



Federation Northern Ireland

## Department of Justice / Department of Health, Social Services and Public Safety

---

### A Response to: Working Arrangements for the Welfare and Protection of Adult Victims of Human Trafficking

---

**Women's Aid Federation Northern Ireland**  
129 University Street  
BELFAST BT7 1HP

Tel: 028 9024 9041  
General Email: [info@womensaidni.org](mailto:info@womensaidni.org)  
Website: [www.womensaidni.org](http://www.womensaidni.org)

24 Hour Domestic Violence Helpline - 0800 917 1414  
Email support: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)  
Text SUPPORT to 07797 805 839

*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 draft Working Arrangements for the Protection and Welfare of Adult Victims of Trafficking, and the opportunity to comment upon it on behalf of our ten local groups.
- 7.2 Women's Aid welcomes the significant progress that has been made to date in tackling human trafficking and supporting victims of trafficking in Northern Ireland. Many positive measures have already been put in place, specifically Women's Aid Federation Northern Ireland's partnership with Migrant Help to provide support to victims of human trafficking. We are also pleased that partnerships and working relationships between Women's Aid, Migrant Help, the PSNI, UKBA, and the Department of Justice are developing well. This guidance is yet another necessary, positive step in providing an effective, cohesive, multi-agency response to human trafficking in Northern Ireland.

## **8.0 Section 2: Human Trafficking – A Brief Overview**

### **Adopting a victim-centred approach**

- 8.1 Women's Aid is for the most part supportive of the overview of trafficking provided here. We are pleased that the Palermo Protocol definitions of trafficking and exploitation have been used within the guidance. We also support the inclusion of the distinction between smuggling and trafficking as outlined at paragraphs 2.13 – 2.15. We agree that those dealing with trafficking cases must “examine the end situation to determine whether someone has been trafficked or smuggled”. This is particularly important in cases where a victim may have consented to be smuggled, but becomes a victim of trafficking during that process. In these cases, the instance of trafficking must be put before any issues of criminality or immigration violation arising from the smuggling, and all agencies should work on the premise that the victim no longer consents or is a party to his/her situation.
- 8.2 We are, however, extremely concerned about the manner in which trafficking is described at several points in the draft guidance. There is no mention of some of the most common methods of controlling victims, such as the confiscation of a victim's passport / documents, or lying to the victim about the corruptness or ineffectiveness of local police. Nor is there mention in this section of the possibility that a victim may be suspicious or uncooperative with Northern Irish authorities due to the corrupt nature of authorities in their home country. We would suggest that these points be added at paragraph 2.9.
- 8.3 We strongly object to the emphasis that is put on victims being coached to lie and exploit the asylum system at paragraph 2.9. While

this may happen in some instances, it is completely unacceptable to imply that this is the case across the board, hence encouraging practitioners to adopt a default position of suspicion towards victims. The wording of the guidance at paragraph 2.9, and the emphasis (using bullet points) on the victim lying about age and immigration status, may encourage those practitioners to treat victims as criminals and immigration law violators as opposed to the victims that they are. This contravenes the guidance's own assertion at paragraph 1.3 that a victim-centred approach must be taken at all times when dealing with potential victims of trafficking. It also hampers the process of supporting victims and investigating the crime of trafficking, as disbelief of victims may discourage them from trusting and co-operating with the authorities.

- 8.4 The suggestion that practitioners should be suspicious about the age of a victim in paragraph 2.9 is particularly problematic. The Council of Europe Convention on Action Against Trafficking in Human Beings (the Convention) states that "when the age of a victim is uncertain and there are reasons to believe the victim is a child, he or she will be presumed to be a child and shall be accorded special protection measures pending verification of his/her age." This presumption is also outlined in paragraph 7.12 of the guidance. However, the guidance in paragraph 2.9 undermines this by implicitly urging practitioners to err on the side of suspicion and presume that people of uncertain age are older than they say they are. This should be rephrased to ensure that all practitioners are being directed to comply with the Convention.
- 8.5 We reiterate this point in respect of paragraph 7.13, which concerns determining the age of a victim. In cases such as these, it should be presumed that victims are the age they claim they are until proven otherwise. Any age assessment must be undertaken with sensitivity.
- 8.6 It should also be pointed out that all people have the right to seek asylum from persecution under Article 14 of the Universal Declaration of Human Rights. Therefore exercising this right should not be cast in a negative light in this guidance.

### **Presentation of statistics**

- 8.7 Women's Aid is concerned at the presentation of statistics at paragraph 2.7. Although adult victims of trafficking are disaggregated by gender in the guidance, the same cannot be said for child victims. It is extremely important that the numbers of children trafficked in the UK are broken down by gender, especially considering the prevalence of girls under the age of 18 who may be trafficked for the purposes of sexual exploitation.
- 8.8 Furthermore, the manner in which these statistics are laid out is potentially misleading. The guidance states that "seven were males

trafficked for labour exploitation and eight were minors (seven of which were trafficked within the UK for the purposes of sexual exploitation)". This could be easily misinterpreted as all 8 minors being male, and thus paint an inaccurate picture of trafficking in the UK.

- 8.9 Finally, we note at paragraph 2.17 that the guidance enumerates some of the provisions of the EU Directive on Human Trafficking, to which the UK is subject, including the need for a national rapporteur or equivalent on trafficking. Women's Aid fully supports the implementation of this aspect of the Directive, and believes that the establishment of a rapporteur on human trafficking would only add to the building of a cohesive anti-trafficking strategy in Northern Ireland.

## **9.0 Section 3: Early Identification of Victims and the Role of First Responder**

### **Clarification of first responders**

- 9.1 Women's Aid would like to seek clarification on who is currently a first responder. The guidance names the PSNI as the main first responder, but says that a "number of agencies" are first responders (at paragraph 3.16). We know that Migrant Help is a First Responder in Northern Ireland, however it is not clear what other agencies are also First Responders. It would be helpful to identify who all first responders are, so that there is no uncertainty as to who should be contacted in the event of discovering a victim of human trafficking. It would also be useful to outline what kind of information these other First Responders should provide to the PSNI if a victim is discovered and referred to them. This is notwithstanding the right of the victim to refuse to cooperate in an investigation or involve police. For example, the PSNI may wish to be informed of the existence of a new victim for statistical purposes, and it would be prudent to include the procedure for statistics collection with other first responders in this guidance.
- 9.2 It is especially important to list other first responders so that there is no ambiguity over how to proceed when an identified victim of trafficking does not want to go to the police. We are aware that in GB, there are several other first responder organisations, such as Barnardos. We believe that it would be useful to look at best practice in GB, and instigate a discussion on whether other NGOs in Northern Ireland should be designated as first responders.
- 9.3 It may be useful to expand the list of people who may be involved in the early identification of victims in paragraph 3.2, to include airport staff, bus and train drivers, Harbour Police, Community Officers, and other such personnel.

## **The duty to refer to PSNI**

- 9.4 Women's Aid is extremely concerned that this guidance appears to effectively waive the rights of victims to refuse to give information to the PSNI. Paragraph 3.4 states that all practitioners, agencies and organisations that discover a victim of trafficking should "refer what they know about the case to the PSNI". However, if a victim decides not to disclose to the PSNI or consent to reporting the trafficking, Women's Aid must respect the wishes of that victim and the confidentiality of their disclosure. We therefore seek clarification on what the term "refer" means in this case. If it means to inform the PSNI of the existence of a victim for statistical purposes, Women's Aid would be willing to do so. But it would be highly unethical and a breach of a victim's trust to refer a case to the PSNI if a victim has expressly asked that we do not do so, and Women's Aid would have to respect the wishes of the victim in this instance.

## **The Duty to get a full account**

- 9.5 We also have strong reservations about the requirement for staff of any organisation who suspect or discover a victim of trafficking to get as full an account as they can (paragraph 3.7). This advice presupposes that the first person to come into contact with a victim of trafficking would be a police officer or other trained personnel with expertise in trafficking. However, we have found that this is often not the case. In fact, victims may be discovered by a diverse range of persons and groups, many of whom may have no expertise in dealing with victims and conducting interviews of this kind. Such untrained personnel should not be expected to interview a victim or gather a full account of the victim's ordeal. These interviews should only be carried out by trained experts, who are part of the support infrastructure for victims of human trafficking. This ensures that evidence is documented and collected appropriately, and avoids re-traumatising the victim by forcing them to re-tell their story repeatedly to first responders and support workers.

## **Provision of interpreters**

- 9.6 Regarding the procedure outlined for responding to victims at paragraph 3.5, we would highlight the serious lack of face-to-face interpreters available in Northern Ireland. Currently, Migrant Help's Clear Voice provide telephone interpreters when required in cases involving trafficking victims. However they do not have the capabilities to supply face-to-face interpreters. The draft guidance outlines the standards that interpreters must meet, and in our eyes these standards are entirely appropriate. However, it may be impossible to find appropriate interpreters in accordance with the guidance, and Women's Aid are of the opinion that this is something that must be addressed as a matter of urgency. We urge that an effective system for

accessing face-to-face interpreters that meet the requirements of this guidance is set up without delay.

## **Confidentiality**

- 9.7 Women's Aid wish to point out the inaccurate description of the "expectation of confidentiality" at paragraph 3.12. Confidentiality regarding any disclosures is not a mere expectation for victims, it is a right. As it stands, the wording in this paragraph does not adequately convey the obligation of the State to protect the privacy and the right of confidentiality of the victim subject to certain exceptions, as outlined in Articles 11 and 30 of the Convention and in the Palermo Protocol.

## **10.0 Section 4: The National Referral Mechanism & Competent Authorities**

### **Ambiguities in the guidance**

- 10.1 On review of the draft guidance, we have found this section to be the most ambiguous and lacking in practical detail. For example, the guidance makes reference to the UKBA deciding on whether a potential victim can or cannot remain in the UK on a "case by case basis" (at para 4.9). No clarification is offered as to what criteria the UKBA may use to make the decision.
- 10.2 The draft guidance is not clear in what circumstances a recognised victim of trafficking would be required to return to their home country. Paragraph 4.9 states that "where a recognised victim does not qualify to return to the UK, the expectation is that they return to their own country". However the guidance fails to detail the circumstances in which a recognised victim of trafficking would not qualify to remain in the UK. This raises a number of serious questions. Given the gross abuse of human rights that the victim has endured, and the potential danger of being re-trafficked if returned to a country where local police are unable to protect the victim and their family from traffickers, could victims still be ordered to return to their own country by the UKBA? This outcome may contravene Article 12.2 of the Convention, which states that "each Party shall take due account of the victim's safety and protection needs." Therefore, it is our opinion that the draft guidance must provide more details of how the UKBA makes its decisions on whether to return a recognised victim to their home country, and unambiguously state that the UKBA cannot return a victim to their home country if there is any doubt about their safety.
- 10.3 In light of the wide discretionary powers of the UKBA in making its decisions, and the lack of transparency in the decision-making process,

it is extremely alarming that victims have no right to appeal a decision (paragraph 4.7). Instead, they must make an application for judicial review, which is an expensive and burdensome process. Women's Aid appreciates that the UKBA must be able to carry out its functions effectively and efficiently, but making a discretionary decision without right of appeal denies the victim's right to due process, and potentially infringes on the UK's obligations not to remove a victim of trafficking from the jurisdiction under Articles 10, 12 and 14 of the Convention. There must be transparency and accountability of decision-makers to ensure that the rights of the victim are being adequately protected in line with the UK's international legal obligations, and presently this does not appear to be the case.

### **45 Day Reflection & Recovery Period**

- 10.4 The draft guidance accurately states at paragraph 2.11 that "victims of trafficking are some of the hardest to reach and most vulnerable victims" and that "time may be needed to establish trust between the victim and helping agencies". With this in mind, we submit that the 45 day reflection and recovery period for victims, referred to in paragraph 4.7, is insufficient to allow them to properly recover and reflect on their traumatic experience.
- 10.5 We fully appreciate that the UK currently grants 45 days, which is longer than the minimum 30 days required by the Convention. However we would draw attention to the Opinion of the European Commission Expert Group on Human Trafficking, which recommends that the reflection period should not be less than 3 months. We would also highlight examples of other comparable jurisdictions who grant a longer period of reflection to victims – for instance, Italy grants victims a 3-6 month temporary residence permit for victims, which can be extended for a further year, under its Immigration Law, and an informal reflection period with no finite limit. Support and protection is not contingent upon cooperation with investigation.
- 10.6 In our professional experience, we find that victims do not fully come to terms with the enormity of their trauma within the 45 days. They are bombarded by a series of interviews, interrogations and meetings with police, support workers, UKBA officers, health workers, support workers, solicitors and social workers following a disclosure of trafficking. Often it is not until much later, when the victim is truly able to reflect on and begin to recover from their experience, that they may feel able to make decisions about their future and their willingness to co-operate with police investigations.

## **Support during the reflection period**

- 10.7 Paragraph 4.8 alludes to a “range of support services” and the victim’s entitlement to support. However, no detail is given as to what these services might be. The guidance should list the services available to victims during the recovery and reflection period, and the means of accessing them explicitly outlined.

## **Completion of the NRM report form**

- 10.8 Paragraphs 4.12 - 4.14 advise that an NRM form should be filled in at this stage by the first responder, but they do not advise how to do this in the event of late disclosure. NRM forms are not always completed on contact with a victim. In our professional experience, many victims disclose quite late and after prolonged contact with Women’s Aid workers, and at this point the victim has built a trusting rapport with staff. We would urge therefore that there should be a separate procedure for filling out the NRM forms when the victim already has a relationship with a supporting organisation, in order to avail of the knowledge and expertise of that organisation pertaining to the case.
- 10.9 We would also recommend that there should be a training requirement for any individual filling out an NRM form. This form is a vital component in the identification process, and should only be filled out by someone who is trained and competent to do so.

## **Leave to remain**

- 10.10 The draft guidance as it stands is ambiguous as to how and in what situations a victim may be granted leave to remain. The “expectation” that a recognised victim return to their own country (in paragraph 4.9), without any details in the guidance as to how and why this decision might be made, is wholly inappropriate and may fail to comply with obligations under Article 14.1 of the Convention. In our experience, many victims choose to return to their home countries and want to do so. However, others wish to stay for a variety of reasons, including desire to co-operate with investigations, fear for safety on returning home, or other reasons. The UK has a positive obligation, especially if victims are children, under Article 4 of the ECHR to consider whether it is safe for victims to return to their home country. Furthermore, article 16 of the Convention states that repatriation “shall preferably be voluntary”. We believe that the guidance must reflect this, and retain its victim-centred focus, by explicitly stating that victims can remain in Northern Ireland if it is in the interests of their safety or in the interests of their case to do so.

- 10.11 There is a similar lack of clarity in the guidance at paragraph 7.16, where it suggests that discretionary leave to remain should only be granted if assisted voluntary return home can be ruled out. Though many victims do wish to return home, this should not be automatically assumed to be the next step in the process for victims. Many are involved in ongoing court cases in the UK concerning their trafficking, many are in fear of their lives or danger of re-trafficking if they are repatriated, and it is not the case that UK authorities should attempt to return victims to their own country in the first instance, and consider leave to remain if this is not feasible. For this reason, we would strongly suggest that the phrase “and whether assisted voluntary return home is possible” should be removed from paragraph 7.16.
- 10.12 It may also be beneficial for the guidance to clearly outline how the 6 month period of discretionary leave would be extended if the victim’s trafficking case lasted longer than 6 months. It is in the interests of not only the victim but also law enforcement agencies to do so, and is in keeping with the UK’s obligation under Article 22 of the Convention to subject perpetrators of the crime of human trafficking to “effective, proportionate and dissuasive sanctions”.

## **11.0 Flow Chart 1**

- 11.1 The flow chart on page 15, delineating the process for dealing with adults who disclose that they have been trafficked, needs to be comprehensive, and must be fit to use in all potential situations. At present, this chart does not meet these criteria.
- 11.2 The flow chart begins with referral of the case to the Competent Authority. There is no mention of the duty of the first responder to immediately contact Migrant Help’s Helpline, who then deal with male victims and refer all female victims to Women’s Aid’s 24 Hour Domestic Violence Helpline. These vital first steps need to be in the chart.
- 11.3 The flow chart does not currently outline the procedure for when the first responder is not the PSNI, or when the organisation that identifies a victim of trafficking is not a designated first responder. These are all crucial parts of the process for dealing with adult victims of human trafficking and therefore must be clearly documented as part of the process on this chart.
- 11.4 The chart does not indicate when the ‘Conclusive Grounds’ decision is made, or what happens in the event that the person is ruled not to be a victim of trafficking. This should be added to the chart.
- 11.5 The chart indicates that if a victim decides not to cooperate with the authorities then there is automatically no right to remain. This is contrary to Article 14.1 of the Convention, which lists the victim’s

personal situation as a reason to grant leave to remain, and to assurances given by the Department of Justice that support of victims was not contingent on cooperation with police.

- 11.6 The chart indicates that access to legal advice is essential at the end stage where a person must either apply for residency using the regular immigration channels or return to their country of origin. However, we would submit that access to expert legal advice is essential much earlier on, if not for the entire process, to ensure that victims are being protected legally and are getting the support they need to get through the process.
- 11.7 It is imperative that the flow chart sets out a very clear pathway for victims who choose not to cooperate with police. The guidance in its current form does not provide this.

## **12.0 Section 5: Support for Recovered Victims**

### **Information on Women's Aid**

- 12.1 We welcome that the guidance advocates early liaison between Migrant Help / Women's Aid and the relevant HSC Trust, as outlined in paragraph 1.7.
- 12.2 For the purposes of clarity, we would point out that it is Women's Aid Federation Northern Ireland that has the contract for supporting female victims of human trafficking. We suggest that our full correct title should be used throughout this guidance, including at paragraph 5.1, to avoid confusion with our local groups and to ensure that other practitioners know which organisation to contact regarding trafficking-related issues.

### **Care and support for victims irrespective of cooperation with authorities**

- 12.3 Under Article 12.6 of the Convention

“Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.”

Thus, the UK and Northern Ireland authorities have an obligation to support a victim, irrespective of whether they co-operate with any police investigation relating to their trafficking. Support should not be withdrawn on account of refusal to cooperate or contingent on cooperation. When Women's Aid met with the Department of Justice to discuss trafficking related issues, we were given assurance that

support is not contingent on co-operation in Northern Ireland – this should be expressly stated in the guidance.

- 12.4 Under Article 14 of the Convention, States must also issue renewable residence permits to victim in 2 situations: when their stay is necessary to facilitate co-operation in an investigation or criminal proceedings, or when their stay is necessary owing to their personal situation. The draft guidance must therefore plainly state that the granting of a residence permit is not contingent on the willingness of the victim to co-operate, but should be granted to victims who do not wish to co-operate if their personal circumstances necessitate it. This should be accompanied by a clear pathway for applying for, and being granted, leave to remain.

### **The demand for health and social care services**

- 12.5 At paragraph 5.3, the guidance claims that “it is unlikely that a request will be made to access health care and social care services unless the victim has a particular treatment or care need”. In our experience, this could not be further from the truth. Female victims of trafficking have diverse and urgent health care needs, and this must be reflected and provided for in the guidance. The statement in paragraph 5.3 also contravenes the statement in 1.7 in this guidance, which states correctly that “most victims need access to GP services and may require other provision such as mental health or sexual health services as well as, potentially, rehabilitative help in the longer term to integrate into the community.” We therefore request that the contentious and erroneous statement in paragraph 5.3 is removed from the guidance.
- 12.6 A full support package must be available to victims of trafficking, and it must be spelled out in the guidance what victims are entitled to and how they can access it. There must be a clear pathway to accessing healthcare, with specific people in the health service identified as go-to people who have received proper training and understand the nature of trafficking.

### **Provision of legal advice**

- 12.7 Provision of accurate, expert legal advice on the wide range of issues affecting victims of trafficking is essential to them receiving the support they are entitled to. Appropriate legal representation is even more essential for non-EEA victims, who also require specialist immigration advice as promptly as possible. Victims have a right to legal advice and information immediately after they disclose that they have been trafficked (Palermo Protocol, art 15.1). Therefore this guidance should advise that victims are facilitated to get advice and information on their rights and the process they are about to undertake at the earliest opportunity. This should be reflected not only in the written guidance, but in the accompanying flow chart on page 15.

12.8 However we recognise that obtaining expert legal advice can be difficult in this jurisdiction, because of the lack of experience of most solicitors in dealing with trafficking. In our experience, solicitors with no experience in dealing with trafficking issues have given unhelpful advice to clients. This may be further complicated by the fact that a victim might have several solicitors for different aspects of their case – one for criminal allegations, one for immigration issues, and one for the trafficking itself. Training should be a requirement for solicitors if they are to deal with trafficking cases, and this should be stipulated in section 5 of the draft guidance. The training should reflect best practice both from experts in Northern Ireland like the Law Centre, and from GB-based organisations like the Poppy Project.

### **Support organisations**

12.9 When outlining the clear path to obtaining support for victims of trafficking in sections 5 and 7, this guidance must make it explicit who exactly can support and have access to these very vulnerable victims. Untrained volunteers, though well meaning, can potentially do more harm than good for victims, due to their lack of training or expertise. Harm can include failure to follow best practice when assisting the victim, acting in a manner that compromises their safety and wellbeing, and acting in a manner that is culturally insensitive or inconsistent with a victim's religious convictions and practices. Victims are frequently distrustful and in desperate need of stability, so it is important not to expose them to too many different people as part of their recovery. It is also the case in our experience that women and men often have distinct and differing needs, and this must be understood by support workers.

12.10 Based on our years of experience of working with women who have been victims of violence, we would suggest that one keyworker is assigned to each victim, who then acts as a gatekeeper to that victim. This keyworker should be adequately trained and from a designated support organisation. Anyone gaining access to support victims directly must be an experienced, trained support worker. There is a role for community groups to assist victims of human trafficking, for example in a fundraising capacity. However it is entirely inappropriate to allow untrained people access to a victim of trafficking in a key supporting role.

12.11 Regarding the role of Women's Aid in paragraph 5.9, it should be noted that while we strongly support the requirement that the victim is accompanied by their Women's Aid keyworker during interviews with the UKBA, this is currently not the case in reality. In our experience, it is down to the individual UKBA interviewer whether Women's Aid workers are allowed to accompany recovered victims to their interview with the UKBA. We fully support any changes that make it standard

practice for keyworkers to accompany victims to interviews, as it would keep keyworkers informed of their client's case and allow them to provide support more comprehensively. If this is to be the case, however, it must be established unambiguously that keyworkers have the right to accompany victims in interviews, not just in writing in this guidance but in practice.

### **13.0 Section 6: The Role of the PSNI**

- 13.1 The guidance is unclear as to the relationship between PSNI and other supporting groups throughout this section. In paragraph 6.3, The PSNI / HSC Trust link is not explained in detail, and does not account for the important step of notifying Migrant Help's Helpline as the first port of call to provide support to the victim, who then refer female victims to Women's Aid's 24 Hour Domestic Violence Helpline, or Migrant Help's services for male victims. In our understanding of the current process, it is at this stage that the HSC Trusts should become involved, once Women's Aid or Migrant Help have established the victim's health care needs.
- 13.2 It would also be useful to include in section 6 an additional support strand for LGBT victims. The Rainbow Project and other relevant LGBT organisations could be named as support organisations in the guidance at this point.
- 13.3 It is also worth noting the complexity of trafficking situation in this section, particularly where law enforcement organisations are concerned. Victims of human trafficking may have committed any number of criminal offences in the course of their trafficking, due to the nature of trafficking itself. It is essential that the guidance points out here that in spite of this, they are primarily victims and should be treated as such.

### **14.0 Section 7: The Role of Health and Social Care Trusts**

#### **The duty to provide care**

- 14.1 The duty of State Parties to the Convention to provide care for victims of trafficking is established in Article 12, and includes legislative or other measures to assist victims in their physical, psychological and social recovery. This onus to provide care is not sufficiently reflected in this guidance, and at times the guidance actively contravenes this provision. For example, at paragraph 7.2 it states that HSC Trusts should take the decision on the degree of care that it will provide "on a

discretionary basis”, and mentions that some victims have no recourse to public funds. In our view, it is completely unacceptable that the guidance states that the HSC Trusts can make decisions about providing care “on a discretionary basis”. It violates basic human rights obligations and obligations under the Convention to provide care, and the fact that a victim has no recourse to public funds is entirely irrelevant. Even if victims are non-EEA, their care and support should not be awarded contingent on their immigration status at the discretion of the Trusts. It is their status as a victim in need, and their right to care and protection under the Convention, that must be decisive in whether they are eligible for care and support. We therefore strongly urge that the wording in this paragraph is amended to reflect the obligations of the State and the Trusts to victims of human trafficking.

- 14.2 We note that the guidance suggests that “all recovered victims should be offered screening for Hepatitis B, Hepatitis C and HIV infection and where, appropriate, should be encouraged to avail of sexual health screening”, due to the nature of the crimes perpetrated against them. Women’s Aid fully agrees that this is necessary as a basic minimum, but we would question how this reasoning sits with the assertion in 5.3 that “it is unlikely that a request will be made to access health and social care services unless the victim has a particular treatment or care need”. We suggest that paragraph 5.3 be revised to recognise the needs of victims and ensure consistency within the guidance.
- 14.3 We would also question why it states at paragraph 7.19 that “it will not be necessary for the HSC Trust to consider entitlement to access health and social care in the case of confirmed victims of trafficking who have been given discretionary leave to remain in the UK, refugee status or humanitarian protection”. It is unclear as to why this sentence is even included. If it is because victims are automatically entitled to health and social care, there is no need to even mention it. On the other hand, if this to suggest that some victims will not have an entitlement, this should not be the case. Under the Convention, the UK is bound to offer support and care to victims.

### **The pathway to health and social care provision**

- 14.4 Women’s Aid has serious concerns that the pathway for victims to obtain support in this draft guidance is unclear and erroneous in several places. The guidance directs practitioners to paragraphs 6.8 – 6.12 to deal with victims’ healthcare needs. However these sections do not in fact address the health care needs of victims. The named sections actually outline the procedure for conducting medical examinations with a view to gathering forensic and DNA evidence. This is an entirely separate matter from the health care needs of victims.

- 14.5 There is confusion within the guidance over the exact role and duties of the HSC Trusts and the support providers Migrant Help and Women's Aid. At paragraph 1.7, it states that the PSNI are to engage with the relevant HSC Trust to agree the level of joint working with social services from the point that the victim is identified. This is reiterated in paragraph 7.4. The guidance here does not, however, mention the role of Migrant Help or Women's Aid at the initial identification stage. This omission is highly problematic, as the care of rescued victims is supposed to be instigated immediately by the designated service providers – this would be Women's Aid for female victims and Migrant Help for male victims. Therefore it is extremely concerning that this part of the process has been left out from this section of the document.
- 14.6 The current established procedure when a victim of human trafficking is identified, as laid out in paragraph 6.5 of the guidance, is as follows: the PSNI contact Migrant Help via their Helpline to arrange support for the victim, who then refer female victims to Women's Aid's 24 Hour Domestic Violence Helpline, and male victims to Migrant Help's services. A care package is put together by these service providers. At this stage, Women's Aid would contact the relevant HSC Trusts to cater for any caring needs that the victim may have.
- 14.7 A clear pathway is especially important as, in our experience, it is very difficult to access health care for trafficking victims in practice. For example, it is very difficult to register a victim of trafficking with a GP, on account of their immigration status (see para 7.8). Though some GPs will agree to take on a trafficking victim due to their good relationship with Women's Aid, most GPs refuse to register victims because victims don't have documentation that confirms that they are legally residing in the UK. Coupled with this, there is not an established system in place for ensuring that victims can circumvent this barrier and get registered with a GP. Victims are then forced to attend Accident & Emergency services in hospitals, which is inappropriate to the kind of care they need, and often the A&E will object to the victim getting treatment on a long-term basis.
- 14.8 Victims of trafficking should not have to rely on kindness beyond the call of duty and negotiating to access essential health care. GPs must be made aware of their obligation to take on victims and how this should be done in practice, as part of a mandatory, overarching pathway to accessing health and social services for victims of trafficking.
- 14.9 Services such as dental treatment and optician services are not available to victims of human trafficking, which is highly problematic considering especially how painful, even life-threatening, dental and ophthalmic problems can be. This should also be clarified and provided for in the guidance.

## **The provision of counselling**

- 14.10 It is universally accepted that victims of human trafficking may suffer from a range of mental health problems and Post-Traumatic Stress Disorder, which can extend far beyond the 45 day reflection and recovery period. Currently however, the funding for provision of counselling services is only available to victims during this period. This limitation is out of step with the reality of the victim's situation and needs. In our experience, victims don't want counselling while going through the hectic period of disclosure, the 45 day reflection period, or when applying to secure leave to remain etc. They are bombarded with interviews and appointments with PSNI, UKBA, the GUM clinic, their legal representation (which may be several people for different aspects of their case), and DHSSPS. At this stage, they are still learning to trust people, they are unsure of their safety, they are possibly unsure of their family's safety or whereabouts, and their understanding of English may be low. It is often not until much later that a victim may be emotionally ready for counselling.
- 14.11 Counselling should happen when a victim is ready, not only offered during a limited fixed period. It should also be offered regardless of immigration status or length of time since disclosure. This should be reflected in the guidelines and implemented as a matter of urgency. We would suggest that the time period during which victims can receive funded counselling services should be extended to a year or more, to allow them to utilise the counselling services when they are needed most.

## **The Provision of benefits**

- 14.12 In our experience, victims who are granted leave to remain, and are entitled to benefits, experience significant delays in obtaining them. This is the result of a lack of knowledge of how a victim of human trafficking can actually obtain benefits, on the part of social welfare staff, advice providers and the victims. It is for this reason that it is crucial for the pathway to obtain benefits is detailed in this guidance. Currently, victims are encountering social welfare office employees who don't know what the procedure is for trafficking victims obtaining benefits, and are being forced to repeatedly explain their traumatic circumstances in order to explain why they're entitled to benefits. Victims shouldn't have to endure the trauma of reliving their ordeal if this can be avoided.
- 14.13 This scenario can be avoided by outlining the procedure for receiving benefits in this guidance, and assigning a person within each social welfare office to deal with such claims. That person should also be identified to those who are providing support to the victims. A clear pathway to applying for and receiving benefits would also serve to reduce the waiting time for receipt of benefits, which can be up to 3

months, by cutting out all uncertainty about the process among workers who process the claims. We therefore advocate that a fast-track system be put in place for receiving benefits, along with sufficient training to ensure that relevant staff know the procedure and can process applications with minimal trauma to the victim.

- 14.14 We also suggest that all ambiguity as to a victim's entitlement of benefits is removed from the guidance. For instance, at paragraph 7.18 it says that victims will "normally" be able to apply for relevant social security benefits and housing assistance. In our view, the inclusion of the word "normally" leaves room for refusing benefits to confirmed victims of trafficking who have been granted leave to remain. We request that the word "normally" be removed from this sentence, or replaced by the word "always".

### **Provision of aftercare**

- 14.15 In addition to the guidance already outlined in these working arrangements, we would support the addition of further information on what happens after a victim is conclusively confirmed as a trafficking victim, and what aftercare should be in place. This should include the procedure for obtaining long-term social support services (including counselling if and when desired), and assistance with integrating into society, getting a job and rebuilding his or her life.

### **Other comments**

- 14.16 Targeted training should be developed and agreed upon for those dealing with victims of trafficking. This should include training for PSNI and all support workers and carers, and should include training on filling out NRM forms where necessary.
- 14.17 As the nature and extent of human trafficking in Northern Ireland, and our response to it, is changing rapidly, we suggest that this guidance should be subject to review every 2 years.

## **15.0 Section 8: Sources of information & support**

- 15.1 For the purposes of clarity, we would suggest that the organisations in Section 8 are grouped under the following headings: Competent Authorities for victims of trafficking in Northern Ireland (UKHTC and UKBA); Care and Service Providers for victims of trafficking (Migrant Help and Women's Aid); and Other Relevant Organisations (all other listed organisations). 8.2 and 8.3 should come under the separate heading of "Care & Service Providers"

15.2 We request that our full contact details be included in paragraph 8.3.

Our full contact details are as follows:

24 Hour Domestic Violence Helpline: 0800 917 1414  
Email: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)  
Text SUPPORT to 07797 805 839  
Open to anyone affected by domestic violence

We would also point out that Women's Aid Federation Northern Ireland deals with ALL female victims of trafficking – this is not limited to those trafficked for sexual exploitation, but also extends to victims of forced labour and domestic servitude. Therefore we would request that paragraph 8.3 is amended to clarify this.

15.3 As we are already listed in paragraph 8.3, there is no need to list us again at paragraph 8.31

## **16.0 Appendices**

16.1 The contact details of our refuges are confidential and should not be on any public documents. In addition, all correspondences on trafficking should be directed through the 24 Hour Domestic Violence Helpline. We request that details of all and any Women's Aid refuges are removed to avoid confusion and protect confidentiality (see Appendix 4, page 46).

For further information about this response contact:

Louise Higgins  
Regional Policy & Information Co-ordinator  
Women's Aid Federation Northern Ireland  
129 University Street  
BELFAST  
BT7 1HP  
Tel: (028) 9024 9041

Website: [www.womensaidni.org](http://www.womensaidni.org)

24 Hour Domestic Violence Helpline – 0800 917 1414  
Email support: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)  
Text SUPPORT to 07797 805 839

*Open to anyone affected by domestic violence*

---