



Response in relation to:

**Human Trafficking and Slavery:  
Strengthening Northern Ireland's  
Response  
15 April 2014**

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**24 Hour Domestic & Sexual Violence Helpline**

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## Section 1- Introduction

### 1.1 Women's Aid statistical data

- Since 1999, Women's Aid across Northern Ireland gave refuge to 16,425 women and 15,488 children and young people.
- During the last 17 years Women's Aid Federation Northern Ireland managed 374,406 calls to the 24 Hour Domestic & Sexual Violence Helpline.

### 1.2 Statistics: Domestic violence & violence against women

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.
- Where the gender of the victim was known, 72% of adult victims of domestic crimes recorded by the PSNI in 2012/13 were female.<sup>1</sup>
- Over 30% of all domestic violence starts during pregnancy.<sup>2</sup>

### 1.3 Domestic violence: Crime statistics (Source: PSNI Statistics 2012/13)

- Domestic Violence is a crime. PSNI statistics for 2012/13 indicate that there were more recorded crimes with a domestic motivation (11,160) than the combined total of all the following crimes (9,976) – all recorded sexual offences (1,948), shoplifting (5,890) and theft of a motor vehicle (2,138).
- PSNI Statistics for 12/13 indicate that they responded to a domestic incident every 19 minutes of every day of the year.
- The total of 11,160 crimes with a domestic motivation in 12/13 represents an average of approximately 1 domestic crime every 47 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 12/13 total 17. Those classed as having a domestic motivation total 5. Therefore, 29% of all murders in Northern Ireland in 12/13 had a domestic motivation.
- There were 533 rapes (including attempted Rapes) in Northern Ireland in the period 2012/13.

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<sup>1</sup>Findings from the PSNI Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2012/13 N.B. “Adult” defined as aged 18 and over

<sup>2</sup>Women's Aid Federation Northern Ireland

## 2. Section 2 – Consultation Response

**2.1** Women’s Aid Federation Northern Ireland welcomes the publication of *Human Trafficking and Slavery: Strengthening Northern Ireland’s Response*, and the opportunity to comment on it on behalf of our local Women’s Aid groups. We welcome the commitment to further improve support and redress for victims of all forms of human trafficking and exploitation.

### **2.2 Consolidation of Offences**

We are generally supportive of the proposals to consolidate trafficking and slavery legislation. It is a practical and logical step, and the addition of preparatory offences with regard to trafficking and slavery is welcome. We would, however, question how this consolidated legislation will sit with the current human trafficking and exploitation bill currently making its way through the Assembly.

### **2.3 Anti-Slavery Commissioner**

Women’s Aid supports the establishment of such a role in tackling human trafficking and slavery in Northern Ireland and across the UK. However, given the unique circumstances of Northern Ireland and differences between here and England, Wales and Scotland, we are not convinced that one Commissioner for all four regions would be sufficiently effective. Northern Ireland is not only different because it does not have a visible sex industry (strip clubs etc) as is the case in England & Wales, but we also share an open border with another jurisdiction, the Republic of Ireland. We are also concerned that, despite best intentions, it can often be the case that the circumstances and needs of the devolved nations can be lost in a centralised approach.

We believe that in order to operate effectively, a Northern Irish commissioner along the lines of the Rapporteur proposed in Lord Morrow’s Human Trafficking and Exploitation Bill should be put in place. Alternatively, there should be scope for a deputy Commissioner in Northern Ireland and potentially the other devolved regions, with these roles linking into the overall Anti-Slavery Commissioner in GB to ensure that the approach to human trafficking and slavery is both local and regional.

## **2.4 Sentencing**

We welcome proposals to increase maximum sentencing from 14 years imprisonment to life imprisonment, and the designation of all human trafficking and slavery offences as Serious Offences, to appropriately reflect the magnitude of the offences of human trafficking and slavery. We also welcome the extension of offences subject to public protection arrangements / sentences to all trafficking and slavery offences.

Regarding mandatory life sentencing for repeat offenders, we urge that the Department considers following the approach proposed in England and Wales. The prospect of a mandatory life sentence for repeat trafficking offences could act as an effective deterrent and ensure that Northern Ireland is regarded as a difficult and hostile place for those involved in human trafficking.

## **2.5 Civil Orders**

Women's Aid welcomes the proposals to create *Slavery and Trafficking Prevention Orders* and *Slavery and Trafficking Risk Orders*. In our experience supporting women who have been affected by domestic violence and abuse, the civil courts are a useful means to protect victims of violence from further abuse and harm in the absence of a conviction for a related crime.

## **2.6 Improving Data Collection and Assessment**

Regarding the proposal to create a new requirement for public sector First Responders to report all suspected cases of human trafficking to the UKHTC, we see the merit in introducing such a requirement to remove ambiguity as to how to collect data and information on the extent of human trafficking in Northern Ireland. This proposal should not in any way affect a victim's right not to report trafficking-related crimes or engage with the justice system if they do not wish to.

We would also recommend that the Department expands the number of First Responders to include designated voluntary organisations engaged in the direct support of victims of human trafficking, in line with GRETA's recommendations<sup>3</sup>. Furthermore, the process of reportage by public sector first responders should also be made clear to civil society organisations that come in contact with potential

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<sup>3</sup>[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP\\_2012\\_10\\_GBR\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2012_10_GBR_en.pdf)

victims of human trafficking and slavery. As the consultation document concedes, the number of victims of human trafficking that actually report to police or go through the NRM is a fraction of the actual number of human trafficking victims. Establishing a clear pathway for reportage by voluntary as well as statutory organisations will ensure more accurate data and information collection and provide a better picture of the extent of human trafficking in Northern Ireland.

## **2.7 Legislating for the Proposals**

Women's Aid supports the proposal to use the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill as a vehicle for the introduction of the Modern Slavery bill proposals in principle. It is logical that if the Department wishes to consolidate legislation, it should find a means of consolidating proposals in both Bills also.

We would however urge that none of the support provisions for victims contained within Lord Morrow's Bill are lost in this process, and that Clause 6 which criminalises the purchase of sexual services is retained. Given that the majority of human trafficking in Northern Ireland is for the purposes of sexual exploitation, we believe it is crucial to tackle the demand that fuels this heinous crime, and send a strong message that anyone buying sexual services here or worldwide is supporting sexual slavery and the degradation of human rights. Our position on the criminalisation of buyers of sexual services is based on the inextricable link between prostituted sex and the trafficking industry and on the basis of our belief that prostitution is a form of violence against women<sup>4</sup>. We are joined in our belief that criminalising the buying of sex is the way forward in tackling human trafficking by:

- End Violence Against Women coalition (EVAW)
- European Women's Lobby (EWL)
- Equality Now
- Turn Off the Red Light Campaign in the Republic of Ireland, whose members include the Immigrant Council of Ireland, Ruhama, Barnardos, Rape Crisis Network Ireland, the Labour Party, SIPTU, Soroptomist International Ireland, and a host of other NGOs, Trade unions and charities.<sup>5</sup>
- The Irish Congress of Trade Unions (ICTU)
- Eaves

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<sup>4</sup> For further information on our detailed position, please see the attached briefing paper.

<sup>5</sup> A full list of the Turn Off the Red Light membership is available here:

<http://www.turnofftheredlight.ie/about/whos-involved/>

Clause 6 of the Bill would implement a similar response to prostitution and human trafficking as the model used in Sweden, which was introduced there in 1999 as part of their Violence Against Women Bill. According to a report by Swedish police in 2010, the law criminalising buyers of sexual services has successfully deterred many criminal networks from considering Sweden as an option for trafficking or pimp-led organised prostitution.<sup>6</sup>

The report also states that there has been a significant decrease in on-street prostitution, that the numbers of sexual services sold via internet / off-street means are still much smaller than neighbouring countries Denmark and Norway, and that the proportion of prostituted persons from other countries had not exploded in the way it had elsewhere.

We are also of the view that those engaged in prostitution should not be criminalised in any way. Regarding clause 6 (4), while we welcome that those who sell sex are not criminalised under the legislation for aiding and abetting offences, we believe that this clause should go further and that there should be a clause which specifies that those selling the sexual services will not be criminalised for any action directly connected to selling sexual services (soliciting, selling of sex etc). It is essential that the criminalisation of buyers is accompanied by the decriminalisation of those in prostitution, if this legislation is to truly recognise the marginalised position of those in prostitution in Northern Ireland. We also strongly urge that support measures are put in place to help those who wish to exit prostitution.

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<sup>6</sup> *Briefing on Swedish law and policies on prostitution and trafficking in human beings*, Gunilla S. Ekberg B.S.W., JD, 2012.

## 9. Contact Details

For further information about this response please contact:

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