposed objectives are important, it is necessary to note the role of NGOs in helping to protect and support victims. While the consultation document makes mention of Migrant Help and Women's Aid - as organisations providing assistance as part of the NRM - it does not make mention of NGOs that may encounter trafficking victims during their work.

10.2 Considering the changes being made to the NRM following its recent review and the likely alteration to the role of NGOs in this process, it is important for the Department to take this opportunity to maintain links between NGOs and future referral mechanisms, in order to support the identification of victims.

10.3 It is notable that the maintenance of links between civil society and Government bodies as a means of facilitating victim identification is internationally recognised as being central to the protection and support of trafficking victims.²⁰ Thus, the DoJ has an opportunity to draw on international best practice by ensuring that these links are maintained.

10.4 NICEM recommends that the objectives under this section be expanded in the finalised Strategy to include an objective to: ‘Maintain links between NGOs and relevant organisations, including those within the National Referral Mechanism’.

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?

11.1 The draft Strategy currently lacks actions aimed at maintaining links between NGOs and relevant organisations - including those within the NRM- with the purpose of supporting victim identification.

11.2 European research has stated that NGOs can ‘support identification of trafficked persons’, as they can ‘win the confidence of their clients’ and thus secure their testimony – but it is also emphasised that they ‘need cooperation with all actors in the anti-trafficking field’.²¹ Thus, actions on this area are vital to ensuring improved victim identification through the maintenance of links between key actors.

²⁰ See, for example, Australia’s and the United States’ actions plans on trafficking: ‘National Action Plan to Combat Human Trafficking and Slavery: 2015-19’ (2014) Available at: <<http://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Documents/Trafficking-NationalActionPlanToCombatHumanTraffickingAndSlavery2015-19.pdf>> [Accessed 24/07/15] p.56; ‘Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States: 2013-2017’ (2013) Available at:

<<http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>> [Accessed 24/07/15] p.54

²¹ Hoff, S., ‘The Role of NGOs in Combating Human Trafficking and Supporting (Presumed) Trafficked Persons’ (2011) Available at:

<http://www.coe.int/t/dghl/cooperation/economiccrime/trafficking/Projects/THB%20Azerbaijan/REPO_RT_HOFF.pdf> [Accessed 24/07/15] p.3

- 11.3 Furthermore, as noted above, the ongoing review of the NRM will likely result in a change in the role of NGOs, as the First Responder system becomes more closely attached to those exercising public authority. In the context of these potential changes, it is more important than ever that actions be taken to ensure that NGOs are able to interact with these bodies to support victim identification.
- 11.4 While the draft Strategy currently emphasises that interaction with civil society will be fostered through meetings of the Human Trafficking Engagement Group, this group lacks representation from some key actors in the field of trafficking, mostly notably employment monitoring bodies.
- 11.5 Whilst the Gangmasters Licensing Authority currently attends the OCTF's Immigration and Human Trafficking Subgroup, the lack of representation from employment monitoring bodies on the Engagement Group leaves a degree of separation between these bodies and NGOs. This represents a missed opportunity for information-sharing between these bodies, which could result in the identification of key themes/sectors of interest and in turn improve the ability of all bodies to identify victims.
- 11.6 Furthermore, there are currently no actions envisaged under the 'protect and support' priority that would ameliorate the lack of guidance provided by the Government to NGOs that may encounter victims of trafficking, which has been discussed further above. This is in contrast to other States, such as Australia, which provide central guidance for NGOs that could encounter victims.²²
- 11.7 Again, the lack of guidance and/or training provided to NGOs may inhibit their ability to recognise and refer potential victims of trafficking that they encounter. Addressing this deficiency could contribute to the improvement of victim identification and support.²³
- 11.8 NICEM recommends that an action be included under the 'protect and support' strand of the Strategy to provide for representation of all employment monitoring bodies at the Department of Justice's Human Trafficking Engagement Group.**

²² op cit n 14

²³ Indeed, the Australian Government has remarked on the increasing role of Australian NGOs in referring potential victims of trafficking: Anti-People Trafficking Interdepartmental Committee, 'Trafficking in Persons: The Australian Government Response' (2011) Available at: <<http://webcache.googleusercontent.com/search?q=cache:ABsn8uFEFrIJ:www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Documents/ReportoftheAntiPeopleTraffickingInterdepartmentalCommitteeJuly10toJune11.doc+&cd=1&hl=en&ct=clnk&gl=uk&client=firefox-a>> [Accessed 24/07/15]

11.9 NICEM also reemphasises its recommendation that the Department of Justice deliver training and/or guidance to all NGOs that may encounter victims of trafficking, focusing on:

- **What constitutes human trafficking;**
- **Indicators that may suggest that an individual is a victim of trafficking;**
- **Procedures to follow under the revised NRM if you suspect that an individual has been trafficked.**

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?

12.1 NICEM does not suggest any additional objectives under this priority, but does recommend some further actions under these objectives, as discussed 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?

13.1 While the current draft Strategy does cover a number of key issues in its actions under this section, some additional actions must be considered in order to establish a thorough system for preventing trafficking in NI.

- 13.2 Firstly, the current system of data collection regarding trafficking should be improved. There is a dearth of accurate data on trafficking, with the 'dark figure' being a widely recognised phenomenon.²⁴ Consequently, there is a need to ensure that data collection is as broad and comprehensive as possible.
- 13.3 Under the current system, data is published on individuals who are referred to the NRM. This data includes the type of exploitation type claimed, the individual's country of origin, the first responder that referred them and the country they were referred in.²⁵
- 13.4 Data is also gathered on individuals given reasonable and conclusive grounds decisions, which includes their age range, country of origin, gender, the type of exploitation claimed and the country they were referred in.²⁶
- 13.5 While this is a relatively comprehensive overview, there are some gaps in this data collection system. For example, data is not provided on the ethnicity of individuals who are referred to the NRM by reasonable grounds decision and conclusive grounds decision.
- 13.7 Furthermore, while some data is published on referrals by country of origin, reasonable grounds decision and conclusive grounds decision, this data is not complete. Current data only covers the top ten most referred countries of origin, while referred individuals came from 54 different countries.²⁷
- 13.8 Ultimately, improving the collection and availability of data should be viewed as a key aspect of preventing trafficking by 'capturing learning'. Gathering comprehensive data and publishing this data will allow key actors to identify trends in at risk groups and ensure that actions are properly targeted.
- 13.9 Secondly, an action should be included under the Strategy to provide training for border officials on indicators of trafficking, in order to help prevent individuals from being trafficked into the country.

²⁴ See, for example: Bales, K. and Datta, M. N., 'Slavery in Europe: Part 1, Estimating the Dark Figure' (2013) 35 Human Rights Quarterly 817

²⁵ National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/502-national-referral-mechanism-statistics-end-of-year-summary-2014/file>> [Accessed 27/07/15]

²⁶ National Crime Agency, 'Human Trafficking: National Referral Mechanism Statistics – October to December 2014' (2015) Available at: <<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/558-human-trafficking-national-referral-mechanism-statistics-october-to-december-2014/file>> [Accessed 27/07/15]

²⁷ *ibid* pp.7-8

- 13.10 Such training is offered to border guards in many different jurisdictions – for example, Frontex offers training for EU border guards²⁸ - making this an international standard for preventative action that could be taken. This could help realise the third objective outlined by the draft Strategy under this priority.
- 13.11 Thirdly, the Strategy should also take actions to address forced marriage, which has been identified as a purpose for which some children are trafficked into the UK.²⁹ One such action could be to raise awareness with marriage officiators by providing them with training on trafficking indicators and who to contact if they suspect that an individual has been trafficked for the purposes of forced marriage.³⁰
- 13.12 Furthermore, it is notable that while the law in Northern Ireland has recently changed to specifically outlaw forced marriage – under Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 – the PSNI’s Service Procedure on this offence has yet to be altered accordingly. Altering this Service Procedure should be a priority, as it is required for officers to know what actions to take in order to combat this offence.
- 13.13 NICEM recommends that an action be added under the objective ‘capture learning over time’ to undertake and publish data collection on the ethnicity of referred individuals by reasonable grounds and conclusive grounds decisions. Furthermore, complete data on the reasonable and conclusive grounds decisions of referrals by country of origin should be published.**
- 13.14 NICEM also recommends that an action be added under the objective ‘targeted engagement and awareness raising with key sectors’ to provide training to border officials on indicators of trafficking.**
- 13.15 NICEM further recommends that an action be added under the objectives ‘raising public awareness of the signs and indicators of human trafficking, slavery and forced labour’ to provide information to marriage officiators on indicators of trafficking and forced marriage.**
- 13.16 NICEM also recommends that an action be added committing to updating the PSNI’s Service Procedure on forced marriage, so that signs of forced marriage can be identified and appropriate actions taken by law enforcement authorities.**

²⁸ See: <http://frontex.europa.eu/feature-stories/combating-human-trafficking-at-the-border-training-for-eu-border-guards-rRzpfI>

²⁹ Wilberforce Institute for the study of Slavery and Emancipation, ‘Child Trafficking for Forced Marriage’ (2008) Available at: http://www.ecpat.org.uk/sites/default/files/forced_marriage_ecpat_uk_wise.pdf [Accessed 29/07/15]

p.1

³⁰ This is a measure envisaged by Australia in its National Action Plan: op cit n 20 p.63

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?

14.1 It is notable that the UK is a member of some non-European international bodies that facilitate cooperation on issues of trafficking, for example the UN Global Initiative to Fight Human Trafficking (UNGIFT).

14.2 The UNGIFT Steering Committee is comprised of six international organisations – the ILO, IOM, OHCHR, OSCE, UNICEF and the UN Office on Drugs and Crime - which coordinate members’ anti-trafficking activities. The core activities of the UNGIFT include disseminating information amongst members, supporting coherence amongst key actors and establishing a global dialogue between victims and key actors.³¹

14.3 Consequently, the Strategy should ensure that its objectives aim to facilitate partnership on a global level as well as a pan-European level.

14.4 NICEM recommends that the final objective listed under this priority be edited to read: ‘Building strong pan-European and global links’.

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?

³¹ 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> [Accessed 30/07/15] pp.3 and 5

15.1 As noted above, there are a number of employment monitoring bodies that are not represented on the Human Trafficking Engagement Group. Ensuring that these groups engage via this body will not only help ensure that victims are better protected, but will also foster greater cooperation within the disparate employment monitoring system in NI.

15.2 Furthermore, the Strategy should introduce measures to implement the amended objective on building strong pan-European and global links, as recommended above. This should include a commitment to work with bodies that the UK is currently a member of in order to foster information exchange and targeted action.

15.3 NICEM recommends that the finalised Strategy include an action under the objective 'cooperation between relevant statutory agencies' to ensure that employment monitoring bodies are represented on the Human Trafficking Engagement Group.

15.4 NICEM also recommends that the Strategy include an action under the amended objective building strong pan-European and global links' committing to working through extant international bodies that tackle trafficking (including UNGIFT) to share information and build an international approach to addressing trafficking issues.

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

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