



Public Consultation on Measures to Strengthen the Response to Modern Slavery and Human Trafficking – Proposed Amendments to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (as amended by the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022

CONSULTATION REPORT, SUMMARY OF RESPONSES AND NEXT STEPS

October 2022

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About this response

This document summarises the outcome of the public consultation on measures to strengthen the response to modern slavery and human trafficking through proposed amendments to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (as amended).

It will cover:

- The background to the consultation
- A summary of the responses to the consultation
- Next steps

Scope of this consultation

The consultation was open to the public and welcomed responses from all stakeholders.

Further copies

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SECTION 1

Introduction and Background

Modern Slavery and Human Trafficking (MSHT) can affect anyone, of any age, gender or nationality. Criminal and organised crime groups seek to exploit and abuse vulnerable people for profit. It is vital that law enforcement and other partners have the means to address and eradicate this callous form of criminality.

The public consultation exercise was developed to strengthen the criminal justice system response to slavery and trafficking offences. It has evolved from commitments embedded within the [2021/2022 NI Modern Slavery and Human Trafficking Strategy](#), through recommendations made by the [Criminal Justice Inspection Northern Ireland \(CJINI\)](#) report [Modern Slavery and Human Trafficking, 'An Inspection of How the Criminal Justice System Deals with Modern Slavery and Human Trafficking in Northern Ireland'] in October 2020, and consideration of the views of the [Independent Anti-Slavery Commissioner \(IASC\) in her 2020-21 annual report](#).

It was also informed by engagement with key stakeholders via the Organised Crime Task Force (OCTF) Modern Slavery and Human Trafficking Sub Group, the MSHT NGO Engagement Group and through consideration of [written evidence](#) presented to the Justice Committee in the course of the passage of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, which received Royal Assent in April 2022.

The public consultation considered the introduction of Slavery and Trafficking Risk Orders, the commencement and nature of the 'Duty to Notify' provisions contained in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (as amended) and new powers to search an individual during a property search under existing modern slavery and human trafficking legislation.

Slavery and Trafficking Risk Orders (STROs)

A court may make an order if it is satisfied that there is a risk that a defendant will commit a slavery or trafficking offence and impose any conditions as deemed necessary for protecting the public in general or a particular member of the public from physical or psychological harm that would likely occur if that person committed such an offence. There is currently no provision for Slavery and Trafficking Risk Orders in Northern Ireland. During a previous consultation on such orders in 2014, concerns were raised regarding the human rights and civil liberties implications of these orders and provision was not taken forward in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the 2015 Act).

While Northern Ireland currently has no provision for applying for a STRO, the Police Service of Northern Ireland can enforce conditions imposed on a person through a STRO or similar order, if it is applied for and granted in England, Wales or Scotland and the person subject to that order travels to Northern Ireland.

Duty to Notify

The Duty to Notify provision would make it mandatory for all first responders in Northern Ireland to notify the Single Competent Authority (SCA) if they have reason to believe a person may be a victim of slavery or trafficking offences.

Section 13 of the 2015 Act has not been commenced. Commencing the 'Duty to Notify' provision will help in improving the identification of victims of modern slavery or trafficking through additional training and awareness for first responders and provide a better picture of the nature and scale of modern slavery in Northern Ireland.

Additional Powers to Search a Person

Under [Article 10 of the Police and Criminal Evidence \(NI\) Order 1989](#) an officer can, under warrant, enter and search premises and seize items that could be linked to an offence. Article 10 does not allow officers to seize materials on a person, which could provide valuable evidence in the investigation of an indictable offence. Such evidence could include mobile phones, address books, sim cards, data sticks.

It should also be noted that within [Schedule 2 \(Enforcement powers in relation to ships'\) Part 3 of the Modern Slavery Act 2015](#) a Northern Ireland constable or enforcement officer can search a ship, anyone on the ship and anything on the ship (including cargo) within Northern Ireland waters or international waters if they have reasonable grounds to suspect that there is relevant evidence on the ship. There are currently no powers available to allow an officer to search a person during a search of premises under warrant for evidence linked to section 1 or 2 offences of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015.

Currently under [section 23 of the Misuse of Drugs Act 1971](#) and [section 139B of the Criminal Justice Act 1988](#) a premises and a person can be searched for evidence that may assist in an investigation. Operational policing colleagues highlighted the potential benefit of enabling items to be seized from a person when carrying out a search of premises under warrant for cases linked to modern slavery and human trafficking.

SECTION 2

The Consultation Process

The public consultation paper '[Consultation on Measures to Strengthen the Response to Modern Slavery and Human Trafficking](#),' was launched by the Justice Minister on 11th March 2022 and closed 12 weeks later on 27th May 2022.

The purpose of the consultation was to invite a range of views across all sections of society on proposals for a greater range of powers to protect victims and target perpetrators. The consultation sought views on measures to strengthen the response to modern slavery and human trafficking, including:

- The provision of Slavery and Trafficking Risk Orders;
- The commencement of section 13 'Duty to Notify' of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (as amended); and
- Consideration of additional powers for an officer to search a person during search of premises under warrant for evidence linked to a modern slavery or human trafficking offence.

Comments provided by those who responded to the public consultation will help shape the criminal justice response to help identify and tackle modern slavery and human trafficking and eradicate it from today's society.

Engagement

Engagement sessions were held with members of the OCTF MSHT Sub Group and members of the NGO Engagement Group prior to the public consultation. Members were advised of the proposed commencement of the 'Duty to Notify' provisions, Slavery and Trafficking Risk Orders and the additional powers for officers to search a person during the search of premises under warrant linked to cases of slavery and trafficking. Members were advised on how they could respond to the consultation. Comments received from members during discussions were broadly supportive.

SECTION 3

Overview of Consultation Responses

In total, ten responses to the public consultation were received.

The Department welcomes all the responses to the consultation. The views of all respondents have been considered in full and are summarised in Section 4.

The responses will help develop proposals for enhancing the collective response to modern slavery and human trafficking in the context of the forthcoming longer-term strategy.

SECTION 4

Summary of Responses and Comments

As a summary, this does not reflect each view on every issue, but seeks to highlight both the support for, and any opposition to, the proposals, as well as comments and suggestions. (**Quantitative analysis of answers provided can be found in Appendix 1**).

Question 1.

Consultees were asked: **Do you agree with the proposal to introduce Slavery and Trafficking Risk Orders in order to protect the public or individuals from harm?**

- All respondents to the public consultation agreed with the introduction of Slavery and Trafficking Risk Orders, citing potential benefits including: providing protection for victims over a specified period, prevention of offences through restrictions imposed, the ability to vary restrictions, the ability to appeal orders and the penalty imposed if an order is breached. One respondent advised that a training package should be developed for their use, management and monitoring.
- One respondent suggested STROs will be helpful in cases where a defendant is convicted of a crime other than slavery or trafficking but there is a connection to modern slavery and human trafficking, and in situations where a conviction has not been secured but there is a need to protect potential victims while an investigation into slavery or trafficking offences is ongoing.
- Reference was also made to how personal data relating to STROs will be processed and the development of a mechanism to record, monitor and evaluate any STRO in place as well as implement any steps following the evaluation of active orders.
- One respondent recommended that Article 2 of the Protocol on Ireland/Northern Ireland (Rights of Individuals) is built into and considered actively during the development and implementation of all legislation and/or policy.

Question 2.

Consultees were asked: **Do you agree that the Department should commence the Duty to Notify provisions and associated regulations to ensure specified public authorities must notify the Single**

Competent Authority (SCA) if they have any reason to believe that a person may be a victim of modern slavery and human trafficking?

- All respondents agreed that the Department should commence the 'Duty to Notify' (DTN) provisions within section 13 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (as amended).
- Comments referenced the increase in awareness raising through the Duty to Notify provision, the need for training to ensure that relevant staff are equipped to spot the signs and how to report them. Other comments highlighted how the DTN would help provide a more accurate picture of the volume of trafficking that currently occurs in Northern Ireland. Reference was also made to how anonymised information is not captured in the current National Referral Mechanism (NRM) process where an adult does not consent to enter the NRM.
- Other comments referred to the use of anonymised information and how this could facilitate follow up action on any suspicions raised.
- One respondent advised that the data captured will enable appropriate support services and interventions to be developed based on analysis while ensuring training of frontline staff engaging with victims is current and responsive to developing need.
- One respondent advised that without the DTN provision the bigger picture of the scale and type of exploitation occurring in Northern Ireland is lacking; through the provision of information including age, gender, and type of exploitation experienced by an individual, the Department and relevant authorities will be a better position to respond to and combat modern slavery and human trafficking.
- One respondent recommended that the data collected should be frequently monitored and evaluated to ensure victims are identified and supported, with adequate training provided to public authorities and proactive interventions implemented.
- A respondent on Citizen Space urged caution on how personal information from a potential victim is processed to ensure that adequate protections are in place, including redactions where needed.

Question 3.

Consultees were asked:

Do you agree that the following public authorities must notify the SCA if they think that a person may be a victim of modern slavery and human trafficking?

- All respondents to Citizen Space agreed that the first responders listed must notify the SCA if they think a person may be a victim of modern slavery or human trafficking.
- One respondent suggested that the more organisations involved as first responders the more effective the system will be in preventing and protecting people from MSHT.
- One respondent advised that the public authorities listed are well placed to be able to identify victims and should have a duty to notify the SCA if they believe the person may be a victim of modern slavery or human trafficking.
- One respondent suggested information should be shared with all first responders where relevant, to ensure a joined up approach to tackling modern slavery and human trafficking and prevent any failure of intervention.
- One respondent advised that the public authorities and agencies listed in the question have an important role as they cover a broad range of public service provision, and include protection and criminal justice agencies that engage directly and indirectly with businesses where modern slavery and human trafficking could be prevalent.

Question 4.

Consultees were asked: **Are there any other public authorities in Northern Ireland that you think should be subject to the Duty to Notify?**

- One respondent advised that consideration should be given to those in the education sector, such as teachers and potentially youth workers who work with young people in the community and may come across local trafficking.
- One respondent suggested that dentists and GPs should be considered under the Health and Social Care Trust umbrella as first responders.
- One respondent suggested that district council staff should be included as first responders as they play a key role in safeguarding and proactive and preventive actions to protect people in local communities from harm. The response suggested council staff may come across signs of modern slavery and human trafficking in their day-to-day roles, which can include but is not limited to inspections of houses, licencing, environmental health investigations/inspections, waste collection and street cleaning.
- Reference was also made to the role of district councils currently involved in the resettling of new arrivals in the Ukrainian support centres where Ukrainian nationals may have been exploited on their perilous journey to the UK. The

provision of the registrar service within district councils was also highlighted as suspicions of forced marriage may be raised.

Question 5.

Consultees were asked: **Do you agree that the specified public authorities should have a process in place for ensuring compliance with the legislation such as ensuring the provision of appropriate training and refresher training for all frontline staff?**

- Respondents agreed that placing a legal duty on specified authorities to notify requires a process to be put in place to ensure the provision of training to improve awareness and enhance safeguarding efforts.
- One respondent advised that it is important that those who may encounter potential victims are able to spot the signs and suggested that comprehensive in-person training is provided. Training should be provided to those who are most likely to come into contact with victims of modern slavery or human trafficking.

Question 6.

Consultees were asked: **What information do you think should be included in a duty to notify in the following table?**

- Respondents to the public consultation agreed that information on the country of origin, location victim was recovered, location exploitation took place, victim of labour exploitation, victim of sexual exploitation, victim of domestic servitude and victim linked to removal of organs should be included in a Duty to Notify referral closely followed by gender and nationality.
- Two respondents suggested the PSNI should be informed, others suggested there was no need to inform the PSNI if this information is anonymised and its purpose was to capture statistical data.
- Two respondents suggested that the title of section 1 or section 2 offences would assume the person making the notification would know the relevant definitions and there was no clear benefit from recording this information, additionally the SCA and relevant protective agencies can further interpret the data within their own working frameworks.

- One respondent suggested that age should also be recorded and (with the victims consent) the names of those who have committed the offence and other persons who may have been victims should be captured.

Question 7.

Consultees were asked: **Do you agree that police officers should have an additional power to search a person during a property search under existing modern slavery and human trafficking legislation?**

- Out of the four respondents on Citizen Space, two considered that additional powers should be provided to an officer to search a person during a search of premises under existing modern slavery and human trafficking legislation. One respondent was against the provision of additional powers for police officers citing the decision to search a person during the search of premises under warrant should be authorised by other appropriate persons in the Criminal Justice System.
- One respondent suggested this proposal needed further consideration to ensure officers are best equipped to tackle modern slavery and human trafficking in line with best practice in other jurisdictions.
- One respondent advised that this is an appropriate power if there is a reasonable belief that the person could be committing a modern slavery offence and that it was essential that this authority is proportional to the risk posed, ensuring that individual rights are not breached.
- Another respondent suggested that there was a high likelihood that significant evidential information may be held on a person rather than left in the premises and that through granting a warrant every effort should be made to enhance an officer's investigative ability to gather all evidence to assist in an investigation.
- One respondent requested further information on the proposed additional powers including an analysis of current statutory powers, proposed safeguards to ensure the power is not used arbitrarily and a detailed human rights impact assessment with particular regard to Article 8 of the European Convention on Human Rights.

Question 8.

Consultees were asked: **Have you any additional comments or suggestions you would like to make in relation to this public consultation?**

- One respondent suggested joined up working arrangements between PSNI, DoJ and ROI counterparts due to the ease of movement and transportation between Northern Ireland and the Republic of Ireland to reduce the risk of trafficking across the border.
- One respondent suggested that the Department should engage with other sectors beyond the statutory sector to raise awareness of the signs of modern slavery and human trafficking. Another suggested that the provision of training should be extended to those who work in the hospitality and transport sector including hotel staff, Translink staff who operate in NI and the ROI and airline staff along with airport security staff.

SECTION 5

Key Aspects of Responses

Slavery and Trafficking Risk Orders

- Those who provided a response to the public consultation were in support of the introduction of Slavery and Trafficking Risk Orders.
- Training should be provided on the use, management and monitoring of STROs.
- Guidance should be developed on STROs to include assessment of victims in identifying necessity and proportionality of risk to determine what conditions should be imposed on their application to ensure there is an adequate level of protection from physical or psychological harm.
- Information regarding STROs should be recorded and evaluated. The process should involve engagement with representative organisations, victims, potential victims and those subject to risk orders.
- Following evaluation and review of active STROs, implement any corrective measures deemed necessary on a case-by-case basis, to ensure the effective application of STROs protect members of public or individuals from the threat of physical or psychological harm.

Duty to Notify

- All respondents were in support of commencing the Duty to Notify provision.
- The provision of training is required to ensure first responders are aware of the signs and agreed procedures to report those who may be victims of slavery or trafficking.
- Capturing anonymised information provides a more detailed picture of the location and volume of slavery and trafficking that currently occurs in Northern Ireland.
- It is important that information captured does not and cannot be used to identify a person without their consent. A potential victim can refuse to engage with police services but they cannot prevent anonymised information being submitted to the police.
- This information could help relevant authorities follow up on any suspicions raised.
- Should consider adding front line district council and education staff to the list of first responders, and expanding the Health and Social Care responders to include GPs and dentists - following provision of comprehensive training on spotting the signs and how to report suspicions.

Additional Power to Search a Person

- Powers to search a person during the search of premises under warrant for evidence of offences linked to modern slavery and human trafficking should be further considered.
- The power could be considered appropriate if there is evidence to suggest that the person is committing a modern slavery or human trafficking offence.
- There is a high likelihood that important evidence is more likely to be held on a person than within premises.
- The additional power will enhance an officer's investigative ability.
- Further analysis of current statutory powers needed, including consideration of proposed safeguards to ensure the power is not used arbitrarily and a detailed human rights impact assessment should be completed with particular regard to Article 8 of the European Convention on Human Rights. Article 2 of the Protocol on Ireland/Northern Ireland (Rights of Individuals) should be built into and considered during the development and implementation of all legislation and/or policy.

SECTION 6

Next Steps

The Department has considered all responses to the consultation. The views expressed will be taken into account in the development of refined policy and draft legislative proposals, which will be subject to Ministerial consideration and approval.

Any proposed changes to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (as amended) will be subject to the legislative process and cannot be taken forward in the absence of the Executive and Assembly.

Progressing the proposed changes are commitments in the draft Modern Slavery and Human Trafficking Strategy, which was published for consultation on 18 October 2022, and will be taken forward in that context.

Appendix 1 - Quantitative Analysis

Respondents - Citizen Space

Question 1

Consultees were asked: Do you agree with the proposal to introduce Slavery and Trafficking Risk Orders in order to protect the public or individuals from harm?

Option	Total	Percent
Yes	4	100.00%
No	0	0.00%
Not Answered	0	0.00%

Question 2

Consultees were asked: Do you agree that the Department should commence the duty to and associated regulations to ensure specified public authorities must notify the Single Competent Authority (SCA) if they have any reason to believe that a person may be a victim of modern slavery and human trafficking?

Option	Total	Percent
Yes	4	100.00%
No	0	0.00%
Not Answered	0	0.00%

Question 3

Consultees were asked: Do you agree that the following public authorities must notify the SCA if they think that a person may be a victim of modern slavery and human trafficking?

Option (Yes)	Total	Percent
PSNI	4	100.00%
Health and Social Care Trusts	4	100.00%
Gangmasters and Labour Abuse Authority	3	75.00%

UK Border Force	3	75.00%
UK Immigration Enforcement	3	75.00%
Belfast International Airport Police	3	75.00%
Belfast Harbour Police	3	75.00%
Not Answered	0	0.00%

Option(No)	Total	Percent
PSNI	0	0.00%
Health and Social Care Trusts	0	0.00%
Gangmasters and Labour Abuse Authority	0	0.00%
UK Border Force	0	0.00%
UK Immigration Enforcement	0	0.00%
Belfast International Airport Police	0	0.00%
Belfast Harbour Police	0	0.00%
Not Answered	4	100.00%

Question 4

Consultees were asked:

Are there any other public authorities in Northern Ireland that you think should be subject to the Duty to Notify?

Option	Total	Percent
Yes	2	50.00%
No	2	50.00%
Not Answered	0	0.00%

Question 5

Consultees were asked:

Do you agree that the specified public authorities should have a process in place for ensuring compliance with the legislation such as ensuring the provision of appropriate training and refresher training for all frontline staff?

Option	Total	Percent
Yes	4	100.00%
No	0	0.00%
Not Answered	0	0.00%

Question 6

Consultees were asked: What information do you think should be included in a duty to notify in the following table?

Option (Yes)	Total	Percent
Gender	3	75.00%
Nationality	3	75.00%
Country of Origin	4	100.00%
Location victim was recovered	4	100.00%
Location exploitation took place	4	100.00%
Have PSNI been informed	2	50.00%
Section 1 offence HTEA	1	25.00%
Section 2 offence HTEA	1	25.00%
Victim of labour exploitation	4	100.00%
Victim of sexual exploitation	4	100.00%
Victim of domestic servitude	4	100.00%
Victim linked to removal of organs	4	100.00%
Other	1	25.00%

Option (No)	Total	Percent
Have PSNI been informed	2	50.00%
Section 1 offence HTEA	2	50.00%
Section 2 offence HTEA	2	50.00%

Question 7

Consultees were asked: Do you agree that police officers should have an additional power to search a person during a property search under existing modern slavery and human trafficking legislation?

Option	Total	Percent
Yes	2	50.00%
No	1	25.00%
Not Answered	1	25.00%

Respondents - Written Submissions

Question 1

Consultees were asked: Do you agree with the proposal to introduce Slavery and Trafficking Risk Orders in order to protect the public or individuals from harm?

Option	Total	Percent
Yes	5	100.00%
No	0	0.00%
Not Answered	0	0.00%

Question 2

Consultees were asked: Do you agree that the Department should commence the duty to and associated regulations to ensure specified public authorities must notify the Single Competent Authority (SCA) if they have any reason to believe that a person may be a victim of modern slavery and human trafficking?

Option	Total	Percent
Yes	5	100.00%
No	0	0.00%
Not Answered	0	0.00%

Question 3

Consultees were asked: Do you agree that the following public authorities must notify the SCA if they think that a person may be a victim of modern slavery and human trafficking?

Option (Yes)	Total	Percent
PSNI	3	60.00%
Health and Social Care Trusts	3	60.00%
Gangmasters and Labour Abuse Authority	3	60.00%
UK Border Force	3	60.00%
UK Immigration Enforcement	3	60.00%
Belfast International Airport Police	3	60.00%

Belfast Harbour Police	3	60.00%
Not Answered	2	40.00%

Option(No)	Total	Percent
PSNI	0	0.00%
Health and Social Care Trusts	0	0.00%
Gangmasters and Labour Abuse Authority	0	0.00%
UK Border Force	0	0.00%
UK Immigration Enforcement	0	0.00%
Belfast International Airport Police	0	0.00%
Belfast Harbour Police	0	0.00%
Not Answered	5	100.00%

Question 4

Consultees were asked:

Are there any other public authorities in Northern Ireland that you think should be subject to the Duty to Notify?

Option	Total	Percent
Yes	1	20.00%
No	2	40.00%
Not Answered	2	40.00%

Question 5

Consultees were asked:

Do you agree that the specified public authorities should have a process in place for ensuring compliance with the legislation such as ensuring the provision of appropriate training and refresher training for all frontline staff?

Option	Total	Percent
Yes	5	100.00%
No	0	0.00%
Not Answered	0	0.00%

Question 6

Consultees were asked:

What information do you think should be included in a duty to notify in the following table?

Option (Yes)	Total	Percent
Gender	3	60.00%
Nationality	3	60.00%
Country of Origin	3	60.00%
Location victim was recovered	3	60.00%
Location exploitation took place	3	60.00%
Have PSNI been informed	3	60.00%
Section 1 offence HTEA	3	60.00%
Section 2 offence HTEA	3	60.00%
Victim of labour exploitation	3	60.00%
Victim of sexual exploitation	3	60.00%
Victim of domestic servitude	3	60.00%
Victim linked to removal of organs	3	60.00%
Other	1	20.00%

Option (No)	Total	Percent
Have PSNI been informed		0.00%
Section 1 offence HTEA		0.00%
Section 2 offence HTEA		0.00%

Question 7

Consultees were asked:

Do you agree that police officers should have an additional power to search a person during a property search under existing modern slavery and human trafficking legislation?

Option	Total	Percent
Yes	3	60.00%
No		0.00%
Not Answered	2	40.00%

Please note: one respondent submitted a letter of support endorsing the proposals and the proposed measures; it was not possible to provide any further breakdown of this response.