



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to Department of Justice
Consultation on the Draft Modern Slavery
and Human Trafficking Strategy**

January 2023

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Recommendations

The NI Human Rights Commission:

- 2.4 recommends that the Department of Justice ensure that Protocol Article 2 is built into and considered actively during the development and implementation of legislation and policy on modern slavery and human trafficking, to ensure there is no diminution to the rights and safeguards which fall within its scope.**
- 3.4 welcomes the objectives under the PURSUE Strand and recommends that the Department of Justice prioritises legislation providing for Slavery and Trafficking Risk Orders and the Duty to Notify for prompt consideration by an incoming NI Executive.**
- 4.8 recommends that the commitments under Strand 2 explicitly ensure the provision of specialist support is available for all victims of modern slavery and human trafficking, and is appropriately tailored to take account of age, gender and culture.**
- 4.9 recommends that the commitments under Strand 2 specify that the compulsory training and guidance provided to practitioners is trauma-informed and appropriately tailored to take account of age, gender and culture.**
- 4.11 recommends that Strand 2 includes actions to ensure that all communications targeted at victims of modern slavery and human trafficking are fully accessible and aimed at reducing fear and improving engagement. This should include regular consultation with victims, through representative organisations where appropriate, to improve understanding about what barriers victims face and what victims' specific protection needs are.**
- 4.13 recommends that Strand 2 includes specific cross-departmental actions to ensure victims of modern slavery and human trafficking have effective access to employment, education, housing and social security, in order to build their resilience and reduce the likelihood of re-trafficking.**
- 4.19 recommends that Strand 2 includes specific actions aimed at improving the understanding and identification of child victims and potential victims of modern slavery and trafficking in all its forms in NI. This includes ensuring an**

awareness of the specific safeguarding interventions in accordance with a victim's identified needs.

4.20 recommends that Strand 2 includes a specific commitment on supporting the recovery of a child victim of human trafficking and modern slavery, to ensure that all affected children have access to necessary supports, such as specialist mental health services, education, and accommodation.

4.21 recommends that the Department of Justice closely considers the findings of the NI Affairs Committee inquiry into paramilitary activity and organised crime in NI and monitors any relevant recommendations through the annual reports to ensure child trafficking concerns are subject to multi-agency discussion and co-ordination.

4.26 recommends that the Department of Justice continue to assess the implications of the Nationality and Borders Act and ensure that it prioritises a victim-centred and trauma-informed approach to tackling modern slavery and human trafficking in NI.

5.6 recommends that Strand 3 includes explicit actions for preventative measures that target those most at risk of modern slavery and human trafficking. This includes ensuring that other NI Executive strategies and initiatives aimed at tackling the causes of poverty and inequality, including gender inequality, take account of modern slavery and human trafficking.

1.0 Introduction

1.1 The NI Human Rights Commission (NIHRC), pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights. Further, the NIHRC, pursuant to Section 78A(1) of the Northern Ireland Act 1998, must monitor the implementation of Article 2 of the Ireland/Northern Ireland Protocol (Protocol Article 2). In accordance with these functions, the following advice is submitted to the Department of Justice to inform the new draft modern slavery and human trafficking strategy.

1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and United Nations (UN). The relevant regional and international treaties in this context include:

- European Convention on Human Rights (ECHR);¹
- Universal Declaration of Human Rights (UDHR);²
- International Covenant on Civil and Political Rights (ICCPR);³
- UN Convention on Elimination of Discrimination against Women (UN CEDAW);⁴
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly women and children (UN Palermo Protocol);⁵
- UN Convention against Torture (UN CAT);⁶
- UN Convention on the Rights of the Child (UN CRC);⁷ and
- CoE Convention on Action against Trafficking in Human Beings;⁸

1.3 In addition to these treaty standards, the following declarations and

¹ Ratified by the UK 1951. Further guidance is also taken from the body of case law from the European Court of Human Rights (ECtHR).

² Ratified by the UK 1951.

³ Ratified by the UK 1976.

⁴ Ratified by the UK 1986.

⁵ Ratified by the UK in 2006.

⁶ Ratified by the UK 1988.

⁷ Ratified by the UK 1989.

⁸ Ratified by the UK in 2007.

principles provide further guidance in respect of specific areas:

- Office of UN High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking;⁹
- UN CEDAW Committee's Concluding Observations 2019;¹⁰ and
- UN CAT Committee's Concluding Observations 2019.¹¹

1.4 The NIHRC further advises on the UK Government's commitment (in Protocol Article 2) to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. This is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. In addition, section 6 of the NI Act 1998 prohibits the NI Assembly from making any law which is incompatible with Protocol Article 2. Section 24 of the 1998 Act also requires all acts of NI Ministers and NI Departments to be compatible with Protocol Article 2. The relevant EU measures in this context include:

- EU Directive on Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime;¹²
- EU Directive on Preventing and Combatting Trafficking in Human Beings and Protecting its Victims;¹³ and
- EU Directive on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography.¹⁴

⁹ E/2002/68/Add.1, 'Recommended Principles and Guidelines on Human Rights and Human Trafficking: Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council: Addendum', 20 May 2002.

¹⁰ 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.

¹¹ CAT/C/GBR/CO/6, 'UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 7 June 2019.

¹² EU 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.

¹³ EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims.

¹⁴ EU Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

2.0 General Comments

- 2.1 The NIHRC welcomes the new draft modern slavery and human trafficking strategy and considers that the new three-year framework, in combination with the annual progress reports, better equips the Department of Justice to respond to the nature and scale of modern slavery and human trafficking in NI. The NIHRC welcomes the commitment to progress recommendations from the Independent Anti-Slavery Commissioner, the Criminal Justice Inspection NI and the Group of Experts on Action against Trafficking in Human Beings.
- 2.2 The NIHRC welcomes the reference to the right to freedom from slavery, human trafficking and other forms of forced labour and exploitation (Article 4, ECHR; Article 4, UDHR; Article 8, ICCPR), however it reiterates the importance of framing the strategy within the full range of the UK's international commitments relating to this issue and the relevant EU Directives falling within scope of Protocol Article 2 as set out at paragraph 1.4.
- 2.3 To avoid duplication, the NIHRC encourages the Department of Justice to review its previous submission,¹⁵ which sets out in detail the importance of ensuring that Protocol Article 2 is built into and considered actively during the development and implementation of all legislation and policy on modern slavery and human trafficking.¹⁶ It is disappointing this has not been explicitly considered in the context of the current consultation despite the NIHRC's previous advice, particularly as the draft strategy sets the Department's strategic approach for the next three years.
- 2.4 The NIHRC recommends that the Department of Justice ensure that Protocol Article 2 is built into and considered actively during the development and implementation of legislation and policy on modern slavery and human trafficking, to ensure there is no diminution to the rights and safeguards which fall within its scope.**

¹⁵ NI Human Rights Commission, 'Submission to Department of Justice Consultation on Measures to Strengthen the Response to Modern Slavery and Human Trafficking', (NIHRC, 2022).

¹⁶ NI Human Rights Commission, 'Submission to Department of Justice Consultation on Measures to Strengthen the Response to Modern Slavery and Human Trafficking', (NIHRC, 2022).

3.0 Strand 1 – PURSUE

- 3.1 The provision of adequate investigative powers and techniques to law enforcement for the effective investigation and prosecution of suspected traffickers is essential for meeting obligations under the UN Palermo Protocol and the CoE Convention on Action against Trafficking in Human Beings. The European Court of Human Rights (ECtHR) previously found that, in addition to criminal law measures to deter and punish, there must be a spectrum of adequate safeguards in domestic legislation that are both practical and effective.¹⁷
- 3.2 In 2019, the UN CAT Committee recommended that the UK Government and NI Executive enhance its efforts to investigate claims of human trafficking, prosecute perpetrators and ensure that victims of trafficking obtain compensation.¹⁸ In 2020, the Criminal Justice Inspection NI highlighted the discrepancy in the range of enforcement powers available in NI compared to the rest of the UK, such as Slavery and Trafficking Risk Orders and the Duty to Notify.¹⁹
- 3.3 The Commission welcomes the objectives under the PURSUE Strand which focus on improving the disruption of modern slavery and human trafficking and the prosecution of offenders. However, the NIHRC is concerned that the sustained lack of an NI Executive and NI Assembly continues to delay legislative progress on key commitments set out under Strand 1.
- 3.4 The NIHRC welcomes the objectives under the PURSUE Strand and recommends that the Department of Justice prioritises legislation providing for Slavery and Trafficking Risk Orders and the Duty to Notify for prompt consideration by an incoming NI Executive.**

¹⁷ *Rantsev v Cyprus and Russia* (2010) ECHR 22, at para 284.

¹⁸ CAT/C/GBR/CO/6, 'UN Committee against Torture, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland', 7 June 2019, at para 59.

¹⁹ Criminal Justice Inspection NI, 'Modern Slavery and Human Trafficking: An Inspection of How the Criminal Justice System Deals with Modern Slavery and Human Trafficking in NI', (CJI, 2020).

4.0 Strand 2 – PROTECT

4.1 In 2019, the UN CAT Committee recommended that the UK Government and NI Executive:

ensure access to sufficient protection and support for all victims of trafficking, and particularly ensure that the State party's establishment of a child trafficking protection fund results in improving the availability of specialist care and support for child victims of trafficking; [and]

improve the training of law enforcement officers, prison personnel and other first responders to include statutory training into the identification of potential victims of human trafficking and modern slavery, and continue developing specialised training programmes for support workers and those providing foster care.²⁰

4.2 In 2019, the UN CEDAW Committee recommended that the UK Government and NI Executive:

a) ensure that the definition of human trafficking in its domestic legislation is in line with the internationally agreed definition as set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (the Palermo Protocol);

b) adopt a comprehensive national strategy to combat trafficking in women and girls, as previously recommended; [and]

c) continue to improve the National Referral Mechanism, including by implementing the reform package announced in October 2017, to ensure that victims of

²⁰ CAT/C/GBR/CO/6, 'UN CAT Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 7 June 2019, at para 59.

trafficking are properly identified and adequately protected and supported.²¹

4.3 Article 6 of UN CEDAW requires States to take all appropriate measures to “suppress all forms of traffic in women and exploitation of prostitution of women”. In 2019, the UN CEDAW Committee recommended that the UK Government and NI Executive:

- a) take effective measures to ensure that women in vulnerable situations have effective access to employment opportunities, housing and social security so that they do not need to resort to prostitution or “sex for rent”;
- b) take effective measures to reduce demand for commercial sex, including by carrying out educational and awareness-raising measures targeted at men and boys and focused on combating all notions of subordination and objectification of women;
- c) revise legislation to decriminalise women in prostitution and clear the criminal records of women who have been convicted for offences related to prostitution to enable them to seek alternative forms of employment;
- d) ensure the availability of specialist services, which are adequately funded, inclusive and accessible, to assist women and girls to exit prostitution;
- e) create educational and employment opportunities for women who wish to exit prostitution; [and]
- f) undertake research into the prevalence and nature of prostitution in Scotland and NI, in addition to the research that is currently underway in England and Wales, to identify necessary changes to legislation and policy.²²

²¹ 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.

²² Ibid.

- 4.4 Article 18(3) of the EU Trafficking Directive requires States to promote regular training for officials likely to come into contact with victims of human trafficking.²³ It also recognises the gender-specific nature of modern slavery and human trafficking and the need for gender-specific assistance and support measures and preventative measures where appropriate.²⁴
- 4.5 Articles 6 and 10 of the UN Palermo Protocol stipulate that measures designed to assist and protect victims of human trafficking should take into account age, gender and special needs of victims. In General Recommendation No.38, the UN CEDAW Committee makes a series of recommendations reiterating the need for “trauma-informed, culturally specific, gender-sensitive and age-sensitive” support for and protection of trafficking victims.²⁵
- 4.6 In 2021, GRETA identified that access to justice and effective remedies for victims of human trafficking should be guaranteed in a gender and age-sensitive manner.²⁶ In addition, the Independent Anti-Slavery Commissioner for the UK has reiterated the importance of ensuring cultural sensitivity within support for victims and survivors of modern slavery and human trafficking.²⁷
- 4.7 The NIHRC welcomes the commitments under the PROTECT Strand which focus on the identification and support of victims and potential victims through training, awareness raising and working in partnership. However, closer reflection of the international human rights framework would ensure the actions committed to under Strand 2 are thoroughly victim centred and effectively meet a range of protection needs. For example, the current draft strategy is gender neutral. Yet, a gender-sensitive policy approach to tackling modern slavery and human trafficking is consistent with a human-rights based approach and can better address the specific societal

²³ Article 18(3), Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

²⁴ Article 1 and Recitals 3 and 25, Directive 2011/36/EU, 'EU Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011.

²⁵ CEDAW/C/GC/38, 'UN CEDAW Committee General Recommendation No.38 on trafficking in women and girls in the context of global migration' 20 November 2020, at paras 40, 102 and 106.

²⁶ GRETA(2021)12, Evaluation Report UK: Third evaluation round, access to justice and effective remedies for victims of trafficking in human beings', 20 October 2021, at 21.

²⁷ Independent Anti-Slavery Commissioner, 'Annual Report 2021 - 2022' (Gov.UK, 2022) at 1.3.2 and 1.6.5; Independent Anti-Slavery Commissioner and EPCAT UK, 'Child trafficking in the UK 2021: a snapshot', (IASC, 2021) at 38.

factors that affect men and women victims of human trafficking in different ways.

4.8 The NIHRC recommends that the commitments under Strand 2 explicitly ensure the provision of specialist support is available for all victims of modern slavery and human trafficking, and is appropriately tailored to take account of age, gender and culture.

4.9 The NIHRC recommends that the commitments under Strand 2 specify that the compulsory training and guidance provided to practitioners is trauma-informed and appropriately tailored to take account of age, gender and culture.

4.10 Article 9 of the UN Palermo Protocol requires States to establish measures that protect victims of trafficking from re-victimisation. Similarly, the EU Victims Directive and the EU Trafficking Directive highlight that many victims of modern slavery and human trafficking experience secondary or repeat victimisation on account of their vulnerability and traumatisation.²⁸ Consequently, it is often very difficult for them to come forward and to trust and speak to authorities openly about their experiences.

4.11 The NIHRC recommends that Strand 2 includes actions to ensure that all communications targeted at victims of modern slavery and human trafficking are fully accessible and aimed at reducing fear and improving engagement. This should include regular consultation with victims, through representative organisations where appropriate, to improve understanding about what barriers victims face and what victims' specific protection needs are.

4.12 In 2022, the Independent Anti-Slavery Commissioner advised that important steps need to be taken across the UK to prevent re-trafficking and further harm, highlighting that "access to decent employment, training, and education to gain knowledge and skills,

²⁸ NI Human Rights Commission, 'Submission to Department of Justice Consultation on Measures to Strengthen the Response to Modern Slavery and Human Trafficking', (NIHRC, 2022). 3.12 – 3.15 and 4.6 – 4.14.

as well as stable accommodation, are all fundamental components of sustainable independence for survivors”.²⁹

4.13 The NIHRC recommends that Strand 2 includes specific cross-departmental actions to ensure victims of modern slavery and human trafficking have effective access to employment, education, housing and social security, in order to build their resilience and reduce the likelihood of re-trafficking.

Child victims

4.14 Specific international obligations are placed on States in the context of combating the trafficking and exploitation of children.³⁰ Children are particularly vulnerable to coercion and abuse on account of their age and dependency on others for care. Therefore, the range of situations in which children could be subject to trafficking and exploitation may differ to that of adults.

4.15 In 2020, the Criminal Justice Inspection NI highlighted that, in respect of child trafficking, “greater awareness of the potential for internal trafficking was required”.³¹ The Criminal Justice Inspection highlighted the links to child sexual exploitation, including children who are trafficked from one part of NI to another.³² It also emphasised the high risk that child victims and potential child victims of trafficking may go missing, which should form part of the risk assessment and identification procedures.³³

4.16 The NIHRC notes emerging concerns regarding the exploitation of children by criminal or paramilitary groups in NI.³⁴ The House of Commons NI Affairs Committee is currently conducting an inquiry

²⁹ Independent Anti-Slavery Commissioner, ‘Annual Report 2021 - 2022’ (Gov.UK, 2022) at 1.1.2 – 1.1.4.

³⁰ See Articles 34 and 35, UN CRC; and A/RES/54/263 ‘Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography’ 25 May 2000.

³¹ Criminal Justice Inspection NI, ‘Modern Slavery and Human Trafficking: An Inspection of How the Criminal Justice System Deals with Modern Slavery and Human Trafficking in NI’, (CJI, 2020), at 3.65 and 3.137.

³² Ibid at 4.

³³ Ibid at 3.74.

³⁴ NI Commissioner for Children and Young People, ‘Written evidence submitted by the Northern Ireland Commissioner for Children and Young People related to the effect of paramilitaries on society in Northern Ireland inquiry - PNI0016’. Available at: <https://committees.parliament.uk/work/6630/the-effect-of-paramilitary-activity-and-organised-crime-on-society-in-northern-ireland/publications/>; Criminal Justice Inspection NI, ‘Modern Slavery and Human Trafficking: An Inspection of How the Criminal Justice System Deals with Modern Slavery and Human Trafficking in NI’, (CJI, 2020) at 3.74 and 3.137.

into the effect of paramilitary activity and organised crime on society in NI, including the effectiveness of current measures aimed at tackling it.³⁵

4.17 In 2021, the Independent Anti-Slavery Commissioner and EPCAT UK published a snapshot report of child trafficking in the UK. It highlighted concerns raised by the Independent Guardian Service regarding, “the lack of non-governmental organisations in NI with expertise in child trafficking designated as NRM First Responders, as well as appropriate provisions for mental health support, access to adequate education and appropriate placements for children”.³⁶

4.18 Therefore, the NIHRC welcomes the inclusion of more child specific measures within the new strategy and particularly the commitment to expanding the list of First Responder organisations to include youth work representatives. However, the NIHRC reiterates the importance of ensuring practitioners are aware of and able to identify where the modern slavery and human trafficking of children might be happening in all its forms in NI. This includes highlighting the links with child sexual exploitation, missing children, child criminal exploitation, online exploitation, forced marriage, forced labour and domestic servitude.

4.19 The NIHRC recommends that Strand 2 includes specific actions aimed at improving the understanding and identification of child victims and potential victims of modern slavery and trafficking in all its forms in NI. This includes ensuring an awareness of the specific safeguarding interventions in accordance with a victim’s identified needs.

4.20 The NIHRC recommends that Strand 2 includes a specific commitment on supporting the recovery of a child victim of human trafficking and modern slavery, to ensure that all affected children have access to necessary supports, such as specialist mental health services, education, and accommodation.

³⁵ UK Parliament, ‘NI Affairs Committee – Inquiry: The effect of paramilitary activity and organised crime on society in Northern Ireland’. Available at: <https://committees.parliament.uk/work/6630/the-effect-of-paramilitary-activity-and-organised-crime-on-society-in-northern-ireland/>

³⁶ Independent Anti-Slavery Commissioner and EPCAT UK, ‘Child trafficking in the UK 2021: a snapshot’, (IASC, 2021).

4.21 The NIHRC recommends that the Department of Justice closely considers the findings of the NI Affairs Committee inquiry into paramilitary activity and organised crime in NI and monitors any relevant recommendations through the annual reports to ensure child trafficking concerns are subject to multi-agency discussion and co-ordination.

Nationality and Borders Act

4.22 The NIHRC addressed concerns with the Nationality and Borders Act 2022 in its previous submission on modern slavery and human trafficking to the Department.³⁷ The draft strategy acknowledges that immigration policy is a reserved matter for the UK Government, but that current immigration policy can make asylum seekers more vulnerable to criminal exploitation.³⁸ However, the 2022 Act creates a number of provisions in relation to modern slavery and human trafficking that may impact on devolved matters.

4.23 The 2022 Act introduces Trafficking Information Notices, which must be complied with by a specific date. Late compliance with a notice must be taken as damaging an individual's credibility unless there is a valid reason for late compliance.³⁹ The 2022 Act additionally makes provisions to withhold support from victims on public order grounds.⁴⁰ The Human Trafficking and Exploitation (NI) Act 2015 does not make any corresponding provisions for disqualification. The Independent Anti-Slavery Commissioner has raised concerns that this "casts a wide net", potentially preventing a considerable number of potential victims from being able to access a recovery period.⁴¹

³⁷ NI Human Rights Commission, 'Submission to Department of Justice on Measures to Strengthen the Response to Modern Slavery and Human Trafficking', (NIHRC, 2022).

³⁸ Department of Justice, 'NI Draft Modern Slavery and Human Trafficking Strategy', (DoJ, 2022), at 12.

³⁹ Sections 58-59, Nationality and Borders Act 2022.

⁴⁰ Section 63, Nationality and Borders Act 2022.

⁴¹ Independent Anti-Slavery Commissioner, 'IASC response to the Nationality and Borders Bill'. Available at: [Independent Anti-Slavery Commissioner - Home \(antislaverycommissioner.co.uk\)](https://www.antislaverycommissioner.co.uk).

- 4.24 Section 68 of the Nationality and Borders Act 2022 Act disapplies the EU Trafficking Directive where it is incompatible with a provision of the Act. The NIHRC has raised concerns that the non-diminution commitment in Protocol Article 2 was not effectively considered within this provision. The 2022 Act makes no specific provision or guidance on how it will impact on child victims of modern slavery.
- 4.25 The NIHRC notes its concern that the implementation of the longer-term strategy will be informed by Home Office policy developments in relation to the immigration framework and potentially reduce protections currently in place in NI. The NIHRC would highlight the Scottish Government’s commitment in its fourth annual progress report on its trafficking and exploitation strategy to continue to assess the then Nationality and Borders Bill and ensure “a victim-centred and trauma-informed approach to identification and support” is maintained.

4.26 The NIHRC recommends that the Department of Justice continue to assess the implications of the Nationality and Borders Act and ensure that it prioritises a victim-centred and trauma-informed approach to tackling modern slavery and human trafficking in NI.

5.0 Strand 3 – PREVENT

- 5.1 Article 9 of the UN Palermo Protocol stipulates that States should take proactive measures to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity. This includes strengthening legislative, educational, social and cultural measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.
- 5.2 Guideline 7 of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking recommends “reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration. This process should include examining

the effect on women of repressive and/or discriminatory nationality, property, immigration, emigration and migrant labour laws.”

- 5.3 In 2022, the Independent Anti-Slavery Commissioner highlighted that it is essential that prevention efforts “address the economic, structural and cultural conditions which allow slavery to flourish” and that the development of government strategy provides an excellent opportunity “to join up policy and delivery in order to make impact for survivors but also to address the underlying causes which create vulnerability and criminal opportunity”.⁴² For example, the Independent Anti-Slavery Commissioner previously recommended to the UK Government that reference to modern slavery and human trafficking in all its forms, including sexual exploitation, is included within the updated Violence against Women and Girls strategy.⁴³
- 5.4 Article 1 of the Istanbul Convention identifies that the purpose of the Convention is to elimination all forms of violence and discrimination against women and promote substantive equality between men and women. Article 6 of the Convention provides that State Parties should undertake to include a gender perspective in the implementation and evaluation of provisions of the Convention. Given the Executive Office are currently working on a Violence against Women and Girls Strategy, the Commission advises that this strategy could highlight the gendered impact of modern slavery and human trafficking as well.
- 5.5 The NIHRC welcomes the PREVENT Strand and reiterates that, in order to tackle modern slavery and human trafficking effectively, it is imperative to address the wider factors and conditions that foster trafficking, modern slavery and exploitation in NI. Embedding a holistic and rights-based approach to tackling modern slavery and human trafficking would strengthen the actions committed to under Strand 3.

⁴² Independent Anti-Slavery Commissioner, 'Annual Report 2021 - 2022' (Gov.UK, 2022) at 6.

⁴³ Letter from the Independent Anti-Slavery Commissioner to the Violence Against Women and Girls Team, 18 February 2021.

5.6 The NIHRC recommends that Strand 3 includes explicit actions for preventative measures that target those most at risk of modern slavery and human trafficking. This includes ensuring that other NI Executive strategies and initiatives aimed at tackling the causes of poverty and inequality, including gender inequality, take account of modern slavery and human trafficking.

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