

**Report pursuant to section 3(12)  
of the Northern Ireland (Executive  
Formation etc) Act 2019 - use of  
discretionary powers to provide  
assistance and support under  
section 18(9) of the Human  
Trafficking and Exploitation  
(Criminal Justice and Support for  
Victims) Act (Northern Ireland)  
2015**

Presented to Parliament pursuant to section 3(12) of the  
Northern Ireland (Executive Formation etc) Act 2019



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**Report pursuant to section 3(12) of the Northern Ireland (Executive Formation etc) Act 2019 - use of discretionary powers to provide assistance and support under section 18(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**

This is a devolved matter. This report is based on information provided by the Northern Ireland Department of Justice.

Section 3 of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This report is made in accordance with section 3(12) of the Act which states:

The report under subsection (1) must include a report to be published on or before 4 September 2019 on progress on the use of discretionary powers to provide assistance and support under section 18(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. The report must cover—

- a) how many times the Department has decided it is necessary to provide assistance and support for victims of human trafficking for whom there has been a conclusive determination that the person is a victim of trafficking in human beings,
- b) the reasons the Department has decided it is necessary to provide assistance and support for victims of human trafficking for whom there has been a conclusive determination that the person is a victim of trafficking in human beings, and
- c) the immigration status of those victims of human trafficking for whom there has been a conclusive determination that the person is a victim of trafficking in human beings who are receiving assistance and support beyond the relevant period.

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

Section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Northern Ireland Department of Justice to ensure that

a person to whom section 18 applies is provided with assistance and support in accordance with section 18. Section 18 applies to a person if that person is aged 18 or over or, in a case where the age of the person is uncertain, the Department reasonably believes that person is aged 18 or over. Subsections (3) and (4) set out the period of time for which assistance and support is to be provided. Subsection (9) provides for the following extension:

Where—

- (a) assistance and support has been provided to a person under this section; and
- (b) that person ceases, by virtue of a conclusive determination that the person is a victim of trafficking in human beings or the ending of the relevant period, to be a person to whom assistance and support is to be provided under this section,

the Department may nevertheless ensure that assistance and support continues to be provided to that person under this section for such further period as the Department thinks necessary.

**Response to the Northern Ireland (Executive Formation etc) Act 2019 provisions in section 3(12)**

Section 3(12)(a)

The Department of Justice has not routinely recorded information in relation to the exercise of the discretionary power to provide continued support, under section 18(9). After conducting a manual review of case files the Department of Justice has been able to provide information in relation to the exercise of this power for the financial years 2016/17, 2017/18 and 2018/19. It has not been possible to provide accurate figures prior to 2016/17.

From the information available to the Department, the following table shows the number of individuals for each financial year who received support under section 18(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, by the financial year that the individual exited support<sup>1</sup>.

<b>Section 18(9) figures</b>			
Exited in financial year	2016/17	2017/18	2018/19
Number of people supported under Section 18(9)	3	6	7

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<sup>1</sup> In 2016, the then Justice Minister for Northern Ireland, Mr David Ford, took a policy decision to extend the scope of adult support provision under section 18 to include victims of slavery, servitude and forced or compulsory labour.

### Section 3(12)(b)

The reasons the Department of Justice has decided it is necessary to provide assistance and support for victims relate to the general policy intent underpinning this subsection: to allow for those cases where a short transitional period may be needed to facilitate a smooth transition for individuals exiting Department of Justice-funded support into mainstream arrangements whether through the welfare system, education, employment, accommodation or repatriation.

### Section 3(12)(c)

The Department of Justice does not hold any information relating to the immigration status of individuals to whom support under section 18(9) has been provided<sup>2</sup>.

The Department of Justice is not proposing any policy changes or consultations in relation to the provision under section 18(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

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<sup>2</sup> It may be possible for a Competent Authority under the National Referral Mechanism to advise on immigration status, if provided with appropriate unique identifier numbers. However, particularly given the small numbers involved (i.e., 16 individuals over a three year period) it is not appropriate to put this information into the public domain as it might compromise the identity of victims.

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