

# Agent of Change

By Caelainn Hogan

Caelainn Hogan speaks with criminal barrister Caroline Haughey LL.B. (1999), whose successful prosecution of a modern-day slavery case in the UK led to the enactment of the Modern Slavery Act of 2015 targeting human trafficking and exploitation.

Caroline Haughey always saw the law as a living instrument. When she successfully prosecuted the first case of modern slavery in Britain, she played a key role in the law's evolution. The 2011 case, tried in Southwark Crown Court, saw a 68-year-old former hospital director, Saeeda Khan, convicted of trafficking 47-year-old Mwanahamisi Mruke from Tanzania to London and enslaving the woman in her home. Desperate to send money home to support her daughter's studies, Mruke travelled to London after

Khan promised her a domestic service visa and to pay £50 a month to the daughter in Tanzania. Mruke was initially given £10 of pocket money a month, but after the first year, the meagre payments stopped and threats were made against her family back home. For years, Mruke was made to sleep on the kitchen floor, working from dawn until midnight, with only a few slices of bread to eat. Her passport was taken away and she was banned from leaving the house without permission.

The ruling that found Khan guilty of trafficking a person for the purpose of exploitation was heralded as the first modern-day slavery case in the UK, though the conviction was later overturned. The case was a catalyst for the Modern Slavery Act of 2015, which Haughey helped draft, expanding the definition of exploitation. Since then, Haughey has prosecuted a range of cases under the Act, from labour exploitation cases to child sex trafficking. Haughey sits on the UK's Modern Slavery Task Force and consults with governments and law enforcement agencies worldwide on these issues. She explains that many people being exploited had left difficult situations at home and trusted their traffickers' promises of a better future in Britain. Physical and psychological isolation, often coupled with a fear of authorities and police, leads to people being exploited in plain sight, feeling they have no one to turn to.

While growing up in Newry, in Northern Ireland, during the Troubles, Haughey was encouraged to be understanding of others. Her mother was Protestant and her father catholic, and the conflict became "part and parcel" of daily life. The kitchen table was the epicentre of her first debates, discussing the issues of the day over dinner with her parents and two younger brothers. She was encouraged to form strong convictions from a young age. Her mother ran her own law firm, while her father, who worked in manufacturing pharmaceuticals, was always political. Politicians and even a future prime

minister were often dinner guests. Her father believed that if you could get people to eat at a table together, you could find a resolution.

"I always knew I wanted to be a criminal barrister," she insists. As a kid, she remembers following a murder trial and being fascinated by the process. Her parents were uncomfortable with the religious segregation of schools, so she was sent to boarding school in the UK, where her teachers encouraged ambition and independence. Even with dyslexia, she developed an obsessive love for the power of words. Being away from home opened her eyes to how Northern Ireland was viewed from afar, particularly stereotypes of people being terrorists. "Judge as you find, not as people tell you" was a motto her parents lived by that still informs her work today.

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Friends who studied at Trinity “raved about it,” so she applied there to study law. Haughey liked its history as the oldest seat of learning in Ireland. “I was coming back to my roots,” she said. “I wanted to acknowledge my Irishness.” The fact Trinity had a copyright library was a dream. “I eat books,” she admits. She began her degree at Trinity Law School in 1994, and her focus on criminology never waned. Cases of sexual assault stood out for her. She remembers being appalled by a judge who believed a person in prostitution could not be raped. She debated at the Hist and Phil, honing her skills through endless rows and discussions with fellow students, many of whom became lifelong friends. “Extraordinary people,” she says. “I felt like I’d come home, in a mental sense.” She maintains her connection with Trinity still, as a member of the Provost’s Council.

In her final year, Ivana Bacik taught criminology and encouraged her students to never see the rigours of the law as a confinement. “She profoundly impacted who and why I am,” says Haughey. “She taught me crime is not just who robbed the bank. If we understand why, that helps us understand who.” Exams were not her forté, but Haughey excelled at field work and researching the lived experience of law. Her thesis focused on the decriminalisation of prostitution. She was living in a basement flat and would chat with a woman called Monica, who worked the stretch of street outside her door. “She opened my eyes,” Haughey stresses. Monica introduced her to other women selling sex, to speak about the challenges they faced. The summer after she completed her LL.B. at Trinity, three women involved in prostitution were found dead in the canal. A chance meeting with the Minister of Justice led to her producing a white paper for the government on the decriminalisation of prostitution in Ireland. It reinforced what her parents had taught her about never assuming judgment. She endeavoured to understand people’s circumstances and came to realise prison was not always the solution.

After admittance to the bar in England and lecturing in London, her first pupillage was with a firm that didn’t fit her. “I’m a bit gobby and in your face,” she says. “By being a precocious pain in the ass you can effect change, by being a bit of a Jack Russell.” She moved to another chambers that embraced her personality, and flourished. Every case thrown at her was different, from drug charges to a man who had a machete in his car. “I got to do interesting work because



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no is not really a word I get with,” she stresses. It was by first accepting a laborious case that no one else wanted that she came to be offered the modern slavery case that has defined her career so far. Haughey was pregnant with the second of her four daughters, but didn’t hesitate. She finished the case two weeks before giving birth. The resilience of the Tanzanian woman she represented made her feel she could fulfill the promise of her favourite Robert F Kennedy quote, about how each person who stands for an ideal, or strikes out against injustice, sends forth a tiny ripple of hope, and those combined ripples “build a current that can sweep down the mightiest walls of oppression and resistance.” She laughs at her own idealism sometimes, but recognises the impact of her work. “It sounds so twattish,” she admits, “but we can change the world.”

Seven years ago, it was a challenge to get a rape conviction for a case of sexual assault against a sex worker. She recently had a jury convict a rapist in such a case within 45 minutes. “The law is a living instrument,” she says. As a criminal barrister with Furnival Chambers, she continues to prosecute high profile cases that drive the law to adapt. To combat trafficking, she believes it’s important to change perspectives. The person being exploited could be cleaning your office. “We need a little more compassion.” She worries we are losing the willingness to consider opposing views. “We shout, but don’t listen,” she says. Education is crucial to fostering understanding, but that means removing class barriers to learning. “Make the bar accessible to demographics that otherwise wouldn’t consider it,” she says. The most important lesson she has learned through her work is not to fear her own capacity to make an impact on the world. “It taught me not to fear being the advocate of change,” she says. “I have seen the law change in real time.”

### ABOUT THE AUTHOR

Caelainn Hogan B.A. (2011) is a writer and journalist from Ireland who has reported across Europe, the Middle East and Africa.