

*These notes refer to the Human Trafficking and Exploitation
(Criminal Justice and Support for Victims) Act (Northern Ireland)
2015 (c.2) which received Royal Assent on 13 January 2015*

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Meaning of exploitation for purposes of section 2

Section 3 defines exploitation for the purposes of a human trafficking offence under section 2.

Subsection (2) defines exploitation as including behaviour that would constitute an offence of slavery, servitude and forced or compulsory labour. Subsection (3) defines the range of sexual exploitation relevant to a human trafficking offence under section 2. It provides that a person is exploited if they are a victim of conduct that would constitute an offence under article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children) or any offence under the Sexual Offences (Northern Ireland) Order 2008 (sexual offences).

Subsection (4) defines relevant exploitation relating to organ removal or for the sale of human tissue and provides that a person is exploited in this way if they are encouraged, required or expected to do anything which involves the commission (either by them or by another person) of an offence under sections 32 or 33 of the Human Tissue Act 2004 (prohibition of commercial dealings in organs and restrictions on use of live donors). Equivalent conduct done outside Northern Ireland would also fall within the definition.

Subsection (5) defines exploitation as including subjecting a person to force, threats, abduction, coercion, fraud or deception in order to compel them to provide services of any kind, or to provide another person with benefits of any kind, or to enable another person to acquire benefits of any kind. Subsection (5) (c) clarifies that the term “benefits” under this subsection includes the proceeds of forced begging or of criminal activities.

Subsection (6) defines exploitation which involves using or attempting to use a child, vulnerable adult, family member or a person who is subject to a position of trust to provide services or benefits of any kind, having chosen them on the

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grounds that they are a child or a vulnerable adult etc. and that a person who was not a child, vulnerable adult, etc. would be likely to refuse to be used for that purpose.