



MODERN SLAVERY AND HUMAN TRAFFICKING

AN INSPECTION OF HOW THE CRIMINAL
JUSTICE SYSTEM DEALS WITH MODERN
SLAVERY AND HUMAN TRAFFICKING IN
NORTHERN IRELAND

OCTOBER 2020

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OCTOBER 2020

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LIST OF ABBREVIATIONS

AGS	An Garda Síochána
C2	PSNI Branch within Crime Operations Department
CAT	Committee Against Torture (UN Committee)
CEDAW	United Nations Convention on the Elimination of all Forms of Discrimination Against Women
CJI	Criminal Justice Inspection Northern Ireland
CLASSIS	On line training technology (within PSNI)
CMS	Case Management System (within PPS)
CPS	Crown Prosecution Service (in England and Wales)
CRU	Central Referral Unit of Public Protection Unit (within PSNI)
CSE	Child Sexual Exploitation
DfC	Department for Communities
DoH	Department of Health
DoJ	Department of Justice
DPC	District Policing Command (within PSNI)
ECHR	European Convention on Human Rights
EU	European Union
GB	Great Britain
GLA	Gangmasters Licensing Authority
GLAA	Gangmasters and Labour Abuse Authority
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (formerly Her Majesty's Inspectorate of Constabulary (HMIC))
HMO	Houses of Multiple Occupancy
HMRC	Her Majesty's Revenue and Customs
HSCB	Health and Social Care Board
HSCT	Health and Social Care Trust
IASC	Independent Anti-Slavery Commissioner
JATF	Joint Agency Task Force
JSTAC	Joint Slavery Trafficking and Analysis Centre
JIT	European Joint Investigation Team
LPT	Local Policing Team (within PSNI)
MSHT	Modern Slavery and Human Trafficking

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MSHTU	Modern Slavery and Human Trafficking Unit (within PSNI)
MSTG	Modern Slavery Threat Group
NCA	National Crime Agency
NCALT	Police Online National Centre for Applied Learning Technology
NGO	Non-Governmental Organisation
NICHE	Records Management System developed by Niche Technology Inc. used by the PSNI
NILGA	Northern Ireland Local Government Association
NIPB	Northern Ireland Policing Board
NIPS	Northern Ireland Prison Service
NPT	Neighbourhood Policing Team (within PSNI)
NRM	National Referral Mechanism
OCTF	Organised Crime Task Force
PCSP	Police and Community Safety Partnership
PEEL	HMICFRS Police Effectiveness, Efficiency and Legitimacy Assessment
PfG	Programme for Government
Polnt	Police Intranet (within PSNI)
PPB	Public Protection Branch (within PSNI)
PPS	Public Prosecution Service for Northern Ireland
PPU	Public Protection Unit (within PSNI)
PSNI	Police Service of Northern Ireland
S	Section
SCA	Single Competent Authority
SCU	Serious Crime Unit (within PPS)
SPOC	Single Point of Contact
SPP	Senior Public Prosecutor (within PPS)
STPO(s)	Slavery and Trafficking Prevention Order(s)
STRO(s)	Slavery and Trafficking Risk Order(s)
SWLG	Sex Worker Liaison Group
TNA	Training Needs Analysis
TTCG	Tactical Tasking and Co-ordination Group (within PSNI)
UN	United Nations
UNCRC	UN Committee on the Rights of the Child
UK	United Kingdom
UKBF	UK Border Force

CHIEF INSPECTOR'S FOREWORD

Some people find it hard to believe that there are victims of human trafficking and modern slavery in our community. It can seem like something that happens somewhere else and while referred to being '*hidden in plain sight*' some people can turn a blind eye.

There are men, women and children in our community who are being degraded and dehumanised. They can be part of a group or on their own, working on building sites, in the agricultural sector, at car washes, in nail bars and in domestic settings. They can be children who are being trafficked from one part of Northern Ireland to another for sexual exploitation. Victims are some of the most vulnerable and traumatised in the criminal justice system. They may not be recognised as victims and they may not recognise themselves as victims.

This inspection examined how modern slavery and human trafficking was dealt with in the criminal justice system in Northern Ireland with particular emphasis on the Police Service of Northern Ireland.

It is vital that Police Officers are aware of and are skilled at responding to the signs and indicators of these often hidden and always harmful crimes. To do this they need help from the public to understand the impact of these offences, recognise the signs and report concerns.

As with many complex issues in the criminal justice system, the most effective response requires a cross Government and partnership approach enabled by legislative and strategy reform and raising awareness in industry, service providers, employers, employees and with service users.

There is a well-established legislative and governance framework in place across the United Kingdom with good links between the National Crime Agency and the Police Service of Northern Ireland. However, the full range of enforcement powers available elsewhere in the United Kingdom need to be replicated in Northern Ireland.

A key highlight was the excellent working relationships between the Police Service of Northern Ireland Modern Slavery and Human Trafficking Unit officers and the Public Prosecution Service for Northern Ireland specialist prosecutors. This model has much to commend it, especially if extended to cases involving child victims.

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This report makes three strategic and eight operational recommendations aimed at better understanding the nature and scale of modern slavery and human trafficking and developing a more effective legislative and strategy response. This includes a revised police strategic analysis to inform future potential investigative demands and victim support needs.

This report took longer to complete than expected in the Terms of Reference due to an unanticipated Ministerial request for a review into the methods the Police Service of Northern Ireland use to disclose information in respect of historic cases to the Office of the Police Ombudsman for Northern Ireland and working arrangements during the Covid-19 pandemic.

In July 2020 the Department of Justice consulted on changing the requirement to publish an annual Modern Slavery Strategy and take a longer term approach supported by annual action plans.

The consultation also included putting victim support measures, while already in operation, on a statutory footing. These actions demonstrate progress in meaningfully addressing some of the issues identified in this report.

However, it is important that all recommendations are implemented and a more effective response to identifying and protecting victims, supporting witnesses and bringing offenders to justice is delivered to make our community safer for everyone.

I am grateful for the work undertaken by the Inspection Team led by Dr Ian Cameron and supported by Dr Roisin Devlin and David MacAnulty. I am also very grateful to Simon Davies from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services for supporting the review of the Police Service of Northern Ireland files.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

October 2020

Criminal Justice Inspection
Northern Ireland
a better justice system for all



EXECUTIVE SUMMARY

Introduction

Modern slavery and human trafficking are complex global crimes. Often described as being ‘hidden in plain sight’, many victims could be working in the public eye and visible in local communities. Offences often involved a wide range of other crimes such as benefit fraud, grievous bodily harm, assault, rape or child sexual abuse. Victims were among the most vulnerable people in society and could be hesitant to seek help due to fear of, and control by, their traffickers.

The hidden nature of these crimes meant that producing an accurate assessment of their scale and extent was difficult, although there had been a consistent and sustained increase in the number of potential victims identified in the United Kingdom since 2009.

Strategy and governance

There was an international framework in United Nations and European Union conventions and directives. The prohibition of slavery was a specific provision of the European Convention on Human Rights.

In the United Kingdom a Modern Slavery Taskforce was introduced to co-ordinate the response across government and enforcement agencies. The Modern Slavery Act 2015 provided domestic legislation for the offences of slavery, servitude and forced or compulsory labour and human trafficking.

It established the role of an Independent Anti-Slavery Commissioner with a national remit to encourage good practice in the prevention, detection, investigation and prosecution of offences and the identification of victims. A National Referral Mechanism was also introduced to identify and provide extended support to victims of modern slavery and human trafficking.

In Northern Ireland the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 created the offences of slavery, servitude and forced or compulsory labour and human trafficking.

The legislation created post-conviction enforcement powers but did not include Slavery and Trafficking Risk Orders to place restrictions on a person who had not been convicted but who posed a risk of committing further offences. Inspectors have recommended that this should be reviewed.

As provided by the legislation, the Department of Justice published a wide-ranging annual Modern Slavery Strategy, which included measurements of progress and oversight mechanisms. It would be beneficial if the Strategy was extended to more effectively involve other Departments in the design and delivery of the awareness-raising measures. Work was underway to collate data which would allow for more effective monitoring and assessment of performance.

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Children required greater attention within the aspects of the Modern Slavery Strategy that focused on pursuing offenders.

Legislation, policy, and the Victim Charter recognised the vulnerabilities of victims of modern slavery and human trafficking. Coercion and control of victims, through a variety of means, was a feature of these crimes and this was recognised in the legislation which provided a defence for victims who had been compelled to commit crime. Concerns remained that child victims could still be prosecuted for offences they were forced to commit in the context of trafficking, and this report recommends a review of the effectiveness of the legislative defence to protect vulnerable victims, including particular reference to children, and its use in Northern Ireland.

Delivery

The Strategic Assessment was a key driver of the police approach and Inspectors have recommended that it should be revised to more effectively allow police management to prioritise, plan and resource the approach to tackling modern slavery and human trafficking. The Assessment was not fully informed about current work and future plans to tackle slavery-like and trafficking offences against children.

The Police Service of Northern Ireland was well integrated in the wider national intelligence, policing structures and cross-border approaches to tackling modern slavery and human trafficking, and was embedded in multi-agency cross-jurisdictional engagement groups to share intelligence and co-ordinate preventative work and investigations.

A Modern Slavery and Human Trafficking Unit had been established to undertake proactive and reactive investigations. Officers were victim-focused and investigations were prioritised based on threat, risk and harm to victims. Sexual exploitation had been identified as having the highest impact on victims and these cases took priority. Detectives undertook proactive multi-agency operations at various premises to identify and safeguard victims.

Public Protection Unit Child Abuse Detectives retained responsibility for investigations concerning children. For child victims, it was important that frontline officers understood modern slavery as child abuse and the appropriate referral procedures applied. Greater awareness of the potential for internal trafficking was also required, and on-line training material and screening forms would benefit from review to ensure suitability for identifying child victims of internal and cross-border modern slavery and human trafficking.

Single points of contact for modern slavery and human trafficking had been introduced in Districts to provide advice and guidance to local officers which was an excellent initiative in response to an emerging crime area, and there would be merit in reviewing the role to increase its effectiveness.

Effective training and awareness was vital for Police Officers in all areas of crime prevention and investigation, and this was particularly so in respect of the hidden nature of modern slavery and human trafficking and the issues involving victims. Much had been done to provide on-line and face-to-face training and

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awareness across the Police Service of Northern Ireland, however, Inspectors have recommended a more corporate approach to the provision of training based on identified need.

Stakeholders raised concerns about the use of interpreters for modern slavery and human trafficking victims, the nature of the offences and the importance of being sensitive to victims' particular needs relating to gender, ethnicity, culture or religion. Inspectors have recommended a review of police guidance and training to take account of these.

Literature for the Northern Ireland Criminal Injuries Compensation Scheme advised applicants to provide evidence of a National Referral Mechanism decision which Inspectors understand was not a requirement of the scheme; this and other potential barriers to modern slavery and human trafficking victims should be reviewed in consultation with stakeholders and victims' groups.

There were excellent working relationships between the specialist prosecutors in the Public Prosecution Service for Northern Ireland and Police Officers in the Modern Slavery and Human Trafficking Unit. It is important that the two organisations learn lessons to ensure positive aspects of this approach are adopted in cases involving child victims.

The Public Prosecution Service for Northern Ireland policy on modern slavery and human trafficking pre-dated the 2015 legislation and was being updated.

When completed this should be accompanied by appropriate training on the new guidance across the organisation, to include applied cultural awareness for specialist prosecutors.

The issues of coercion and control of victims were analogous to those in domestic and sexual violence and abuse, and Inspectors have recommended similar provisions to require jury directions to be given in modern slavery and human trafficking to enable juries to approach the evidence presented in court in a more informed manner.

There was not a dedicated specialist panel of Counsel for modern slavery and human trafficking, and the Public Prosecution Service for Northern Ireland had not provided training for Counsel available for selection to represent it in these cases. Inspectors have recommended that an action plan is developed to improve how Counsel are utilised.

The Northern Ireland Prison Service held people convicted of modern slavery and human trafficking and associated crimes and detained others charged with offences and on remand awaiting trial. With the possibility of traffickers and perpetrators of modern slavery crimes to be housed in proximity to potential victims, it would be beneficial for key staff to have increased awareness of the signs and indicators of these crimes.

Outcomes

Survey results showed a low number of people who stated that they would recognise signs of modern slavery and human trafficking, forthcoming survey work will provide an indicator of the effectiveness of how the Modern Slavery Strategy has raised awareness in Northern Ireland.

The total number of United Kingdom National Referral Mechanism referrals had shown an increase over time and the number of referrals in Northern Ireland had remained relatively flat. Referrals as a proportion of the United Kingdom cases had shown a downward trend until 2018, with a significant increase in the number of referrals in 2019.

Northern Ireland referral rates to the National Referral Mechanism appeared lower than from other England and Wales police forces with comparable population sizes and Inspectors have recommended that the Police Service of Northern Ireland should examine the possible reasons for this differential.

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

The Police Service of Northern Ireland should undertake a revised strategic analysis of modern slavery and human trafficking as it affects Northern Ireland within six months of the publication of this report. This should include the issues identified in this report, and consider the potential future demand on police, to meet investigative and victim needs.

(paragraph 3.5)

STRATEGIC RECOMMENDATION 2

The Department of Justice should review the Northern Ireland Modern Slavery Strategy (the Strategy) to take account of the issues raised in this report including:

- a longer-term approach to raising awareness, supporting victims and tackling modern slavery and human trafficking in Northern Ireland;
- involvement of relevant Northern Ireland Departments in the design and delivery of the awareness-raising measures in the 'Protect' and 'Prevent' strands of the Strategy;
- the arrangements for measurement, oversight and accountability of performance through the Organised Crime Task Force Modern Slavery and Human Trafficking Sub Group;
- Strategy and Organised Crime Taskforce Sub Group inputs to ensure at a strategic level measures designed to pursue modern slavery offenders included offenders targeting children whether for internal and/or cross-border trafficking; and
- the need for published annual progress reports.

The review should be completed within one year of the publication of this report

(paragraph 3.137)

STRATEGIC RECOMMENDATION 3

The Department of Justice should prioritise and consult on legislation to contain a requirement for jury directions to be given in modern slavery and human trafficking offence cases to enable juries to approach court evidence in a more informed manner.

(paragraph 3.192)

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

The Department of Justice, in consultation with the Police Service of Northern Ireland and Public Prosecution Service for Northern Ireland, and after consideration of the experience in England and Wales, should re-examine the need for Slavery and Trafficking Risk Orders in Northern Ireland to prevent modern slavery and human trafficking-related crime and support victims within one year of the publication of this report.

(paragraph 2.48)

OPERATIONAL RECOMMENDATION 2

The Department of Justice, in consultation with the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland, should review the effectiveness of the Section 22 defence to protect vulnerable victims, including particular reference to children, and its use in Northern Ireland within one year of the publication of the Independent Anti-Slavery Commissioner's Review.

(paragraph 2.73)

OPERATIONAL RECOMMENDATION 3

The Police Service of Northern Ireland should review the role of the District Modern Slavery and Human Trafficking Single Points of Contact within one year of the publication of this report.

(paragraph 3.83)

OPERATIONAL RECOMMENDATION 4

The Police Service of Northern Ireland should complete a Training Needs Analysis for modern slavery and human trafficking, cognisant of the outcome of Strategic Recommendation 1, within nine months of the publication of this report. Training, and its delivery, across all areas should be reviewed against the Training Needs Analysis to identify and address training gaps.

(paragraph 3.110)

OPERATIONAL RECOMMENDATION 5

The Police Service of Northern Ireland should review and update its guidance on the use of interpreting and translating services to include potential issues related to ethnic, culture and religious sensitivities within six months of the publication of this report. Following the completion of the Training Needs Analysis, the use of interpreters should be included as part of the wider training and awareness of modern slavery and human trafficking to Police Officers and staff across the organisation.

(paragraph 3.125)

OPERATIONAL RECOMMENDATION 6

The Department of Justice should review its guidance for applicants to the Northern Ireland Criminal Injuries Compensation Scheme 2009 to clarify the advice regarding National Referral Mechanism status within three months of the publication of this report. The Department of Justice should also engage with relevant stakeholders and victims' groups to see what more can be done to overcome the barriers facing modern slavery and human trafficking victims in making an application for criminal injuries compensation as part of its review of the Northern Ireland Scheme.

(paragraph 3.167)

OPERATIONAL RECOMMENDATION 7

Within six months of the publication of this this report, the Public Prosecution Service for Northern Ireland should develop an action plan to further improve how Counsel is utilised in cases involving modern slavery and human trafficking offences, to include appropriate training requirements for Counsel appointed to represent the organisation in these cases.

(paragraph 3.203)

OPERATIONAL RECOMMENDATION 8

The Northern Ireland Prison Service should implement training and awareness sessions for staff, particularly those involved with reception and induction, Prisoner Development Units, Safer Custody and prisoner-facing landing staff, to increase awareness of the signs and indicators of modern slavery and human trafficking.

(paragraph 3.234)

AREAS FOR IMPROVEMENT

- 1.** The Department of Justice should immediately progress the policy and implementation of the Duty to Notify legislation **(paragraph 2.51)**.

- 2.** The Department of Justice should immediately progress its review of the law on child sexual exploitation **(paragraph 2.76)**.

- 3.** The Department of Justice should consider the involvement of organisations supporting child victims as members of the Human Trafficking Engagement Group **(paragraph 2.97)**.

- 4.** The Department of Justice should re-examine its arrangements for engagement with sex workers **(paragraph 2.98)**.

- 5.** The Police Service of Northern Ireland on-line CLASSIS training and screening forms should be reviewed to ensure suitability for identifying child victims and potential child victims of internal and cross-border modern slavery and human trafficking **(paragraph 3.69)**.

- 7.** As part of the updated Modern Slavery and Human Trafficking Policy which was under development, the Public Prosecution Service for Northern Ireland should ensure that there was appropriate training and guidance on the Policy across the organisation, to include applied cultural awareness for specialist prosecutors **(paragraph 3.184)**.

- 8.** The Police Service of Northern Ireland should examine the possible reasons to explain the differential in National Referral Mechanism submission rates with comparable United Kingdom police forces within six months of the publication of this report **(paragraph 4.17)**.

CHAPTER 1: INTRODUCTION

- 1.1 Modern slavery and human trafficking (MSHT) were highly complex and hidden crimes which made it challenging to accurately measure their prevalence. MSHT is often described as being 'hidden in plain sight', although many victims could be working in the public eye and visible in the community in a range of places such as car washes, nail bars, construction sites,¹ the agricultural sector and in the sex industry. Modern slavery was an umbrella term that covered the offences of human trafficking and slavery, servitude and forced or compulsory labour.² For the purposes of this report the acronym MSHT has been used throughout to refer to these offences.
- 1.2 Victims were among the most vulnerable people in society and could be hesitant to seek help due to fear of, and control³ by, their traffickers.⁴ Victims may also be reluctant to report abuses because of their immigration status, fear of being returned to their country of origin, fear of the police and authorities in Great Britain and Northern Ireland based on their past experiences in other countries, or may consider the current conditions they worked in as a lesser evil than those in the country which they left. Not all MSHT involved an international dimension: it could be locally-based.
- 1.3 It was an extremely high-harm crime and the psychological and physical impact on victims could be lifelong. Victims were often afraid to speak out for a number of reasons or simply because they were held captive.⁵
- 1.4 MSHT offences tended to involve, or take place alongside, a wide range of abuses and other criminal offences such as benefit fraud, grievous bodily harm, assault, rape or child sexual abuse. They were complex cases, involving multiple victims and offenders and often crossed international boundaries. Although modern slavery was often a trans-national crime, the exploitation of the victims occurred in local areas.⁶

1 *Reducing Modern Slavery*. National Audit Office December 2017. <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf>.

2 *2017 UK Annual Report on Modern Slavery*. http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/2017_uk_annual_report_on_modern_slavery.pdf?ext=.pdf.

3 Gangmasters and Labour Abuse Authority <https://www.gla.gov.uk/publications/resources/glaa-videos/glaa-horse-trading/>.

4 *Reducing Modern Slavery*. National Audit Office December 2017. <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf>.

5 *Organised Crime Task Force. Annual Report and Threat assessment 2017-18*. <https://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/N.I.%20Organised%20Crime%20Strategy/Organised-Crime-Task-Force-Report-2018.pdf?ext=.pdf>.

6 *A Typology of Modern Slavery Offences in the UK*. Home Office Research Report 93. October 2017. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf.

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- 1.5 MSHT were crimes committed on a global scale. Their hidden features made it difficult to establish an accurate assessment of the nature and extent of the problem, internationally and in the United Kingdom (UK).⁷
- 1.6 Trafficking in human beings was a complicated trans-national phenomenon rooted in vulnerability, poverty, lack of democratic cultures, gender inequality and violence against women. It also involved conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination. Europol assessed human trafficking as one of the most lucrative organised crime activities in the world.⁸ The National Crime Agency (NCA) assessed the scale of MSHT in the UK as continually and gradually increasing.⁹

Human Trafficking and People Smuggling

- 1.7 Human trafficking and people smuggling were different legally and although patterns were similar, a broad distinction could be made between the two. In general, individuals who paid a smuggler in order to gain illegal entry to a country did so voluntarily, whereas the victims of human trafficking were often duped or forced into entering another country. People smuggling did not necessarily involve exploitation for economic purposes.¹⁰
- 1.8 People smuggling was an offence against the State, where people pay or consent to their movement across a border and the relationship with the smuggler ends after the movement. Human trafficking was an offence against the person, their freedom and integrity, it can be in-country, with victims moved under control so consent was irrelevant, and the exploitation began before, during and continued after movement.¹¹ There were significant overlaps between MSHT and organised immigration crime especially in unstable states and conflict zones.¹²

7 Northern Ireland Human Trafficking and Modern Slavery Strategy 2016/2017. Department of Justice. Organised Crime Task Force. <http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Modern-Slavery-Strategy-2016-17.pdf?ext=.pdf>.

8 Europol Review 2016-17. https://www.europol.europa.eu/annual_review/2016/EUROPOL_NEWS.html.

9 National Strategic Assessment of Serious and Organised Crime 2018. National Crime Agency.

<http://www.nationalcrimeagency.gov.uk/publications/905-national-strategic-assessment-for-soc-2018/file>.

10 Europol. <https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/trafficking-in-human-beings>.

11 PSNI Presentation. Internal PSNI document.

12 National Strategic Assessment of Serious and Organised Crime 2018. National Crime Agency.

<http://www.nationalcrimeagency.gov.uk/publications/905-national-strategic-assessment-for-soc-2018/file>.

Global Trafficking¹³

The tragic human cost and global extent of human trafficking was brought into stark relief in October 2019 when 39 people from Vietnam were found dead in a refrigerated lorry container in Essex. Prosecutors alleged that the incident was part of a global ring of people smuggling with links to Northern Ireland.

The Scale of Modern Slavery and Human Trafficking

- 1.9 The European Union (EU) estimated that in the period 2002-11 the number of victims of forced labour, including forced sexual exploitation, was 20.9 million globally, with 5.5 million children trafficked. It was a lucrative crime which generated billions of Euro profits for the perpetrators annually.¹⁴
- 1.10 The hidden nature of the crime meant that producing an accurate measure of prevalence was difficult. At the time of writing, there was no definitive source of data or suitable method available to accurately quantify the number of victims of modern slavery in the UK.¹⁵
- 1.11 There had been a consistent and sustained increase in the number of victims identified in the UK since 2009 – partly due to the increased priority of tackling MSHT and improved awareness of these crimes.¹⁶

13 <https://www.bbc.co.uk/news/world-europe-52485348>.

14 *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-16.* https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf

15 *Modern slavery in the UK: March 2020.* Office for National Statistics. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march2020>.

16 *A Typology of Modern Slavery Offences in the UK.* Home Office Research Report 93. October 2017. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf.

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- 1.12 Europol, the EU Agency for law enforcement co-operation, identified the UK as one of the main destinations of trafficked workers in Europe.¹⁷ The Global Slavery Index 2018 estimated there were 136,000 victims of modern slavery in the UK.¹⁸ The estimated relative scale in Western Europe is shown below.¹⁹
- 1.13 In the UK in 2019 there were 10,627 potential victims of MSHT submitted to the National Referral Mechanism (NRM) (a framework to identify and support victims of MSHT), which was a 52% increase from 2018. Reporting showed victims from over 160 different nationalities. There were 512 referrals from Scotland and 329 from Wales. The 91 referrals from Northern Ireland represented 0.85% of the UK total.²⁰
- 1.14 The UK-wide Modern Slavery Helpline was operated by Unseen UK.²¹ There was a link to the Helpline (0800 0121 700) on the NI Direct website and the number was highlighted on the Department of Justice (DoJ) Modern Slavery posters²² and leaflets²³ which were widely distributed across the criminal justice agencies and beyond.

17 *The nature and scale of Labour Exploitation across all Sectors within the United Kingdom*. Gangmasters and Labour Abuse Authority. <http://www.gla.gov.uk/whats-new/the-nature-and-scale-of-labour-exploitation-across-all-sectors-within-the-united-kingdom/>.

18 Inspectors understand there is some dispute about the methodology used. <http://blogs.nottingham.ac.uk/newsroom/2018/07/19/2018-global-slavery-index-launches-at-the-united-nations-headquarters/>.

19 *The Global Slavery Index*. <https://www.globalslaveryindex.org/2018/findings/regional-analysis/europe-and-central-asia/>.

Table 1: Global Slavery Index

Country	Estimated prevalence (victims per 1,000 population)	Estimated absolute number of victims	Population
Portugal	2.5	26,000	10,418,000
Italy	2.4	145,000	59,504,000
Spain	2.3	105,000	46,398,000
Slovenia	2.2	5,000	2,075,000
Iceland	2.1	<1,000	330,000
United Kingdom	2.1	136,000	65,397,000
Germany	2.0	167,000	81,708,000
Belgium	2.0	23,000	11,288,000
France	2.0	129,000	64,457,000
Norway	1.8	9,000	5,200,000
Netherlands	1.8	30,000	16,938,000
Austria	1.7	15,000	8,679,000
Switzerland	1.7	14,000	8,320,000
Ireland	1.7	8,000	4,700,000
Finland	1.7	9,000	5,482,000
Denmark	1.6	9,000	5,689,000
Sweden	1.6	15,000	9,764,000
Luxembourg	1.5	<1,000	567,000

20 *National Referral Mechanism Statistics – end year summary 2019*. National Crime Agency.

<https://www.gov.uk/government/statistics/national-referral-mechanism-statistics-uk-end-of-year-summary-2019>.

The population of Northern Ireland was 2.83% of the UK.

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2019>.

21 Unseen was a charity founded in 2008 with the aim of eradicating modern slavery. <https://www.unseenuk.org/uploads/20190722111515720.pdf>.

22 <http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Update%20Bulletins/PDF-of-A3-poster.PDF?ext=.pdf>.

23 <http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Update%20Bulletins/PDF-of-A5-Double-Sided-leaflet.PDF?ext=.pdf>.

1.15 Calls to the Helpline in 2019 comprised of 7,073 Helpline Calls and 2,163 web reports regarding 4,783 victims: of those cases identified as modern slavery, 60 related to Northern Ireland which was 1.5% of the UK total.²⁴

MSHT in Northern Ireland

1.16 The ratio of reports to the NRM in 2019 would extrapolate the scale of the problem in Northern Ireland from the 2014 Home Office estimate²⁵ to be in the region of 85–110 (see paragraph 2.36).

1.17 In Northern Ireland of the 91 victims referred to the NRM in 2019, 53% (48) were male and 47% (43) female. A total of 16 were children.²⁶ Claimed exploitation was as below.

Table 2: NRM referrals from Northern Ireland by Exploitation Type 2019

Age group at exploitation	Claimed exploitation type	Female	Male	Total
Adult (18 or over)		32	33	65
	Criminal	0	1	1
	Domestic	5	1	6
	Labour	3	26	29
	Labour and Criminal	0	1	1
	Sexual	21	2	23
	Sexual and Domestic	1	0	1
	Unknown	2	2	4
Child (17 or under)		3	13	16
	Criminal	0	1	1
	Labour	0	5	5
	Sexual	2	0	2
	Unknown	1	7	8
Not Recorded		8	2	10
	Criminal	1	1	2
	Labour	1	0	1
	Sexual	5	0	5
	Unknown	1	1	2
Total		43	48	91

24 The largest proportion of calls received into the Helpline in 2019 were recorded as non-modern slavery. Many of these are related to other connected issues such as labour abuse (which does not meet the threshold for modern slavery), domestic abuse, and other crimes NRM or safeguarding concerns. For *Modern Slavery Helpline Annual Assessment 2019*. https://www.unseenuk.org/resources/helpline_annual_assessment_2019.pdf.

25 The National Strategic Assessment of Serious and Organised Crime for 2017 stated that the true scale of modern slavery and human trafficking within the UK is unknown, however the 2014 Home Office estimate of between 10-13,000 victims remained the most robust quantitative assessment available (see below).

26 *National Referral Mechanism statistics UK: End of year summary 2019*. Home Office. <https://www.gov.uk/government/statistics/national-referral-mechanism-statistics-uk-end-of-year-summary-2019>. Also <https://www.nationalcrimeagency.gov.uk/component/finder/search?q=NRM+%26amp;Itemid=101&Itemid=101>

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- 1.18 During 2015-16 the range of labour sectors in Northern Ireland where victims had been identified were primarily in mushroom production (16), car washes (6) and meat processing (4). Others were in restaurants (2), in drug cultivation (2), building sites (1) and other areas (2).²⁷
- 1.19 Gangmasters and Labour Abuse Authority (GLAA) records for Northern Ireland showed that, where known, victims were most frequently working in the Poultry and Eggs sector.²⁸
- 1.20 An analysis of the profile of victims of MSHT recovered in Northern Ireland from 2009 to 2013, and more recent current UK-wide Home Office research, provided an indication of the complexity of the circumstances surrounding these crimes:
- almost half (49%) were in relation to sexual exploitation, 22% were labour exploitation, 8% were domestic servitude. A total of 79% were female;
 - ages ranged from three years to 59 years. A total of 38% were minors, the majority were female;
 - a total of 37% were in the UK legally: a further 26% had an asylum claim;
 - over one third were from China, a further 16% were UK or Irish nationals and 8% were from Nigeria;
 - key victim vulnerabilities included being orphaned, ill family members, were 'sold' by family or offered help by a 'family friend', had debt problems or were 'Looked After' children;
 - the majority were recruited within their home country, some were recruited in the UK or Ireland;
 - in some instances the victim had been exploited in another part of Europe or the UK but reported this exploitation in Northern Ireland;
 - identified recruitment methods included bogus job advertisements, approaches made by individual 'recruiters' and the 'lover boy'²⁹ approach. A small number had been kidnapped or 'sold';
 - agencies that had contact with victims prior to their entry into the NRM process included health trusts, education boards, social services, law enforcement in other countries, airport staff and law enforcement based at ports, solicitors and charities or voluntary agencies;
 - victims were employed in the fishing industry, Chinese restaurants, brothels, as nannies, food factories, computer firms, cleaning firms and cannabis cultivation facilities;³⁰

27 Note to Justice Minister on Justice Committee correspondence. Freedom of Information (Fol) publication.

https://www.justice-ni.gov.uk/sites/default/files/publications/justice/foi-17-45-doc-32_0.pdf

28 *The nature and scale of Labour Exploitation across all Sectors within the United Kingdom*. Gangmasters and Labour Abuse Authority <http://www.gla.gov.uk/whats-new/the-nature-and-scale-of-labour-exploitation-across-all-sectors-within-the-united-kingdom/>.

29 Loverboys are human traffickers who try to get girls to fall in love with them or manipulate girls in some other way. Once under his influence he exploits her, for example, by forcing her into the sex industry. <https://www.government.nl/topics/human-trafficking/romeo-pimps-loverboys>.

30 *Summary of Findings. Strategic Profile – potential victims of Human Trafficking in Northern Ireland. April 2009 to August 2013*. Organised Crime Task Force (OCTF). Published February 2015. <https://www.octf.gov.uk/Publications/Human-Trafficking/Strategic-Profile-Potential-Victims-of-Human-Traff>.

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- motivation for offenders was primarily financial, with a perceived low risk of conviction;
- MSHT was thought to be organised, often through *ad hoc* networks of offenders; and
- victims were exploited in more than one way, and there were overlaps with different forms of exploitation, for example, benefit fraud frequently occurred alongside other forms of exploitation.³¹

- 1.21 A typology of the differing types of modern slavery offences in the UK are outlined at Appendix 2 to this report. The United Nations (UN) Human Trafficking Indicators are at Appendix 3.
- 1.22 As well as the specific MSHT offences, others were potentially relevant including laws relating to tackling MSHT in an individual case for example, those relating to domestic abuse, harassment, and paying for sexual services, an offence created under Section 15 (s15) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.
- 1.23 There was debate about the extent of trafficking in the sex industry, and while estimates varied,³² there was no doubt that there was an indisputable link between demand for prostituted sex and human trafficking,³³ of which Criminal Justice Inspection Northern Ireland (CJI) was aware. This inspection was to examine how the criminal justice system dealt with MSHT: it was not intended to examine the Police Service of Northern Ireland (PSNI) and the Public Prosecution Service for Northern Ireland (PPS) approaches to dealing with these wider offences *per se*, and any mention in the report to these areas was specifically with reference to MSHT.

31 *A Typology of Modern Slavery Offences in the UK*. Home Office Research Report 93. October 2017. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf.

32 A Regional Intelligence Unit for the South West Report found that around 17,000 of the estimated 30,000 women involved in off-street prostitution in England and Wales were migrants, with half from Eastern Europe and a third from Asia. Of the 17,000 migrant women identified, 2,600 (15%) had been trafficked and a further 9,600 (56%) were deemed vulnerable migrants who may be further victims of trafficking. Most of those trafficked (2,200) were from Asia, primarily China. Association of Chief Police Officers (ACPO) 2010: *Setting the Record: The Trafficking of Migrant Women in England and Wales off-street prostitution sector*, Regional Intelligence Unit for the South West. From <http://www.womensgrid.org.uk/archive/2010/08/23/acpo-publishes-report-on-trafficking-of-migrant-women-in-off-street-prostitution/>. National Policing Sex Work Guidance stated there was a solid base of evidence that confirmed that the majority of migrant sex workers were not trafficked into the UK and may be here working legally. National Police Chief's Council. *National Policing Sex Work Guidance* <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/prostitution/>. The PSNI advised the Justice Committee that the greater number of people involved in prostitution in Northern Ireland were not victims of human trafficking. <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/february-2014/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-police-service-of-northern-ireland/>.

33 There was an inextricable link between demand for prostituted sex and human trafficking. Traffickers and pimps operate side by side in the same locations, using the same advertising, often under the umbrella of the same criminal gangs. While trafficking was more strictly defined by coercion and slavery, this did not account for the wide spectrum of control, manipulation and exploitation that fuelled the sex industry. Traffickers and pimps alike target vulnerable adults and young people to coerce them into the sex trade, capitalising on poverty, desperation, and vulnerability for their substantial financial gain. Women's Aid Federation Northern Ireland. *Briefing paper on the Trafficking & Exploitation (Further Provisions and Support for Victims) Bill*. <https://www.womensaidni.org/assets/uploads/2014/12/Trafficking-Bill-briefing-paper-final-22-October-2013.pdf>.

CHAPTER 2: **STRATEGY AND GOVERNANCE**

- 2.1 The global reach of MSHT was outlined in Chapter 1. An international and domestic legal framework to combat these crimes existed in various UN and EU conventions, protocols and directives.

Diagram 1: The International Framework



United Nations

- 2.2 The UN Convention against Transnational Organized Crime adopted in 2000 contained a supplementary Protocol (the Palermo Protocol) to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.³⁴
- 2.3 The Protocol was to:
- prevent and combat trafficking in persons, paying particular attention to women and children;
 - protect and assist the victims of such trafficking, with full respect for their human rights; and
 - promote co-operation among party states in order to meet those objectives.

³⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

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- 2.4 Prior to that, the Convention on the Rights of the Child was adopted by the UN General Assembly in 1989, and Article 35 contained provision for party States to take all appropriate national, bilateral and multilateral measures to prevent the abduction, sale or traffick of children for any purpose or in any form.³⁵

The European Convention on Human Rights (ECHR)

- 2.5 Article 4 contained a specific prohibition of slavery and forced labour:

- No one shall be held in slavery or servitude.
- No one shall be required to perform forced or compulsory labour.³⁶

- 2.6 Article 4 had been interpreted by the European Court of Human Rights to include trafficking.³⁷

European Union

- 2.7 The European Parliament and Council Directive set out minimum standards for preventing and combating trafficking in human beings and protecting victims. It took a victim-centred approach in standards for *inter alia* prevention, prosecution of offenders, support for victims and victims' rights in criminal proceedings.³⁸

- 2.8 At EU level the strategy identified five priority areas for its member States to focus on to address human trafficking. They were:

- identifying, protecting and assisting victims of trafficking;
- stepping up the prevention of trafficking in human beings;
- increased prosecution of traffickers;
- enhanced co-ordination and co-operation among key actors and policy coherence; and
- increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.³⁹

35 *The UN Convention on the Rights of the Child*. https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf.

36 https://www.echr.coe.int/Documents/Convention_ENG.pdf. *The UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx> and the *COE Lanzarote Convention* [https://www.coe.int/en/web/children/convention#{"12441481":0}](https://www.coe.int/en/web/children/convention#{) also applied.

37 The Court considers that trafficking itself, within the meaning of Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime, Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings, fall within the scope of Article 4 of the Convention (*Rantsev v. Cyprus and Russia*, ¶282; *M. and Others v. Italy and Bulgaria*, ¶151). https://www.echr.coe.int/Documents/Guide_Art_4_ENG.pdf at page 6.

38 *Directive 2011/36/EU* <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

39 *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-16*. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf

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- 2.9 At the time of writing the UK Government was in the process of leaving the EU⁴⁰ and its associated human trafficking mechanisms. The longer-term implications of leaving the EU may impact on how the UK deals with MSHT internally and internationally.
- 2.10 This may also affect how MSHT manifests in Northern Ireland, which is in the unique position of being the only part of the UK which had a land border with an EU Member State. Regardless of how the border was maintained, Northern Ireland could be seen as a possible weak point within the UK infrastructure by criminal groups which would seek to exploit this by trafficking commodities and people across the border.⁴¹

UK Strategy**Diagram 2: The UK Framework**

40 Inspectors understand that the Council of Europe Convention on Action against Trafficking in Human Beings would still apply <https://www.coe.int/en/web/anti-human-trafficking/>.

41 *Cross Border Organised Crime Threat Assessment 2018 PSNI and An Garda Síochána (AGS)*. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/cross-border-organised-crime-assessment-2018.PDF>.

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- 2.11 In 2014, the Government published a Modern Slavery Strategy, based on the ‘four Ps’⁴² Home Office approach to tackling terrorism and serious and organised crime. The Scottish Government and the Northern Ireland Executive used different strategic frameworks to organise their work.⁴³ The Scottish Government published Annual Progress Reports on the implementation of its strategy.⁴⁴
- 2.12 The Northern Ireland Justice Minister⁴⁵ sat on the Inter-Departmental Ministerial Group on modern slavery, and the Home Secretary assumed the role of national rapporteur for the UK, as required by Article 19 of the EU Directive, which included publishing annual reports, setting out trends and results of actions to tackle MSHT, agreed by representatives of the UK Government, the Northern Ireland Executive, and the Scottish and Welsh Governments.⁴⁶
- 2.13 In 2016 the Modern Slavery Taskforce was introduced to co-ordinate the response across government and enforcement agencies and established the Joint Slavery Trafficking and Analysis Centre (JSTAC) in April 2017, to address intelligence gaps and provide information and assessments of the threat.⁴⁷
- 2.14 The NCA was the lead law enforcement response to MSHT in the UK, including intelligence gathering, and the Agency’s MSHT Unit worked with partners in the UK and internationally to pursue offenders, safeguard victims and to prevent vulnerable people in source countries from becoming victims.⁴⁸
- 2.15 A Modern Slavery Police Transformation Programme was also established to support police forces in England and Wales, regional organised crime units and national law enforcement agencies to improve their response to MSHT, identify and promote good practice and collaboration.

42 The four Ps are: Pursue: Prosecuting and disrupting individuals and groups responsible for modern slavery; Prevent: Preventing people from engaging in modern slavery; Protect: Strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime; Prepare: Reducing the harm caused by modern slavery through improved victim identification and enhanced support. *UK Modern Slavery Strategy 2014*. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

43 The Scottish Strategy identified three areas of action where effort should be focussed:

- Action Area 1: Identify victims and support them to safety and recovery.
- Action Area 2: Identify perpetrators and disrupt their activity.
- Action Area 3: Address the conditions, both local and global, that foster trafficking and exploitation. *Trafficking and Exploitation Strategy*. Scottish Government. May 2017. <http://www.gov.scot/Resource/0051/00518587.pdf>.

44 <https://www.gov.scot/publications/human-trafficking-exploitation-strategy-first-annual-progress-report/pages/3/>.

45 During part of this inspection there was no functioning Northern Ireland Assembly, Executive or Justice Minister. The Northern Ireland Assembly collapsed in January 2017. There was a full restoration of the Executive and the Assembly on Friday 10 January 2020.

46 2017 UK Annual Report on Modern Slavery. http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/2017_uk_annual_report_on_modern_slavery.pdf?ext=.pdf.

47 *Modern Slavery Police Transformation Programme. Annual Report to 31 March 2019*. <https://www.npcc.police.uk/Publication/2019/Modern%20Slavery%20Annual%20Report.pdf>.

48 National Crime Agency. <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking>.

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2.16 The UK-wide Modern Slavery Helpline (0800 0121 700) and Resource Centre was launched on 10 October 2016. Victims could talk to trained call handlers who would guide and assist them to access relevant services, including support through the NRM.

UK Legislation

2.17 In England and Wales the Modern Slavery Act 2015 (the Act) was the legislative framework to support improved enforcement of MSHT. In Scotland the Human Trafficking and Exploitation (Scotland) Act 2015 applied. The Northern Ireland legislation is referred to below.

2.18 In addition to legislating for the offences of slavery, servitude and forced or compulsory labour and human trafficking, the Act required large UK commercial organisations⁴⁹ to address and prevent the risk of MSHT in their operations and transparency in supply chains: this and a number of other powers were created which extended to Northern Ireland.

Independent Anti-Slavery Commissioner (IASC/the Commissioner)

2.19 Part 4 of the Modern Slavery Act 2015 established the role of an IASC with a UK-wide remit to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims.

2.20 The IASC identified four priorities in her strategic plan. These were:

- improving victim care and support;
- supporting law enforcement and prosecution;
- focusing on prevention; and
- getting value from research and innovation.⁵⁰

2.21 The Commissioner had various powers to undertake her function⁵¹ and an Advisory Panel, provided guidance, challenge and support to the office and included representation from Northern Ireland to ensure that local interests were considered by the Commissioner at a strategic level.⁵²

49 With an annual turnover above £36m.

50 *Independent Anti-Slavery Commissioner Strategic Plan 2019-21*. <https://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>.

51 These included:

- make a report on any permitted matter to the Secretary of State, the Scottish Ministers and the DoJ in Northern Ireland (reports must be requested by the Secretary of State, the Scottish Ministers or the DoJ in Northern Ireland; or be as detailed in this strategy);
- publish reports (as laid out in the Act);
- make recommendations to any public authority about the exercise of its functions;
- undertake or support the carrying out of research;
- provide information, education or training; and
- consult and co-operate with public authorities, voluntary organisations and other persons. Ibid.

52 AQW 3010 17-22 Answered by the Minister of Justice 19 March 2020. <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=297138>.

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- 2.22 A number of Northern Ireland public authorities had a duty to co-operate with the IASC.⁵³

Gangmasters and Labour Abuse Authority (GLAA)

- 2.23 The Gangmasters (Licensing) Act 2004 was introduced following the death of 23 cockle pickers in Morecambe Bay in 2004, and created a licensing scheme to regulate the supply of temporary labour to the farming, food processing and shellfish gathering sectors. It established the Gangmasters Licensing Authority (GLA) to protect the most vulnerable workers with minimum employment and other standards.
- 2.24 The introduction of the Modern Slavery Act in 2015 increased public awareness and focus on issues including labour exploitation. The Immigration Act 2016 subsequently legislated for a much broader role for the GLA and changed its name to the GLAA.
- 2.25 The GLAA operated throughout the UK and the wider powers expanded its role to protect vulnerable and exploited workers regardless of worker status or sector within England and Wales, including, for example, nail bars, car washes, construction, hotels and hospitality.
- 2.26 The GLAA remit in Northern Ireland and Scotland was more limited⁵⁴ where it operated under the Gangmasters (Licensing) Act 2004 powers only⁵⁵ that is, solely in relation to farming, food processing and shellfish gathering.
- 2.27 The Government had consulted⁵⁶ on establishing a new single enforcement body which included labour exploitation and modern slavery. Its proposed core remit would cover enforcement areas currently undertaken by the GLAA. The outcome of the consultation was not known at the time of writing.

53 According to the Modern Slavery Act 2015 (Duty to co-operate with Commissioner) (Northern Irish public authority) Regulations (Northern Ireland) 2016, the relevant additional public authorities for Northern Ireland are:

- Chief Constable of the Police Service of Northern Ireland;
- Probation Board for Northern Ireland;
- Northern Ireland Department of Justice;
- Regional Health and Social Care Board;
- Belfast Health and Social Care Trust;
- Northern Health and Social Care Trust;
- South Eastern Health and Social Care Trust;
- Southern Health and Social Care Trust; and
- Western Health and Social Care Trust.

The Commissioner may request any of these specified public authorities to cooperate in any way considered necessary for the purposes of the Commissioner's functions. *Independent Anti-Slavery Commissioner Annual Report 2016-17*. http://www.antislaverycommissioner.co.uk/media/1164/iasc_annual-report-16-17-web.pdf.

54 *Gangmasters and Labour Abuse Authority. Annual Report and Accounts 2017-18*. <https://www.gla.gov.uk/media/4806/glaa-annual-report-and-accounts-2017-18-web-version.pdf>.

55 *Gangmasters and Labour Abuse Authority. Business Plan 2017-2018*. <http://www.gla.gov.uk/media/3400/glaa-business-plan-2017-18.pdf>.

56 *Good Work Plan: establishing a new Single Enforcement Body for employment rights. Consultation*. Closing date: 6 October 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817359/single-enforcement-body-employment-rights-consultation.pdf.

The National Referral Mechanism (NRM)

- 2.28 The NRM was a framework for identifying victims of MSHT to ensure they received appropriate support. It was introduced in 2009 to meet the UK's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings.⁵⁷ The core of every country's NRM was to locate and identify victims of trafficking.
- 2.29 From 31 July 2015 the NRM was extended to all victims of modern slavery, not just to those who had been trafficked.⁵⁸ In March 2016, the then Northern Ireland Justice Minister extended the scope of the NRM to include victims of slavery in Northern Ireland, who had until then not been explicitly included.⁵⁹ UK referrals were made by first responders to the Single Competent Authority (SCA)⁶⁰ to decide whether the person was a victim of MSHT.⁶¹
- 2.30 First responder organisations had the following responsibilities to:
- identify potential victims of modern slavery and recognise the indicators of modern slavery;
 - gather information in order to understand what has happened to them;
 - refer victims to the NRM; and
 - provide a point of contact for the SCA to assist with decision making.
- 2.31 In Northern Ireland first responders were the main statutory agencies.⁶² In England and Wales there was a more extensive list of first responders which included local authorities and charitable and non-governmental organisations.⁶³

57 The NRM was reformed in 2018. <https://www.gov.uk/government/publications/national-referral-mechanism-reform/national-referral-mechanism-reform>.

58 Following the implementation of the Modern Slavery Act 2015.

59 <https://www.justice-ni.gov.uk/news/ford-announces-measures-support-victims-slavery>. In July 2020 the DoJ undertook a public consultation to amend s18 of the 2015 Act to make the provision of assistance and support, to potential victims of slavery, servitude and forced or compulsory labour, a statutory requirement. <https://www.justice-ni.gov.uk/consultations/consultation-amendments-human-trafficking-and-exploitation-legislation>

60 In the UK the Single Competent Authority was launched in April 2019. The SCA is based in the Home Office and is responsible for all NRM decisions, regardless of an individual's nationality or immigration status. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf.

61 <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>.

62 The First Responder organisations in Northern Ireland who may make NRM referrals were:

- Police Service for Northern Ireland;
- the Health and Social Care Trusts;
- Gangmasters Labour Abuse Authority;
- UK Border Force; and
- UK Immigration Enforcement.

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/adult-working-arrangements-2018.pdf>.

63 In England and Wales first responders were: police forces; certain parts of the Home Office; UK Visas and Immigration; UK Border Force; Immigration Enforcement; National Crime Agency; local authorities; Gangmasters and Labour Abuse Authority (GLAA); health and social care trusts; Salvation Army; Migrant Help; Medaille Trust; Kalayaan; Barnardo's; Unseen; Tara Project (Scotland); NSPCC (CTAC); BAWSO; New Pathways; and the Refugee Council. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

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- 2.32 Following a positive 'Reasonable Grounds' decision, the SCA would complete a more in-depth assessment to arrive at a 'Conclusive Grounds' decision.⁶⁴
- 2.33 The NRM granted a minimum 45-day reflection and recovery period for victims, and from October 2017, it extended the length of time victims had access to 'move-on' support⁶⁵ from 14 days to 45 days (in addition to the existing minimum 45 days) increasing the total period to at least 90 days.
- 2.34 Independent Child Trafficking Advocates were also rolled-out, to provide specialist support and act in the best interests of trafficked children.⁶⁶
- 2.35 It was widely accepted that the NRM only revealed part of the picture particularly since, in the case of adults, the individual must consent to the referral being made,⁶⁷ and as outlined elsewhere in this report, there were many reasons why a victim may be reluctant to provide consent or co-operate with authorities.

National Strategic Assessment of Serious and Organised Crime

- 2.36 The Assessment stated that the true scale of MSHT within the UK was unknown, however, the 2014 Home Office estimate of between 10-13,000 victims remained the most robust quantitative assessment available.⁶⁸ MSHT affected every large town and city in the country and the Home Office estimate was likely to be the tip of the iceberg.⁶⁹ MSHT in the UK was continually and gradually increasing.⁷⁰
- 2.37 Other findings included:
- if drivers remained at their current levels, MSHT incidents and potential victims will continue to increase over the next three years;⁷¹
 - it was highly likely that much upstream MSHT offending was carried out by looser, unstructured networks collaborating and committing opportunistic exploitation: in Europe and the UK there was evidence of greater levels of organisation; and
 - technology was a key enabler of MSHT.⁷²

64 A positive conclusive grounds decision was given when a case met the threshold that, on the balance of probability, 'it was more likely than not' that the individual was a victim of MSHT. Being identified as a victim of modern slavery did not automatically entitle someone to remain in the UK indefinitely. Under the EU Directive on Human Trafficking, victims of human trafficking are entitled to certain protections, including that they should continue to receive support and assistance from the UK state in cases where they were assisting in criminal proceedings or where their personal circumstances warranted it – this may include cases where a victim is pursuing compensation. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/adult-working-arrangements-2018.pdf>.

65 Such as ongoing accommodation, counselling, expert advice and advocacy.

66 Modern slavery victims to receive longer period of support. Home Office 26 October 2017. <https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>.

67 *Northern Ireland Human Trafficking and Modern Slavery Strategy 2016/2017*. Department of Justice. Organised Crime Task Force. <http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Modern-Slavery-Strategy-2016-17.pdf?ext=.pdf>.

68 *National Strategic Assessment of Serious and Organised Crime 2017*. <http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>. *2018 UK Annual Report on Modern Slavery*. October 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749346/2018_UK_Annual_Report_on_Modern_Slavery.pdf.

69 <https://www.bbc.com/news/uk-40885353>.

70 *National Strategic Assessment of Serious and Organised Crime 2018*. <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/173-national-strategic-assessment-of-serious-and-organised-crime-2018/file>.

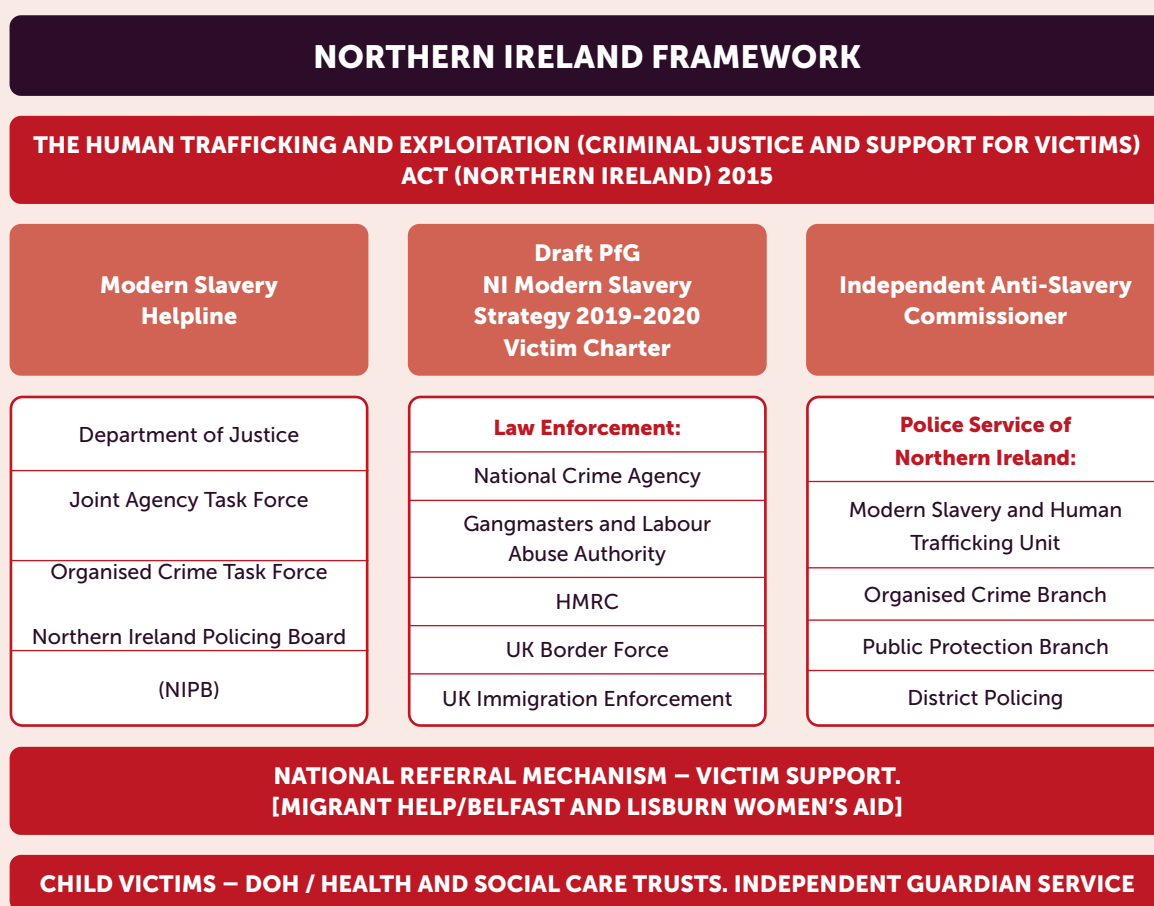
71 Although it was not possible to determine to what extent the increase in numbers were due to improved awareness, reporting and recording, rather than an increased incident rate. Ibid.

72 Ibid.

2.38 Following concerns about progress since the England and Wales legislation came into force; the need to improve care standards and support for victims, and improve the police response to MSHT, the Home Affairs Committee commenced an inquiry⁷³ and made a call for evidence by September 2018.⁷⁴ However the work was not completed and the Committee closed the inquiry due to the general election in December 2019.⁷⁵

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Diagram 3: The Northern Ireland Framework



73 At the time of writing the inquiry was ongoing. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2017/modern-slavery-inquiry-17-19/>.

74 The Committee invited written evidence on, but not limited to, the following terms of reference:

- the current scale and nature of modern slavery;
- the impact of the Modern Slavery Act 2015;
- how to increase understanding and reporting of modern slavery offences;
- the impact of ‘county lines’, and how this issue can be tackled;
- what success in tackling modern slavery would look like, and what benchmarks should be used to measure progress;
- current levels of support for victims, and how it can be improved;
- how the police and immigration system’s response to modern slavery offences could be improved; and
- what the priorities for the new Independent Anti-Slavery Commissioner should be.

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/modern-slavery-launch-17-19/>.

75 <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2017/modern-slavery-inquiry-17-19/>.

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2.39 MSHT fell under the draft Programme for Government (PfG) 2016-2021 Outcome Seven of having a 'safe community where we respect the law, and each other' with indicators to reduce crime, reduce offending and increase the effectiveness of the justice system.⁷⁶

Legislation

2.40 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 received Royal Assent in January 2015, and created the offences⁷⁷ of slavery, servitude and forced or compulsory labour⁷⁸ and human trafficking.⁷⁹

2.41 Offences could be committed regardless of where the arranging, facilitating or travel took place. Exploitation for the purposes of human trafficking was defined as:

- slavery, servitude and forced or compulsory labour;
- sexual exploitation;
- removal of organs;
- securing services by force, threats or deception; or
- securing services from children and vulnerable persons.⁸⁰

2.42 The legislation provided the courts with powers to make:

- slavery and trafficking reparation orders: for the confiscation of assets of persons found guilty of offences, and requirement compensate victims; and
- post-conviction Slavery and Trafficking Prevention Orders (STPOs): to protect people from further harm from these offences.⁸¹

76 *Draft Programme for Government Framework 2016 – 2021*. Northern Ireland Executive. <https://www.northernireland.gov.uk/sites/default/files/consultations/newnigov/draft-pfg-framework-2016-21.pdf>.

77 A number of the provisions of the Modern Slavery Act 2015 (which applied primarily to England and Wales) also extended to Northern Ireland. These were in relation to enforcement powers in relation to ships, the Independent Anti-slavery Commissioner and the transparency in business supply chains.

78 Slavery, servitude and forced or compulsory labour: In Section 1 a person ("A") commits an offence if (a) A holds another person ("B") in slavery or servitude and the circumstances are such that A knows or ought to know that B is held in slavery or servitude, or (b) A requires B to perform forced or compulsory labour and the circumstances are such that A knows or ought to know that B is being required to perform forced or compulsory labour. In particular, regard may be had to any of B's personal circumstances which may make B more vulnerable than other persons such as, for example (a) that B is a child or a vulnerable adult; or (b) that A is a member of B's family.

79 Human Trafficking: Section 2 (1) stated that a person ("A") commits an offence if person A arranges or facilitates the travel of another person ("B") with a view to person B being exploited. The Act goes on to state that person A may in particular arrange or facilitate person B's travel by recruiting, transporting or transferring, harbouring or receiving, or transferring or exchanging control over person B. It should be noted that to commit an offence of human trafficking the travel did not have to be across international borders, it could be, for example, within Northern Ireland.

80 *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*. <http://www.legislation.gov.uk/ni/2015/2/contents/enacted>.

81 Ibid.

Slavery and Trafficking Risk Orders (STRO)

- 2.43 The Modern Slavery Act 2015 provided for STROs⁸² in England and Wales to be made by a court, on application by police, the GLAA or the NCA, to place a range of restrictions⁸³ on the behaviour and activities of a person who had not been convicted but who posed a risk of committing MSHT offences.
- 2.44 STROs were not included in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and so these Orders were not an option available to the PSNI, the PPS or the Northern Ireland Courts and Tribunals Service for use against people who had not been convicted but posed a continuing risk of committing MSHT crime in Northern Ireland.
- 2.45 In 2017 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found limited use of STROs in forces with some investigators not fully aware about their use, and concluded that failure to understand the wider application of STROs meant due consideration had not been given to protecting victims through use of all the powers available.⁸⁴
- 2.46 Use of STROs had increased and 46 had been issued in 2019; these civil orders were seen as an important tool to prevent slavery-related harm before it occurred and to prevent re-offending.⁸⁵
- 2.47 More recently the IASC commented on a West Midlands Police modern slavery operation, and said the police used STROs to prevent further human exploitation whilst the case was ongoing.⁸⁶
- 2.48 Inspectors also understand that there was emerging evidence from England and Wales that STROs could be helpful to police, for example during a protracted investigation.

82 Section 23 of the England and Wales Modern Slavery Act 2015 allows: (1) A Magistrates' court may make a slavery and trafficking risk order against a person on an application by (a) a chief officer of police, (b) an immigration officer, or (c) the Director General of the National Crime Agency. (2) The court may make the order only if it is satisfied that the defendant has acted in a way which means that (a) there is a risk that the defendant will commit a slavery or human trafficking offence, and (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence. <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>.

83 Prohibitions which can be imposed by a STRO are those which are necessary for the purpose of protecting the public from harm from the defendant. These can include: advertising for/ recruiting/ employing staff; being a gangmaster; working with children; working with vulnerable people; residing with (specified) children/vulnerable people; organising transport/accommodation for other people; travelling to specified countries; contacting/recruiting specific individuals, directly or indirectly, either personally or by any electronic means; holding a licence to act as a sponsor for visa applications; or going to a specific place (e.g. where a victim resides). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/610015/110417_-_statutory_guidance_part_2_-_GLAA_updates_-_Final.pdf.

84 *Stolen freedom: the police response to modern slavery and human trafficking*. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. October 2017. <https://www.justiceinspectors.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/>.

85 *2019 UK Annual Report on Modern Slavery*. October 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf.

86 <https://www.antislaverycommissioner.co.uk/news-insights/dame-sara-thornton-comments-on-the-exposure-of-uks-largest-modern-slavery-network/>.

OPERATIONAL RECOMMENDATION 1

The Department of Justice, in consultation with the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland, and after consideration of the experience in England and Wales, should re-examine the need for Slavery and Trafficking Risk Orders in Northern Ireland to prevent modern slavery and human trafficking-related crime and support victims within one year of the publication of this report.

Duty to Notify

- 2.49 In England and Wales the 'Duty to Notify' provision was set out in s52 and from 1 November 2015, specified public authorities⁸⁷ had a duty to notify the Secretary of State of any individual encountered who they believed was a suspected victim of MSHT. This duty was intended to gather statistics and build a more comprehensive picture of the nature and scale of MSHT.⁸⁸
- 2.50 Section 27(5) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 stated that regulations under s13⁸⁹ (duty to notify) shall not be made unless a draft of the regulations had been laid before, and approved by resolution of the Northern Ireland Assembly. As a result, although the Northern Ireland Assembly had reconvened and there had been a Justice Minister from January 2020, the duty to notify provisions had not been implemented in Northern Ireland due to the previous absence of Ministers⁹⁰ and a functioning Northern Ireland Assembly. There was no duty on public authorities in Northern Ireland to notify the NCA of any individual they encountered who they believed was a suspected victim of MSHT.
- 2.51 The Northern Ireland Modern Slavery Strategy 2019-20 contained a workstream to develop policy and implementation of Duty to Notify legislation and the development of statutory guidance on identifying victims, subject to an available legislative vehicle.⁹¹ At the time of writing this remained outstanding. **Area for improvement: the Department of Justice should immediately progress the policy and implementation of the Duty to Notify legislation.**

87 The 'duty to notify' provision is set out in Section 52 of the Modern Slavery Act 2015, and applied to the following public authorities in England and Wales at the time of publication (additional public authorities can be added through regulations): (a) a chief officer of police for a police area, (b) the chief constable of the British Transport Police Force, (c) the National Crime Agency, (d) a county council, (e) a county borough council, (f) a district council, (g) a London borough council, (h) the Greater London Authority, (i) the Common Council of the City of London, (j) the Council of the Isles of Scilly, (k) the Gangmasters and Labour Abuse Authority.

88 *Duty to Notify the Home Office of Potential Victims of Modern Slavery. Guidance for Specified Public Authorities.* Version 2.0 (18 March 2016). <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>.

89 S 13 devolved this to the DoJ to issue guidance to specified public authorities to put this into effect.

90 *2018 UK Annual Report on Modern Slavery.* October 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749346/2018_UK_Annual_Report_on_Modern_Slavery.pdf.

91 *Northern Ireland Modern Slavery Strategy 2019 – 2020.* <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/modern-slavery-strategy-2019-2020.pdf>.

VICTIMS OF MSHT

Victim Co-operation

2.52 Section 14 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the Act) recognised the difficulties for victims outlined elsewhere in this report and for investigation and prosecution of offences under s1 or s2.⁹² The reference to the support for victims in the title of the Act emphasised this:

- the investigation or prosecution of an offence was not dependent on the victim reporting, or accusing a person of committing, the offence; and
- proceedings for an offence under s1 or s2 may be commenced or continued even if the victim of the offence has withdrawn any statement made.

2.53 This had assisted the PSNI to take ‘victimless’⁹³ prosecutions where the victim had not made a statement or withdrew it at a later stage (see also footnote 251).

Victim Protection

2.54 Legislation, policy, the Victim Charter and the NRM recognised the particular circumstances and vulnerabilities of victims of MSHT. Many may not be aware they were victims or were being exploited, others may be subject to bonded labour,⁹⁴ suffered trauma or were vulnerable and intimidated victims in fear of their traffickers, gangmasters or ‘employers’, many had little or no English. Victims may have a fear and suspicion of police and authorities based on their experiences of their country of origin or transit. The uncertain immigration status of being in the UK, or a fear of deportation or return to their country of origin, were also factors which might discourage reporting or disclosure of MSHT offences.

92 Section 1 - Slavery, servitude and forced or compulsory labour. Section 2 – Human Trafficking.

93 The term ‘victimless’ is a misnomer as there are real victims to these offences many of whom have been deeply affected and traumatised by their experience. The term ‘victimless’ is used to describe the passage through court of a case without the need for the victim to participate or give evidence.

94 Bonded labour was most widespread in South Asia, often entire families have to work to pay off the debt taken by one of its members. The debt can be passed down the generations and children can be held in debt bondage for their parents. Debt bondage in a wider sense is an element of many other forms of slavery such as forced labour and trafficking. People borrow money to pay their traffickers for a promised job abroad. Once at their destination their passports are taken away and they cannot leave until they pay off the debts they owe to their traffickers. www.antislavery.org.

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- 2.55 IASC research⁹⁵ on combating MSHT experienced by Vietnamese nationals on their way to, and within, the UK also identified a number of factors affecting MSHT victim circumstances.⁹⁶

Coercion and Control of Victims

- 2.56 Common features in all forms of MSHT included the coercion, deception or forcing of victims into the control of others who sought to profit from their exploitation and suffering, the use of threats or violence against the victim's family, and, in some cases, collusion in trafficking by family members.
- 2.57 Victims were controlled⁹⁷ through violence; debt bondage; restrictions on freedom of movement; instilling fear of authority, for example, told they will be deported if they seek help; emotional attachment; religion; magic and isolation.
- 2.58 Typically, victims were watched, escorted or guarded by traffickers and their activities were restricted to prevent them from seeking help. In addition, their exploiters may:
- coach victims to answer questions with a cover story, for example about being a wife, relative, student or tourist;
 - instruct them to lie about their age, for example to claim they are under 18 years of age in order to secure Health and Social Care Trust (HSCT) protection and potentially the more favourable outcomes for unaccompanied children in immigration decisions; or
 - direct them to claim asylum thereby seeking to exploit the situation so that victims will be allowed to remain in the country while their claim is being processed.⁹⁸

95 *A Theory of Migration*. Lee, E.S. (1966) Demography. Vol. 3 No 1 from *Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK*. Independent Anti-Slavery Commissioner 2017. <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>.

96 Push factors included:

- while most were employed, they can be under-employed and their employment unstable;
- needing to pay off a family member's debt;
- abuse by a family member, extended family or carer;
- harassment by the police or government; and
- minors who have been abandoned or orphaned and seek a better life.

Pull factors included:

- friends or family already in the UK;
- existence of established smuggling routes and the proliferation of agents willing to push migrants along them; and
- perception that there is a realistic prospect of being able to earn enough money in the UK to pay back any loans.

Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. Independent Anti-Slavery Commissioner 2017. <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>.

97 There were parallels to sexual and domestic violence coercion and control, see Chapter 3.

98 *The Working Arrangements for the Welfare and Protection of Adult Victims and Potential Victims of Human Trafficking and Modern Slavery*. <https://www.justice-ni.gov.uk/publications/adult-working-arrangements-2018>.

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2.59 These victim issues were supported by Home Office records which suggested that in a 38-month period there were 4,107 potential victims who declined support, nearly half of whom had been referred by police forces.⁹⁹

Defence for Victims of MSHT

2.60 The coercion and control of victims in MSHT offences was recognised in legislation. Article 26 of the Council of Europe Trafficking Convention stated signatories provide for the possibility of not imposing penalties on victims of MSHT for their involvement in unlawful activities, to the extent that they have been compelled to do so.¹⁰⁰

2.61 Section 22 of Northern Ireland legislation contained provision for a defence for victims in relation to certain offences,¹⁰¹ where someone who was compelled to commit the act and the compulsion was attributable to slavery or exploitation, and a reasonable person in the same situation would have no realistic alternative to doing the act. This particular requirement did not apply to children. There was a similar defence under s45 of the Modern Slavery Act 2015 in England and Wales.

2.62 This was an important protection for victims and relied on the international principle of non-punishment. However the use of the defence had caused controversy with cases where victims had not used this defence and been imprisoned; and cases where criminals had attempted to abuse the defence.

2.63 There was little clarity about the use of the defence which made it difficult to tell if victims were being properly protected; or if the justice system was being protected from criminals who sought to abuse it.

2.64 A Court of Appeal decision¹⁰² shifted the burden of proof to the prosecution to prove that an individual was not a victim of MSHT once the defence was raised. Concerns had been expressed by police and prosecutors about the ability of the prosecution to disprove accounts which often lacked detail.

2.65 There were also concerns that genuine victims of MSHT were failing to be identified and were incorrectly being prosecuted for crimes committed as a result of their exploitation.

99 *Independent Anti-Slavery Commissioner Strategic Plan 2019-21*. <https://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>.

100 *Council of Europe Convention on Action against Trafficking in Human Beings*. <https://rm.coe.int/168008371d>.

101 This section does not apply to an offence which, in the case of a person over the age of 21, is punishable on indictment with imprisonment for life or for a term of at least 5 years, other than - (a) an offence under -(i) section 4(2) of the Misuse of Drugs Act 1971 committed in respect of a Class B or Class C drug [production and supply]; (ii) section 5(2) of that Act committed in respect of a Class B drug [possession]; (iii) section 6(2) of that Act [cultivation]; (b) an offence under section 26A(3)(a), (b), (d), (e), (f) or (g) of the Immigration Act 1971; (c) an offence under section 1, 2, 3 or 4 of the Forgery and Counterfeiting Act 1981; (d) an offence under section 106 of the Asylum and Immigration Act 1999; (e) an offence under section 4 of the Identity Documents Act 2010.

102 <http://www.bailii.org/ew/cases/EWCA/Crim/2018/667.html>.

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- 2.66 At the time of writing the IASC had issued a call for written evidence regarding the use of the s45 statutory defence, to gain a better understanding of what was happening on the ground in respect of its use.¹⁰³
- 2.67 HMICFRS also found signs that the statutory defence may, perversely, increase the risk of exploitation with some offenders coaching their recruits to say they had been trafficked if arrested, and for some vulnerable people this may give them a false sense of security.¹⁰⁴ The report went on to recommend that the Home Office should commission a review of cases involving the defence and establish whether there was sufficient justification to amend the law.
- 2.68 PSNI officers were concerned about the potential for the s22 defence to be abused and described the fine line between properly protecting vulnerable victims who needed to use the defence and criminals who would abuse it. This had potential resource implications for the PSNI as there was no necessity for claimants to raise the defence at the first opportunity or at an early stage of the investigation: someone could raise the defence on the first day of a trial. Police had to consider committing time and resources to gather evidence to rebut its potential use. This could potentially be very difficult if, as referred to above, the accounts lacked detail, or alleged slavery, coercion or exploitation by someone in another country.
- 2.69 In respect of children, the Northern Ireland Legislation was welcomed by the UN Committee on the Rights of the Child (UNCRC),¹⁰⁵ the provision for Independent Guardians (see paragraph 2.85) was noted as a positive development.¹⁰⁶
- 2.70 Children had been afforded particular attention within the domestic legislation in other respects too, including defining child exploitation as using or attempting to use a child for services or benefits of any kind. There was no requirement to demonstrate force, threats, abduction, coercion, fraud or deception. Rather it would be enough to show they had been chosen because they were a child and an adult would be likely to refuse to be used for that purpose.¹⁰⁷ The legislation directed that a court must consider a human trafficking or slavery-like offence committed against a child as an aggravating factor in sentencing.¹⁰⁸

103 IASC Call for Evidence: Use of the Modern Slavery Act's Section 45 statutory defence. <http://www.antislaverycommissioner.co.uk/news-insights/closed-iasc-call-for-evidence-use-of-the-modern-slavery-act-s-section-45-statutory-defence/>

104 *Both sides of the Coin. The police and National Crime Agency's response to vulnerable people in 'county lines' drug offending.* HMICFRS 10 January 2020 <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/both-sides-of-the-coin-police-nca-response-vulnerable-people-county-lines-drug-offending.pdf>

105 By way of follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography – see UN Committee on the Rights of the Child (2016) Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland, 12 July 2016, para. 82.

106 For Independent Guardians the Section 21 *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (NI) Act 2015*.

107 Section 3(6) *Ibid.*

108 Section 6(1) (d) *Ibid.*

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- 2.71 It also created a defence for children who had committed an offence as a direct consequence of being a trafficking victim. Unlike for adults using the defence: *‘the child would not need to show that a “reasonable person” in the same situation would have had no realistic alternative to doing the same criminal act. This is consistent with the special position of children within the criminal justice system, in line with the UN Convention on the Rights of the Child.’*¹⁰⁹
- 2.72 In respect of both adults and children, the defence only applied to offences which attracted a maximum sentence of less than five years, as well as a number of additional specified offences particularly linked with trafficking and exploitation (see footnote 101). The UNCRC expressed concern that *‘child victims can still be prosecuted for offences they are forced to commit in the context of trafficking’* and recommended a *‘clear obligation of non-prosecution.’*¹¹⁰
- 2.73 Inspectors understand that at the time of writing the DoJ had not undertaken any work to examine the implications of the use of the statutory defence provided by s22. In the light of the Court of Appeal judgement, the Home Office Review and the findings of the IASC, the latter were not available at the time of writing, it would be beneficial for the DoJ, in consultation with the PSNI and the PPS, to review the effectiveness of the s22 defence provisions to protect vulnerable victims and its use in Northern Ireland.

OPERATIONAL RECOMMENDATION 2

The Department of Justice, in consultation with the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland, should review the effectiveness of the Section 22 defence to protect vulnerable victims, including particular reference to children, and its use in Northern Ireland within one year of the publication of the Independent Anti-Slavery Commissioner’s Review.

Trafficking children for sexual exploitation

- 2.74 In respect of trafficking for sexual exploitation, the Northern Ireland legislation relied on offences contained within the Sexual Offences (Northern Ireland) Order 2008. The UNCRC had stressed this did not provide full and equal protection to all children under 18 years of age.¹¹¹

109 *Human and Trafficking and Exploitation (Criminal Justice and Support for Victims) (NI) Act 2015, Explanatory Notes to Section 22* <http://www.legislation.gov.uk/nia/2015/2/notes/division/4/22>.

110 By way of follow-up to the Committee’s previous concluding observations and recommendations on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography – see UN Committee on the Rights of the Child (2016) *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12 July 2016, para. 82(c), and also recommendation at para. 83(C).

111 *Ibid* para. 82(d) and recommendation 83(a).

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As the Northern Ireland Human Rights Commission outlined: *‘Between 2015 and 2019, the UNCRC Committee and UN Committee on the Elimination of Discrimination against Women have repeatedly raised the need to shift the burden of proof from the prosecution to the perpetrator in the legislation governing sexual offences.’*¹¹²

- 2.75 Pursuant to a recommendation in the report of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland,¹¹³ the DoJ had publicly consulted on a review of the law,¹¹⁴ which sought views on various provisions within the 2008 Order including reversing the burden of proof in relation to the ‘reasonable belief’ defence.
- 2.76 While it was positive the consultation had been undertaken, the Sexual Offences (Northern Ireland) Order 2008 still permitted a defendant to claim that he/she believed the child to be 16 years of over, and the prosecution to prove he/she did not. CJJ acknowledged the absence of a Northern Ireland Executive at the time of the DoJ consultation, however, with it now in place **the Department of Justice should immediately progress its review of the law on child sexual exploitation.**

NRM Victim Support

- 2.77 Section 18 of the Northern Ireland legislation provided for support and assistance for victims pending determination by the SCA. Once referred into the NRM, individuals were able to access a range of support services.¹¹⁵
- 2.78 While 45 days was the minimum period of entitlement, many received longer periods of support, dependent on the time taken by the SCA to reach a conclusive grounds determination. DoJ support under s18 continued to be made available throughout this period until a determination was reached.
- 2.79 Section 18(9) provided a further discretionary power for the DoJ to extend support and assistance beyond the standard 45 day recovery and reflection period in cases where it considered it necessary to do so.

112 *The 2019 Annual Statement: Human Rights in Northern Ireland, December 2019*, p.35 NIHRC (2019) citing CRC/C/OPSC/GBR/CO/1, ‘UN CRC Committee Concluding Observations on the Report Submitted by the UK of Great Britain and NI under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography’, 8 July 2014, at para 29; CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI’, 14 March 2019, at para 35(g) (https://www.nihrc.org/uploads/publications/2019_NIHRC_Annual_Statement.pdf).

113 *Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry*, Marshall, K. (2014) November 2014, Key Recommendation 14 (https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/csereport181114_0.pdf).

114 *Review of the Law on Child Sexual Exploitation: Consultation on policy proposals*, Department of Justice (2019). (https://consultations.nidirect.gov.uk/doj-corporate-secretariat/review-of-the-law-on-child-sexual-exploitation/supporting_documents/FINAL%20Consultation%20%20Review%20of%20the%20law%20on%20child%20sexual%20exploitation.pdf).

115 Including safe accommodation; one-to-one support; help with living / travel costs; help to access healthcare; sign-posting to immigration and independent legal advice and advice on compensation; help to access counselling or other therapeutic services; and interpreter/translation services.

Support for Adult Victims in Northern Ireland

- 2.80 In line with requirements under the EU Directive and the Northern Ireland legislation, Migrant Help was contracted to provide support to adult male victims of MSHT while Belfast and Lisburn Women's Aid provided support to adult female victims.¹¹⁶ Support was made available from the point that a referral was made to the NRM.¹¹⁷
- 2.81 The Northern Ireland Modern Slavery Strategy 2019–2020 included an undertaking to explore the potential for support available to adult victims of MSHT under the DoJ support contract to be provided for an extended recovery and reflection period, subject to available resources¹¹⁸. At the time of writing Inspectors were advised that this would be included in the development of the next Modern Slavery Strategy.
- 2.82 It should be noted that this support was only available for victims who had been referred under the NRM, and adult victims must consent to the referral being made. As previously outlined, there were many reasons why a victim may be reluctant to provide consent.

Support for Child Victims in Northern Ireland

- 2.83 The Department of Health (DoH) had responsibility to protect and safeguard children, including victims of MSHT, under the Children (Northern Ireland) Order 1995. Where adult victims had a dependent child, or if they were an unaccompanied child, support and protection were provided by the HSCT which worked with the PSNI in respect of trafficked children.
- 2.84 Section 21 of the Northern Ireland legislation placed a requirement on the regional Health and Social Care Board (HSCB) to enable an Independent Guardian to assist, represent and support a child referred to the NRM, or for a separated child.

116 Section 19 of the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* legislated for the Department of Health Social Services and Public Safety (now DoH) to prepare and publish a strategy to provide a programme of assistance and support for people who want to leave prostitution. The Strategy and support available is available at <https://www.health-ni.gov.uk/publications/leaving-prostitution-strategy-help-and-support>.

117 Or in cases where an immediate referral could not be made but where a referral was imminent. Assistance included practical support such as safe accommodation, translation services, healthcare services, legal advice/representation or, where appropriate, help with repatriation. *UK Annual Report on Modern Slavery. October 2019.* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf.

118 *Northern Ireland Human Trafficking and Modern Slavery Strategy 2016/2017.* Department of Justice. Organised Crime Task Force. <http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Modern-Slavery-Strategy-2016-17.pdf?ext=.pdf>.

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- 2.85 The Independent Guardian Service for separated and trafficked children was launched on 1 April 2018 and run by Barnardo's Northern Ireland. Independent Guardians had a number of responsibilities,¹¹⁹ they acted in the best interests of the child and were trained to provide advice on immigration and asylum matters.

The working arrangements for the Welfare and Protection of Adult and Child Victims of MSHT

- 2.86 Two sets of guidance on MSHT were published jointly by the DoJ, the PSNI and the HSCB in January 2018¹²⁰ for children, and in November 2018¹²¹ for adults, for front-line staff. The guidance set out arrangements to identify and support child and adult victims, and the roles of the PSNI and the HSCTs.
- 2.87 The Protocol for joint investigation of adult safeguarding cases¹²² and suspected cases of child abuse¹²³ also applied as both areas had relevance in the investigation of cases of MSHT.

Victim Charter (the Charter)

- 2.88 The Charter¹²⁴ provided for individual assessments by the police or the PPS if victims suffered considerable harm due to the severity of the crime,¹²⁵ this included MSHT.
- 2.89 Witnesses were considered to be an intimidated victim when giving evidence if the quality of evidence was likely to be affected by fear or distress about testifying: victims of MSHT automatically fell into this category.

119 Independent Guardians had responsibilities for:

- ascertaining and communicating the views of the child in relation to matters affecting the child; making representations to, and liaising with, bodies or persons who have other responsibilities for the child/young person;
- assisting the child to obtain legal or other advice, assistance and representation and instructing the appointed legal representative;
- consulting regularly with the child and keeping the child informed of legal and other proceedings affecting him/her;
- contributing to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child's best interests;
- providing a link between the child and anybody or person who may provide services to the child;
- assisting in establishing contact with members of the child's family, where the child so wishes and it is in the child's best interests; and
- accompanying the child to meetings or on other occasions.

Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery. <https://www.health-ni.gov.uk/sites/default/files/publications/health/working-arrangements-potential-child-victims-of-human-trafficking-and-modern-slavery.pdf>.

120 Ibid.

121 *The Working Arrangements for the Welfare and Protection of Adult Victims and Potential Victims of Human Trafficking and Modern Slavery.* <https://www.justice-ni.gov.uk/publications/adult-working-arrangements-2018>.

122 *Protocol for Joint Investigation of Adult Safeguarding Cases.* <http://www.hscboard.hscni.net/download/PUBLICATIONS/safeguard-vulnerable-adults/niasp-publications/Protocol-for-joint-investigation-of-adult-safeguarding-cases.pdf>.

123 *Protocol for Joint Investigation by Social Workers And Police Officers of Alleged and Suspected Cases Of Child Abuse.* <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-Joint-Investigation-by-Social-Workers-and-Police-Officers-of-Alleged-and-Suspected-Cases-of-Child-Abuse-Northern-Ireland-March-2018.pdf>.

124 *Victim Charter. A charter for victims of crime.* DoJ. September 2015. <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf>.

125 If the crime involved a bias or discriminatory motive that could, in particular, be related to the victim's personal characteristics or where the victim may be particularly vulnerable due to a relationship with or dependence on the alleged offender.

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- 2.90 The Charter also provided for adult victims of MSHT to access support services,¹²⁶ that is Migrant Help and Women’s Aid.¹²⁷
- 2.91 The Northern Ireland legislation provided for the Chief Constable to ensure that during an investigation of a MSHT offence, the complainant received specific treatment aimed at preventing secondary victimisation by avoiding as far as possible: the unnecessary repetition of interviews and visual contact between complainant and accused; using appropriate means including communication technologies; unnecessary questioning concerning the complainants private life and additional protections for complainants under the age of 18.¹²⁸ Section 24 provided for special measures¹²⁹ to be used in certain circumstances for victims of slavery and trafficking.¹³⁰

Fresh Start Agreement and Cross-border Crime

- 2.92 The Stormont Agreement and Implementation Plan, *A Fresh Start*¹³¹ provided for a multi-agency Joint Agency Task Force (JATF)¹³² jointly chaired by the PSNI and An Garda Síochána (AGS) to co-ordinate efforts to tackle cross-jurisdictional organised crime, including MSHT. The Strategic Oversight Group, jointly chaired by the PSNI and AGS, identified six strategic priorities, one of which was human trafficking.¹³³
- 2.93 The JATF, and cross border co-operation was further enhanced by the strategic links that existed through the Organised Crime Task Force (OCTF) and the annual Cross Border Conference on Organised Crime co-hosted by the DoJ and the Republic of Ireland’s Department of Justice and Equality.

126 These included: (a) a needs assessment undertaken, upon entry to the Support Service; (b) provided with information on, and access to, specialised support services, including access to interpretative services, safe accommodation and counselling; (c) signposted to justice, compensation, immigration and independent legal advice and legal representation; and (d) receive support from a key worker who assesses requirements.

127 The support included: safe accommodation; one-to-one support; help with living/travel costs; help to access healthcare; sign-posting to immigration advice; sign-posting to independent legal advice and advice on compensation; help to access counselling or other therapeutic services; and interpreter/translation services. *Victim Charter. A charter for victims of crime.* Department of Justice. <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf>.

128 *The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.* Section 23.

129 Special measures include: (a) screens around the witness box to prevent the witness from having to see the defendant and the defendant from seeing the witness; (b) giving evidence via a live TV link outside the courtroom; (c) giving evidence in private; (d) judges and barristers removing their wigs and gowns in the Crown Court to make the proceedings seem less intimidating; (e) a video recorded interview with the witness before the trial to be admitted by the court as evidence; (f) a communicator or interpreter. Witness services and special court measures. NI Direct. <https://www.nidirect.gov.uk/articles/witness-services-and-special-court-measures>.

130 In respect of children the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse stated that every effort should be made to reduce the secondary trauma that victims often face in a courtroom. Law enforcement authorities, prosecutors, judges and magistrates should apply child-friendly practices that assist children and young people to maximise their opportunity to provide their evidence (Para 6.10). In addition the Committee of the Rights of the Child expressed concern that children who were victims or witnesses of crimes had to appear in court to be cross examined, and recommended that the State party introduce, as a standard, video recording of the interview with a child victim or witness during investigation and allow the video recorded interview as evidence in court. (CRC/C/GBR/CO/5 *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*) 12 July 2016.

131 *The Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland.* May 2016. <https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/The%20Fresh%20Start%20Panel%20report%20on%20the%20disbandment%20of%20paramilitary%20groups.pdf>.

132 The JATF included: (a) A Strategic Oversight Group to identify strategic priorities for combating cross-jurisdictional organised crime, and (b) An Operations Co-ordination Group to co-ordinate joint operations and direct resources in that context.

133 *Joint Agency Task Force – Strategic Oversight Group Report January to June 2016.* [http://www.drugsandalcohol.ie/25761/1/](http://www.drugsandalcohol.ie/25761/1/Joint_Agency_Task_Force-Strategic_Oversight_Group_January-June_2016.pdf)
[Joint_Agency_Task_Force-Strategic_Oversight_Group_January-June_2016.pdf](http://www.drugsandalcohol.ie/25761/1/Joint_Agency_Task_Force-Strategic_Oversight_Group_January-June_2016.pdf).

Organised Crime Task Force

- 2.94 Established in 2000 to confront organised crime in Northern Ireland, the OCTF was a multi-agency partnership between central and Northern Ireland Government Departments, law enforcement, the Northern Ireland Policing Board (NIPB), business and the wider community.¹³⁴
- 2.95 The OCTF had no role in operational law enforcement delivery, it performed a purely co-ordinating role for joint working, operations and information sharing.
- 2.96 In respect of MSHT, the OCTF operated a three-tier structure with stakeholder and strategy groups and underpinning sub-groups:
- *Modern Slavery and Human Trafficking Sub Group* drew together expertise of relevant statutory partners and other enforcement bodies such as Her Majesty's Revenue and Customs (HMRC),¹³⁵ GLAA; HSCB; NCA, UK Visas and Immigration, UK Immigration Enforcement, UK Border Force, Department for Communities (DfC), Department for the Economy and AGS.¹³⁶ The PSNI was an integral partner to the Group which was chaired by Detective Superintendent C2 (Serious Crime Branch).
 - *DoJ Human Trafficking Engagement Group*: to formalise and facilitate engagement between the DoJ (chair), the PSNI, Health and Social Services, relevant statutory bodies, and Non-Governmental Organisations (NGOs). It was a forum for exchange of information, ideas and co-ordination of action.
- 2.97 The Engagement Group performed a valuable role to facilitate contact and information sharing with a wide range of stakeholders. Inspectors noted that there was no organisation with an exclusive focus on MSHT as it related to children and there would be benefit in the DoJ involving the PSNI Public Protection Branch (PPB), which investigated MSHT cases involving children and specific children-focussed organisations, for example Barnardo's which also provided the Independent Guardian Service, in the membership of the Group. **Area for improvement: the Department of Justice should consider the involvement of organisations supporting child victims as members of the Human Trafficking Engagement Group.**
- *DoJ PSNI Sex Worker Liaison Group (SWLG)* to formalise and improve the engagement between the DoJ and organisations representing or working with sex workers to raise awareness of human trafficking, to identify and rescue victims trafficked for sexual exploitation, and to provide an arena for the exchange of information and ideas.

134 <https://www.octf.gov.uk/>.

135 HMRC had a key role in providing intelligence, in supporting law enforcement interventions, and in increasing awareness of employment rights and responsibilities. *Modern Slavery Police Transformation Programme. Annual Report to 31 March 2019.* <https://www.npcc.police.uk/Publication/2019/Modern%20Slavery%20Annual%20Report.pdf>

136 *OCTF Annual Report and Threat Assessment 2018-19.* <https://www.octf.gov.uk/OCTF/files/60/60faf9f8-e37e-407b-b0a2-baf4497de104.pdf>

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2.98 The SWLG had not met since February 2016 with no further meetings planned. Inspectors were aware of the work of the PSNI Sex Worker Liaison Officers, however, the demise of the SWLG had left a gap in engagement at strategic level with a group of people who were potentially highly vulnerable to MSHT. **Area for improvement: the Department of Justice should re-examine its arrangements for engagement with sex workers.**

The Northern Ireland Modern Slavery Strategy 2019-20 (the Strategy)

2.99 Section 12 of the Northern Ireland legislation required the DoJ to publish an annual strategy on slavery, servitude, forced labour and human trafficking after consultation with other relevant organisations. The purpose of the strategy was to:

- raise awareness of these offences in Northern Ireland; and
- contribute to a reduction in the numbers of such offences.¹³⁷

2.100 The Strategy shall in particular:

- set out arrangements for co-operation between relevant organisations in dealing with relevant offences or the victims of such offences;
- include provision as to the training and equipment of those involved in investigating or prosecuting relevant offences or dealing with the victims of such offences; and
- include provisions aimed at raising awareness of the rights and entitlements of victims of such offences.¹³⁸

2.101 The Strategy was published in April 2019¹³⁹ and was a wide-ranging document which addressed the areas specified in the legislation. Priorities were under the Pursue, Protect and Prevent strands.

2.102 *Pursue* focussed on detecting, investigating, disrupting and prosecuting modern slavery offenders. Success would be judged against the points below and there was a suite of measurements¹⁴⁰ to assess progress:

137 *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*. <http://www.legislation.gov.uk/nia/2015/2/contents/enacted>. On 6 July 2020 the DoJ undertook a public consultation to amend s12 of the 2015 Act to remove the statutory requirement to publish a strategy at least once in every year. <https://www.justice-ni.gov.uk/consultations/consultation-amendments-human-trafficking-and-exploitation-legislation>.

138 <http://www.legislation.gov.uk/nia/2015/2/section/12/enacted>.

139 *The Northern Ireland Modern Slavery Strategy 2019-2020*. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/modern-slavery-strategy-2019-2020.pdf>.

140 Pursue measures were:

- number of Modern Slavery/Human Trafficking investigations;
- number of PSNI screening assessments;
- number of victim referrals to NRM;
- number of people charged for modern slavery offence;
- number of people reported to the PPS for modern slavery offence;
- prosecution and conviction figures, including offences linked to modern slavery;
- percentage of convictions resulting in an STPO or other ancillary order; and
- monetary value of orders made under Proceeds of Crime Act.

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- victims of modern slavery identified and brought to safety;
- the prosecution and conviction of modern slavery offenders; and
- the disruption of criminals and organised crime groups responsible for modern slavery.

2.103 *Protect* was aimed at reducing the harm caused by modern slavery by improved victim identification and support. Success¹⁴¹ would be:

- more victims of modern slavery are identified; and
- victims provided with appropriate and effective support and protection to help them recover.

2.104 *Prevent* was to reduce the threat of modern slavery by reducing vulnerability and demand and by raising awareness. Success¹⁴² would mean:

- fewer offenders will engage in modern slavery crime;
- fewer victims will become entrapped by modern slavery; and
- reduced demand through increased awareness.

Northern Ireland Policing Board (NIPB)

2.105 The Annual Policing Plan 2019-20¹⁴³ had a strategic outcome to tackle serious and organised crime with a measure to demonstrate an effective contribution to the implementation of initiatives and interventions in collaboration with partners to reduce the harm caused by *inter alia* human exploitation and trafficking.¹⁴⁴

2.106 The 2020-2025 Policing Plan and Annual Performance Plan 2020-2021 had a measure of repeat offending of Organised Crime Groups and paramilitary organisations but did not specifically make reference to MSHT.¹⁴⁵

141 Protect Measures were:

- number of victim referrals to NRM;
- number of re-victimised victim referrals to NRM (subject to system capability to provide data);
- number of non-NRM potential victims referred to NGOs for contact and advice (subject to agreement of the scheme);
- number of PSNI screening assessments;
- number of victims supported through the DoJ contract;
- number of victims supported on a discretionary basis under Section 18 (9);
- number of children, and young people in aftercare, supported by HSCTs and through the HSCB residential facility;
- number of children supported through the independent guardian scheme;
- number of modern slavery claims to the Criminal Injuries Compensation Scheme; and
- training delivered to front line professionals.

142 Prevent Measures were:

- media reporting of operational successes;
- number of awareness sessions delivered to each target audience;
- victim referrals and support figures;
- calls to the Modern Slavery Helpline;
- number of MSHT crimes recorded; and
- crime survey figures on public awareness.

143 *Northern Ireland Policing Board Annual Policing Plan 2019-20*. <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf>.

144 The reporting contents and performance indicators included: activity undertaken to make an effective contribution towards collaboration with partners to reduce the harm caused by human exploitation and trafficking; qualitative/quantitative evidence of the impact of initiatives in respect of the above; quantitative data on the number of human exploitation and trafficking-related offences recorded vs breakdown of outcomes, narrative and trend in comparison to previous years. Ibid.

145 <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/policingplan2020-25.pdf>.

PSNI Response to MSHT

- 2.107 The police response to slavery and trafficking was driven by the draft PfG, the Strategy, the Northern Ireland Policing Plan 2016-2020, the PSNI Strategic Assessment of the threat and the resultant Control Strategy.
- 2.108 The PSNI had to deal with the full range of crime, public order, emergency response and service delivery across Northern Ireland. In order to focus resources it had identified Service Priorities as:
- vulnerability;
 - violence and extremism; and
 - serious and organised crime.
- 2.109 MSHT involved two of these priority areas, vulnerability and serious and organised crime, and the PSNI had a dedicated Modern Slavery and Human Trafficking Unit (MSHTU) to lead the police response.
- 2.110 There was a duty under Article 4 of the ECHR, supported by case law, for an effective investigation of cases of MSHT and this included all aspects of the police investigation and prosecution process.
- 2.111 The statutory basis of policing included a general duty¹⁴⁶ for Police Officers to prevent and investigate crime, and this included MSHT. While investigations fell primarily to the MSHTU, every Police Officer had a responsibility and needed an understanding of how to deal with MSHT, recognise the indicators and assist victims they encountered as part of day-to-day policing.¹⁴⁷
- 2.112 The PSNI approach to tackling MSHT crimes was primarily focussed through the MSHTU, the Public Protection Branch (PPB) (which investigated cases involving child victims), and policing at District level by uniformed officers.
- ### **The Public Prosecution Service for Northern Ireland (PPS)**
- 2.113 The PPS was the principal prosecuting authority in Northern Ireland, with responsibility for taking prosecutorial decisions in all cases investigated by the police, including those relating to MSHT.

146 General functions of the police. It shall be the general duty of police officers - (a) to protect life and property; (b) to preserve order; (c) to prevent the commission of offences; (d) where an offence has been committed, to take measures to bring the offender to justice. Section 32 Police (Northern Ireland) Act 2000. http://www.legislation.gov.uk/ukpga/2000/32/pdfs/ukpga_20000032_en.pdf.

147 See also Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. *Stolen freedom: the police response to modern slavery and human trafficking*. October 2017. <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/>.

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- 2.114 The PPS policy for prosecuting cases of human trafficking was published in September 2013¹⁴⁸ which pre-dated the Northern Ireland legislation. The PPS recognised the policy needed to be reviewed to ensure it was in line with current practice and relevant legislation. At the time of the inspection, a review was underway by the PPS Policy and Information Unit.
- 2.115 In the absence of an updated policy, two instructions to prosecutors had been issued. They were:
- the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015; and
 - suspects in a criminal case who might be victims of trafficking or slavery.
- 2.116 MSHT cases in the PPS were primarily dealt with by specialist prosecutors within the Serious Crime Unit (SCU).

RELEVANT UK INSPECTION REPORTS

The Modern Slavery Act Review

- 2.117 One year post-implementation, the Haughey Review of the Modern Slavery Act 2015 found that while MSHT remained under-reported, the Act and wider work had raised slavery in the consciousness of the general public and practitioners.
- 2.118 The report found a lack of consistency in the criminal justice approach including:
- training for Police Officers,¹⁴⁹ Investigators and Prosecutors was patchy and sometimes absent;
 - insufficient quality and quantity of intelligence about the nature and scale of MSHT at national, regional and international level, which hampered the operational response; and
 - the lack of a structured approach in operational agencies to identifying, investigating, prosecuting and preventing slavery, including learning from practice.¹⁵⁰

HMICFRS Stolen Freedom Inspection

- 2.119 A thematic review of the policing response to MSHT in England and Wales identified a number of areas which had relevance to the Northern Ireland context which will be referred to in Chapters 3 and 4.

148 <https://www.ppsni.gov.uk/sites/ppnsni/files/publications/Policy%20for%20Prosecuting%20Cases%20of%20Human%20Trafficking.pdf>.

149 See also UN Committee against Torture which recommended the UK should improve the training of law enforcement officers, prison personnel and other first responders by including statutory training on the identification of potential victims of MSHT. *Concluding observations on the sixth periodic report of the UK of GB and NI* 7 June 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en.

150 *The Modern Slavery Act Review*. C Haughey July 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf.

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- 2.120 The inspection found inconsistencies in the way police services responded to MSHT with poor outcomes for many victims.
- 2.121 The national intelligence picture for MSHT was widely acknowledged to be underdeveloped, although the NCA was working to address this, and the flow of intelligence across policing needed to improve.¹⁵¹
- 2.122 The police could not counter MSHT in isolation and some forces had not established effective partnership arrangements with a range of agencies to co-ordinate local activity and build up intelligence. This limited local understanding of risk, with little proactive and preventative activity taking place in many forces.
- 2.123 Police identification of victims needed to improve and many frontline contact, response and neighbourhood officers were not confident about identifying indicators of MSHT¹⁵².
- 2.124 A review of cases included concerns about:
- a tendency to close cases prematurely, sometimes without speaking to victims or witnesses and when lines of enquiry remained outstanding;
 - extensive delays in initiating investigations;
 - lack of effective supervision of investigations; and
 - lack of focus on safeguarding all potential victims.¹⁵³

HMICFRS Police Efficiency Effectiveness and Legitimacy (PEEL) inspections of the PSNI

- 2.125 Vulnerability featured prominently in the 2016 threat assessment which found that the PSNI was taking steps to improve its response to the needs of vulnerable victims. Officers and staff at all levels understood the importance of protecting vulnerable people, however, the PSNI should improve the extent to which all its officers and staff can consistently identify and assess vulnerability. The report went on to say that the PSNI had recently approved its definition of vulnerability¹⁵⁴ and was developing complementary safeguarding policies to address the needs of victims of different types of crime including human trafficking. The further training and development of officers and staff in their roles and responsibilities was important for the PSNI to improve how it keeps people safe.¹⁵⁵

151 The National Audit Office (NAO) also identified that the quality of data collected by the Home Office and NCA was variable, leading to an incomplete picture of the crime, the victims and the perpetrators. *Reducing Modern Slavery*. National Audit Office December 2017. <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf>.

152 In June 19 the UN CAT recommended that the UK should improve the training of law enforcement officers, prison personnel and other first responders by including statutory training on the identification of potential victims of human trafficking and modern slavery. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en.

153 *Stolen freedom: the police response to modern slavery and human trafficking*. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. October 2017. <https://www.justiceinspectors.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/>.

154 The PSNI defined vulnerability as: "A term used to describe a person who is in need of special care, support or protection because of age, disability or risk of abuse or neglect." The service adopted this definition of vulnerability in January 2016.

155 *PEEL: Police effectiveness (vulnerability). An inspection of the Police Service of Northern Ireland 1–5 February 2016*. Her Majesty's Inspector of Constabulary and Fire and Rescue Services. August 2016.

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2.126 In 2017 there was good evidence that the PSNI was responding to newer threats such as MSHT. Effective research and analysis processes to improve its knowledge of these areas had been established, supported by close links to academia, and its awareness of the threats throughout the UK, through its membership of the national strategic meeting of regional organised crime units. The PSNI had put in place dedicated resources to tackle MSHT.¹⁵⁶

Super-Complaint:¹⁵⁷ the police response to Modern Slavery

2.127 Hestia¹⁵⁸ had made a super-complaint that in 2018 there had been a 250% increase in the number of modern slavery operations by England and Wales police forces, however, numbers of prosecutions remained low, with only 7% of recorded cases referred to the Crown Prosecution Service (CPS).

2.128 Securing the co-operation of vulnerable victims was key to the success of prosecutions for this highly complex crime. Two years after HMICFRS reported failings the police response continued to fall short of the standards required to afford victims the full safeguards and support they needed.

2.129 The complaint acknowledged progress had been made, but many victims were still not receiving the appropriate level of service and support by non-specialist Police Officers, and called for sustainable plans from police forces to ensure an improved response.¹⁵⁹ At the time of writing the matter was under investigation, and although the complaint did not relate to the PSNI, there would undoubtedly be learning from the findings which should be considered in the Northern Ireland context.

156 *PEEL: Police effectiveness 2017. An inspection of the Police Service of Northern Ireland.* Her Majesty's Inspector of Constabulary and Fire and Rescue Services. March 2018.

157 The police super-complaints system allowed designated organisations to complain about a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public. (Section 29A, Police Reform Act 2002).

158 Hestia was a charity which campaigns and advocates nationally on the issues including victims of modern slavery, women and children who have experienced domestic abuse. <https://www.hestia.org/Pages/Category/our-organisation>.

159 *Underground Lives. Police response to victims of modern slavery.* March 2019. Hestia. <https://www.hestia.org/Handlers/Download.ashx?IDMF=952a9bfc-b57e-42f0-9ff3-6efcafb5db6f>.

CHAPTER 3: **DELIVERY**

THE PSNI

The PSNI Strategic Assessment of MSHT

- 3.1 As discussed in Chapter 2, the PSNI Strategic Assessment for MSHT was one of the main drivers for the police approach, it was current at the time of the inspection and had been produced in August 2019.
- 3.2 It was assessed that:
- the true scale of MSHT within Northern Ireland and the wider UK was unknown, its prevalence was difficult to accurately measure;
 - MSHT offences in Northern Ireland increased by 47.6% during 2017-18 compared to 2016-17;
 - the majority of screening assessments were carried out on victims of labour exploitation;
 - during 2017-18 a total of 36 victims of human trafficking were referred to the NRM process. Labour was most common followed by sexual exploitation -
 - victims of labour exploitation were predominately male, the majority were nationals of Eastern European countries, in particular Lithuania; and
 - victims of sexual exploitation were predominantly females, the majority were nationals of Eastern European countries, in particular Romania;
 - in some cases victims only claimed to have been trafficked once they had been caught for a criminal offence or found to be in the country illegally, some victims may use the NRM process to avoid prosecution and/or deportation; and
 - educating the general public as well as tailored training for specific industry workers will be key to help tackle MSHT and identify victims at the earliest opportunity.¹⁶⁰
- 3.3 The purpose of strategic assessment was to provide an overview of the current and long-term issues affecting or likely to affect the PSNI, to allow management to draw inferences and make recommendations for prevention, intelligence, enforcement and reassurance priorities and future policing strategy. It was integral to the business planning process and should:
- drive the business of the strategic tasking and co-ordination group;
 - assist strategic business planning and enable resources to be allocated;

¹⁶⁰ PSNI Strategic Assessment of modern slavery and human trafficking. August 2019. Internal document.

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- assist the development of a control strategy; and
- define the intelligence requirement.¹⁶¹

3.4 It was the view of Inspectors that the strategic assessment needed to provide additional information and analysis in relation to MSHT in Northern Ireland to inform PSNI priorities and allow the PSNI management to plan and resource effectively. The strategic assessment should be reviewed to provide more focus on the current and potential longer-term MSHT issues affecting the PSNI, to include, among other things, an assessment of:

- the potential impact of global, European and UK and cross-border trends and Organised Crime Groups in respect of MSHT and their potential impact on Northern Ireland including EU exit, and major events;¹⁶²
- child victims of MSHT and the potential scale of internal trafficking of children. Child NRM referral had been included but liaison with the PPB was required to ensure the full range of its work including future plans for tackling child MSHT had been considered;
- the impact of technology¹⁶³ including cyber-related crime;
- the links to immigration crime;¹⁶⁴
- the intelligence links between the PSNI and within UK policing¹⁶⁵ and Europe, and any identified intelligence requirement;
- the longer-term issues, scope and potential for growth in MSHT criminality in Northern Ireland to allow decisions to be made about resourcing; and
- links to other criminality across the OCTF stakeholder areas, for example tax and benefit fraud, employment crime and child sexual exploitation.

3.5 MSHT was a developing threat and a comprehensive assessment of the scale and extent of these crimes was essential for the PSNI to provide an effective response to the current threat, to allocate resources and to meet investigative requirements and victim needs.¹⁶⁶

161 College of Policing Authorised Professional Practice. <https://www.app.college.police.uk/app-content/intelligence-management/intelligence-products/>.

162 The potential link between major sporting events and an increase in human trafficking for the purposes of e.g. prostitution, has been highlighted, e.g. Institute for Public Policy Research. Briefing *The UK'S response to human trafficking. Fit for Purpose?* https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_uk_response_to_human_trafficking_fit_for_purpose_0.pdf. For a US example see https://www.researchgate.net/publication/301898308_Do_Public_Events_Affect_Sex_Trafficking_Activity Inspectors acknowledge that events in NI or even on the Island of Ireland are unlikely to be of this scale.

163 The National Strategic Assessment stated that technology was a key enabler of MSHT. *National Strategic Assessment of Serious and Organised Crime 2018*. <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/173-national-strategic-assessment-of-serious-and-organised-crime-2018/file>.

164 The National Strategic Assessment stated there were significant overlaps between MSHT and organised immigration crime. Ibid.

165 Identified as issues in *The Modern Slavery Act Review*. C Haughey July 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf and *Stolen freedom: the police response to modern slavery and human trafficking*. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services October 2017. <https://www.justiceinspectors.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/>.

166 See also Victims and Witnesses CJI July 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Victims-Witness>.

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STRATEGIC RECOMMENDATION 1

The Police Service of Northern Ireland should undertake a revised strategic analysis of modern slavery and human trafficking as it affects Northern Ireland within six months of the publication of this report. This should include the issues identified in this report, and consider the potential future demand on police, to meet investigative and victim needs.

3.6 Inspectors understand that C2 (Serious Crime Branch) management had asked for a revised Strategic Assessment to be produced, and this was a positive development.

Control Strategy

3.7 The PSNI Control Strategy for 2019-20 was wide-ranging, closely aligned to the wider Northern Ireland Strategy and focussed on pursue, protect and prevent strands. Governance was through the monthly C2 Tactical Tasking and Co-ordination Group (TTCG) and weekly operational C2 meetings. There was a comprehensive suite of measures to allow assessment of progress against priorities, although there would be benefit in the PSNI considering more outcome-focused measures and allocating owners to priority areas. The Control Strategy was produced in April 2019 which pre-dated the Strategic Assessment. Like the Strategic Assessment there was no specific reference to MSHT as it affected children and it would benefit from being updated in conjunction with the PPB to address these wider aspects.

Wider UK and International MSHT involvement

3.8 The PSNI was well integrated in the wider UK intelligence and policing structures (see also PEEL above)¹⁶⁷ and cross-border approaches to tackling MSHT. The MSHTU was embedded in various multi-agency cross-jurisdictional engagement groups to share intelligence and co-ordinate the approach to preventative work and for the investigation of these crimes.¹⁶⁸

3.9 Under the auspices of the JATF, the MSHTU, with its AGS counterpart, had co-operated and conducted a number of cross-border MSHT operations targeting Eastern European criminal involvement in sexual exploitation and labour exploitation. A joint day of action involved simultaneous safeguarding checks on sex workers operating in both jurisdictions. These operations included executing searches under warrant and assessment of victims on both sides of the border.

167 PEEL: *Police effectiveness 2017. An inspection of the Police Service of Northern Ireland*. Her Majesty's Inspector of Constabulary and Fire and Rescue Services. March 2018.

168 These included:

- Regional UK Modern Slavery Single Point of Contact (SPOC) meeting;
- National Modern Slavery Threat Group (MSTG);
- Modern Slavery Operations Co-ordination's Group (Sub group of MSTG);
- National Modern Slavery Delivery Group;
- UK Prosecutors and Investigators Human Trafficking Group;
- National Task and Finish Group (UK MSHT Law Enforcement Training);
- OCTF and MSHT relevant subgroups; and
- Cross-border JATF Strategy Group.

LIST OF ABBREVIATIONS
CHIEF INSPECTOR'S FOREWORD
EXECUTIVE SUMMARY
RECOMMENDATIONS
CHAPTER 1: INTRODUCTION
CHAPTER 2: STRATEGY AND GOVERNANCE
CHAPTER 3: DELIVERY
CHAPTER 4: OUTCOMES
APPENDICES

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- 3.10 There had been MSHT training events and exercises involving the PSNI and AGS.
- 3.11 The PSNI MSHTU had supported the Santa Marta North Atlantic Maritime Project, an organisation working internationally to eradicate MSHT.¹⁶⁹
- 3.12 There had been a number of cross-border operations involving the MSHTU, AGS and Northern Ireland-specific operations with the NCA, UK Border Force, HMRC, GLAA, Home Office Immigration staff, DfC Fraud Unit, Northern Ireland Water and the Northern Ireland Housing Executive.
- 3.13 The PSNI participated in key national initiatives such as Operation Aidant,¹⁷⁰ co-ordinated by the NCA, which consisted of intensive policing activities around a specific area of exploitation on a periodic basis.
- 3.14 There were close links between the PSNI MSHTU and the NCA MSHTU which was involved through the OCTF.¹⁷¹ A NCA Tactical Advisor and specialist vulnerable persons interviewers had supported the PSNI on a trafficking operation involving Romanian women being sexual exploited by a Romanian organised crime group.
- PSNI Modern Slavery and Human Trafficking Unit**
- 3.15 The PSNI had an established MSHTU within C2. Originally named the Human Trafficking Unit, in October 2017 its name was changed to the MSHTU to clarify the nature of the unit and align terminology with a number of National units. The MSHTU was the PSNI lead for proactive and reactive MSHT investigations.¹⁷²
- 3.16 A key role of the MSHTU was to assist operational Police Officers and other frontline professionals in the identification and protection of victims and provide an advice and call-out service to Districts.¹⁷³

169 The North Atlantic Maritime Project is an inclusive partnership between representatives of the police, clergy, state and civil society from Ireland and NI, E&W, Scotland, Spain and Portugal. <http://santamartagroup.com/north-atlantic-maritime-project/>.

170 A periodic surge in operational activity focusing on labour and sexual exploitation co-ordinated by the NCA and has led to arrests across the UK and identification of victims. <https://www.nationalcrimeagency.gov.uk/news/law-enforcement-steps-up-response-to-modern-slavery>.

171 NCA Northern Ireland Performance Q1 2018/19 (April – June 2018) 22 August 2018 v1.0. <https://www.nipoliceboard.org.uk/sites/nipb/files/publications/ni-performance-report-apr-june-2018.pdf>.

172 The remit of the MSHTU included:

- proactive and reactive MSHT investigations;
- investigating organised crime involving human exploitation including cross-border investigations;
- receive all NRM's to triage for suitable allocation;
- all European Joint Investigation Team (JIT) investigations managed by Eurojust;
- UK-wide NCA Operation Aidant activity;
- developing and enhancing new investigative tactics and proactive operations to prevent trafficking and detect offenders;
- providing guidance and support for localised district investigations; and
- providing training to PSNI operational officers, detectives, and call-handlers.

173 This was for: (a) any immediate Article 2 ECHR issue is identified in relation to a Potential Victim of Trafficking or Modern Slavery; (b) when a person located during a brothel search showed signs and indicators of being trafficked; (c) any instance whereby a Potential Victim of Trafficking may be moved on without immediate police intervention; (d) when an arrest has been made for HT or MS; (e) any instance where a response was necessary before the commencement of the next turn of duty; or (f) when police on the ground intended to complete an NRM form. *The Working Arrangements for the Welfare and Protection of Adult Victims and Potential Victims of Human Trafficking and Modern Slavery*. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/adult-working-arrangements-2018.pdf>.

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- 3.17 At the time of the inspection the MSHTU was staffed by a Detective Inspector; two Detective Sergeants and 12 Detective Constables, including a Protect and Prevent officer whose role involved awareness raising, co-ordination of internal PSNI training and liaison with a network of partners.
- 3.18 For specific operations, or where a surge capacity was required for major investigations, there was potential for the MSHTU to bid for resources from within the wider C2 Department.
- 3.19 District Policing Command (DPC) was providing two uniformed officers on a year-long secondment to the MSHTU to skill the officers in the identification and investigation of offences, which would also benefit the District on their return.
- 3.20 The DoJ had seconded a member of staff to the MSHTU from May 2018 for strategic co-ordination of modern slavery training and data management and for national reporting for the OCTF.
- 3.21 A Home Office Criminal Finance and Immigration investigator was embedded in the MSHTU to share practice and intelligence to further joint understanding of organised immigration crime and links to human trafficking,¹⁷⁴ and had been involved in training for PSNI officers.
- 3.22 PSNI financial investigators in the Economic Crime Unit were available to support MSHT investigations. The assets of suspects were considered for seizure in line with the relevant legislation and procedures, with consideration given to applying for restraint and confiscation of criminal assets.¹⁷⁵
- 3.23 At the time of the inspection the MSHTU was facilitating a Master's student from Queen's University, Belfast researching the cross-border co-operation between the PSNI and AGS in respect of MSHT in the Common Travel Area. Inspectors welcomed the PSNI and MSHTU's openness to support this type of research with external partners which could help inform the police approach to tackling MSHT over the longer-term.
- 3.24 The MSHTU had developed safeguarding screening forms for sexual and labour abuse to assist officers identify victims. It was the central point of contact to review screening forms and NRM referrals; provided advice and guidance to local officers and agencies; assisted in identification of victims, and ensured that safeguarding and victim support procedures were followed.¹⁷⁶

174 UK Annual Report on Modern Slavery, October 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749346/2018_UK_Annual_Report_on_Modern_Slavery.pdf.

175 Ibid.

176 *The Working Arrangements for the Welfare and Protection of Adult Victims and Potential Victims of Human Trafficking and Modern Slavery*. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/adult-working-arrangements-2018.pdf>.

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- 3.25 Stakeholders described good collaborative working with the PSNI particularly in respect of health and social care. Police had provided advice to help assess suitability of residential placements for children and, in cases where a child had newly arrived in Northern Ireland, attended immediate multi-agency risk assessment 'no questions asked.' This was largely supported in the files reviewed by CJI with good evidence of liaison with other agencies particularly health and social care.
- 3.26 Others noted that due to the various barriers that could prevent victims reporting, alternative ways to engage and build trust with communities and support groups was important. The MSHTU had attended meetings with local community groups and named MSHTU officers had been provided as a liaison. This was viewed as positive having signalled a willingness to engage on the part of police.

Sexual Exploitation Operation¹⁷⁷

In February 2018, two Romanian Organised Crime Group members were convicted at Belfast Crown Court of conspiracy to traffick five victims for sexual exploitation, controlling prostitution for gain of six victims and acquiring and converting criminal property of over £165,000.

One was sentenced to four years in custody and issued with a STPO for 10 years. A second was sentenced to three years in custody and an STPO for seven years. The UK Home Office Immigration also served a Deportation Order preventing one of the men from re-entering the UK at any point in the future.

These were the first convictions for any MSHT offence under the 2015 Northern Ireland legislation. It was also the first proactive 'victimless' prosecution for sexual exploitation in Northern Ireland.

Subsequently, in July 2019, a woman was sentenced to 12 months imprisonment, suspended for two years, for conspiring to traffick a person for sexual exploitation and converting property made as a result of criminal activity.

MSHTU Governance and Case Prioritisation

- 3.27 The MSHTU internal governance was through the monthly C2 TTCG meetings to assess progress against priorities, and twice-weekly Branch meetings to discuss emerging and developing issues and the progress of investigations.
- 3.28 MSHTU officers emphasised that their work was victim-focused and investigations were prioritised as those having the highest threat, risk and harm to victims. Cases of sexual exploitation had been identified as having the highest impact on victims and these took priority. Inspectors were impressed by the victim-focus and safeguarding approach of the MSHTU officers they spoke to during the fieldwork.

177 OCTF Annual Report and Threat Assessment 2018-19. <https://www.octf.gov.uk/OCTF/files/60/60faf9f8-e37e-407b-b0a2-baf4497de104.pdf>

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3.29 To manage potential future demand against MSHTU resources, a matrix had been developed to objectively score the potential threat, risk and harm to victims with a threshold agreed: crimes above the threshold would be progressed by the MSHTU; others would be allocated to the respective District for investigation. At the time of the fieldwork, the MSHTU had been able to manage all of the MSHT caseload irrespective of score.

PSNI MSHTU Proactive Safeguarding Operations

3.30 As part of its victim-focus, Detectives from the MSHTU undertook proactive safeguarding operations at brothels, car washes¹⁷⁸ and agricultural employment premises. Often these were multi-agency in conjunction with local Neighbourhood Policing Teams (NPTs) and Local Policing Teams (LPTs), the Health and Safety Executive for Northern Ireland, the DfC and the Department of Agriculture, Environment and Rural Affairs.

3.31 Operations originated from intelligence reports; self-generated enquiries from MSHTU officers and online open-source research or information from local police or members of the public. During the planned operations officers spoke to people on-site, away from supervisors or colleagues, in an attempt to establish if they had been trafficked, were working under duress, or were being controlled or held against their will. The MSHTU officers were acutely aware of the issues of coercion and why victims may not come forward and provided information on how to contact the PSNI in the future if needed, which included innovative ways of providing potential victims with police contact numbers for future reference. Officers conducted follow-up visits to residential accommodation to assess living conditions.

3.32 There had been press releases¹⁷⁹ following many operations to heighten awareness in the community, and the PSNI used this as a mechanism to appeal to the public to report any concerns they might have.

3.33 It was an uncomfortable fact that a number of the foreign workers encountered by police on these safeguarding visits indicated that they were content with their pay and conditions as they felt it was preferable to what they would otherwise have earned at home, even in some instances where conditions were poor and pay was at or below the national minimum wage.¹⁸⁰

178 See example in box below. AQW 3110 17-22 Answered by the Minister of Justice 19 March 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=297329>.

179 For example <https://www.psni.police.uk/news/Latest-News/170120-multi-agency-operation-at-hand-car-wash-east-belfast/>.

180 Where the PSNI became aware of this the employers' details were referred to HMRC.

Car washes

The PSNI conducted regular safeguarding visits to car wash businesses across Northern Ireland. The MSHTU had led over 50 operations at hand car washes and interviewed over 250 workers. The vast majority stated that they were not working under duress, with many indicating that they were content with pay and conditions. As a result of these operations, six potential victims of trafficking were referred to the NRM between February 2016 and August 2018.

PSNI MSHTU File Review

- 3.34 CJI and HMICFRS Inspectors considered 31 MSHTU files. There were fewer files than other policing areas with the focus of the unit on large-scale pro-active investigations, often dealing with national and international police forces. Around one third of the cases reviewed were linked to or associated with major MSHT operations. The files were voluminous, detailed and complex. The review took a qualitative case study approach as there were too few files to allow broad data comparisons or meaningful statistical comparators.
- 3.35 Offence types were mainly trafficking, controlling and exploiting women into selling sex and trafficking and exploiting individuals for labour. Many were as a result of pro-active MSHTU investigations, a significant number of referrals were made from social services and to a lesser degree, direct contact from victims of MSHT.
- 3.36 The file review focused on a number of themes developed by CJI and based on previous HMICFRS work in 'Stolen Freedom':
- the extent PSNI leaders demonstrated their commitment to MSHT;
 - how well the nature of MSHT was understood;
 - the extent policing was proactive in seeking to prevent MSHT;
 - the effectiveness of the arrangements for investigating MSHT; and
 - the extent to which a victim-centered approach was taken.
- 3.37 The last two themes were most relevant to the file review section but comments were made on all sections based on the evidence viewed.
- The extent PSNI leaders demonstrated their commitment to MSHT**
- 3.38 Inspectors saw evidence of leadership and commitment to addressing MSHT at strategic level and within C2. The MSHTU had been set up in response to the emerging threat and appeared to be appropriately resourced in the absence of an updated Strategic Assessment (see strategic recommendation 1), and with regard to the wider issues facing the organisation to respond to the national security threat, organised and other crime, public order and emergency response.

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- 3.39 Within C2 and the MSHTU, leadership was focused on delivering an effective proactive and reactive response to MSHT and was appropriately safeguarding and victim-focused.
- 3.40 The files reviewed did not explicitly refer to the role of PSNI leadership however Inspectors made several observations. There was a structured approach to all the investigations which were held in a bespoke computerised system, developed by MSHTU officers, although paper files were prepared for prosecution purposes similar to other major investigations teams. When the investigations were completed they contained comprehensive details around planning, strategy and police actions. As for other areas where there were complex police investigations, it would be time-consuming for other officers to become fully conversant with the detail in the event that they had to assume responsibility for one of these cases mid-investigation, given the volume of documentation involved.
- 3.41 Investigations often spanned lengthy periods and had led to the arrests of individuals and groups of offenders as part of wider trafficking networks across Europe. There was evidence of the MSHTU having the capacity to be part of major international operations, creating links and effectively liaising with other police forces nationally and internationally.
- 3.42 The MSHTU was well embedded within the Crime Operations Department with evidence of officers routinely dealing with other police teams within the PSNI.
- 3.43 Overall the level of detail, time and proactive research evidence contained on the files suggested that the PSNI had devoted significant resources into tackling MSHT.
- How well the nature of MSHT was understood**
- 3.44 The wider awareness of MSHT in the PSNI is dealt with in more detail later in the report. It was clear from the file review that MSHTU officers had a comprehensive awareness and understanding of these crimes. Files were detailed with a running log of all the significant issues in major investigations that were generally appropriately structured with evidence of regular updates.
- 3.45 'Flagging' or identifying alerts and marking NICHE (the PSNI records management system) and paper files with MSHT warnings was important, not only to ensure that MSHTU officers had considered the appropriate risks and explored investigative/preventative opportunities, but also to inform the wider police service. From the files reviewed, this was completed appropriately in most cases however, Inspectors found one case where warnings had not been raised on NICHE. Supervisors acknowledged this was an oversight by officers, and this demonstrated the need for the MSHTU to continually review, develop and improve the file management and oversight processes.

- 3.46 NRM forms were appropriately completed on all files examined. There was significant evidence of police intelligence being used throughout all major operations examined.
- 3.47 In two cases, Inspectors found that the police initial response at District level had not recorded evidence of appropriate safeguarding and identification of investigative opportunities. Only when the MSHTU became involved, was there coherent investigative direction and planning around appropriate safeguarding recorded on NICHE. This indicated a potential lack of awareness of MSHT issues amongst local police officers when confronted with these cases.
- 3.48 Other agencies had direct contact with MSHT victims, and from the files reviewed, approximately 40% of referrals were made by Social Services and Immigration Services. The file review noted delay in the commencement of a number of outside referrals however there was insufficient recording of the reasons for this so Inspectors could not identify the cause. It was therefore important for the MSHTU to ensure there was ongoing and effective communications with outside agencies to identify cases with potential MSHT links at the earliest opportunity to allow the police criminal investigation to commence. If there was a delay, the rationale should be fully recorded on NICHE.
- 3.49 Generally, the files reviewed indicated that awareness of MSHT was good amongst officers within the MSHTU, with good use of intelligence in major operations, however the PSNI should continue work to improve the awareness of MSHT at District level and in liaison with external agencies, making regular MSHT referrals.
- The extent policing was proactive in seeking to prevent MSHT**
- 3.50 As referred to above, most of the MSHTU's resources were dedicated to pro-active and safeguarding operations, with re-active investigations when required. There was evidence from the file review that the MSHTU was working nationally and internationally to identify and disrupt offenders and identify and protect victims, for example, European Joint Investigation Teams (JITs) had been established with Scotland, Romania and other countries where international crime was suspected. There was evidence of ongoing strategic and operational planning and communications with other police forces.
- The effectiveness of the arrangements for investigating MSHT**
- 3.51 The folder system used by the MSHTU was comprehensive and provided a template for a clear investigative strategy with associated tasks and reviews. A central document provided an ongoing 'live' account of the status of each case, actions and supervisory review.
- 3.52 In most cases there was evidence of comprehensive, high quality and well recorded investigations, although in one case a long-term absence of the Investigating Officer should have been identified and the case re-allocated to another officer at an earlier stage given the significant time involved.

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- 3.53 Delay was a factor in many of the cases, although Inspectors acknowledged these were complex cases which required a significant input from officers and specialist support in the preparation and investigation stages. There were significant risks to victims, other potential linked victims and sometimes ongoing threats to those linked with victims including family members residing in other jurisdictions, all of which required a considered and long-term approach.
- 3.54 In most cases (24 out of 29 relevant cases) investigative lines had been followed appropriately. Planned operations were comprehensive and prompt, with evidence of considerations of community impact and financial investigations routinely carried out. However, the notable exceptions were those cases that had been dealt with directly at local police stations where officers had, on occasions, failed to evidence investigative opportunities and only when the MSHTU became involved, did Inspectors find appropriate investigative direction and planning recorded on the case files.
- 3.55 In the other cases, some required better recording of all the investigative planning, strategy and actions and in those cases that were not planned, particularly those victims attending local police stations to make reports of MSHT, were not dealt with to the same level of investigation as by the specialist officers in the MSHTU. This affirmed the continuing need for the PSNI to develop and review the awareness of MSHT cases amongst all police officers to ensure that there was consistently high levels of investigation and appropriate supervision of cases, regardless of how first contact with victims was made.
- 3.56 Supervision was evident on the majority of the files reviewed although with some exceptions, for example, the long-term Investigating Officer absence referred to previously. In a number of other files supervision was not always carried out within reasonable time scales, although Inspectors were aware that there was ongoing supervision with MSHTU staff in regular meetings and through daily casework discussions, notwithstanding there was a requirement to more fully record this activity on the NICHE case files.
- 3.57 Contact with PPS prosecutors was not well recorded on NICHE although there was evidence that engagement was being regularly made. This was a finding also noted in the PPS file review. In one example, the PPS decision notification sent to the police did not appear to fully appreciate and provide all the nuances of MSHT regarding the experiences and expectation of victims. Inspectors were advised that there were written notes of PSNI meetings with the PPS recorded in the Senior Investigating Officer's notebook and on policy files. For audit and quality assurance purposes, it would be beneficial for the NICHE entry to cross-reference these.
- 3.58 Inspectors were satisfied that there were appropriate investigative standards set and being met by the MSHTU. There was evidence of sufficient arrangements in place to effectively investigate MSHT crime with good evidence of appropriate liaison with international partners.

The extent to which a victim-centred approach was taken

- 3.59 A 2011 European Council Directive emphasised the need for a victim-centred approach when dealing with human trafficking.¹⁸¹ In this file review, 25 of 30 relevant cases with an identifiable victim had evidence of good victim care and safeguarding. An example of good practice involved an officer accompanying a victim on a flight to England to ensure safe passage to the onward flight to her home nation where arrangements had been made through the Embassy representative to consider future needs.
- 3.60 There were timely and appropriate responses to the needs of victims, good notes, appropriate victim flagging, with empathy for the needs of victims well evidenced on the files. There were good examples of safeguarding measures beyond routine considerations, with consistent evidence of the MSHTU officers taking steps to ensure ongoing safety after police involvement, for example, Women's Aid referrals and contact with foreign Embassies.
- 3.61 There was a lack of recorded evidence of how victims' needs were being considered and met in five of the cases, including the NICHE alerts, as referred to previously. In another example, there was insufficient initial assessment evidenced at the first point of contact at a local station and the supervisor picked up the case too late. In another case, two victims presented to a local police station but safeguarding was not dealt with appropriately, which placed these victims at potential risk until the MSHTU became involved, at which point safeguarding was appropriately addressed. These reinforced the need for safeguarding practices within the MSHTU to be continually observed: the need for evidence of appropriate safeguarding at local police levels should be a continuing focus for DPC and the MSHTU and should be considered as part of the PSNI Training Needs Analysis (TNA).
- 3.62 The file review found that the MSHTU was effectively engaging and supporting victims with scope to improve how this could be extended to ensure local approaches mirrored the MSHTU approach. The MSHTU should retain a focus on ensuring that all relevant information around safeguarding victims and witnesses and case supervision was being appropriately recorded on police systems.

181 Directive 2011/36/EU. Found at: <https://eur-lex.europa.eu/eli/dir/2011/36/oj>.

Domestic servitude¹⁸²

A PSNI MSHTU domestic servitude investigation in Belfast led to the safeguarding of a vulnerable woman in December 2017 after she had been exploited for a number of years. A lengthy international investigation resulted in two arrests for domestic servitude trafficking offences.

The victim was extremely vulnerable and MSHTU officers received training in relevant cultural considerations to assist with the victim interviews and for the planning of the search and arrest operation.

Women's Aid were providing support for the victim to help with the process of recovery and rehabilitation.

PSNI PPB - Child victims of trafficking

- 3.63 C7 Public Protection Unit (PPU) Child Abuse Detectives retained responsibility for investigations concerning child victims of MSHT and the investigation of child exploitation and forced marriage. Where MSHT was suspected, the MSHTU provided a Detective Constable as a single point of contact (SPOC) to liaise and assist with the investigation. The MSHT trained officers in PPU were supervisors who provided advice and oversight of these cases.
- 3.64 First response procedures were contained in the HSCB and PSNI protocol¹⁸³ to identify and support child victims of MSHT. Being clear that 'child trafficking is child abuse' an investigation under the provisions of Article 66 of the Children Order (a child protection investigation) was required.¹⁸⁴ This included children arriving in Northern Ireland through various countries, as well as children trafficked within the UK. Highlighting the PSNI obligation to take prompt and effective action to safeguard children at risk, preserve evidence and apprehend suspects, it further stated:¹⁸⁵ *'When a child is found as part of other police operations or investigations in circumstances that are strongly indicative of child trafficking or modern slavery, the PSNI will immediately contact the duty social worker. A PSNI liaison officer should be identified to liaise with the social worker in progressing the child's case. PSNI first responders must inform the PSNI PPU Central Referral Unit (CRU) to ensure a consistent approach to the management of all child safeguarding and protection referrals across the PSNI.'*

182 OCF Annual Report and Threat Assessment 2018-19. <https://www.octf.gov.uk/OCTF/files/60/60faf9f8-e37e-407b-b0a2-baf4497de104.pdf>.

183 Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery. <https://www.health-ni.gov.uk/sites/default/files/publications/health/working-arrangements-potential-child-victims-of-human-trafficking-and-modern-slavery.pdf>.

184 Ibid p.1.

185 Ibid 6.2.

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- 3.65 The requirement to inform the CRU was not understood consistently among the DPC officers that Inspectors spoke to. For the most part, officers indicated they would report directly to the MSHTU, although some mentioned the Home Office, Support Hubs and PSNI PPUs. It was important that frontline officers understood child trafficking as child abuse that warranted a CRU referral. Greater awareness of the potential for internal trafficking was also required. Several officers referred to children at risk of child sexual exploitation (CSE) as the main scenario in which they had encountered trafficking, others were unaware of this link.
- 3.66 The CRU screened cases using the Joint Protocol¹⁸⁶ and assigned to the appropriate PSNI section where an investigation was required. Unless part of a wider MSHT investigation, modern slavery offences involving child victims were investigated by Child Abuse or CSE Detectives within the PSNI’s five PPUs, with a MSHTU SPOC. Both MSHTU and the PPB described the operational arrangements between the two units as having worked well.
- 3.67 NRM child referrals recorded by the PSNI tended to include those who had arrived in Northern Ireland from other countries. Police said that most related to separated or unaccompanied asylum-seeking children and that trafficking had often not been evidenced. CJI was concerned that overall the number of NRMs for children appeared low when compared with the number of children supported by the Independent Guardian Service (see Chapter 4). Inspectors acknowledge some of these would be separated children and there were still often concerns about their journey to Northern Ireland. Internal CSE cases had been few.
- 3.68 The HSCB and PSNI protocol set out the obstacles to self-identification by children including not having an awareness of trafficking, having been coached, or believing they are coming to the UK for a better life. It noted that: *‘It is important that all working with child victims and potential child victims of MSHT remember that disclosure from a child can take time, especially where the child is within the control of a trafficker or facilitator and relies on a relationship of trust and safety being established’.*¹⁸⁷
- 3.69 For this reason it was important that PSNI officers were able to identify child victims and the MSHT online training and screening forms would have benefitted from review. In respect of sexual exploitation these appeared to have been drafted with adults in mind. **Area for improvement: the Police Service of Northern Ireland on-line CLASSIS training and screening forms should be reviewed to ensure suitability for identifying child victims and potential child victims of internal and cross-border modern slavery and human trafficking.**

186 Protocol for Joint Investigation by Social Workers And Police Officers Of Alleged And Suspected Cases Of Child Abuse in Northern Ireland, March 2018. <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-Joint-Investigation-by-Social-Workers-and-Police-Officers-of-Alleged-and-Suspected-Cases-of-Child-Abuse-Northern-Ireland-March-2018.pdf>.

187 Ibid Para. 4.5.

File Review - Child victims of trafficking

- 3.70 From the list of NRM referrals provided by the PSNI, Inspectors reviewed a sample of seven cases involving child victims.¹⁸⁸ Referrals were mostly from social services and a MSHTU SPOC had been appointed. In all but one case there was good evidence of safeguarding. All had been accommodated in the care of the local HSCT, and in some there was a record of police having attended the initial risk strategy meeting. In one case where CJI raised concern, an alert that the child was on the Child Protection Register had not been entered on NICHE. Inspectors were, however, impressed by the child-centred approach in responding to the suspected MSHT offences.

Case example 1: Child MSHT

A NRM was received from a social worker in relation to a 13-year-old male child who had travelled to Northern Ireland to join a family member. The child had detailed his journey through different countries with a 'group of people smugglers' and being treated badly by people he was sent to live with in another EU country. Records of the child having a social worker, an independent guardian and attending school evidenced a child focused approach. There was also a supervisor entry highlighting the initial referral, which showed evidence of trauma. The supervisor recorded the need not to re-traumatise for matters that may already have been dealt with and directed contact with International Liaison to seek information on the offences in the transit country. This was an overall good response. However, unrelated to the suspected MSHT offences, there was an earlier log showing the child was on the Child Protection Register in Northern Ireland. This information was not linked to the child on the PSNI system or entered as an alert. Frontline officers responding to any concerns in relation to the child would therefore have been unaware of this information.

- 3.71 This highlighted the importance of a response that addressed the whole of the child's circumstances, and the need for vigilance in entering and maintaining alerts on the PSNI system.¹⁸⁹ Alerts had been used in other cases, including one where there was an alert to notify the social worker, the Youth Diversion Officer, and PPB Child Abuse in the event of any contact with the child.
- 3.72 In four out of the seven cases, lines of enquiry relating to the circumstances of the child's travel to and arrival into Northern Ireland remained. In three of these, there was evidence on NICHE of the child having met a person (two in Northern Ireland, one in the Republic of Ireland), who had been involved in either removing a passport, supplying false documents, or purchasing tickets for onward travel.

188 The seven cases related to children aged between 13 and 17 years of age five of whom were male and two female. Six related to children who had arrived in NI through other transit countries.

189 See Child Sexual Exploitation CJI June 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/April-June/Child-Sexual-Exploitation-in-Northern-Ireland> and Police Custody CJI 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>.

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In two of these cases it appeared that, although the record remained open, the PSNI was awaiting further contact from the victim. Evidence of meaningful supervision to drive investigative activity was limited in each of these cases.

Case example 2: Separated Child

A PSNI referral from a social worker raised concerns for a 16-year-old separated child, identified by the Belfast Harbour Police, who had travelled to Northern Ireland from outside the EU. On her journey, she was told to follow some men on an aeroplane but she did not know them. On arrival in Dublin, she was met by a man and taken to Belfast. A man had given her a mobile phone, removed her passport, and had purchased a ticket for onward travel. There was possible closed circuit television footage of this man but no further record of this having been checked. A later entry noted a negative reasonable grounds NRM decision. The police met with the child and social worker, noting the child stated she was not forced to work or come to Northern Ireland against her will and there were no indicators of trafficking. The police record remained open but only on the basis of further contact from the child. Although there was good evidence of safeguarding and the Detective Sergeant having attended the Risk Strategy meeting, investigation in relation to the man appeared superficial as recorded on NICHE.

- 3.73 PSNI officers confirmed to Inspectors that NRM negative decisions were not a determinant for the purposes of a MSHT criminal investigation. Investigative activity needed to take account of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, which provided that consent was irrelevant to the offence of trafficking and that in respect of child exploitation, force was not required. As the working arrangements highlighted, *‘where the victim is a child, it is irrelevant whether the child has consented to any element of the offence, including the exploitation, or believes it to be of benefit to her/him; they are still a victim of trafficking and a victim of child abuse.’*¹⁹⁰
- 3.74 The ‘working arrangements’ emphasised the high risk that child victims and potential child victims of trafficking may go missing, and the risk should be considered by HSCT staff and the PSNI. The PSNI Investigating Officer must consider planned actions with the HSCT social worker to reduce the opportunities that the child may subsequently go missing.¹⁹¹ In the event of a child going missing, a list of fast track considerations to help locate him/her were to be attached to the child’s record on the PSNI system.¹⁹² This was relevant in one case reviewed by Inspectors in which planned actions and ‘fast track’ considerations had not been evident from the record.

190 Where the victim is a child, it is irrelevant whether the child has consented to any element of the offence, including the exploitation, or believes it to be of benefit to her/him; they are still a victim of trafficking and a victim of child abuse’ (*Working Arrangements for The Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery*, Guidance issued by the Health and Social Care Board and the Police Service for Northern Ireland, January 2018, para 1.5).

191 Ibid para. 6.20.

192 Ibid para. 6.6.

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3.75 Some stakeholders stressed the importance of the PSNI being aware of statutory defences for offences related to the use of false documentation, due to their experience in some cases of supporting children arriving in Northern Ireland having been arrested in this circumstance. There was a statutory defence within s22 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (where a child had used a false document in direct consequence of being a trafficking victim), and also statutory defences for those claiming asylum.¹⁹³ Inspectors did not encounter a case where the PSNI had arrested a child for having false documentation, but acknowledged the necessity of ensuring this was appropriately covered in training and awareness kept under review. More broadly, it was important that the PSNI was aware of how the s22 defence applied to children.

MSHTU and EU exit

3.76 A large proportion of MSHTU investigations crossed borders and had a European and/or wider international dimension. This was supported in the files Inspectors reviewed.

3.77 At the time of writing it was not clear how the UK's EU exit may affect the PSNI's ability to access European databases, for example, SIS II,¹⁹⁴ Europol,¹⁹⁵ Eurojust¹⁹⁶ and JIT participation. It was unclear whether there would be a return to International Letters of Request rather than the more streamlined European Investigation Orders, and European Arrest Warrants. PSNI officers had concerns that if these mechanisms, including Eurojust's ability to co-ordinate, fund and act as central point of contact for PSNI JIT investigations were lost, it would result in co-operation with EU Member States becoming more complex and resource intensive.

District MSHT SPOCs

3.78 There had been a number of MSHT SPOCs appointed in the PSNI Districts on a part-time basis. There was no formal role description and Inspectors understood it was advisory and included providing advice and guidance to DPC officers in MSHT-related incidents; liaison with the MSHTU in respect of crimes or safeguarding operations in the District and to provide advice regarding the NRM.

3.79 The District SPOCs had received varying levels of training on MSHT, partly due to their length of time in the role. There was no longer-term plan to provide training and support to undertake the role or succession planning for the future. The SPOCs who Inspectors spoke to had varying regular, but informal, contact with the MSHTU and there would be merit in considering a more structured mechanism for effective information exchange.

193 See Section 31 Immigration and Asylum Act 1999.

194 Second generation Schengen Information System for public security in Europe; allows information exchanges between national border control; customs and police authorities. It also contains alerts on missing persons; in particular children. https://ec.europa.eu/knowledge4policy/dataset/ds00009_en.

195 Europol is the European Union's law enforcement agency which support the Member States in their fight against terrorism, cybercrime and other serious and organised crime. <https://www.europol.europa.eu/about-europol>.

196 European Union Agency for Criminal Justice Co-operation supports and strengthens coordination and cooperation between national investigating and prosecuting authorities. <http://www.eurojust.europa.eu/about/background/Pages/mission-tasks.aspx>.

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- 3.80 District management valued the SPOC role and its potential to improving the skills and confidence of DPC officers when dealing with incidents and victims. Some of the SPOCs had been involved in MSHTU operations in their respective Districts.
- 3.81 The awareness of the MSHT SPOCs and their role varied by District, some DPC officers that Inspectors spoke to were unaware of the SPOC, others had a limited understanding of the role and how to contact them.
- 3.82 The introduction of the SPOC role was an excellent initiative in response to an emerging crime area. The SPOCs had the potential to raise awareness¹⁹⁷ and provide valuable support and guidance to front-line officers about MSHT offences, victim issues and the NRM which they were likely to encounter in day-to-day policing. However SPOCs were not used to their full potential, for example, early utilisation may have allowed the Districts to deal more effectively with some of the areas raised in the PSNI file review.
- 3.83 There would be merit in reviewing the role of the MSHT SPOCs, in discussion with DPC, to most effectively contribute to the particular issues faced by the Districts; to raise awareness of MSHT among front-line officers and to improve information exchange between the MSHTU and the District, with an agreed job role and training to meet the local requirement.

OPERATIONAL RECOMMENDATION 3

The Police Service of Northern Ireland should review the role of the District Modern Slavery and Human Trafficking Single Points of Contact within one year of the publication of this report.

Sex Worker Liaison Officers

- 3.84 The PSNI had introduced new measures for liaising with sex workers through a dedicated team of five officers with a specialised operational lead officer within the PPB.¹⁹⁸ Connections had been established to allow sex workers to contact police about concerns, and whilst the initiative was not primarily focussed on MSHT, it was a valuable channel where concerns could be raised. The Sex Worker Liaison Officers were aware of the potential links to MSHT and there was good liaison between the specialised operational lead in the PPB and the MSHTU.

District Policing

- 3.85 The PSNI Contact Management Centers were often the first point of contact for members of the public and received 999 and non-emergency calls.

197 See also, *Stolen freedom: the police response to modern slavery and human trafficking*. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. October 2017. <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/>

198 <https://www.bbc.co.uk/news/uk-northern-ireland-51836836>.

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- 3.86 Call handling staff operated the 'THRIVE'¹⁹⁹ model, to risk assess vulnerability and identify response priority. Staff and supervisors were alert to the need to identify ECHR, safeguarding and vulnerability issues and respond accordingly. All staff had been trained in THRIVE, some of the call handling staff had completed the MSHT e-learning module, others had received the MSHTU training for call handling staff which covered the signs and indicators of MSHT for victims.
- 3.87 Following assessment and prioritisation, calls were dispatched to DPC officers for response.
- 3.88 Inspectors spoke to a cross-section of officers in two police Districts who generally had a good knowledge and understanding of the signs and indicators of MSHT, the issues to be alert to on patrol or in response to calls from members of the public, some were aware of the barriers preventing reporting by victims. The officers had access to NICHE flags for people and premises whilst on patrol and it was important that these were maintained.
- 3.89 There had been some calls received from members of the public with concerns about MSHT, and officers advised Inspectors that some community leaders were aware of these issues at local level.
- 3.90 Officers were aware of the MSHT safeguarding screening forms and a few had completed them. In most cases these and NRM submissions would be completed by the MSHTU.
- 3.91 There was good liaison between District management and the MSHTU. DPC officers were aware of the role of the MSHTU and would contact it in the event of an incident where there were suspicions of MSHT.
- 3.92 Inspectors were advised that safeguarding issues were prominent at District management meetings and with supervisors when reviewing incident responses.
- 3.93 DPC officers had on occasions been involved with the MSHTU on operations and safeguarding visits, which they valued in terms of learning and contact with officers in the MSHTU. Local officers also found this involvement valuable for community impact considerations and for subsequent liaison with elected and community representatives.
- 3.94 The PSNI had received very few reports locally from members of the public about potential signs and indicators of MSHT, for example, houses of multiple occupancy (HMOs), lack of wider interaction, communal transport to work etc. Officers suspected there was the perception in some local communities that these circumstances were not unusual for people in the area from a foreign national background. One officer stressed the continued need for police to work with local

199 Threat, Harm, Risk, Investigation, Vulnerability, Engagement.

communities²⁰⁰ to engage and raise awareness. While this required a local approach it was an indicator that continued work was needed at Strategy level as part of the 'Prevent' awareness-raising agenda.

- 3.95 District management in Belfast was alert to the potential link between major events and human trafficking, although the hidden nature of the crimes made this difficult to assess.

Custody Suites

- 3.96 Custody suites were located in Districts and there was an expectation that there was effective focus on the protection of children and vulnerable adults; that staff were provided with training and awareness of human trafficking and that they were alert to signs that a detainee has potentially been a victim of MSHT.²⁰¹

- 3.97 A contemporaneous CJI Inspection of Police Custody²⁰² found that custody staff were aware of the need to safeguard children and had been made aware of the signs of CSE. There were signs in every custody suite about child sexual abuse and exploitation and the need to inform and involve the PPB. Custody staff were less able to articulate the signs of MSHT or what to do if they perceived the detainee had potentially been a victim of trafficking.

- 3.98 Police custody was an environment where staff interacted with people arrested for all types of crimes and needed to be aware of the signs and indicators to identify victims of trafficking, and training should be provided to raise awareness of MSHT among custody staff.

PSNI Internal Training and Awareness Raising

- 3.99 Effective training and awareness was vital for Police Officers in all areas of crime prevention and investigation, and this was particularly so in respect of the hidden nature of MSHT and the issues involving victims. The Haughey Review and the Stolen Freedom inspection highlighted that lack of cultural awareness of victims' background meant safeguarding professionals could miss the indicators of exploitation.

- 3.100 From its instigation, MSHTU officers had been active in providing training and awareness sessions to staff from across the PSNI. Data provided to Inspectors showed that over 2,700 officers and staff including Detectives, Student Officers, PPB, DPC NPT officers, Tactical Support Group Officers, and call handling staff had received training from the Unit.

200 See PCSPs at paragraph 3.156 below.

201 *Expectations for Police Custody. Criteria for assessing the treatment of and conditions for detainees in police custody* Version 3, 2016 (pre-design) HM Inspectorate of Prisons and HM Inspectorate of Constabulary
<https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2014/02/Police-custody-expectations.pdf>

202 Police Custody CJI 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>

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- 3.101 Training had been provided and driven by the MSHTU to address an identified need rather than as a result of an identified Service requirement by the Police College,²⁰³ or a Service-wide TNA to examine the wider picture and identify the gap between employee training and organisational need.
- 3.102 While the leadership of the MSHTU was to be congratulated for its efforts in this regard, the continual provision of this training and awareness was very resource-intensive and had diverted trained Detectives from their core role of crime investigation and disruption.
- 3.103 MSHTU Detectives also engaged externally with partner agencies, NGOs and private sector businesses and delivered training to a wide range of public and private sector groups.²⁰⁴
- 3.104 There were online learning modules on MSHT on NCALT²⁰⁵ and on CLASSIS²⁰⁶ (the latter having replaced the former for online training at the time of the inspection) and figures provided by the PSNI showed that by the end of March 2020 over 4,700 officers and staff had completed the former, and almost 1,522 the latter.
- 3.105 MSHTU Detectives provided a training and awareness session to Student Officer training in conjunction with an external charitable organisation.
- 3.106 At District level the MSHTU had attended briefings and in some areas had provided input to local NPTs. Inspectors understand that a forthcoming District training cycle was scheduled to incorporate MSHT.
- 3.107 There had been no recorded training provided to Custody Sergeants and staff, although records showed that 10 Custody Officers had completed the CLASSIS module. The PSNI should consider this as part of the TNA.
- 3.108 Officers came to the MSHTU as internal transfers from the Crime Operations Department and as existing Detectives had completed initial Detective training.²⁰⁷ In addition they had completed the National Modern Slavery Specialist Investigators Training course,²⁰⁸ vulnerable and intimidated witness interview training, and had participated in joint-training with their counterparts in AGS, as well as other training

203 The Police College was responsible for the delivery of all PSNI training and development.

204 These included Business Leaders at George Best Belfast City Airport; Northern Ireland Street Pastors; Students at Southern Regional College; and various departments within the DoH. OCTF Annual Report and Threat assessment 2018-19 <https://www.octf.gov.uk/OCTF/files/60/60faf9f8-e37e-407b-b0a2-baf4497de104.pdf>.

205 Online National Centre for Applied Learning Technologies.

206 The Classis-Online platform currently supports the Student Officer Training Programme and plans are underway to extend this to deliver modern "blended" and "distance" learning services across the organisation. <https://www.psnipolice.uk/inside-psni/our-departments/operational-support/northern-ireland-police-college/>.

207 Initial Crime Investigators Development Programme (ICIDP).

208 In April 2018 a MSHTU Tactical Advisor spent three days supporting the Modern Slavery Police Transformation Unit in delivering a 'train the trainer' event, upskilling PSNI trainers to enable delivery of the College of Policing licensed MSHT Specialist Investigators course within force. *NCA Northern Ireland Performance Q1 2018/19 (April – June 2018)* 22 August 2018 v1.0. <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/ni-performance-report-apr-june-2018.PDF>.

and awareness provided by South Wales Police and Europol,²⁰⁹ the PPS and prosecutors from Scotland, England and Wales, and with non-law enforcement organisations, for example Ruhama.²¹⁰

- 3.109 The MSHTU had delivered a number of training sessions to officers from the PPB. Seven PPB supervisory officers had also completed the nationally accredited Modern Slavery Investigators training course.
- 3.110 Effective training and awareness was vital for Police Officers in all areas to recognise and identify the indicators of MSHT, the issues affecting the victims and the attendant safeguarding issues, and for Investigating Officers. Much had been done, however, it had been driven from the ground up by the MSHTU, and there would be merit in the PSNI taking a more corporate approach to the provision of training based on identified need.

OPERATIONAL RECOMMENDATION 4

The Police Service of Northern Ireland should complete a Training Needs Analysis for modern slavery and human trafficking, cognisant of the outcome of Strategic Recommendation 1, within nine months of the publication of this report. Training, and its delivery, across all areas should be reviewed against the Training Needs Analysis to identify and address training gaps.

PSNI on-line MSHT Resources

- 3.111 At the time of the inspection the PSNI intranet had moved from PoliceNet to Polnt (Police Intranet) and when Inspectors viewed the content, a link to the MSHT section was featured prominently on the front page of Polnt.
- 3.112 The information contained on Polnt was provided by the MSHTU and was a good, wide-ranging resource for officers on all aspects of the identification, investigation and safeguarding and support for victims of MSHT. This included:
- the signs and indicators of MSHT;
 - a summary of the role of the MSHTU and call-out criteria and contacts;
 - a guide for first-responders with screening questionnaires, NRM documentation; strategic documents including the DoJ Strategy and PSNI Control Strategy;
 - links to the DoH and PSNI joint working arrangements Welfare and Protection of Adult and Child Victims of MSHT;
 - a summary of the legislation on MSHT;
 - presentations from workshops with lists of the signs and indicators of MSHT;

209 Northern Ireland Policing Board Annual Report and Accounts 2018-19. <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/Northern%20Ireland%20Policing%20Board%20Annual%20Report%20and%20Accounts%201%20April%202018%20-%2031%20March%202019.PDF>

210 A Dublin-based NGO that works on a national level with women affected by prostitution and other forms of commercial sexual exploitation. www.ruhama.ie

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- guidance for officers on the use of the s22 defence;
- a practical guide to the paying for sexual services legislation;
- details of outcomes of proactive MSHT investigations;
- the CLASSIS on-line interactive training for modern slavery; and
- a link to the Police Online Knowledge area.²¹¹

3.113 A number of the DPC officers that Inspectors spoke to had used the MSHTU on-line content and considered it a valuable resource.

3.114 The content of the PSNI online resource would benefit from being reviewed against Area for Improvement 6 regarding the identification of child victims and potential child victims of internal and cross-border MSHT.

Use of interpreters

3.115 The EU Victim's Directive stated '*justice cannot be effectively achieved unless victims can properly explain the circumstances of the crime and provide their evidence in a manner understandable to the competent authorities*'.²¹² Pursuant to this, the Northern Ireland Victim Charter entitled victims to access translation or interpretation when reporting a crime and during the police investigation.²¹³ Victims of gender-based crime could ask for an interpreter of a particular sex.²¹⁴

3.116 CJI recognised and acknowledged the valuable work interpreters undertook to provide a service to vulnerable victims of crime and to support the effective operation of the criminal justice system. The PSNI obtained telephone and face-to-face interpretation services as part of the wider DoJ contract for a 24/7 service.

3.117 There was an on-line intranet Guide for Police Officers and Interpreters on the use of interpreting and translating services within the PSNI dated August 2006. This covered the expectations of both parties, provided an outline of police procedures, practicalities and payments. It did not cover the wider considerations of ethnic, cultural or religious sensitivity when using interpreters.

3.118 In cases of potential MSHT, DPC officers primarily used the telephone service for initial enquiries, and were generally content with its operation, although Inspectors were advised that on occasions, some languages could be difficult to access.

3.119 MSHTU officers also used the telephone service and would frequently use face-to-face translators for planned operations and interviews.

211 The College of Policing Police Online Knowledge Area (POLKA).

212 Directive 2012/29/eu of the European Parliament and of the Council of 25 October 2012. *Establishing minimum standards on the rights, support and protection of victims of crime*. Para 34 (<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>).

213 *Victim Charter. A Charter for Victims of Crime Department of Justice*. September 2015. P.5 and Standard 1.3 (<https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf>).

214 Ibid P. 19, Standard 1.3.

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- 3.120 Personal information and background history was highly sensitive for every individual, victims should be able to feel confident in asserting any need to work with an interpreter of a specific gender, culture or origin, or to change or cease working with an interpreter at any stage.²¹⁵
- 3.121 In addition to victims who may already be suspicious of police and authorities or may have uncertain immigration status, stakeholders highlighted concerns that could arise when using interpretation services, which were particularly relevant to MSHT and the nature of these offences. Examples were cited from their experience which highlighted the importance of being sensitive to these issues as well as victims' particular needs relating to gender, ethnicity, culture²¹⁶ or religion. Examples of issues raised included:
- the small ethnic minority population in Northern Ireland and the small pool from which to access interpreters for some languages meant the interpreter may know, or know of, the victim or his/her family through links in their country of origin or residence;²¹⁷
 - the suspicion by victims that interpreters:
 - may know/work for/be controlled or coerced by the traffickers;²¹⁸
 - may transmit information back to their home country with implications for their families or themselves should they return;
 - have bias against some ethnic sub-groups;
 - women may be reluctant to engage if, for example, her husband or a husband's family member was present;²¹⁹
 - interpreters may be a member of the same faith group and attend the same place of worship which could deter openness; and
 - interpreters minimising or not wanting to expose what has happened as culturally shameful to keep face.²²⁰

215 *The Slavery and Trafficking Survivor Care Standards*. <https://www.antislaverycommissioner.co.uk/media/1235/slavery-and-trafficking-survivor-care-standards.pdf>.

216 In many parts of the world people who share the same language may have long running inter-ethnic, cultural or religious tension. Simply because a person speaks the same language or comes from the same country does not mean it would necessarily be appropriate to use them as interpreters with individual victims. Even where there is no inter-communal ill feeling there may be simple misunderstanding because the interpreter and interviewee come from different social backgrounds or locations. Suitability may be obvious in some cases, but not in others. As far as possible, volunteer interpreters should be avoided in trafficking cases. They may be connected to the traffickers, or at least know the victim and his or her family. *UN Office on Drugs and Crime UNODC Anti-human trafficking manual for criminal justice practitioners. Module 10: Interpreters in trafficking in persons investigations*. https://www.unodc.org/documents/human-trafficking/TIP_module10_Ebook.pdf.

217 See also *UN Office on Drugs and Crime UNODC Anti-human trafficking manual for criminal justice practitioners. Module 10: Interpreters in trafficking in persons investigations*. https://www.unodc.org/documents/human-trafficking/TIP_module10_Ebook.pdf.

218 Traffickers have frequently shown they will attempt to infiltrate investigations and using the interpreter is a good way of doing that. Interpreters may be at risk of intimidation, threats and corruption even though they are not initially associated with the traffickers. *UN Office on Drugs and Crime UNODC Anti-human trafficking manual for criminal justice practitioners. Module 10: Interpreters in trafficking in persons investigations*. https://www.unodc.org/documents/human-trafficking/TIP_module10_Ebook.pdf.

219 Family members or others who accompany survivors to healthcare services should not be used as surrogate interpreters. It should be recognised that any person who is accompanying a survivor, including apparent friends and family members, could potentially be complicit in their trafficking and/or exercising control over them. *The Slavery and Trafficking Survivor Care Standards*. <https://www.antislaverycommissioner.co.uk/media/1235/slavery-and-trafficking-survivor-care-standards.pdf>.

220 See also *Equal Treatment Bench Book*. Judicial College. February 2018 Edition (March 2020 revision). <https://www.judiciary.uk/wp-content/uploads/2018/02/ETBB-February-2018-amended-March-2020.pdf>.

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- 3.122 Some of these issues could be mitigated by appropriate planning and enquiries²²¹ by police prior to deployment. More broadly, it was an area where the PSNI should be satisfied that issues related to competency and quality had been addressed in its employment of interpreting service providers. The PSNI guidance for officers would have benefitted from greater direction on how to work with interpreters.
- 3.123 There was an onus on the interpreter to disclose any conflict of interest under their Ethical and Professional Code of Conduct which had been agreed between the PSNI and the service provider.
- 3.124 The specialist MSHTU officers were cognisant of these issues and planned, where possible, to take these into account but this was not always achievable. District officers were less attuned to how these issues might affect victims' perceptions and their interactions with police.
- 3.125 Inspectors acknowledged that this was a difficult issue and in a small population was not easy to overcome, notwithstanding it would be the view of CJI that in addition to updating its guidance there would be benefit in raising awareness across the PSNI.

OPERATIONAL RECOMMENDATION 5

The Police Service of Northern Ireland should review and update its guidance on the use of interpreting and translating services to include potential issues related to ethnic, culture and religious sensitivities within six months of the publication of this report. Following the completion of the Training Needs Analysis, the use of interpreters should be included as part of the wider training and awareness of modern slavery and human trafficking to Police Officers and staff across the organisation.

- 3.126 Similar issues will apply to victims of MSHT throughout the criminal justice system and the PPS, Northern Ireland Courts and Tribunals Service, Probation Board for Northern Ireland and the Northern Ireland Prison Service (NIPS) should be cognisant of the implications for the services they provide.

221 Interpreters should be vetted against local intelligence and criminal records systems and, where appropriate, against the intelligence and records systems of other countries where they may have originated or resided in *UN Office on Drugs and Crime UNODC Anti-human trafficking manual for criminal justice practitioners. Module 10: Interpreters in trafficking in persons investigations*. https://www.unodc.org/documents/human-trafficking/TIP_module10_Ebook.pdf.

THE DOJ

Northern Ireland Modern Slavery Strategy 2019-20

- 3.127 The DoJ Strategy was referred to in Chapter 2.
- 3.128 Section 12 of the Northern Ireland legislation stated the DoJ ‘shall, at least once in every year, publish a strategy on offences under s1 and 2’. The 2019-20 Strategy was issued at a time when there was no Minister of Justice or functioning Assembly and covered a one-year period; it recognised the need for a longer-term approach with some objectives carrying forward into the next year and argued that a longer view allowed more effective prioritisation of meaningful strategic outcomes. Inspectors would agree that the strategy should take a longer-term approach to raising awareness, supporting victims and tackling MSHT in Northern Ireland, while complying with s12.
- 3.129 Section 12 mandated the DoJ to publish the strategy after consultation with other relevant organisations, and to effectively achieve raised awareness of the relevant offences across Northern Ireland (s12 (3) (a)) required a cross-Departmental response. The Strategy contained measures across Departments, for example the agri-food sector, local councils and health and social care. The appointment of the DoJ Strategic Data and Training Co-ordinator was also a very positive step to address wider awareness.
- 3.130 It was the view of many stakeholders that a wider approach was required to highlight the hidden nature of MSHT. There would be benefit in the DoJ taking steps to more effectively involve other Northern Ireland Departments in the design and delivery of the awareness-raising measures in the ‘Protect’ and ‘Prevent’ strands of the Strategy, for example the Department of Education (education in schools, youth settings and education other than at school), Agriculture, Environment and Rural Affairs (the agri-food sector, fisheries), Communities (housing and local government), Economy (business, employment and further education), Health (social care and health provision), and Infrastructure (planning and transport).
- 3.131 At the time of writing the DoJ had commenced a process to collate data in relation to the Strategy’s outcome measures and mechanisms for delivery from the respective criminal justice and other organisations responsible, and this was welcomed. Inspectors were advised that work to collate data on the Modern Slavery Strategy outcome measures to enable the sub group to more effectively monitor and assess performance would be progressed in parallel with the development of the next Modern Slavery Strategy.
- 3.132 Some of the Strategy’s delivery mechanisms were process-driven rather than outcomes-based, and at the time of fieldwork there was not a complete data set or year-on-year comparators to allow the effective assessment of progress or performance improvement over time.

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- 3.133 Implementation of the Strategy was to be overseen by the OCTF MSHT Sub Group, however it was not clear how the Sub Group would provide the appropriate level of scrutiny and accountability, given the position, as outlined previously, where the OCTF performed a purely co-ordinating role for joint working, operations and information sharing across the organisations.
- 3.134 The Scottish Government published annual progress reports²²² on the implementation of its MSHT strategy which provided transparency and increased public awareness of progress and developments, and the DoJ should consider whether a similar approach would have benefit.
- 3.135 In respect of children, the Strategy contained various commitments on the provision of specialist support for child victims. Ensuring that an Independent Guardian Service was in place, analysis of availability and suitability of care placement provision and post care accommodation, and development of guidance on working arrangements for HSCT staff and the PSNI was included.²²³
- 3.136 Children lacked visibility within the 'Pursue' elements (detecting, investigating, disrupting and prosecuting MSHT offenders) of the Strategy. Disruptive and investigative work relating to child victims of MSHT was undertaken by the PSNI PPB, which did not feature within the Strategy. Nor was the PPB part of the OCTF Sub Group to which progress against the Strategy's measures was reported. This risked limiting the extent to which policing achievements and challenges in relation to child victims were being considered.
- 3.137 The Strategy had not specifically referenced internal trafficking. Links between trafficking and CSE within Northern Ireland existed and had been highlighted in a recent CJI report.²²⁴ The PSNI, as well as some stakeholders also highlighted the relevance of trafficking to child criminal exploitation by paramilitary organisations. This exploitation was also a feature of County lines crime in England and Wales. In order to ensure effective protection of the rights of all victims, measures to target perpetrators exploiting children within Northern Ireland, as well as those who had trafficked children into Northern Ireland from elsewhere were needed.

222 <https://www.gov.scot/publications/human-trafficking-exploitation-strategy-first-annual-progress-report/pages/3/>.

223 Department of Justice, Northern Ireland Modern Slavery Strategy 2019-2020, pp.21 & 22 (<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/modern-slavery-strategy-2019-2020.pdf>).

224 Child Sexual Exploitation CJI June 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/April-June/Child-Sexual-Exploitation-in-Northern-Ireland>.

STRATEGIC RECOMMENDATION 2

The Department of Justice should review the Northern Ireland Modern Slavery Strategy (the Strategy) to take account of the issues raised in this report including:

- a longer-term approach to raising awareness, supporting victims and tackling modern slavery and human trafficking in Northern Ireland;
- involvement of relevant Northern Ireland Departments in the design and delivery of the awareness-raising measures in the 'Protect' and 'Prevent' strands of the Strategy;
- the arrangements for measurement, oversight and accountability of performance through the Organised Crime Task Force Modern Slavery and Human Trafficking Sub Group;
- Strategy and Organised Crime Task Force Sub Group inputs to ensure at a strategic level measures designed to pursue modern slavery offenders included offenders targeting children whether for internal and/or cross-border trafficking; and
- the need for published annual progress reports.

The review should be completed within one year of the publication of this report.

Wider awareness and education

- 3.138 The Strategy's 'Pursue' strand had an objective of delivering effective learning and best practice across the criminal justice system, with a number of specific mechanisms for delivery, and these would have benefitted from the inclusion of measures to allow a more objective assessment of progress.
- 3.139 To proactively identify victims of MSHT, the Strategy aimed to develop a multi-agency Northern Ireland-wide TNA and training plan in 2019-20 and to commence the strategic roll-out of the plan in 2020-21. At the time of writing work was being undertaken by the Strategic Data and Training Co-ordinator (see paragraph 3.146), with the relevant cross-sector statutory agencies and Northern Ireland Departments to examine knowledge gaps across all cohorts of frontline professionals, commencing with those working in the Health and Social Care sector, to develop and agree a multi-agency TNA and Training Plan for Northern Ireland. It was unlikely that this would be completed in the 2019-20 year. As referred to previously, there would be merit in a broader cross-Departmental approach to identify, design and deliver effective awareness-raising across all sectors.
- 3.140 The 'Prevent' strand aimed to raise public awareness, reduce demand and increase reporting including proactive media engagement and the delivery of public awareness materials. For the 2019-20 period there was to be the development and delivery of a communications plan to further the 'Prevent' agenda. At the time of writing work was still in progress and would carry over into 2020-21.

- 3.141 There had been evidence of increased media activity to raise public awareness, by the DoJ, the OCTF and the PSNI, including the provision of information on police activity and operations, safeguarding visits, prosecutions and Court outcomes.
- 3.142 The DoJ launched a MSHT campaign in partnership with the PSNI, local councils, the emergency services, public and private organisations and a wide range of civil sector organisations calling on everyone across society to be aware of the possible signs that someone may need help and to report suspicions quickly and confidentially.
- 3.143 This was rolled-out over all council areas with posters and leaflets offering advice on how to identify suspicious activity. A wide range of organisations had agreed to display and distribute the material in public spaces and to staff including local councils, HSCTs, the Northern Ireland Ambulance Service, Northern Ireland Hotel Federation, Northern Ireland Fire and Rescue Service and Northern Ireland Housing Executive, church and faith groups and a wide range of civil sector organisations.²²⁵
- 3.144 During Anti-Slavery Week the PSNI's MSHTU took part in awareness raising events run by partner agencies and NGOs, such as Women's Aid. There was a focus on social media, with messages published in different languages on Facebook. The DoJ funded a stand at the Balmoral Show with awareness-raising across Northern Ireland focussing on labour abuse. The DoJ developed a four-week advertising campaign published in a local newspaper's online farming supplement with reach into the agri-food sector. As part of this, the Modern Slavery Helpline was advertised with on-line viewers re-directed to MSHT information sites.²²⁶
- 3.145 The DoJ issued revised regional operational guidance for front-line workers on how to recognise the signs that someone may have been trafficked and how to report concerns and the support available. There was a specific MSHT awareness section within all mandatory safeguarding programmes for the nursing profession. Training which covered statistics, legislation, policy and describing the nature of MSHT had been delivered to frontline staff across a number of sectors in Northern Ireland.²²⁷

Strategic data and training Co-ordinator/the Co-ordinator

- 3.146 To help deliver the Strategy the DoJ created a new dedicated role focused on training and data co-ordination.
- 3.147 This was a positive initiative designed to reinforce partnership working between the DoJ, the PSNI and other partners, delivering a strategic response to MSHT training needs across frontline professionals, with a particular focus on the Health and Social Care sector in Northern Ireland. Work was ongoing with the nursing sector and social work staff across the five HSCTs.

225 *Push to tackle modern slavery – everyone has a role to play*. DoJ Press Release. 10 October 2017. <https://www.justice-ni.gov.uk/news/push-tackle-modern-slavery-everyone-has-role-play>.

226 *OCTF Annual Report and Threat assessment 2018-19* <https://www.octf.gov.uk/OCTF/files/60/60faf9f8-e37e-407b-b0a2-baf4497de104.pdf>.

227 *2019 UK Annual Report on Modern Slavery*. October 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf.

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- 3.148 The Co-ordinator had delivered training to staff and frontline personnel at a range of events often in partnership with the PSNI or NGOs, including airport staff, social work students, victim support staff and First Responders. The Co-ordinator was also involved in work for a UK-wide initiative to provide on-line training for First Responders.
- 3.149 Training had also been arranged for civil servants and council staff with responsibility for public procurement, delivered by staff from the Welsh government to encourage awareness of labour exploitation in supply chains.
- 3.150 The work of the Co-ordinator was also to allow more collaborative and consistent information on MSHT to be shared, statistics to be recorded to establish a fuller picture of MSHT in Northern Ireland and work had been undertaken with the MSHTU regarding this.²²⁸

Local Government Districts (Councils)

- 3.151 As outlined in Chapter 2, at the time of writing Councils did not have a duty to notify regarding individuals suspected of being victims of MSHT.
- 3.152 Council staff were well-placed to see the potential signs and indicators of MSHT, for example, in respect of waste collection, HMOs, planning and inspection of premises and it was important staff knew about the signs and how to deal with any concerns.
- 3.153 A comprehensive Council Guide to Tackling Modern Slavery was issued to local authorities in England and Wales in 2017 by the IASC and the Local Government Association.²²⁹ The Commissioner encouraged the development of similar guidance for frontline professionals in Scotland and Northern Ireland.²³⁰
- 3.154 In April 2019 the DoJ and the PSNI wrote to the Chief Executives of all Northern Ireland Councils to coincide with the licensing changes for HMOs for shared flats and houses. This offered training materials for staff to raise awareness, and highlighted risks of MSHT linked to HMOs and the possibility of Council employees coming across victims living in substandard accommodation during inspections.²³¹
- 3.155 The Strategy contained an action for the DoJ to maintain ongoing liaison with the Northern Ireland Local Government Association (NILGA) on the guidance for Councils, and the DoJ had been working with the NILGA over a period of time to provide input. The Guidance was published by the NILGA on 4 May 2020.²³²

228 *Annual Report and Threat Assessment 2018-19*. OCTF. <https://www.octf.gov.uk/OCTF/files/60/60faf9f8-e37e-407b-b0a2-baf4497de104.pdf>.

229 <https://local.gov.uk/modern-slavery-council-guide>.

230 *Independent Anti-Slavery Commissioner Annual Report 2016-17*. <http://www.antislaverycommissioner.co.uk/media/1164/iasc-annual-report-16-17-web.pdf>.

231 *2019 UK Annual Report on Modern Slavery*. October 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf.

232 <https://www.nilga.org/news/2020/may/tackling-modern-slavery>. See also <https://www.belfasttelegraph.co.uk/news/northern-ireland/councils-issued-with-guide-on-reporting-modern-slavery-in-northern-ireland-39180272.html>.

Police and Community Safety Partnerships (PCSPs)

- 3.156 The general functions of the NIPB included making arrangements for obtaining the co-operation of the public with the police in the prevention of crime.²³³ As part of this the functions of a PCSP²³⁴ included a similar requirement and included enhancing the community safety in the District.
- 3.157 In 2017-18 human trafficking had been a key thematic area of focus for PCSPs in Belfast and Mid and East Antrim Councils:²³⁵ the latter had arranged an event in conjunction with the DoJ and the PSNI at a shopping centre to raise awareness about MSHT and the Modern Slavery Helpline. The Council also used social media to highlight the issue and displayed posters in Council property.
- 3.158 One of the key changes to PCSP thematic priorities from 2017-18 to 2018-19 was the removal of human trafficking as a theme.²³⁶ In 2018-19 none of the PCSP plans included interventions in relation to MSHT.
- 3.159 CJI regarded PCSPs as having an important role at local level to provide education and awareness of MSHT as part of their wider function to enhance community safety. The PCSPs had levels of engagement with communities across Northern Ireland²³⁷ and were well-placed to heighten local awareness. The Strategy for 2019-20 had an objective to reduce vulnerability to exploitation with an associated action to strengthen links with PCSPs and local government. There would be benefit in the DoJ increasing its focus to involve and utilise the PCSPs as a valuable resource as part of the wider awareness raising 'Prevent' strategy at a local level.

Compensation for Victims: The Northern Ireland Criminal Injuries Compensation Scheme 2009 (the Scheme)

- 3.160 The Scheme applied to all crimes occurring in Northern Ireland from 1 April 2009. The DoJ administered the Scheme and provided a guide,²³⁸ information, leaflets and advice²³⁹ for victims of MSHT in various languages,²⁴⁰ explaining how the

233 Section 3 *Police (Northern Ireland) Act 2000*.

234 The functions of a district policing partnership shall be-

(a) to provide views to the district commander for any police district which is, or is included in, the district and to the Board on any matter concerning the policing of the district; (b) to monitor the performance of the police in carrying out— (i) the policing plan in relation to the district; and (ii) the local policing plan applying to the district or any part of the district; (c) to make arrangements for obtaining— (i) the views of the public about matters concerning the policing of the district; and (ii) the co-operation of the public with the police in preventing crime; (d) to act as a general forum for discussion and consultation on matters affecting the policing of the district; and (e) such other functions as are conferred on it by any other statutory provision. *Police (Northern Ireland) Act 2000*.

235 PCSP Annual Effectiveness 2018-19. <http://drupdocs.intranet.nigov.net/DoJDocs/justice-delivery-directorate/compensation-and-corporate-support-services/Corporate-Secretariat/home-page-news/pcsp-annual-effectiveness-report-final-201819.PDF>

236 Ibid.

237 See also *Working Together for Safer Communities. A Review of Policing and Community Safety Partnerships in Northern Ireland*. CJI. August 2009. <http://www.cjini.org/getattachment/010eb06d-a1b7-46b9-85cd-50af58cb6f98/report.aspx>

238 *A Guide to the Northern Ireland Criminal Injuries Compensation Scheme (2009)* <https://www.nidirect.gov.uk/sites/default/files/publications/guide-to-criminal-injuries-compensation-scheme-2009.pdf>

239 *Compensation leaflet and advice for victims of human trafficking* published 1 May 2015 <https://www.justice-ni.gov.uk/publications/compensation-leaflet-and-advice-victims-human-trafficking-english>

240 These were Albanian, Bulgarian, Chinese simplified, Chinese traditional and Romanian. <https://www.justice-ni.gov.uk/topics/justice-and-law/compensation-services>

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compensation scheme operated, signposting potential claimants to Victim Support Northern Ireland and Citizens Advice who could assist people with applications. The advice also made clear that claimants did not have to get help from a lawyer or solicitor to represent them with their application, and although not explicit in the advice leaflets, if they chose to it would be at the applicant’s expense.²⁴¹

- 3.161 At the time of the inspection fieldwork both the advice leaflets clearly stated that, as evidence of victim status, an applicant must provide evidence from the NRM of a positive reasonable grounds decision and a positive conclusive grounds decision.²⁴²
- 3.162 Inspectors understand that NRM evidence was incorrectly cited as a requirement for victims to make application under the 2009 Scheme, and the inclusion of this information on the advice literature could be a barrier and prevent or deter victims from applying for compensation.
- 3.163 A further potential barrier to MSHT victims making application to the Scheme was the definition of criminal injury, which included physical injury, mental injury (a disabling mental illness confirmed by psychiatric diagnosis) and disease (a medically recognised illness or condition).²⁴³ Stakeholder groups were concerned that it was often difficult for foreign national victims to provide medical and psychiatric evidence of their injuries if not registered with health services in Northern Ireland, or if they could not access medical records from their home country, which in some cases may not exist.
- 3.164 Stakeholders also said that compensation could help MSHT victims from becoming subject to re-trafficking, however the 2009 Scheme pre-dated the contemporary understanding of the nature of MSHT.²⁴⁴ Issues like the coercion and control of victims; the difficulty of providing medical evidence; fear or suspicion of authorities if not settled UK status; language and cultural barriers and the understanding of victimhood²⁴⁵ were all barriers for MSHT victims in making claims for criminal injury compensation.

241 *A Guide to the Northern Ireland Criminal Injuries Compensation Scheme (2009)*. <https://www.nidirect.gov.uk/sites/default/files/publications/guide-to-criminal-injuries-compensation-scheme-2009.pdf>.

242 *Compensation leaflet and advice for victims of human trafficking* published 1 May 2015. <https://www.justice-ni.gov.uk/publications/compensation-leaflet-and-advice-victims-human-trafficking-english>.

243 *The Northern Ireland Criminal Injuries Compensation Scheme (2009)*. <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/compensation-tariff-scheme-legislation-2009.pdf>.

244 The Victims’ Commissioner for England and Wales has made a similar point given what we now know about crimes such as childhood sexual abuse and exploitation, childhood criminal exploitation, coercion and control within the context of modern day slavery or domestic abuse, we would question whether it is always appropriate to deny victims compensation on the basis that there is a direct link between their criminality and crimes committed against them. *Compensation without re-traumatisation: The Victims’ Commissioner’s Review into Criminal Injuries Compensation* January 2019 <https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/01/VC-Criminal-Injuries-Compensation-Report-2019.pdf>.

245 Trafficked persons are affected by specific factors inherent to their situation, which prevent them accessing compensation even where compensation mechanisms work well. Problems such as fear, language barriers, reluctance to contact authorities, feelings of humiliation and insecurity about immigration status all need to be overcome. Furthermore, accessing remedies requires knowledge and support. *The Nature and Extent of Human Trafficking in Northern Ireland* <https://www.nihrc.org/uploads/publications/nature-and-extent-of-human-trafficking-in-northern-ireland-2010-ecni-nihrc.pdf>.

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- 3.165 The Minister of Justice, in March 2020 in response to a written Northern Ireland Assembly question, advised that additional training and awareness was being planned for Compensation Services' decision-makers as part of the DoJ's strategic training for statutory partners on MSHT.²⁴⁶
- 3.166 Inspectors understand that the DoJ was participating in the Ministry of Justice Review of the England and Wales compensation scheme²⁴⁷ which at the time of writing was well advanced, although the Covid-19 public health pandemic delayed the public consultation. The DoJ was also in the process of reviewing the Northern Ireland Scheme and was awaiting the outcome of the Ministry of Justice Review before finalising any proposals for change.
- 3.167 It was of note that the UN Committee Against Torture had recommended that the UK '*enhance its efforts to investigate claims of human trafficking and prosecute perpetrators and ensure that victims of trafficking obtain compensation, including by considering creating a civil remedy for victims of trafficking*'.²⁴⁸

OPERATIONAL RECOMMENDATION 6

The Department of Justice should review its guidance for applicants to the Northern Ireland Criminal Injuries Compensation Scheme 2009 to clarify the advice regarding National Referral Mechanism status within three months of the publication of this report. The Department of Justice should also engage with relevant stakeholders and victims' groups to see what more can be done to overcome the barriers facing modern slavery and human trafficking victims in making an application for criminal injuries compensation as part of its review of the Northern Ireland Scheme.

THE PPS

- 3.168 All cases from the MSHTU went to the PPS SCU which dealt with a range of the most serious offences, although Inspectors were aware of some cases with elements of MSHT investigated by other PSNI Officers which were not submitted directly to the SCU. There were two Senior Public Prosecutors²⁴⁹ (SPPs) who dealt with all of the cases from the MSHTU which allowed these individuals to develop detailed knowledge and expertise of the law and procedures in this area. They had developed excellent working relationships with the MSHTU officers.

246 AQW 3017 17-22 Answered by the Minister of Justice 12 March 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=297326>.

247 http://data.parliament.uk/DepositedPapers/Files/DEP2018-1283/terms_of_reference_CICS_Review.pdf.

248 Paragraph 59(a) UN CAT (2019) Concluding Observations: United Kingdom of Great Britain and Northern Ireland, 7 June 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/GBR/CO/6&Lang=EnUN.

249 There was one SPP at the time of the inspection fieldwork.

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- 3.169 There was a relatively small number of cases²⁵⁰ but they required detailed consideration due to the complexity of the circumstances and the issues surrounding MSHT victims. These are outlined in more detail in the report. In the event of unforeseen circumstances it would take the PPS time to replace this expertise and there would be benefit in the PPS considering the resilience of, and succession planning for, the MSHT SPPs as part of its longer-term planning process.
- 3.170 The SPPs dealt with cases investigated by the MSHTU which involved adult victims. Cases involving child victims were generally allocated to the wider SCU team, but it was also possible for Youth Prosecutors to receive cases where a child victim was a suspect. It was therefore important that the PPS MSHT policy, instructions and training supported all relevant staff. In one case relating to a child victim reviewed by Inspectors, repealed legislation was referenced, which reinforced this. More broadly, the PPS would benefit from improved governance and quality assurance of MSHT cases to ensure child victims were included.
- 3.171 The PPS policy for prosecuting cases of MSHT pre-dated the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and the policy needed to be updated to cover the specifics of the legislation, defence, burden of proof and emerging case law. At the time of the inspection, work was in progress by the PPS Policy and Information Unit to update the policy. Inspectors understand that this was scheduled for completion by late 2020. It was important that there was effective involvement with the MSHT SPPs in the development of the policy, as well as wider SCU team members working on cases involving child victims.
- 3.172 Inspectors were advised that the policy would also cover the issues specific to MSHT victims and this should include understanding about the nature of exploitation, coercion and control in prosecutorial decision-making as set out in the CPS Guidance.
- PPS/PSNI relationships**
- 3.173 The model whereby a small team of specialist police officers in the MSHTU submitted cases to a small team of specialist prosecutors in the PPS worked extremely effectively. Inspectors were impressed by the close working relationships and the level of engagement between the two organisations which was much more effective than in previous inspections. Inspectors would continue to stress the need for the earliest appropriate engagement between the PSNI and the PPS for effective working.

250 From 1 January 2015 to 23 February 2020 there had been 28 decisions issued by the PPS in respect of Human Trafficking Offences.

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- 3.174 There had been early engagement and discussion with the PPS by the MSHTU at the planning stages of major operations, for pre-prosecutorial advice and joint work between the two organisations on JITs. There were advantages for both parties and prosecutors gained benefit by being involved in discussions with police in the strategy leading up to arrest operations.
- 3.175 A Her Majesty's Crown Prosecution Service Inspectorate report referred to the need for more thinking at an early stage to build cases that were evidence-based,²⁵¹ instead of relying primarily on victim's evidence, as well as a better understanding and application of the statutory defence for victims of MSHT who become criminalised themselves. In the PPS there was evidence from discussions with MSHTU officers and the SPPs that there had been discussion and pre-prosecutorial advice at the early investigative stages of investigations, although it was not always evident from recording on the PSNI NICHE or the PPS CMS files that Inspectors reviewed.
- 3.176 For cases involving children the PSNI PPB and the PPS SCU working relationship was described as very good. However, the level of engagement between the MSHTU Detectives and the SPPs was not replicated in cases involving child victims. Early engagement maximised the opportunity to consider the connection between different charges and how best to support these. It also assisted in assessing the feasibility of progressing without the victim as provided for in the legislation.²⁵²

PPS case oversight

- 3.177 The PPS had introduced case management procedures to provide for structured oversight of cases of particular gravity or complexity, or which presented risks to public confidence in the PPS or the wider criminal justice system. Prosecutors involved in such cases would receive appropriate management support and guidance.
- 3.178 Application of the case management procedures was considered on a case-by-case basis and Inspectors understand that only one MSHT case had been considered as having met the criteria.
- 3.179 Inspectors were advised that MSHT cases, due to their relatively small number and the issues involved would have a regular level of oversight through SPP engagement with their Assistant Director. There was no formal dip-sampling or quality assurance of MSHT cases internally, other than as part of the wider SCU process whereby the Assistant Director sampled a number of the SCU cases on a monthly basis. There was no senior management involvement noted on the CMS in any of the MSHT files assessed by Inspectors.

251 Evidence-based prosecution (sometimes termed "victimless prosecution") referred to a collection of techniques utilised by prosecutors to convict perpetrators without the co-operation of an alleged victim. *The CPS response to the Modern Slavery Act 2015*. December 2017. https://www.justiceinspectors.gov.uk/hmcpsi/wp-content/uploads/sites/3/2017/12/MSA_thm_Dec17_frpt.pdf.

252 See Section 14 *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015*.

PPS training and awareness

- 3.180 There had been internal training on MSHT within the PPS which included workshops with invited stakeholders. These were primarily aimed at the SCU and the MSHT SPPs. Inspectors were advised that there was limited capacity for prosecutors to attend training, and the awareness of wider issues like MSHT would be done through corporate communications. The signs and indicators of MSHT had been included as part of an internal staff instruction on suspects in a criminal case who might be victims of MSHT. MSHT related matters may be prevalent in the background to some cases which may not be dealt with as a MSHT file, particularly in cases involving children. To that end it was important for wider awareness to be developed across the PPS with appropriate signposting to the expertise contained within the SCU.
- 3.181 There was the potential for the statutory defence under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 to be raised in any court, so it was important to have awareness across the PPS to identify and refer potential offences to the SPPs in the SCU.
- 3.182 The MSHT SPPs had received more specific awareness raising and involvement at a number of relevant events with the DoJ and support organisations such as Women's Aid and Migrant Help. The SPPs were also members of the UK Prosecutors Forum, (as was the MSHTU), which had been a valuable source of information, legal and prosecutorial matters and other developments in this area across the UK.
- 3.183 The Haughey Review recommended that training for senior charging lawyers in Complex Cases Units²⁵³ should include cultural awareness of different ethnicities that predominate in trafficking offences. The SPPs had built up a good knowledge of cultural issues from case experience, the Prosecutor's Forum and from working in JITs, however, they had not received any formal training.
- 3.184 **Area for improvement: as part of the updated Modern Slavery and Human Trafficking Policy which was under development, the Public Prosecution Service for Northern Ireland should ensure that there was appropriate training and guidance on the Policy across the organisation, to include applied cultural awareness for specialist prosecutors.**

MSHT victims

- 3.185 The MSHT SPPs had considered the potential for the prosecution process to re-traumatise a victim when making directions, and were acutely aware of the nature of victimhood, the impact of coercion and how a victim might behave and give evidence in court. Special Measures were applied for in cases of MSHT.²⁵⁴

253 The Crown Prosecution Service unit similar to the PPS SCU.

254 There had been a total of 43 applications for special measures in 10 cases relating to Human Trafficking Offences since 2011. PPS data.

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- 3.186 The issues of coercion and control for victims of MSHT offences were similar to those suffered by many victims of domestic and sexual violence and abuse.²⁵⁵
- 3.187 CPS guidance included the following victim issues in MSHT offences:
- a manifestation of control deprived victims of the will to leave: others were too demoralised to do so;
 - there may be no physical violence used, or restrictions on movement, but psychological or coercive means were used to effect control;
 - accommodation may be a condition of employment: high rent comparative to earnings created a debt bondage relationship;
 - victims may be physically free to leave but were effectively a prisoner of their circumstances;
 - when controlled by discipline, threats and violence, victims effectively became institutionalised; and²⁵⁶
 - there may be Stockholm Syndrome.²⁵⁷
- 3.188 CJI's 2010 report on sexual violence and abuse²⁵⁸ highlighted concerns about the ability of juries to make accurate judgments about the guilt or otherwise of defendants in sexual cases, particularly where there were issues of consent. Myths and stereotypes existed which could affect the decision making of juries.
- 3.189 This was addressed again in a 2018 CJI inspection²⁵⁹ which outlined wider UK attempts to address these myths and stereotypes through judicial directions. The Crown Court Compendium²⁶⁰ in England and Wales provided guidance for Judges on making directions and included several circumstances relevant to sexual offences including the dangers of assumptions, historical allegations, grooming of children, consent and reasonable belief in consent.
- 3.190 The Abusive Behaviour and Sexual Harm (Scotland) Bill 2016 set out the directions that the Judge must give to the jury specifically relating to a lack of communication about the offence and the absence of physical resistance by the victim or physical force by the perpetrator. The Justice Secretary said *'the new requirement for*

255 See *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

256 *CPS Legal Guidance on Human Trafficking, Smuggling and Slavery*.

<https://www.cps.gov.uk/legal-guidance/human-trafficking-smuggling-and-slavery>.

257 A condition that causes hostages to develop a psychological alliance with their captors as a survival strategy during captivity. These feelings, resulting from a bond formed between captor and captives during intimate time spent together, are generally considered irrational in light of the danger or risk endured by the victims. *The CPS response to the Modern Slavery Act 2015*. December 2017. https://www.justiceinspectores.gov.uk/hmcpsi/wp-content/uploads/sites/3/2017/12/MSA_thm_Dec17_frpt.pdf. See also *Equal Treatment Bench Book*. Judicial College. February 2018 Edition (March 2020 revision). <https://www.judiciary.uk/wp-content/uploads/2018/02/ETBB-February-2018-amended-March-2020.pdf>.

258 *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

259 *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

260 *The Crown Court Compendium. Part I: Jury and Trial Management and Summing Up*. <https://www.judiciary.uk/wp-content/uploads/2018/06/crown-court-compendium-pt1-jury-and-trial-management-and-summing-up-june-2018-1.pdf>.

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Judges to direct juries will make a real difference in enabling juries to approach court evidence in an informed way, and challenge any pre-conceived notions jurors may have about how a person 'should' react when they are the victim of a sexual offence'.²⁶¹

- 3.191 Inspectors pointed out that in Northern Ireland there was no such legislative requirement for juries to be directed in relation to assumptions or stereotyping, as was the case in Scotland, nor was there a single document, such as the Crown Court Compendium in England and Wales, which provided guidance on directing the jury; which aimed to provide openness and transparency for the public and users of the criminal justice system, particularly victims and witnesses. It was the view of CJI that this was an area the DoJ should address and made the strategic recommendation that the DoJ should include in legislation²⁶² a requirement for jury directions to be given in sexual offence cases to enable them to approach court evidence in a more informed way.
- 3.192 The issues pertaining to victims of MSHT were analogous and there needed to be similar provisions to require jury directions to be given in MSHT cases to enable juries to approach the evidence presented in court in a more informed manner.

STRATEGIC RECOMMENDATION 3

The Department of Justice should prioritise and consult on legislation to contain a requirement for jury directions to be given in modern slavery and human trafficking offence cases to enable juries to approach court evidence in a more informed manner.

- 3.193 CJI understands that there had been judicial training events regarding jury directions including MSHT and the Judicial College Equal Treatment Bench Book,²⁶³ which contained a Chapter on Modern Slavery. In Northern Ireland Judges also have access to the Judicial College Crown Court Compendium on the judicial intranet for Judges to make use of for matters such as MSHT and sexual offences.

The role of Counsel and Advocacy

- 3.194 CJI reviewed²⁶⁴ the use and management of Counsel by the PPS and the quality of advocacy in court and recommended an effective and objective assessment process for PPS Prosecutors and Counsel should be established, which should

261 Tackling abusive behaviour and sexual harm. <https://news.gov.scot/news/tackling-abusive-behaviour-and-sexual-harm>.

262 It was the view of CJI that this should be included in Action 6 of the Year One implementation plan for the *Stopping Domestic and Sexual Violence Strategy* was 'consult on the need for changes in practice and legislative provisions for initiatives, including, a Domestic Violence Disclosure Scheme and a Domestic Abuse Offence and develop proposals for the way forward'.

263 *Equal Treatment Bench Book*. Judicial College. February 2018 Edition (March 2020 revision). <https://www.judiciary.uk/wp-content/uploads/2018/02/ETBB-February-2018-amended-March-2020.pdf>.

264 *A report on the corporate governance of the Public Prosecution Service*. April 2013 CJI. <http://www.cjini.org/TheInspections/Inspection-Reports/2013/A/A-corporate-governance-inspection-of-the-Public-Pr>.

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include stakeholder feedback, court observations and management information on prosecutor performance. A follow-up review in 2018²⁶⁵ found that financial pressures had prevented the PPS from realising its ambition to effectively quality assure prosecutor performance.

- 3.195 This inspection did not attempt to replicate the methodology of the previous work but considered the role of the PPS in appointing Counsel for MSHT prosecution case work.
- 3.196 Inspectors were advised that there was no dedicated specialist panel of Counsel for MSHT cases: selection was primarily as for any other case, that is from the panel of Counsel used by the PPS. Inspectors were informed that if there were particular case or victim sensitivities, the PPS had scope to select Counsel with appropriate skills or experience.
- 3.197 CJI would be supportive of measures by the PPS to make use of Counsel who were considered to have the most appropriate experience and skills for handling the complex and sensitive nature of MSHT, particularly in dealing with victims who may have significant vulnerabilities or children or young people, rather than basing selection decisions on seniority.²⁶⁶
- 3.198 In 2017 the PPS had provided mandatory training for Counsel who wished to work on sexual offences cases, facilitated by PPS staff and a leading Judge and QC from England,²⁶⁷ which covered dealing with vulnerable victims. There had been no comparable training on MSHT provided by the PPS for Counsel who were available for selection to represent the PPS in these cases.
- 3.199 The Haughey Review recommended significantly extended vulnerable witness training should be a compulsory part of all criminal bar training, and should be undertaken by all court advocates in order for them to be permitted to defend or prosecute MSHT cases involving vulnerable victims or defendants. The PPS had no formal mechanism to allow consideration of whether Counsel had completed any training of this nature before being appointed to a MSHT case.
- 3.200 Similarly there was no mechanism within the PPS to record whether Counsel appointed by it had received any training in respect of the cultural awareness of different ethnicities that predominate in trafficking offences, as recommended by the Haughey Review for senior charging lawyers.

265 A follow-up review of the Public Prosecution Service for Northern Ireland's response to strategic inspection recommendations made between 2013 and 2015. February 2015. CJI. <http://www.cjini.org/getattachment/ca8c5bc9-213d-4756-9eb2-7c5359fce085/Public-Prosecution-Service-Follow-up-Review.aspx>.

266 See also *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

267 Ibid.

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- 3.201 It was confirmed to Inspectors that there was no process for the PPS to provide an objective assessment or quality assurance of Counsel's performance in MSHT cases.
- 3.202 The position in respect of MSHT was similar to that which CJI had reported on for sexual violence,²⁶⁸ that is, there was a will within the SCU to better manage the use of Counsel by using those who were believed to be the most suitable for the sensitive nature of MSHT cases and who would most effectively deliver the PPS prosecution expectations.
- 3.203 CJI understands that the PPS did not have sufficient resources at the time of the inspection to implement an objective quality assurance process for Counsel, however Inspectors believed that there were measures that could be taken to develop a more highly skilled prosecution team with specific skills for MSHT offences.²⁶⁹

OPERATIONAL RECOMMENDATION 7

Within six months of the publication of this report, the Public Prosecution Service for Northern Ireland should develop an action plan to further improve how Counsel is utilised in cases involving modern slavery and human trafficking offences, to include appropriate training requirements for Counsel appointed to represent the organisation in these cases.

PPS file review

- 3.204 Inspectors reviewed a number of PPS files on the CMS and had intended to follow this up by reviewing a sample of the associated hard copy material, however this was not possible due to the Covid-19 public health pandemic and CJI's ability to undertake further fieldwork.
- 3.205 The aim of the PPS file review was not to examine the PPS decision-making process, rather it was to assess how the cases were managed in four broad areas:
- the PPS strategy to identify and prosecute MSHT cases;
 - engagement with the PSNI;
 - case management; and
 - victim engagement.

268 Ibid.

269 Ibid See also Operational recommendation 6.

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- 3.206 In the relevant time period for the review (1 January 2015 to 23 February 2020) there were a total of six prosecution files and 12 no prosecution files where the Evidential Test²⁷⁰ had not been met. Of these, Inspectors looked at five no prosecution files and four prosecuted files.
- 3.207 Most of the cases involved offences under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, but references were also made to the Coroners and Justice 2009 Act and the Sex Offences Act 2003.
- 3.208 All of the files had been dealt with at some stage by a member of the SCU. One case had been initially reviewed by a SCU SPP and the file had been allocated to a non-SCU prosecutor from the High Court Advocacy Team, although this team retained some links to the SCU. This raised the potential for some files to not come directly to the specialist SPPs in the SCU if the cases had not been identified as having an MSHT element (see previous regarding MSHT training and awareness for prosecutors across the PPS).

PPS strategy to identify and prosecute MSHT cases

- 3.209 The number of prosecutors making decisions on MSHT case files was limited. Only one SPP (who had subsequently moved role) had made prosecution decisions on the files reviewed. The time period for the most recent decision was 26 March 2019 for charged offences dated 5 February 2018, which meant that findings were limited to the period up to two years ago.
- 3.210 There were no obvious notes on the CMS referencing the PPS MSHT policy - these cases were being considered on a case-by-case basis as any other prosecution in SCU, with the added expertise of the SPP who dealt with these cases.
- 3.211 Inspectors were made aware of a case within one PPS region which had not been investigated as a MSHT case, but the SPP had pursued an appropriate MSHT approach. In another example a case was dealt with by the SCU as remand/charge advice and the decision was based on sex offences and not MSHT. MSHT was not referred to in the decision, which raised a query as to whether there was a potential decision-making priority conflict between sex offences and MSHT offences where there was clear overlap. Where this was the case, the decision-maker would not have the same expertise as the MSHT specialist SPPs in the SCU.
- 3.212 This reinforced the need for the PPS to ensure that MSHT issues were identified across all PPS files with appropriate guidance, signposting and training for all staff.

270 Prosecutions are initiated or continued by the PPS only where it is satisfied that the Test for Prosecution is met. This is a two-stage test: (1) The Evidential Test – the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction. (2) The Public Interest Test – prosecution is required in the public interest. <https://www.ppsni.gov.uk/how-we-reach-decisions>.

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Engagement with the PSNI

- 3.213 There was evidence of one-to-one communication between the PPS prosecutors, the Victim and Witness Care Unit and the PSNI although much was administrative. There was evidence of meetings between the PPS and the PSNI but few records on the CMS to allow Inspectors to assess content or outcomes. As outlined previously, in complex and serious cases in particular, there was a need to have the earliest possible recorded engagement between the two organisations with the single common goal to investigate and prosecute MSHT.
- 3.214 There were few detailed notes on the CMS around discussions of case strategy between the PPS and the MSHTU, although there was clearly communication with some structured outline of cases indicating that the police had spoken to the SPP. Inspectors were advised that there were written notes of PPS meetings with police on the paper files and the SPP has also retained written notes in a separate folder. For audit and quality assurance purposes it would be beneficial for the CMS entry to cross-reference these. So while Inspectors were confident that there was a good level of engagement between the MSHTU and the SPPs in the SCU, the lack of recorded evidence on the CMS meant that this was difficult for Inspectors to evidence.²⁷¹ Conversely, the PSNI files contained some good notes about details of why a case should be progressed, and it would have been beneficial for increased recording by the PPS file/charge reviewer about progressing the case.
- 3.215 There were too few Post Decision Information Requests²⁷² to give considered feedback. However, the effort taken to compile a lengthy Post Decision Information Request on occasions highlighted the absence of case strategy where a prosecutor clearly had a view on what was required to prosecute a case successfully, but had not committed this to a living strategic document²⁷³ which could be easily updated or adopted into a brief to Counsel, or note to the PSNI officer in charge of the investigation.
- 3.216 From the file review undertaken, it was the view of Inspectors that overall, communication between the PSNI and the PPS was good in relation to MSHT files. There had been early engagement and discussion of how cases could be progressed and this would have been improved by more detailed recording on the CMS.²⁷⁴

271 See also *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

272 A Post Decision Information Request seeks further information from the PSNI after the decision to prosecute has been taken.

273 See also *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

274 See also *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018. Ibid.

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3.217 It was of note that in one PSNI file reviewed involving a child victim, human trafficking charges in a case of CSE were only identified two months after the initial report, at which point a MSHTU SPOC advised contacting the PPS. It was a case in which the child had been reluctant to engage and there were concerns that the suspect had targeted other children. The human trafficking charges were not proceeded with, although a number of other criminal charges were.

Case management

3.218 The rationale for prosecution decisions were generally recorded on the CMS in a note to Counsel. Inspectors did not focus on the decision making process itself however, no issues were noted on any of the decisions made in the files viewed. Overall, there were better notes recorded on the CMS than on the Sexual Violence Inspection file review,²⁷⁵ conducted using the same timeframe. Focus was placed on the reasons for prosecution decision and there were some files with comprehensive notes on the CMS.

3.219 The lack of recording on the CMS to show the level and outcomes of dip-sampling, peer review, formal file reviews and absence of performance monitoring of Counsel meant that there was a reduced ability for the PPS, in consultation with, for example, the PSNI, Counsel or any other external bodies, such as Victim Support Northern Ireland, to evidence learning lessons and improving outcomes in MSHT cases.²⁷⁶

Victim engagement

3.220 Without further reference to the hard-copy files, it was the assessment of Inspectors that generally the file quality did not appear to be a significant issue on the CMS files. Issues for no prosecution were not due to lack of police investigation, rather the lack of evidence on which to proceed, for example, witnesses were no longer available, refused to assist with police or/and the PPS. This may be an indication of the need for increased PPS and police engagement at the early investigation stages to better direct resources, engage victims and witnesses and develop and progress cases to prosecution with minimum delay²⁷⁷.

275 *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland.* CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>.

276 See also the Haughey Review which referred to the need for a structured approach in operational agencies to identifying, investigating, prosecuting and preventing slavery, including learning from practice. *The Modern Slavery Act Review.* C Haughey July 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf.

277 See also Victims and Witnesses CJI July 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Victims-Witness>.

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3.221 Safeguarding considerations by the PPS in respect of witnesses and victims were not well evidenced on the CMS. Some of the victim letters viewed by Inspectors could have been improved²⁷⁸ and generally would have benefited from showing increased empathy towards victims and witnesses. There was one excellent example of victim awareness and rationale being recorded on the CMS demonstrating empathy and addressing the victim's particular needs and issues.

Decision rationale

3.222 There was less reliance on an overall planned strategy in dealing with all aspects of the case, for example, to consider the generic victim issues in dealing with stereotypes, and the significant issues that were faced in prosecuting and presenting MSHT evidence to a jury as previously discussed.

3.223 Instructions to Counsel were set out as previously but again there was not always a clear plan evidenced on the CMS of the strategy as to how the case was to be conducted to take account of victim, evidential and presentation issues inherent in MSHT cases.

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3.224 Prisons held people convicted of MSHT and associated crimes and detained others charged with offences and on remand awaiting trial.

3.225 For prisoner support and welfare considerations, foreign national prisoners with a common language would often be in the same accommodation. This however raised the potential of traffickers and perpetrators of modern slavery crimes to be housed in proximity with potential victims.

3.226 Prison managers who Inspectors spoke to were aware of these concerns, and where information was available to suggest that MSHT was a factor, there were established mechanisms and internal prison procedures to keep identified prisoners separated from each other.

3.227 As part of the safeguarding considerations for victims and to prevent suspect and victim interaction, the PSNI instructions for MSHTU Investigating Officers included the need to consider informing the NIPS to separate prisoners and prevent cell-sharing.

278 This mirrored the findings of the CJI Sexual Violence Report file review of an analogous time frame found similar issues. The PPS had made improvements to its approach to dealing with victims and witnesses, there was still work to be done to meet the needs of vulnerable. The following could be beneficial in addressing these issues: (a) utilising the skills and advice of partner(s) from the victims sector to assist in making improvements to letters sent to victims; (b) developing a quality assurance process to ensure that letters are understandable to non-legally qualified individuals; and (c) ensuring that consultations with child and vulnerable victims are undertaken in keeping with the principles of achieving best evidence in criminal proceedings. *Without Witness. A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*. CJI 2018 <http://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>. See also Victims and Witnesses CJI July 2020 <http://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Victims-Witness>.

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- 3.228 The NIPS would also be aware of MSHT cases from transfer forms used when a person is transferred to the NIPS from police or Court custody, and from pre-sentence reports for convicted prisoners.
- 3.229 There were a number of opportunities for prisoners to raise concerns through the normal prison procedures, for example during the committal and induction process with prison and HSCT staff; through the prisoner's Personal Development Plan Co-ordinator and assessment of need which was undertaken to support sentence planning; to the prison chaplaincy service which provided spiritual and pastoral support for prisoners throughout their period of detention; to members of the Independent Monitoring Boards;²⁷⁹ and to the Home Office Immigration Officers in the three prisons.
- 3.230 There were no specific policies, procedures or staff instructions for Prison Officers regarding potential MSHT victims in prison custody and there would be benefit in the NIPS developing guidelines for staff.
- 3.231 There had been some internal MSHT awareness delivered to new recruits in initial training as part of wider modules on 'Women in Prison' and 'Safeguarding and Protecting Children, Young People or Vulnerable Adults'. The MSHTU had also provided specific training for a small number of Ash House (the women's prison) and safer custody staff.
- 3.232 The DoJ/OCTF Modern Slavery poster²⁸⁰ was displayed at the three prison sites.
- 3.233 The reluctance of victims of MSHT to report has been referred to, coercion and fear may prevent disclosure, and there would be benefit for the NIPS in providing more focussed training and awareness to ensure that Prison Officers knew about the signs and indicators of MSHT to identify victims.
- 3.234 In June 2019 the UN Committee against Torture expressed concern about training to identify victims of trafficking and recommended that the UK should improve the training of prison personnel on the identification of potential victims.²⁸¹

OPERATIONAL RECOMMENDATION 8

The Northern Ireland Prison Service should implement training and awareness sessions for staff, particularly those involved with reception and induction, Prisoner Development Units, Safer Custody and prisoner-facing landing staff, to increase awareness of the signs and indicators of modern slavery and human trafficking.

279 Independent Monitoring Board members acted as independent observers of all aspects of the prison regime and have free access at all times to the prisons. <http://www.imb-ni.org.uk/ourrole.htm>.

280 <https://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Update%20Bulletins/PDF-of-A3-poster.PDF?ext=.pdf>.

281 *Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland 7 June 2019.* https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en.

CHAPTER 4: **OUTCOMES**

4.1 MSHT was a crime which was ‘hidden in plain sight.’ As a result increasing awareness was a key element of the DoJ Strategy and there had been a lot of activity and resources invested by the DoJ and the PSNI in raising awareness of MSHT across key sectors and in the wider community.

4.2 There was some survey evidence which would indicate how successful the results of this activity had been, but this was from 2016 and 2017.

Perceptions of Human Trafficking and Modern Slavery

4.3 The 2016 Northern Ireland Omnibus Survey assessed perceptions of MSHT and found that overall, 60% of respondents thought that it was very to fairly widespread (5.6% of respondents stated that they felt that MSHT was very widespread throughout Northern Ireland, 14.6% that it was widespread and 39.7% fairly widespread) 35.5% not widespread and 4.6% that it did not occur.

4.4 Respondents stated the types of exploitation occurring in Northern Ireland as follows, 84.6% of respondents stated ‘sexual exploitation’, 71.7% stated ‘forced labour’ and 60.6% stated ‘forced begging’.

4.5 Of concern from the survey results was the low number of people, just over a quarter (26.8%), who stated that they would recognise signs of MSHT.²⁸²

4.6 In the October 2017 Northern Ireland Omnibus Survey 43% of respondents associated MSHT as a main type of crime associated with organised crime.²⁸³

4.7 The Northern Ireland Safe Community Survey²⁸⁴ 2019-20 had for the first time included a series of questions to gauge the perceptions of modern slavery in Northern Ireland on a biennial basis, however the timescale for the publication of the results meant that they were not available to include in this report. Inspectors would see the outcomes as an important indicator for the DoJ and the PSNI to assess the impact of the ‘Prevent’ strands of the Northern Ireland Modern Slavery Strategy and the PSNI Control Strategy.

282 Perceptions of Organised Crime and Human Trafficking in Northern Ireland: Findings from the October 2016 Northern Ireland Omnibus Survey. Research and Statistical Bulletin 9/2017. L Duncan and R Ramsden. 16 March 2017. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/october-2016-omnibus-survey-organised-crime-and-human-trafficking.pdf>.

283 Perceptions of Organised crime in Northern Ireland: Findings from the October 2017 Northern Ireland Omnibus Survey. Research and Statistical Bulletin 11/2018. L Duncan 18 April 2018. <https://www.justice-ni.gov.uk/sites/default/files/publications/%5Bcurrent-domain%3Amachine-name%5D/october-2017-omnibus-survey%20-organised-crime.pdf>.

284 <https://www.nisra.gov.uk/statistics/northern-ireland-safe-community-survey#toc-2>.

4.8 The Omnibus Surveys provided an indication of public awareness, and the Northern Ireland Safe Community Survey will provide further evidence in due course, however the measures of success in the DoJ 'Prevent' Strategy would be improved by being more outcome-focussed to allow a more accurate assessment of progress and there would be benefit in the DoJ re-examining this as part of Strategic Recommendation 2.

NRM referrals and support for victims of MSHT

4.9 One of the main MSHT victim support measures was the NRM. The total number of UK NRM referrals had shown an increase since 2013 with a more significant spike since 2016. During the same period in Northern Ireland, the numbers of referrals has increased in the last two years though it represents less than 1% of UK referrals.

Table 3: UK NRM referrals 2013 to 2018²⁸⁵

Year	UK Total	England	Wales	Scotland	Northern Ireland (% of UK total)
2013	1,745	1,556	50	99	41 (2.34%)
2014	2,339	2,114	70	111	45 (1.92%)
2015	3,261	2,943	134	145	53 (1.62%)
2016	3,804	3,499	123	150	33 (0.86%)
2017	5,145	4,714	193	207	31 (0.6%)
2018	6,993	6,426	251	228	52 (0.74%)
2019	10,627	9,695	329	512	91 (0.85%)

4.10 Care should be taken with drawing conclusions from NRM referral numbers in the light of MSHT victim issues as referred to in earlier chapters of this report. There may be caveats, for example larger-scale operations involving many victims could cause temporary spikes in referral numbers. Also the NRM process was optional for adults (victim reporting has been referred to in Chapter 2), and the rate of referrals was not a direct measure of police identification of victims.²⁸⁶

4.11 In England and Wales HMICFRS found disparities in NRM referral numbers between forces, the patchy knowledge of the NRM process and the generally limited awareness of indicators of MSHT suggested there were many potential victims who were not being given the opportunity to be referred to the NRM.²⁸⁷ In this inspection CJI would not have the same level of concern about the awareness of the NRM or indicators of MSHT, certainly among the MSHTU or the operational District officers who Inspectors spoke to; although the PSNI file review did highlight gaps, and more needed to be done in the PSNI to increase organisational awareness and identifying and investigating cases involving children.

285 Data from <https://nationalcrimeagency.gov.uk/> Note counting rules may mean UK totals may differ from sums.

286 *Stolen freedom: the police response to modern slavery and human trafficking*. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, October 2017. <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking/>.

287 Ibid.

4.12 A NIPB report had expressed concern that while the PSNI had made positive progress in the number of potential victims of MSHT referred to the NRM, a sizeable proportion of referrals were not resulting in positive conclusive decisions.²⁸⁸ The NIPB report went on to say that when compared to the PSNI's most similar services, the number of positive conclusive decisions appeared to be significantly lower.

4.13 To support this the NIPB Annual Report contained the table below.

Table 4: Northern Ireland Policing Board Annual Report and Accounts 2018-19: NRM positive conclusive decisions by Police Force and population.

Police Service	Population Size (Millions)	NRM [positive conclusive decisions*] 2017	NRM [positive conclusive decisions*] 2018
Nottinghamshire	1	24	31
Northumbria	1.5	29	48
Merseyside	1.5	47	109
Devon & Cornwall	1.5	22	54
PSNI	1.8	17	19
West Yorkshire	2.2	80	121
Greater Manchester	2.7	59	85
West Midlands	2.9	85	117

**Direct lift from NIPB Table see comments below*

4.14 While the NIPB was unclear what this meant, it asked for assurance from the PSNI that officers were sufficiently completing referral forms to allow the SCA to make an informed decision, and that training of NPT and LPT officers was sufficient to ensure that vital information and evidence was not routinely missed.²⁸⁹

4.15 Inspectors examined this issue as referred to by the NIPB and would be of the view that there had been an incorrect assessment of the NCA published data. The figures quoted in the NIPB table above related to the number of PSNI, and other Police Service, NRM referrals: not the number of SCA positive conclusion grounds decisions.

4.16 Inspectors also requested access to PSNI data from the SCA which was for internal use and had not been quality assured, and from examination of these, CJI would not have any significant concerns about a disproportionate number of PSNI referrals not resulting in positive conclusive decisions. The ratio of positive and negative SCA decisions of PSNI referrals was broadly analogous to other referring bodies.

288 Northern Ireland Policing Board Annual Report and Accounts 2018-19 <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/Northern%20Ireland%20Policing%20Board%20Annual%20Report%20and%20Accounts%201%20April%202018%20-%2031%20March%202019.PDF>

289 Ibid.

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Inspectors viewed a number of PSNI NRM referrals as part of the fieldwork and these had been properly completed (see also PSNI File Review).

- 4.17 Inspectors did agree however, that the PSNI NRM referral rates appeared lower than other England and Wales police forces with population sizes comparable to Northern Ireland; and the PSNI should examine the possible reasons for this differential. **Area for improvement: the Police Service of Northern Ireland should examine the possible reasons to explain the differential in National Referral Mechanism submission rates with comparable United Kingdom police forces within six months of the publication of this report.**
- 4.18 The IASC had commented favourably on the fact that for the second consecutive year, the PSNI had recorded 100% of referrals to the NRM as crimes.²⁹⁰
- 4.19 The NIPB Report also expressed concern that any PSNI screening process which only focused on high risk victims may inadvertently fail to identify emerging patterns of offending and linkages between a number of medium and lower risk victims. Inspectors have examined the PSNI screening form and instructions to officers on its completion: it was for the guidance of staff encountering any potential MSHT victim where the officer suspected there were signs and indicators of MSHT. The screening form was not focused on, or limited to, high risk victims: it applied to all suspected MSHT cases. Although it was CJI's view that the PSNI should review the screening form to ensure it adequately covered indicators for child victims.
- 4.20 The form provided the details of telephone interpretation services in various languages and a number of prompts to officers to elicit information from victims regarding their circumstances. On completion of the screening an informed decision would then be taken, in discussion with the MSHTU, on whether to make a NRM referral. All completed screening forms were returned to the MSHTU for central PSNI oversight.
- 4.21 There was a need for awareness of the wider issues surrounding NRM reporting, nevertheless the available NRM statistics did provide information about potential levels and types of MSHT crime in Northern Ireland.
- 4.22 In Northern Ireland NRM referrals were made by the PSNI and the HSCTs, UK Visas and Immigration and Home Office Immigration Enforcement.
- 4.23 In Northern Ireland there had been 260 NRM adult and child referrals (see Table 5) from 2015 to 2019.

290 *Independent Anti-Slavery Commissioner Annual Report 2016-17*. http://www.antislaverycommissioner.co.uk/media/1164/iasc_annual-report-16-17-web.pdf.

Table 5: NRM referrals in Northern Ireland 2015 to 2019 by referral type²⁹¹

	2015		2016		2017		2018		2019 ²⁹²	
	Adult/ Child	Total	Adult/ Child	Total	Adult/ Child	Total	Adult/ Child	Total	Adult/ Child	Total
Referral	40/13	53	27/6	33	21/10	31	35/17	52	75/16	91
Domestic Servitude	2/1	3	3/0	3	1/1	2	2/1	3	6/0	6
Labour Exploitation	28/3	31	13/1	14	10/4	14	17/4	21	31/5	36
Sexual Exploitation	6/6	12	10/0	10	8/2	10	14/6	20	29/2	31
Criminal									3/1	4
Unknown Exploitation	4/3	7	1/5	6	2/3	5	2/6	8	6/8	14

4.24 The NCA NRM statistical publications provided the UK-wide data for positive and negative grounds decisions but did not disaggregate these further.

Support for adult victims

4.25 The table below details the numbers of adult male and female victims supported by DoJ's contracted support providers (Migrant Help, and Belfast and Lisburn Women's Aid).

Table 6: Support duration for adult potential victims in Northern Ireland²⁹³

Year	Gender	Number supported	Total number of days	Average number days
2014-15	Female	12	1,997	166
	Male	21	1,953	93
2015-16	Female	22	2,937	134
	Male	27	1,591	59
2016-17	Female	16	1,169	73
	Male	4	609	152
2017-18	Female	17	789	46
	Male	10	837	84
2018-19	Female	16	1,797	112
	Male	15	1,420	95

291 AQW 713/17-22 Answered by the Minister of Justice 5 February 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291583>.

292 10 of the referrals were 'not recorded' as to whether adults or children and have been added to the adult column in this table. <https://www.gov.uk/government/statistics/national-referral-mechanism-statistics-uk-end-of-year-summary-2019>.

293 DoJ Statistics.

Extended Support

4.26 The DoJ had supported a number of individuals for a period of time beyond their positive conclusive grounds decision under s18(9) since the introduction of Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 on 13 January 2015.²⁹⁴ Table 7 gives an indication of the timescales involved for the periods shown.

Table 7: Support provided to MSHT victims under s18 Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015²⁹⁵

Financial year	Number of victims who entered s.18 support	Duration: less than 45 days	Duration: 46-90 days	Duration: more than 90 days	Number of victims who received s.18(9) extended support
2016-17	20	10	2	8	3
2017-18	27	17	0	10	6
2018-19	31	9	7	15	7

Children supported by Independent Guardians

4.27 There had been 85 children supported²⁹⁶ by the Independent Guardian Service since it was established on 1 April 2018.

294 AQW 717/17-22 Answered by the Minister of Justice 3 February 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291587>.

295 DoJ Statistics.

296 AQW 887/17-22 Answered by the Minister of Health 7 February 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291843>.

Table 8: Number of children, by age, sex, and nationality, supported by the Independent Guardians appointed under s21 the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015²⁹⁷

Age	2018-19	2019-20
0 - 15 years	10	7
16 years	11	10
17 years	21	13
18 years	6	0
19 years and older	7	0
Female	21	6
Male	34	24
Total	55	30
Nationality	Afghan, Albanian, British, Bulgarian, Chinese, Democratic Rep. Congo, East Timorese, Eritrean, Ethiopian, Gambian, Iranian, Iraqi, Kuwaiti, Pakistani, Palestinian, Portuguese, Romanian, São Tomé and Príncipe, Somalian, Sudanese, Syrian, Vietnamese, Zambian, Zimbabwean.	Afghan, Albania, Arab-Iranian, Bulgarian, Egypt, Eritrea, Kurdish Sorani (Iraq), Kuwaiti Bidoun, Moroccan, Pashto (Afghanistan), Portuguese, Romanian, Somalia, Sudanese, Syrian, Yemeni.

4.28 It should be noted that under s21 the role of the Independent Guardians also applied to a child who appeared to the HSCB to be a separated child:²⁹⁸ so not all of the above figures may refer to child victims of MSHT.

4.29 Since the Independent Guardian Service commenced a total of 28 NRM referrals have been made in respect of children.²⁹⁹

Repatriation from Northern Ireland to country of origin

4.30 A number of victims of MSHT had been repatriated to their country of origin.

297 Source: HSCB; *Quarterly Monitoring Return submitted by the Independent Guardian Service provider, Barnardo's to the HSCB*. Note: Data is based on the financial year. 1 Some of the referrals were existing open, active cases to HSC Trusts prior to 2018-19. 2 The information available for 2019-20 is up until 31 December 2019. 3 The information for 2019-20 refers to new cases only. Some 41 ongoing cases from 2018-19 were carried over to 2019-20.

298 But possible that some time after arrival in Northern Ireland a separated child may disclose information about their travel that is indicative of trafficking.

299 DoJ data.

Table 9: The number of victims of trafficking who were returned or repatriated to their country of origin³⁰⁰

Year	Country of origin (destination)	Number of individuals	Male	Female
2015-16	Bulgaria, Hungary, Lithuania, Romania	16	13	3
2016-17	Lithuania, Romania	3	1	2
2017-18	Czech Rep, Lithuania, Romania	9	6	3
2018-19	Romania	3	1	2

PSNI MSHTU

4.31 The role of the MSHTU was described in Chapter 3. One aspect of this was to carry out safeguarding visits and screening assessments of victims of MSHT. PSNI records show the following activity.

Table 10: PSNI safeguarding visits and screening assessments

Year	Number of safeguarding visits	Number of screening assessments
2015-2016	Not recorded	252
2016-2017	52	308
2017-2018	58	173
2018-2019	74	148
2019-2020	75	158

4.32 There had also been search operations and arrests for MSHT and related offences such as brothel keeping, controlling prostitution, paying for sexual services and money laundering.

Table 11: PSNI MSHT search operations and arrests

Year	Number of Searches	Number of Arrests
2015-2016	41	20
2016-2017	27	10
2017-2018	21	12
2018-2019	11	15
2019-2020	8	22

4.33 As a result of the above operational activity there had been a number of people charged and reported to the PPS.

³⁰⁰ DoJ data.

Table 12: People charged and reported to the PPS for MSHT and related offences

Year	Number of People Charged	Number reported to PPS
2015-2016	6	6
2016-2017	4	8
2017-2018	6	3
2018-2019	2	3
2019-2020	4	19

Current live major investigations by the PSNI MSHTU

4.34 At the time of writing a number of MSHT cases were under investigation by the MSHTU, many of these had an international dimension to the offences.

Table 13: Live PSNI MSHTU investigations

Investigations	Primary type of crime	Victim Nationality	Victim Gender
Operation 1	Sexual Exploitation	Romanian (at time of reporting the exact number of victims is unknown)	Female
Operation 2	Sexual Exploitation	14 x Northern Irish	Female
Operation 3	Sexual exploitation	3 x Romanian	Female
Operation 4	Sexual exploitation	Chinese (at time of reporting the exact number of victims is unknown)	Female
Operation 5	Criminal Exploitation	German x 1 Lithuanian x 11	Female x 1 Male x 11
Operation 6	Domestic Servitude	1 x Nigerian	Female
Operation 7	Sexual Exploitation	1 x Romanian	Female
Operation 8	Sexual Exploitation	2 x Romanian	Female
Operation 9	Sexual Exploitation	1 x Chinese	Female

4.35 In addition there were 39 live NRM investigations ongoing.

Prosecutions and convictions for Human Trafficking and exploitation offences

Table 14: Human Trafficking and Exploitation prosecution and convictions³⁰¹

Year	Prosecutions	Convictions
2015-16	4	0
2016-17	3	4
2017-18	5	2
2018-19	4	0*
2019-20	0	2
Total	16	8

4.36 The low number of cases meant that no firm conclusions could be drawn from the data. The four year total equated to a 50% conviction rate which was low in comparison to the position in England and Wales where the conviction rate for MSHT offences rose from 65.1% in 2017-18 to 68% in 2018-19.³⁰² It would be important for the PPS, in discussion with the PSNI, to monitor case outcomes as part of its continuous process of learning lessons and improving outcomes in MSHT cases (see Chapter 3).

Slavery and Trafficking Prevention Orders (STPOs)

4.37 There had been two STPOs granted in the past five years, which was 25% of convictions, and, as for the conviction rate the numbers were too low to allow any wider conclusions to be drawn.

Table 15: Slavery and Trafficking Prevention Orders granted by court tier³⁰³

Year	Magistrates' Court	Crown Court
2015	0	0
2016	0	0
2017	0	2
2018	0	0
2019	0	0

Slavery and trafficking reparation orders

4.38 There had been no reparation orders made under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.³⁰⁴

301 PPS Data. *2 persons were convicted of other offences (controlling prostitution) arising from Modern Slavery/Human Trafficking investigations.

302 Crown Prosecution Service. *Violence Against Women and Girls Report 2018-19*. <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2019.pdf>.

303 AQW 885/17-22 Answered by the Minister of Justice 4 February 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291841>.

304 AQW 716/17-22 Answered by the Minister of Justice 4 February 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291586>.

MSHT cases in the court system³⁰⁵

4.39 At the time of writing there were eight cases currently in the court system in which human trafficking was an element. The charges in respect of the cases, broken down by Court level (Magistrates' Court (MC) and Crown Court (CC)) and division are below:

Table 16: Cases currently live (as of January 2020) with at least one offence under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Court Division	Charge Title	Number of Charges	Number of Cases
Belfast CC	Threats to kill	1	2
	Threats to damage property	1	
	Human trafficking	4	
	Control prostitution for gain	1	
	Conceal criminal property	4	
	Possessing criminal property	2	
	Common assault (indictable)	4	
	Sexual assault	1	
	Possess offensive weapon with intent to commit an indictable offence	1	
	Acquiring criminal property	1	
Belfast MC	Require person to perform forced labour	2	2
Antrim MC	Commit an act outraging public decency	1	1
	Attempting to pay for sexual services of a child	1	
	Attempt to pay sexual service from person	1	
	Commit an act outraging public decency	1	
Craigavon MC	Control prostitution for gain	3	2
	Arrange/facilitate the travel of another	3	
	Acquiring criminal property	1	
	Paying for sexual services of a person	1	
	Brothel keeping	1	

305 AQW 628/17-22 Answered by the Minister of Justice 4 February 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291466>.

Court Division	Charge Title	Number of Charges	Number of Cases
	Cause/incite child 13-16 sexual activity	1	
	Attempt to pay sexual services from person	1	
Fermanagh & Tyrone MC	Breach of sexual offences prevention order	2	1
	Paying for sexual services of a person	1	
	Attempt to pay sexual services from person	2	
	Attempted breach of a sexual offences prevention order	1	

Use of Special Measures in MSHT cases³⁰⁶

4.40 As referred to in Chapter 3, the PPS prosecutors in the SCU were fully aware of victim issues in MSHT cases and had applied for special measures where they were considered necessary to support victims and witnesses.

Table 17: Applications and Grants of Special Measures for MSHT Cases³⁰⁷

Year	Number of applications for special measures	Number of special measures applications granted
2011	5	1
2012	4	-
2013	0	0
2014	0	0
2015	21	10
2016	7	4
2017	3	3
2018	3	2
Total	43	20

Criminal injury compensation claims

4.41 The number of applications for criminal injuries compensation in respect of MSHT victims was very low in comparison to the number of NRMs submitted. This may reflect some of the barriers facing victims as outlined in Chapter 3.

³⁰⁶ Number of special measures applications made, granted and withdrawn (in cases involving a decision to prosecute in relation to one or more Human Trafficking Offence(s)) up to 24 March 2020. PPS data.

³⁰⁷ PPS data.

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- 4.42 Over the last five years there had been no successful applications from victims of human trafficking under the Criminal Injury Compensation Scheme. There had been a total of 10 applications during this period, eight of which were denied and at the time of writing the remaining two were being processed by Compensation Services and the outcomes were not known.³⁰⁸
- 4.43 MSHT victims were entitled to access Legal Aid for the purposes of seeking a compensation claim against their trafficker however, data on Legal Aid applications was not sufficiently detailed to identify claims brought by victims of MSHT. There had been a number of requests for advice and assistance that related to human trafficking as detailed below:

Table 18: Requests for advice and assistance for Legal Aid related to Human Trafficking³⁰⁹

Year	Number of Requests
2015	12
2016	20
2017	9
2018	5
2019	38

- 4.44 The number of requests for advice and assistance for Legal Aid for MSHT cases was much higher than the number of compensation claims, and as part of Operational Recommendation 6 the DoJ should consult with the Legal Services Agency to see what more can be done to overcome the barriers facing MSHT victims in making application for criminal injuries compensation.

308 AQW 714/17-22 Answered by the Minister of Justice 27 January 2020.

<http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=291584>.

309 AQW 3108/17-22. Answered by the Minister of Justice 3 March 2020. <http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=297327>.

APPENDIX 1: METHODOLOGY AND TERMS OF REFERENCE



CJI INSPECTION

Modern Slavery and Human Trafficking: An inspection of how the Criminal Justice System deals with Human Trafficking and Modern Slavery in Northern Ireland

TERMS OF REFERENCE

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of how the Criminal Justice System (CJS) deals with modern slavery and human trafficking.

The inspection will focus on the three main elements of the CJI inspection framework as they apply to modern slavery and human trafficking: these are strategy and governance, delivery and outcomes.

The main organisation to be inspected will be the Police Service of Northern Ireland (PSNI) as the core agency involved in the prevention and investigation of modern slavery and human trafficking. However, other parts of the criminal justice system and the DoJ are central to the effective delivery of justice in these areas and the inspection will also incorporate the Public Prosecution Service (PPS), the Northern Ireland Courts and Tribunals Service and the Northern Ireland Prison Service (NIPS). This will include the overall criminal justice system response to modern slavery and human trafficking including co-operation and partnership working.

Context

Modern slavery is an umbrella term that covers the offences of human trafficking and slavery, servitude and forced or compulsory labour.³¹⁰ Its victims are among the most vulnerable people in society and can be hesitant to seek help due to fear of their traffickers.³¹¹

310 2017 UK Annual Report on Modern Slavery. http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/2017_uk_annual_report_on_modern_slavery.pdf?ext=.pdf

311 Reducing Modern Slavery. National Audit Office December 2017. <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf>

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Human trafficking and modern slavery are highly complex and hidden crimes, committed on a global scale, and the nature of the crimes means they are largely hidden, and this makes it difficult to establish an accurate assessment of the prevalence, nature and extent of the problem, internationally and in the Northern Ireland context.³¹²

Trafficking in human beings is a complex transnational phenomenon rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination. Human trafficking is a lucrative form of crime and generates vast profits for the perpetrators each year.³¹³

Aims of the inspection

The aim of the inspection is to examine and assess arrangements for dealing with modern slavery and human trafficking across the criminal justice system in Northern Ireland, but with specific emphasis on the PSNI, with a view to securing improvement.

The objectives of the inspection are to:

- Examine the effectiveness of organisational strategies with regard to modern slavery and human trafficking, including the approach to prevention and enforcement, and the liaison between the PSNI and the National Crime Agency (NCA) and others on the national and international aspects.
- Examine the response to modern slavery and human trafficking - how operational delivery is structured to meet the needs and expectations of stakeholders and victims. To determine effectiveness and potential areas for improvement.
- Examine and assess the outcomes of strategies and delivery mechanisms for modern slavery and human trafficking against targets and expectations.
- Examine management information and the performance of the justice agencies in addressing modern slavery and human trafficking.
- Examine how the above aspects of modern slavery and human trafficking arrangements are benchmarked against good practice.

Other matters of significance as they arise during inspection will also be considered.

312 Northern Ireland Human Trafficking and Modern Slavery Strategy 2016-17. Department of Justice. Organised Crime Task Force. <http://www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Modern-Slavery-Strategy-2016-17.pdf?ext=.pdf>

313 *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-16*. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf

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Methodology

The inspection will be based on the CJI Inspection Framework for each inspection that it conducts. The three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. CJI inspection methodology can be found at www.cjini.org.

Research and review

Collection and review of relevant documentation such as previous inspection and other reports, the PSNI and other criminal justice agencies (CJA) policies and procedures, management information, data, minutes of meetings and related documentation.

Fieldwork

- Terms of reference will be prepared and shared with the PSNI and the other CJAs prior to the commencement of the inspection. Liaison officers from the CJAs should be nominated for the purposes of this inspection.
- The PSNI as the primary organisation will be given the opportunity to complete a self-assessment of its approach to dealing with modern slavery and human trafficking and any management information deemed relevant.
- Interviews and focus groups will be conducted with the PSNI and other CJA staff, and relevant stakeholders to give an insight into the issues affecting modern slavery and human trafficking.
- Progress in the development of management information and performance management data will be examined.
- Evidence of planning and decision-making leading to performance improvement and recognition of future development will be gathered.
- Where appropriate benchmarking and identification of best practice within and outside Northern Ireland.

Inspectors carried out a series of engagements with stakeholders and CJAs. These included:

February 2018

- Meeting D/Supt and D/Chief Inspector PSNI Modern Slavery and Human Trafficking Unit (MSHTU).
- Meeting Invisible Traffick.
- Meeting officials Northern Ireland Policing Board.
- Meeting Department of Justice (DoJ) Organised Crime Branch.
- Meeting Voice of Young People in Care (VOYPIC).

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March 2018

- Meeting NI Commissioner for Children and Young People.

May 2018

- Meeting Social Care Commissioning Lead - Leaving and After Care, Health and Social Care Board (HSCB).
- CJI Inspectors attended HSCB/NSPCC Conference: Improving Safeguarding for Children Being Moved across Borders; Including Those at Risk of Trafficking/Modern Slavery.
- Meeting Assistant Director - Risk, Probation Board for Northern Ireland.
- Focus Group Team Leaders Advocacy Service VOYPIC.
- Meeting Belfast HSCT Staff, Aran House, Glenmona Resource Centre.

June 2018

- Meeting Regional Adult Safeguarding Officer, HSCB.
- Meeting Border Force, Home Office.
- Stakeholder Focus Group involving Flourish NI; Soroptimist International NI; Care NI; Freedom Acts; and Community Intercultural Programme.
- Meeting Freedom Acts.
- Meeting Solas Trust.
- Meeting Migrant Help.
- Meeting Gangmasters and Labour Abuse Authority.
- Meeting Her Majesty's Revenue and Customs.
- Meeting Barnardo's Northern Ireland.
- Meeting National Crime Agency.
- Meeting Simon Community.

July 2018

- Meeting Northern Ireland Human Rights Commission.
- Meeting VOYPIC.
- Telephone interview Independent Anti-Slavery Commissioner's Office.
- Meeting Women's Aid.

August 2018

- Meeting Head of Compensation Services DoJ.
- Meeting interested party at individual's request.

October 2019

- Meeting D/Chief Inspector and D/Inspector PSNI MSHTU.

November 2019

- Inspectors attended MSHT input to PSNI Call Handlers Initial Training.
- Meeting International Justice Mission.

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December 2019

- Meeting DoJ Organised Crime Branch.
- Telephone Interview Independent Anti-Slavery Commissioner.
- Inspectors attended MSHT input to PSNI Student Training.

January 2020

- Inspectors viewed PSNI intranet MSHT material.
- File Review: CJI and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services Inspectors reviewed PSNI prosecution files and MSHT incidents on NICHE and hard copy and discussed individual cases with D/Inspector and D/Sergeant MSHTU.
- Focus Group of Inspectors and Sergeants, Armagh, Banbridge and Craigavon PSNI District.
- Focus Group of LPT and NPT Constables, Armagh, Banbridge and Craigavon PSNI District.
- Meeting with Inspector MSHTU SPOC, Armagh, Banbridge and Craigavon PSNI District.
- Meeting Chief Inspector, Armagh, Banbridge and Craigavon PSNI District.
- Meeting Superintendent Local Policing Belfast District.
- Focus Group of LPT and NPT Constables, Belfast PSNI District.
- Focus Group of Inspectors and Sergeants, Belfast PSNI District.
- Meeting Chief Inspector, PSNI Policing with the Community Branch.

February 2020

- Focus Group Independent Guardian Service.
- Meeting DoJ Strategic Data and Training Co-ordinator.
- Meeting Home Office Crime and Financial Investigator.
- Focus Group D/Constables MSHTU.
- Meeting Belfast City Council Good Relations Unit.
- Meeting D/Inspector MSHTU.
- Meeting D/Sergeants MSHTU.
- Meeting PSNI Call Handler and Call Management Supervisor.

March 2020

- Meeting PSNI Analysts.
- Meeting representative African Women's Organisation.
- Meeting Principal Prosecutor PPS Policy and Information Unit.
- Meeting Senior Prosecutors PPS Serious Crime Unit.
- Meeting Assistant Director PPS Serious Crime Unit.
- Meeting D/Chief Superintendent, D/Superintendent and D/Chief Inspector C2 Serious Crime Branch.
- File Review: CJI reviewed PSS prosecution files on CMS (the review was cut short due to Covid-19 situation).
- Tele meeting Head of Compensation Services and Compensation Service staff.
- Meeting Victim Support Northern Ireland.
- Meeting D/Superintendent PSNI Public Protection Unit.

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- Tele meeting PSNI Belfast District MSHT SPOCs.
- Tele meeting PSNI Sex Worker Liaison Operational Lead.
- Tele meeting Assistant Director Youth Justice Agency.

April 2020

- Tele meeting Assistant Director PPS Fraud and Departmental.

May 2020

- Tele meeting Head of Purposeful Activity & Resettlement NIPS Magilligan Prison.
- Tele meeting D/Governor Hydebank Wood College³¹⁴ and Ash House Women's Prison.
- Tele meeting Head of Prisoner Safety and Support Maghaberry Prison.

June 2020

- Tele meeting Head of Prison Service College.

Feedback and writing

Following completion of the fieldwork and analysis of data a draft report will be shared with the PSNI and the other CJAs for factual accuracy check. The Chief Inspector will invite the PSNI and the other CJAs to complete an action plan within six weeks to address any recommendations. If the plan has been agreed and is available it will be published as part of the final inspection report. The inspection report will be shared, under embargo, in advance of the publication date with the PSNI and the other CJAs.

Inspection publication and closure

- The final report is scheduled to be completed by late 2018/early 2019.
- A report will be sent to the Minister of Justice for permission to publish.
- When permission is received the report will be finalised for publication.
- Any CJI press release will be shared with the PSNI and the other CJAs prior to publication and release.
- A suitable publication date will be agreed and the report will be issued.

314 In April 2015 Hydebank Wood Young Offenders' Centre was renamed Hydebank College.

APPENDIX 2: TYPOLOGY OF THE TYPES OF MODERN SLAVERY OFFENCES IN THE UK

The typology below is from: A Typology of Modern Slavery Offences in the UK. Home Office Research Report 93. October 2017.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf.



Labour exploitation

- 1** Victims exploited for multiple purposes in isolated environments
Victims who are often highly vulnerable are exploited for labour in multiple ways in isolated rural locations. Victims live on offenders' property in squalid conditions, are subject to repeated abuse and are very rarely paid.
- 2** Victims work for offenders
Victims are forced to work directly for offenders in businesses or sites that they own or control (some offenders may be gangmasters). The main method of exploitation is not paying or illegally underpaying victims.
- 3** Victims work for someone other than offenders
Victims are employed in a legitimate and often low-skilled job, with legal working conditions, by an employer unrelated to the offenders. Most or all wages are taken by offenders often through control of the victims' bank accounts.



Domestic servitude

- 4** Exploited by partner
Victims are forced to undertake household chores for their partner and often their partner's relatives. If married, the marriage may have been arranged or forced and the servitude often occurs alongside domestic abuse and sexual exploitation.
- 5** Exploited by relatives
Victims live with and exploited for household chores and childcare by family members, usually extended family. Many victims are children.
- 6** Exploiters not related to victims
Victims live with offenders who are often strangers. Victims are forced to undertake household chores and are mostly confined to the house.



Sexual exploitation

- | | | |
|-----------|---|---|
| 7 | Child sexual exploitation – group exploitation | Children are sexually exploited by groups of offenders. This is usually for personal gratification, but sometimes the exploitation involves forced sex work in fixed or changing locations and will include characteristics of types 9 and 10. Offenders frequently transport victims to different locations to abuse them. |
| 8 | Child sexual exploitation – single exploiter | Similar to type 7, often involves the grooming of children and transporting them for the purposes of sexual exploitation, although the offending is carried out by one individual. |
| 9 | Forced sex work in fixed location | Victims are trafficked and exploited in established locations set up specifically for sex work. This can include brothels or rooms in legitimate business premises (e.g. massage parlour). |
| 10 | Forced sex work in changing location | Victims are forced into sex work where the location of exploitation frequently changes. Locations include streets, clients' residence, hotels or 'pop-up' brothels in short-term rented property. Victims are frequently advertised online. |
| 11 | Trafficking for personal gratification | Victims are trafficked to residential sites controlled by offenders and sexually exploited for the offenders' own gratification. Some victims may be confined to the site for a long period of time. |



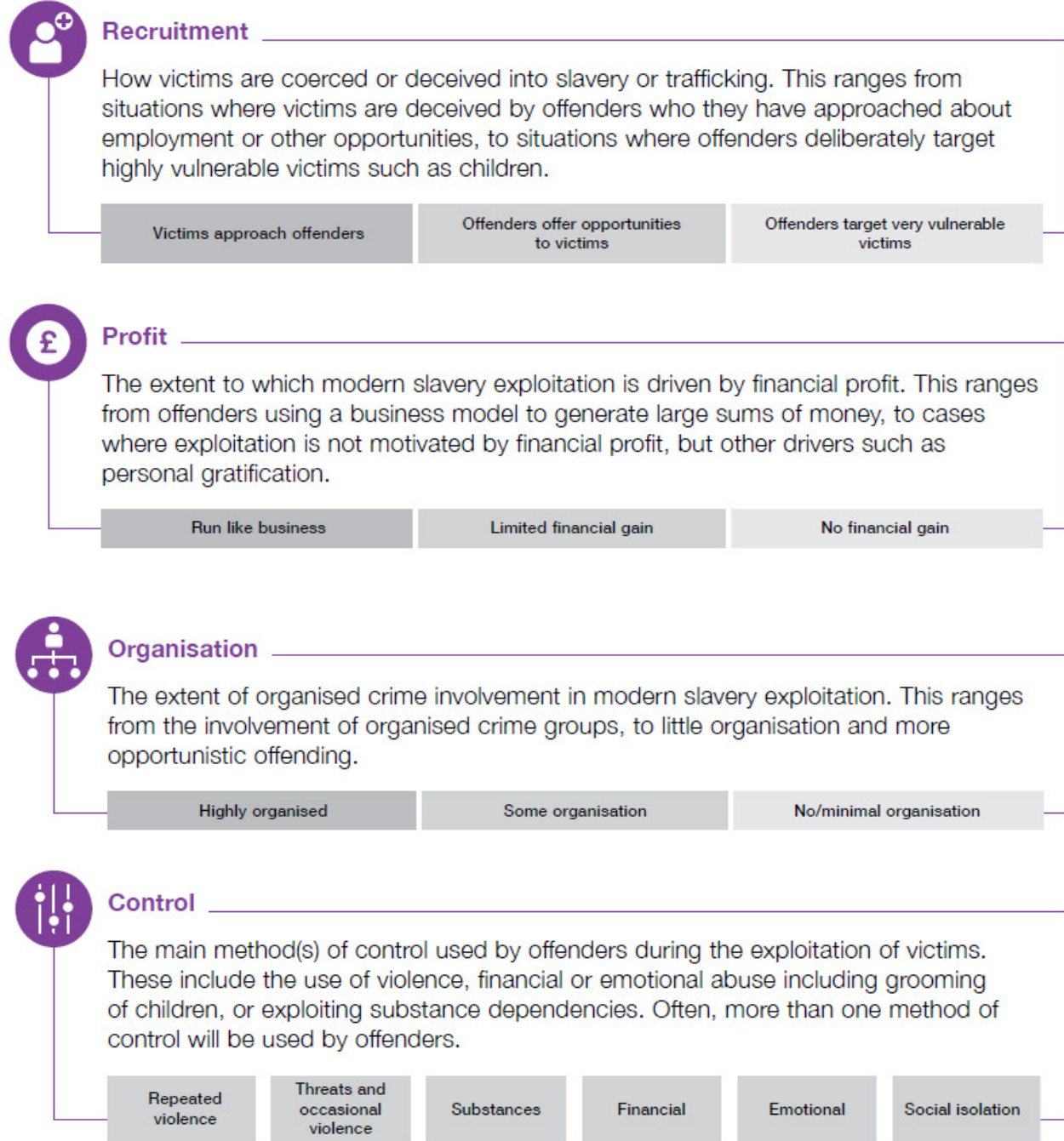
Criminal exploitation

- | | | |
|-----------|--|--|
| 12 | Forced gang-related criminality | Victims are forced to undertake gang related criminal activities, most commonly relating to drug networks. Victims are often children who are forced by gangs to transport drugs and money to and from urban areas to suburban areas and market and coastal towns. |
| 13 | Forced labour in illegal activities | Victims are forced to provide labour to offenders for illegal purposes. The most common example is victims forced to cultivate cannabis in private residences. |
| 14 | Forced acquisitive crime | Victims are forced by offenders to carry out acquisitive crimes such as shoplifting and pickpocketing. Offenders may provide food and accommodation to victims but rarely pay them. |
| 15 | Forced begging | Victims are transported by offenders to locations to beg on the streets for money, which is then taken by offenders. Victims are often children vulnerable adults. |
| 16 | Trafficking for forced sham marriage | Traffickers transport EU national victims to the UK and sell these victims to an exploiter in a one-off transaction. Exploiters marry victims to gain immigration advantages and often sexually abuse them. |
| 17 | Financial fraud (including benefit fraud) | Victims are exploited financially; most commonly their identity documents are taken and used to claim benefits. This type often occurs alongside other types. |

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Underpinning the typology, the research identified the following four conceptual dimensions that are central to understanding how modern slavery offences manifest.



The typology and the dimensions demonstrate the wide diversity of modern slavery, the range of methods used by offenders and the different experiences of victims.


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APPENDIX 3: UNITED NATIONS HUMAN TRAFFICKING INDICATORS

The below are the United Nations Office on Drugs and Crime indicators

https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf also published by the European Commission https://ec.europa.eu/anti-trafficking/publications/human-trafficking-indicators_en



UNITED NATIONS
Office on Drugs and Crime

HUMAN TRAFFICKING INDICATORS

For additional information about Trafficking in Persons and the United Nations Office on Drugs and Crime, including our publications, please visit our website: www.unodc.org

Photo front: Howard G. Buffett

HUMAN TRAFFICKING INDICATORS

Not all the indicators listed below are present in all situations involving trafficking in humans. Although the presence or absence of any of the indicators neither proves nor disproves that human trafficking is taking place, their presence should lead to investigation.

Victims of trafficking in humans can be found in a variety of situations. You can play a role in identifying such victims.

GENERAL INDICATORS

People who have been trafficked may:

- Believe that they must work against their will
- Be unable to leave their work environment
- Show signs that their movements are being controlled
- Feel that they cannot leave
- Show fear or anxiety
- Be subjected to violence or threats of violence against themselves or against their family members and loved ones
- Suffer injuries that appear to be the result of an assault
- Suffer injuries or impairments typical of certain jobs or control measures
- Suffer injuries that appear to be the result of the application of control measures
- Be distrustful of the authorities
- Be threatened with being handed over to the authorities
- Be afraid of revealing their immigration status
- Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
- Have false identity or travel documents
- Be found in or connected to a type of location likely to be used for exploiting people
- Be unfamiliar with the local language
- Not know their home or work address
- Allow others to speak for them when addressed directly
- Act as if they were instructed by someone else
- Be forced to work under certain conditions
- Be disciplined through punishment
- Be unable to negotiate working conditions
- Receive little or no payment
- Have no access to their earnings
- Work excessively long hours over long periods
- Not have any days off
- Live in poor or substandard accommodations
- Have no access to medical care
- Have limited or no social interaction
- Have limited contact with their families or with people outside of their immediate environment
- Be unable to communicate freely with others
- Be under the perception that they are bonded by debt
- Be in a situation of dependence
- Come from a place known to be a source of human trafficking
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must payback by working or providing services in the destination
- Have acted on the basis of false promises

CHILDREN

Children who have been trafficked may:

- Have no access to their parents or guardians
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age outside of work
- Have no access to education
- Have no time for playing
- Live apart from other children and in substandard accommodations
- Eat apart from other members of the "family"
- Be given only leftovers to eat
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives

The following might also indicate that children have been trafficked:

- The presence of child-sized clothing typically worn for doing manual or sex work
- The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories
- The claim made by an adult that he or she has "found" an unaccompanied child
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoption

DOMESTIC SERVITUDE

People who have been trafficked for the purpose of domestic servitude may:

- Live with a family
- Not eat with the rest of the family
- Have no private space
- Sleep in a shared or inappropriate space
- Be reported missing by their employer even though they are still living in their employer's house
- Never or rarely leave the house for social reasons
- Never leave the house without their employer
- Be given only leftovers to eat
- Be subjected to insults, abuse, threats or violence

HUMAN TRAFFICKING INDICATORS

SEXUAL EXPLOITATION

People who have been trafficked for the purpose of sexual exploitation may:

- Be of any age, although the age may vary according to the location and the market
- Move from one brothel to the next or work in various locations
- Be escorted whenever they go to and return from work and other outside activities
- Have tattoos or other marks indicating "ownership" by their exploiters
- Work long hours or have few if any days off
- Sleep where they work
- Live or travel in a group, sometimes with other women who do not speak the same language
- Have very few items of clothing
- Have clothes that are mostly the kind typically worn for doing sex work
- Only know how to say sex-related words in the local language or in the language of the client group
- Have no cash of their own
- Be unable to show an identity document

The following might also indicate that children have been trafficked:

- There is evidence that suspected victims have had unprotected and/or violent sex.
- There is evidence that suspected victims cannot refuse unprotected and/or violent sex.
- There is evidence that a person has been bought and sold.
- There is evidence that groups of women are under the control of others.
- Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.
- It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.
- It is reported by clients that sex workers do not smile.

LABOUR EXPLOITATION

People who have been trafficked for the purpose of labour exploitation are typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing (in sweatshops).

People who have been trafficked for labour exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings
- Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
- Be given only leftovers to eat
- Have no access to their earnings
- Have no labour contract
- Work excessively long hours
- Depend on their employer for a number of services, including work, transportation and accommodation

- Have no choice of accommodation
- Never leave the work premises without their employer
- Be unable to move freely
- Be subject to security measures designed to keep them on the work premises
- Be disciplined through fines
- Be subjected to insults, abuse, threats or violence
- Lack basic training and professional licences

The following might also indicate that people have been trafficked for labour exploitation:

- Notices have been posted in languages other than the local language.
- There are no health and safety notices.
- The employer or manager is unable to show the documents required for employing workers from other countries.
- The employer or manager is unable to show records of wages paid to workers.
- The health and safety equipment is of poor quality or is missing.
- Equipment is designed or has been modified so that it can be operated by children.
- There is evidence that labour laws are being breached.
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

BEGGING AND PETTY CRIME

People who have been trafficked for the purpose of begging or committing petty crimes may:

- Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport
- Be children carrying and/or selling illicit drugs
- Have physical impairments that appear to be the result of mutilation
- Be children of the same nationality or ethnicity who move in large groups with only a few adults
- Be unaccompanied minors who have been "found" by an adult of the same nationality or ethnicity
- Move in groups while travelling on public transport: for example, they may walk up and down the length of trains
- Participate in the activities of organized criminal gangs
- Be part of large groups of children who have the same adult guardian
- Be punished if they do not collect or steal enough
- Live with members of their gang
- Travel with members of their gang to the country of destination
- Live, as gang members, with adults who are not their parents
- Move daily in large groups and over considerable distances

The following might also indicate that people have been trafficked for begging or for committing petty crimes:

- New forms of gang-related crime appear.
- There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries.
- There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.

For additional information about the Global Initiative to Fight Human Trafficking please visit www.ungift.org





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