

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 26 January 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

2015 CHAPTER 2

An Act to make provision about human trafficking, slavery and other forms of exploitation, including measures to prevent and combat such exploitation and to provide support for victims of such exploitation; and for connected purposes. [13th January 2015]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

SLAVERY AND HUMAN TRAFFICKING OFFENCES

The offences

Slavery, servitude and forced or compulsory labour

- 1.—(1) A person (“A”) commits an offence if—
- (a) A holds another person (“B”) in slavery or servitude and the circumstances are such that A knows or ought to know that B is held in slavery or servitude, or

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(b) A requires B to perform forced or compulsory labour and the circumstances are such that A knows or ought to know that B is being required to perform forced or compulsory labour.

(2) In subsection (1) the references to holding B in slavery or servitude or requiring B to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention.

(3) In determining whether B is being held in slavery or servitude or required to perform forced or compulsory labour regard may be had to all the circumstances.

(4) In particular, regard may be had to any of B's personal circumstances which may make B more vulnerable than other persons such as, for example—

- (a) that B is a child or a vulnerable adult; or
- (b) that A is a member of B's family.

(5) The consent of B to any act which forms part of an offence under this section is irrelevant.

(6) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Human trafficking

2.—(1) A person (“A”) commits an offence if A arranges or facilitates the travel of another person (“B”) with a view to B being exploited.

(2) A may in particular arrange or facilitate B's travel by recruiting B, transporting or transferring B, harbouring or receiving B, or transferring or exchanging control over B.

(3) A arranges or facilitates B's travel with a view to B being exploited only if—

- (a) A intends to exploit B (in any part of the world) during or after the travel, or
- (b) A knows or ought to know that another person is likely to exploit B (in any part of the world) during or after the travel.

(4) “Travel” means—

- (a) arriving in, or entering, any country,
- (b) departing from any country,
- (c) travelling within any country.

(5) The consent of B to any act which forms part of an offence under this section is irrelevant.

(6) A person to whom this subsection applies commits an offence under this section regardless of—

- (a) where the arranging or facilitating takes place, or

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- (b) where the travel takes place.
- (7) Any other person commits an offence under this section if—
 - (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the travel consists of arrival in or entry into, departure from, or travel within the United Kingdom.
- (8) Subsection (6) applies to—
 - (a) a UK national;
 - (b) a person who at the time of the offence was habitually resident in Northern Ireland; and
 - (c) a body incorporated under the law of a part of the United Kingdom.
- (9) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Meaning of exploitation for purposes of section 2

3.—(1) For the purposes of section 2, a person is exploited only if one or more of the following subsections apply in relation to the person.

Slavery, servitude and forced or compulsory labour

- (2) The person is the victim of behaviour—
 - (a) which involves the commission of an offence under section 1, or
 - (b) which would involve the commission of an offence under that section if it took place in Northern Ireland.

Sexual exploitation

- (3) Something is done to or in respect of the person—
 - (a) which involves the commission of an offence under—
 - (i) Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children), or
 - (ii) any provision of the Sexual Offences (Northern Ireland) Order 2008 (sexual offences), or
 - (b) which would involve the commission of such an offence if it were done in Northern Ireland.

Removal of organs etc.

- (4) The person is encouraged, required or expected to do anything—
 - (a) which involves the commission, by him or her or another person, of an offence under section 32 or 33 of the Human Tissue Act 2004 (prohibition

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of commercial dealings in organs and restrictions on use of live donors)
in Northern Ireland, or

- (b) which would involve the commission of such an offence, by him or her or another person, if it were done in Northern Ireland.

Securing services etc. by force, threats or deception

(5) The person is subjected to force, threats, abduction, coercion, fraud or deception designed to induce him or her—

- (a) to provide services of any kind,
- (b) to provide another person with benefits of any kind, or
- (c) to enable another person to acquire benefits of any kind;

and for the purposes of this subsection “benefits” includes the proceeds of forced begging or of criminal activities.

Securing services etc. from children and vulnerable persons

(6) Another person uses or attempts to use the person for a purpose within paragraph (a), (b) or (c) of subsection (5), having chosen him or her for that purpose on the grounds that—

- (a) he or she is a child or a vulnerable adult or is a member of the other person's family or the other person is in a position of trust in relation to him or her; and
- (b) a person who was not within paragraph (a) would be likely to refuse to be used for that purpose.

Committing offence with intent to commit offence under section 1 or 2

4.—(1) A person commits an offence under this section if the person commits any offence with the intention of committing an offence under section 1 or 2 (including an offence committed by aiding, abetting, counselling or procuring an offence under that section).

(2) A person guilty of an offence under this section is (unless subsection (3) applies) liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

(3) Where the offence under this section is committed by kidnapping or false imprisonment, a person guilty of that offence is liable, on conviction on indictment, to imprisonment for life.

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Sentencing for offences under section 1 or 2

Offences to be serious offences for purposes of sentencing

5.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Schedule 1 (serious offences for purposes of sentencing dangerous offenders) after paragraph 31 insert—

“The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

31A An offence under—

section 1 (slavery, servitude and forced or compulsory labour);

section 2 (human trafficking).”.

(3) In Part 1 of Schedule 2 (specified violent offences for purposes of sentencing dangerous offenders) after paragraph 31 insert—

“The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

31A An offence under—

section 1 (slavery, servitude and forced or compulsory labour);

section 2 (human trafficking) which is not within Part 2 of this Schedule.”.

(4) In Part 2 of Schedule 2 (specified sexual offences for purposes of sentencing dangerous offenders) after paragraph 14 insert—

“The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

14A An offence under section 2 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation)..2 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).”.

Aggravating factors

6.—(1) Where a court is considering for the purposes of sentencing the seriousness of an offence under section 1 or 2, the court must treat the following as aggravating factors—

(a) the offence was committed by a public official in relation to the performance of her or his duties;