



Federation Northern Ireland

Public Prosecution Service NI

A Response to: Policy for Prosecuting Cases of Human Trafficking

19 December 2012

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Open to anyone affected by domestic violence

Core Work of Women's Aid: Background Information & Statistics

1.0 Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children. We recognise domestic violence as one form of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

2.0 Core Work of Women's Aid

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and the 10 local Women's Aid groups is:

- To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- To run the 24 Hour Domestic Violence Helpline.
- To provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- To provide a range of support services to children and young people who have experienced domestic violence.
- To run preventative education programmes in schools and other settings.
- To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence.
- To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- To work in partnership with all relevant agencies to ensure a joined up response to domestic violence.

3.0 Women's Aid Statistics (2010 - 2011)

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1058 women and 754 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 3,450 women and 3,739 children accessed the Floating Support service enabling women to access support whilst remaining in their own homes and communities.
- Move-on houses for women and children leaving refuges.
- In 2010/11 the 24 Hour Domestic Violence Helpline, open to anyone affected by domestic violence, managed 38,296 calls. This represented an increase of 18% on 2009/10.

4.0 Additional Women's Aid Statistical Data

- Since 1999, Women's Aid across Northern Ireland gave refuge to 14,714 women and 14,356 children and young people.
- During the last 16 years Women's Aid Federation Northern Ireland managed 282,860 calls to the 24 Hour Domestic Violence Helpline.

5.0 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”;
- The joint DOJ, DHSSPS Strategy “Tackling Violence at Home” estimates that the cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to £180 million each year.
- 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, 76% of adult victims of domestic crimes recorded by the PSNI in 2010/11 were female.*
- Over 30% of all domestic violence starts during pregnancy. **

6.0 Domestic Violence: Crime Statistics

- Domestic Violence is a crime. PSNI statistics for 2011/12 indicate that there were more recorded crimes with a domestic motivation (10,387) than the combined total of all the following crimes (10,327) – all recorded sexual offences (1,836), shoplifting (6,201) and theft of a motor vehicle (2,290).
- PSNI Statistics for 11/12 indicate that they responded to a domestic incident every 21 minutes of every day of the year.
- The total of 10,387 crimes with a domestic motivation in 11/12 represents an average of approximately 1 domestic crime every 51 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 11/12 total 16. Those classed as having a domestic motivation total 3. Therefore, 19% of all murders in Northern Ireland in 11/12 had a domestic motivation.
- There were 553 rapes (including attempted Rapes) in Northern Ireland in the period 2011/12.

(Source: PSNI Statistics 2011/12)

- Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.
- Violence Against Women is not limited to domestic violence, it includes amongst other crimes murder, rape, sexual assault, sexual exploitation, trafficking, sexual stalking and sexual harassment.

(*Findings from the PSNI Crime Statistics Report 2010/11 N.B. "Adult" defined as aged 18 and over)

(** Women's Aid Federation NI)

7.0. Comments

- 7.1 Women's Aid Federation Northern Ireland welcomes the publication of the PPSNI policy for prosecuting cases of human trafficking, and the opportunity to comment upon it on behalf of our ten local groups.

8.0 Victims & Witnesses

- 8.1 Women's Aid is encouraged that the complexities inherent in being a victim of trafficking are addressed within the document. We are particularly encouraged by the document's understanding of a victim's potential fear and distrust of authorities and its myriad causes, as noted at pages 1 and 6.
- 8.2 We note that the policy alludes to the diverse experience of those who are trafficked at page 14, and mentions ethnicity, age, immigration status, religion and culture as factors. We are however concerned that the specific experience of women is not included in this list. We would recommend that this list is more broadly construed to include gender. Women constitute the largest discrete group of trafficking victims. In our professional experience, female victims of trafficking have a very different experience to men when trafficked, and also tend to react differently to their experience and subsequent interviews etc upon their discovery. We welcome that this policy specifically identifies that "violence and physical harm are the hallmarks of trafficked women in particular". We would submit that a victim's gender not only affects how a victim is treated by traffickers, but also how they react to their ordeal. In our view, this should be reflected in the list of factors that influences a person's experience of trafficking.
- 8.3 Regarding guidance on age disputes at page 16, we appreciate that there is often ambiguity regarding the age of victims of human trafficking, and that some victims tell authorities that they are either older or younger than they actually are. We also appreciate the need to establish the age of a victim where ambiguity exists. However, it is our opinion that all victims, until they have undergone a conclusive age assessment, should be treated as the age that they say they are and should be presumed to be telling the truth. Victims of trafficking are often loathe to trust even those engaged in helping and supporting them on account of the ordeal that they have endured, and it is essential that they are treated with sensitivity and above all are believed. – get wording from previous consultation on this.
- 8.3 Women's Aid notes that the process for dealing with victims of trafficking is outlined on pages 15 – 16. As it stands, the guidance states that "In Northern Ireland accommodation and support is provided through the Migrant Helpline who work closely with Women's Aid." This is inaccurate. At present, when a victim of trafficking is identified, Migrant Help are notified, then female victims are referred to Women's

Aid via our 24 Hour Domestic Violence Helpline, and male victims are dealt with by Migrant Help. Women's Aid currently provide support for all female victims of all forms of human trafficking.

- 8.4 We note with concern that the guidance states that "Charitable third sector support providers may also be able to provide accommodation" at page 16. Currently all support and accommodation is provided by Women's Aid and Migrant Help, and an official Service Level Agreement is in place to that effect. Victims of human trafficking require expert, experienced support and assistance, in an environment that is secure and has all necessary safety protocols in place. It would be inappropriate and possibly dangerous to advocate that any charitable organisation might be able to provide accommodation for trafficking victims. This is not only unnecessary given that accommodation arrangements are already in place, but could also potentially jeopardise the safety of victims if organisations without the necessary expertise or experience were encouraged to offer refuge to victims of trafficking.

9.0 Prosecuting suspects who might be trafficked victims

- 9.1 Women's Aid notes that the guidance states that "The PPS cannot offer blanket immunity from prosecution for trafficked victims." While we appreciate the complexity of this issue, we would suggest that if a crime is committed as a consequence of trafficking or while in a coerced situation, then that person is a victim and should be immune from prosecution for that crime. Women's Aid recommends that this guidance be strengthened to that effect to guarantee no prosecution, as opposed to merely considering this information as "a strong public interest factor mitigating against prosecution" (at page 17).

10.0 The views and interests of the victim

- 10.1 We note that the guidance outlines the steps that should be taken when the victim withdraws support for the prosecution at Page 19, in particular "the public prosecutor will also ask the police how they think the victim might react to being required to attend court to give evidence". We would submit that a victim's support worker may be best placed to assess the victim's state of mind and party to the information most relevant to answering this question, given the nature of their role in the support of the victim. We recommend that the guidance is amended to include consulting with both police and support worker.
- 10.2 We would also recommend that the PPS link in with support agencies as well as the PSNI in the event that it is necessary to call a victim against his or her wishes, as discussed at page 20.
- 10.3 In relation to using a victim's statement as evidence without calling them to court (page 20), Women's Aid would urge that this special measure be standard practice where victims of human trafficking are

concerned. Due to the nature of human trafficking, victims often find the evidence-giving process incredibly difficult. They may feel fear of their traffickers, they may feel vulnerable to intimidation by traffickers in court, or they may simply find it difficult to speak about their ordeal in a public court setting.

- 10.4 Women's Aid also recommends that this guidance specifically includes consideration of the risk factor to the safety of the victim and their family when deciding whether to proceed with a case without a victim's support.

11.0 Consultation

- 11.1 We note that the guidance allows for a barrister to be present at consultations with the PPS (page 21). We would also recommend that it may be helpful to allow a victim's support worker to be present at these consultations.

- 11.2 We note that the guidance advocates considering "whether it is appropriate to have another female present" in consultations with female victims in certain cases. We strongly suggest at least one other female should be present in all consultations with female victims. Given the sensitive nature of trafficking offences, and considering the cultural diversity of victims and that it could be potentially inappropriate for a female to sit in a room with only males present, we would recommend that a female is present with a female victim in all cases.

- 11.3 Regarding the provision of interpreters (page 22), Women's Aid recommends that the guidance should include that interpreters are accredited and experienced in trafficking cases where possible. They should also be completely independent from victims, their family, and the investigation as a whole. We note that this is stated later at page 30 when discussing the provision of interpreters in court, and would suggest that it would be useful to include these criteria at this stage of the policy document.

12.0 Keeping the victim informed

- 12.1 Women's Aid are aware that it can sometimes be difficult to keep the victim informed of the progress of their case, or that sometimes support agencies may not be aware of any developments and thus may be unable to support the victim appropriately. We would therefore recommend that support workers are also kept informed of the progress of cases.

13.0 Bail

- 13.1 Given the nature of human trafficking, and the elements of intimidation, coercion and control of victims involved, Women's Aid are of the

opinion that these circumstances should affect the presumption in favour of granting bail. Human trafficking thrives on fear and intimidation, and thus it is likely that traffickers may attempt to intimidate victims if granted bail. We recommend that the presumption of granting bail is reviewed in cases of human trafficking, to properly reflect the nature of the crime and adequately protect victims.

- 13.2 We would also suggest that a victim's support worker may possess vital evidence and information that would be relevant to a decision on bail, and that it may be prudent for prosecutors to request such information from support agencies as well as police.

14.0 Helping victims and witnesses to give evidence

- 14.1 Women's Aid urges that offering special measures to assist victims of trafficking to give evidence should be standard practice. In our professional experience helping victims of domestic and sexual violence, we have found that often victims are not told about or offered these special measures, despite being suitable candidates. In the case of trafficking, it is essential that all steps are taken to support these very vulnerable victims to ensure that they are able to give evidence and can be supported through their court ordeal. This includes proactively offering and advocating the uptake of special measures available to the victim. We therefore recommend that this policy includes a commitment by the PPS to proactively offer such measures in all human trafficking cases to victims, due to the intimidatory nature of the trafficker-victim relationship, and the potential for extreme distress on the part of the victim when facing their trafficker and intimidation of victims when giving evidence.

- 14.2 We welcome that the guidance states that "the PPS will not disclose addresses of victims or witnesses to the defendant and, unless already known or if required for evidential purposes, these will not be mentioned in court proceedings." We would like to add that the location and address of all Women's Aid refuges is confidential information, and should never be disclosed in a public setting.

- 14.3 Regarding the provision of interpreters in court (page 30), we urge that the policy specifies the need for accredited or professionally qualified interpreters, and a preference for interpreters that are accustomed to working in court and have experience working with victims of such crimes as these.

- 14.3 Women's Aid welcomes the mention of the available witness support schemes at page 31. We would like to add that Women's Aid also offers a court support service for victims of human trafficking.

15.0 Sentencing

- 15.1 We note that the policy does not currently outline how and in what circumstances a victim may be able to make a victim impact statement. We have found the Victim Impact Assessment process to be inconsistent in its application in general, and that eligible victims are often not told of their entitlement to make such a statement. In human trafficking cases, it is essential that a victim is able to make such a statement to the court, as human trafficking constitutes a horrendous series of crimes against a victim that can have far-reaching effects on that victim.
- 15.2 Furthermore, a victim who has been forced into crime may benefit from making a Victim Impact Statement, as this would be an effective means of explaining the psychological circumstances that forced the victim to commit a crime.

16.0 Services available after sentencing

- 16.1 Under ‘Services Available After Sentencing’, we note that Women’s Aid is not named as an organisation providing care / support after sentencing. Women’s Aid currently offers support to victims of trafficking for as long as they need it, including support to historical victims, and many victims avail of this long after the reflection period and court cases. Our 24 Hour Domestic Violence Helpline is also available 24 hours a day to all victims for support.

17.0 Annex 5: Contact Details of some Northern Ireland support / advice organisations

- 17.1 Women’s Aid would point out that our contact details in the guidance are currently incorrect. Our full contact details are as follows:

Women’s Aid Federation NI
Tel: 0800 917 1414 (24 Hour Domestic Violence Helpline)
Web: www.womensaidni.org
Provide accommodation and support to female victims of human trafficking

- 17.2 Regarding the information and contact details of Migrant Help, we would suggest that Migrant Help “provide accommodation and support to **male** victims of human trafficking.”
- 17.3 Regarding the information about Lifeline, we would advise that Contact Youth has now been renamed ContactNI.

17.0 Contact Information

For further information about this response contact:

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129 University Street
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Website: www.womensaidni.org

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