



MODERN SLAVERY AND HUMAN TRAFFICKING

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

SUMMARY

OCTOBER 2020

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SYSTEM DEALS WITH MODERN SLAVERY AND
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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

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.

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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)

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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)

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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 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)**.

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