



Department of Justice

Public Consultation on the Northern Ireland Three Year Draft Modern Slavery and Human Trafficking Strategy

**Response from the Commissioner Designate for
Victims of Crime for Northern Ireland**

January 2023



About the Office of the Commissioner Designate for Victims of Crime

The Commission for Victims of Crime is an independent body which represents the interests of victims of crime in Northern Ireland. The Commissioner Designate was appointed by the Minister of Justice in March 2022 to be an independent voice for victims of crime. The overarching purpose of the Commissioner Designate is to represent the needs and interests of all victims of crime and help drive systemic improvements across the criminal justice system. This will include helping to identify any areas where victims are not consistently being provided with their entitlements set out within the Victim Charter and ensuring that their issues and experiences are raised in the public arena, with Government, with criminal justice organisations and organisations that support and represent victims, in order to bring forward effective change.

About this response

1. The Commissioner Designate welcomes the opportunity to respond to the public consultation on the Department of Justice (DoJ) Three Year Draft Modern Slavery and Human Trafficking Strategy.
2. Given the relative infancy of the Commissioner Designates office, there has been no engagement with any individuals who have been affected by the issue of Modern Slavery and Human Trafficking. Any remarks within this response are based on a general understanding of the threat of modern slavery and human trafficking as well as the support and protection needs of adult and child victims.
3. The response has been further informed by existing available literature as well as engagement with relevant stakeholders.
4. The following sections provide commentary on a number of the actions within the strategy and offers some suggestions of additional activities for inclusion. Given the nature of the CVOC's work, the bulk of the comments relate to the experiences of Victims of MSHT within the criminal justice system.



Strengthening legislation is crucial to deter and disrupt offenders and ensure comprehensive support for victims.

5. The Commissioner Designate welcomes the stated objectives throughout strand one of the strategy, in particular, the commitment to progressing legislation with regard to Slavery and Trafficking Risk Orders (STRO), the Duty to Notify and scoping the need for legislation to require jury directions in cases of MSHT. Unfortunately, it is clear that the lack of a functioning Assembly will curtail the necessary legislative action and government oversight that is required to deliver against these objectives.
6. The Commissioner Designate hopes that a way forward can be agreed to ensure a return of the Assembly and encourages the DoJ to continue the development work for the legislation in the interim so that it can be progressed promptly once the Assembly is functioning again.
7. With regard to the objective to review the effectiveness of Section 22 defence to protect vulnerable victims, the Commissioner Designate is keen that this should be progressed at the earliest opportunity. The review was recommended by Criminal Justice Inspection Northern Ireland (CJNI) report on MSHT in Northern Ireland.¹
8. The Northern Ireland Commission for Children and Young People (NICCYP) has highlighted that the provision, which was established to ensure that victims of modern slavery, including children, are protected against prosecution for offences they were forced to commit while being subjected to slavery or trafficking, is an important legal safeguard and concerns about its effectiveness should be addressed as soon as possible.²
9. However, as noted by Victim Support NI any change to this law must ensure that effective protection from prosecution remains in place for those who commit crimes under coercion from traffickers. Reform should not be devised with the

¹Criminal Justice Inspection Northern Ireland (2020) Modern Slavery and Human Trafficking. An Inspection Of How The Criminal Justice System Deals With Modern Slavery And Human Trafficking In Northern Ireland. <http://www.cjini.org/getattachment/df690ef3-5352-457e-bbeb-ea2957b531b0/report.aspx>

²Northern Ireland Commission for Children and Young People (2022) Consultation on measures to strengthen the response to Modern Slavery and Human Trafficking [NICCY-Advice-Modern-Slavery-Legislative-Proposals-Response-to-DoJ-17-May-22.pdf](#)



sole aim of preventing abuse of the defence, to the detriment of victim protection.³

10. The Commissioner Designate further welcomes the action point on developing jury directions, and suggest that this work could partly draw on the work already being done by the Gillen Review Implementation Team (GRIT) to formulate jury directions on rape myths in sexual offences cases.⁴

Robust collection of meaningful data and regular monitoring are key to ensure the success of the strategy.

11. In order to ensure that the objectives of the strategy result in improved outcomes for victims and increased disruption and prosecution of offenders, effective and robust collection of meaningful data is crucial.

12. Undoubtedly, the hidden nature of MSHT crimes means that producing an accurate assessment of their scale and extent is difficult.⁵ Furthermore there is limited evidence to demonstrate the most effective ways to support victims of MSHT.⁶ A key objective of the Commissioner Designates tenure is to improve the level and quality of data that is used to monitor the experience of victims of crime and the outcomes they receive.

13. The Commissioner Designate notes the range of quantitative measures linked to the objectives of the strategy. However, it is important to ensure that the right indicators to measure the outcomes are in place. The use of quantitative measures on their own will not accurately reflect the success or otherwise of the strategy nor will they provide enough evidence to allow for improvement of the approaches within the strategy. This is particularly true in relation to capturing experiences of, and outcomes for victims.

14. For example, the Commissioner Designate supports the objectives throughout strand two of the strategy aimed at ensuring a supportive environment for victims

³ Victim Support NI (2020) response to Draft Modern Slavery Strategy 2021/22 [Policy & Research - Victim Support NI](#)

⁴ The Gillen Review Implementation Plan (2020) Review into the law and procedures in serious sexual offences in Northern Ireland [the-gillen-review-implementation-plan.PDF \(justice-ni.gov.uk\)](#)

⁵ CJINI (2020) Modern Slavery and Human Trafficking. An Inspection Of How The Criminal Justice System Deals With Modern Slavery And Human Trafficking In Northern Ireland.

⁶ [Modern Slavery PEC | Modern Slavery Core Outcome Set](#)

of MSHT. However, to do this we need to examine the system through the eyes of the victim; their voice and lived experience are crucial to developing an understanding of whether the measures in place are actually meeting victims' safety, support and recovery needs.

15. This experience cannot be garnered solely from quantitative data. Consequently, establishing a broader set of measures within this strategy, specifically more qualitative measures would result in more meaningful data collection in relation to outcomes for victims.

Measuring the outcomes of collaborative and multi-agency working offers opportunities to learn and promote best practice.

16. In tackling MSHT, no single agency or government organisation alone can provide a comprehensive response. Responses are required not only within the criminal justice system but also across housing, health, education and welfare in Northern Ireland.
17. The Commissioner Designate commends the commitment to collaboration and partnership with other agencies that underpins all three strands of the strategy.
18. Given that partnership working is essential to the success of this strategy and is inherent in all three pillars, it may be valuable to develop a specific measure to assess the effectiveness and success of partnership working.

Trauma informed training is crucial to ensuring the confidence and cooperation of victims.

19. Many victims of MSHT are deeply traumatised and vulnerable. Consequently, it could be very difficult for them to come forward and speak to authorities openly about their experiences. Anyone involved in a victim's journey should be aware of the potential impact that their interactions can have. It is critical that their interactions do not cause any further harm. The priority should be on the victim's safety and security and on safeguarding against policies and practices that may inadvertently traumatise victims.

20. As a result, it is vital that any training and development relating to interactions with victims of MSHT should be should be trauma-informed and victim-centred.⁷
21. The Commissioner Designate supports the identification throughout the strategy of the need to ensure effective training, learning and identification of best practice when working with victims of MSHT. The Commissioner Designate also acknowledges a range of actions that have been undertaken to date including the ongoing delivery of training to all new PSNI recruits and new to role detectives on Modern Slavery, as well as the delivery of cultural awareness/competence training to specialist prosecutors and their PSNI colleagues.
22. However, within the strategy there is only one mention of using a trauma informed approach when working with MSHT victims. The Commissioner Designate suggests that more explicit references to using a trauma informed model should be made where there are stated actions to provide training or guidance within the Strategy.
23. In their submission to the DoJ on measures to strengthen the response to modern slavery and human trafficking, the Northern Ireland Human Rights Commission (NIHRC) recommended that in the case of nominated first responders who will have a duty to notify under the proposed new legislation, it is crucial that they receive specialised training to ensure a consistent and effective approach to the identification of victims. Furthermore, this training should be trauma informed and should be compulsory for all relevant staff. Relevant staff should include at least those with a duty to notify.⁸
24. The NIHRC also recommended that the DoJ should work in partnership with the PSNI to develop a comprehensive and sufficiently-resourced specialised training package on the use, management and monitoring of Slavery and Trafficking Risk Orders. This training should be mandatory for everyone involved in fulfilling these roles under the proposed legislation.⁹

⁷Rachel Witkin and Katy Robjant (2022) The Trauma-Informed Code Of Conduct For all Professionals working with Survivors of Human Trafficking and Slavery [HBF Trauma Informed Code of Conduct 2nd Edition.pdf \(helenbamber.org\)](#)

⁸ Northern Ireland Human Rights Commission. Submission to Department of Justice Consultation on Measures to Strengthen the Response to Modern Slavery and Human Trafficking 27 May 2022 [FINAL NIHRC Submission to Do J Consultation on Strengthening Response to Modern Slavery and Human Trafficking.pdf](#)

⁹ Ibid



25. The Commissioner Designate agrees that anyone engaging with victims through the proposed legislation should be required to undergo mandatory specialised training. More explicit referencing of the need for specialised training to accompany any new legislation would be welcomed.

Supporting child victims of Modern Slavery and Human Trafficking.

26. The Commissioner Designate welcomes the actions under strand two of the strategy in relation to child victims and the recognition that they need extra support both throughout the prosecutorial process and after the process has concluded. The strategy represents an opportunity to consider how arrangements to protect and support child victims of trafficking and slavery can be strengthened.

27. The Commissioner Designate notes that the DoJ progress report on the 2021/2022 MSHT Strategy indicates that the regional working arrangements guidance document for working with children under the age of 18 that was developed between PSNI, HSC, DoJ and DoH is currently being reviewed and a final draft was due to be completed by October 2022.¹⁰

28. The progress report also stated that following revision of the regional working arrangements document, further training and awareness raising would be delivered to ensure HSC Trust practitioners are fully aware of actions and practice in relation to all S/UASC including those who are victims / potential victims of human trafficking or modern slavery. The progress report mentions that both of these will be continued under the work of the new strategy.

29. The Commissioner Designate would welcome more details as to how these actions are being progressed under the new strategy.

30. The voices of children and young people who have experienced human trafficking, modern slavery or exploitation are missing from debates in the UK.¹¹

31. Recently published research undertaken with child victims of trafficking in the UK identified that in order to achieve positive outcomes for children and young

¹⁰ Department of Justice (2022) Modern Slavery and Human Trafficking Strategy 2021-2022 Progress Report

¹¹ Silvie Bovarnick, 'How Do You Define a "Trafficked Child"? A Discursive Analysis of Practitioners' Perceptions around Child Trafficking', Youth and Policy 104 (2010): 80–97



people, actions must have a participatory, child-centred and rights-based approach.¹²

32. The Commissioner would welcome further actions within the strategy to detail how the DoJ and collaborating agencies will ensure how any response to child victims will be child centred and rights based.

Ensuring access to rights and entitlements for victims should be central to any response to MSHT.

33. The 2020 CJINI report on the treatment of victims and witnesses in NI, noted that services to support victims and witnesses in the criminal justice system are not being consistently delivered to a quality standard across NI. In particular, the report noted the low levels of awareness among victims of their statutory rights under the Victims Charter but also more alarmingly, amongst criminal justice agencies tasked with delivering these obligations.¹³

34. One of the policy priorities of the Commissioner Designate for the Victims of Crime is to ensure that victims are aware of their rights under the Northern Ireland Victims Charter.

35. Under the Charter, victims of MSHT have a right to a range of general services and entitlements as well as a set of special measures and additional support designed to meet their specific needs throughout the criminal justice process and recovery. This includes the right to high quality interpretation and translation services and the right to have your needs assessed.

36. The EU Victim's Directive states that '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'.¹⁴ Under the Victims Charter, all victims of MSHT in Northern Ireland have a right to interpretation and translation services to ensure they are not prevented from

¹² Every Child Protected Against Trafficking (2022) Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children [Download.ashx \(ecpat.org.uk\)](https://ecpat.org.uk/download.ashx)

¹³ CJINI (2020) The care and treatment of victims and witnesses by the Criminal Justice System in N.I. [CJINI - Criminal Justice Inspection Northern Ireland - Victims & Witnesses](#)

¹⁴ 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

actively taking part in a police investigation or criminal proceedings due to language difficulties.

37. The Commissioner Designate recommends that the DoJ incorporate additional measures under Strand two that states that Success in PROTECT means ‘Adult and child victims of MSHT receive their entitlements under the Victim Charter’. Specifically, the number of cases where interpretations services have been provided and the number of needs assessments undertaken in MSHT cases.

Strengthening victims access to compensation

38. The 2020 CJINI report on the response to MSHT in Northern Ireland highlighted the lack of successful applications for Criminal Injuries Compensation among victims of MSHT. The CJINI recommended that the DoJ reviewed its guidance for applicants to the Northern Ireland Criminal Injuries Compensation Scheme and engaged with relevant stakeholders and victims’ groups to identify how to overcome the barriers in accessing the scheme.¹⁵

39. For victims of MSHT obtaining financial redress is greatly beneficial for the victim and their family; it can also reduce susceptibility to further exploitation and can assist victims recover their sense of dignity and self-worth.

40. However, a policy briefing by the Law Centre of Northern Ireland (LCNI) highlighted a number of difficulties for victims of MSHT accessing compensation including but not limited to: the eligibility criteria excluding applicants who cannot demonstrate having suffered physical violence and/or mental trauma; that the scheme does not cover compensation for loss of earnings; and that the scheme precludes any violence suffered prior to arrival in NI.¹⁶

41. The Commissioner Designates notes the under Objective 2.2 of the strategy, the DoJ has included an action point to “explore options for overcoming barriers to accessing compensation for eligible victims.”

¹⁵CJINI (2020) Modern Slavery and Human Trafficking. An Inspection Of How The Criminal Justice System Deals With Modern Slavery And Human Trafficking In Northern Ireland [Modern Slavery and Human Trafficking; an inspection of how the criminal justice system deals with modern slavery and human trafficking in Northern Ireland. \(cjini.org\)](https://www.cjini.org/modern-slavery-and-human-trafficking-an-inspection-of-how-the-criminal-justice-system-deals-with-modern-slavery-and-human-trafficking-in-northern-ireland)

¹⁶ Law Centre (NI) Law and Policy Briefing – 2017 Modern slavery: Legal remedies for victims of labour exploitation [Law Centre \(NI\) Policy Information Briefing \(lawcentreni.s3.amazonaws.com\)](https://www.lawcentreni.s3.amazonaws.com/)



42. Given the widely acknowledged barriers encountered by victims of MSHT attempting to access redress through the existing Criminal Injury Compensation Scheme, the Commissioner Designate contends that the stated action to ‘explore’ the options does not go far enough to ensure that issues are removed as quickly as possible.
43. This is particularly true given that the DoJ’s stated purpose of implementing a longer term strategy is to provide “an appropriate and proportionate level of assurance that we can, along with partners, deliver a longer term vision”.¹⁷
44. The Commissioner Designate would like to see an action included in the strategy that demonstrates a firmer commitment to removing the barriers for victims of MSHT attempting to access compensation, along with an accompanying measure that commits to removing them within a specified timeframe.
45. In the event that the barriers faced by victims of MSHT cannot be sufficiently removed to ensure access to the existing Criminal Injury Compensation scheme, the DoJ should consider an alternative means of compensation for victims in order to meet Northern Ireland’s obligations under the European Convention on Action against Trafficking in Human Beings (ECAT). Specifically, the obligations set out in Article 15, Paragraph 4 that requires Parties to ‘take steps to guarantee compensation of victims’.

If you would like to discuss any of these points in further detail, please do not hesitate to contact the office via:

Tel: 028 9052 6607

Email: policy@cvocni.org

¹⁷Department of Justice (2022) Northern Ireland Draft Modern Slavery & Human Trafficking Strategy [Draft Modern Slavery Strategy \(justice-ni.gov.uk\)](#), page 15