*These notes refer to the Criminal Justice Act (Northern Ireland) 2013 (c.7) which received Royal Assent on 25 April 2013*

# Criminal Justice Act (Northern Ireland) 2013

## EXPLANATORY NOTES

### BACKGROUND AND POLICY OBJECTIVES

#### *Human Trafficking provisions*

11. The United Kingdom opted into the EU Directive on preventing and combating trafficking in human beings and protecting its victims (Directive 2011/36/EU) in July 2011. The Department of Justice in Northern Ireland was therefore required to legislate to amend the Sexual Offences Act 2003 ("the 2003 Act") and the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 ("the 2004 Act") to introduce new offences to comply with the Directive. These have been included in the Act.

12. Trafficking is criminalised in the United Kingdom pursuant to a number of criminal offences. These are set out in the 2003 Act where a person is trafficked for the purpose of sexual exploitation, and in the 2004 Act where a person is trafficked for the purpose of labour exploitation and certain other types of exploitation.

13. In order to comply with the Directive, this Act creates an offence where a UK resident (who has not previously been trafficked into the UK) is trafficked within the UK e.g. from London to Belfast, for the purposes of non-sexual exploitation; this is already an offence in relation to trafficking for sexual exploitation. A further change has been made in order to create an offence to allow for the prosecution of a UK national who has trafficked someone anywhere outside the UK either for sexual or non-sexual exploitation, e.g. if a UK national trafficked a person from Mexico to Brazil.

14. Given the serious nature of these offences, the opportunity has also been taken to remove the existing provision for summary conviction of human trafficking offences to make human trafficking offences triable on indictment only. This will ensure that, from commencement, all future offences of human trafficking, for any form of exploitation, will be triable on indictment in the Crown Court, attracting, essentially, a maximum sentence of 14 years imprisonment.