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Home Affairs Committee

The Trade in Human Beings: Human Trafficking in the UK

Sixth Report of Session 2008–09

Volume II

Oral and written evidence

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The Home Affairs Committee

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Oral evidence

Taken before the Home Affairs Committee

on Tuesday 5 February 2008

Members present

Keith Vaz, in the Chair

Ms Karen Buck
Mr James Clappison
Mrs Ann Cryer
David T C Davies
Mrs Janet Dean
Patrick Mercer

Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeeter
Mr David Winnick

Witness: **Ms Klara Skrivankova**, Anti-Slavery International, gave evidence.

Q1 Chairman: Can I formally begin our new inquiry into human trafficking and welcome Klara Skrivankova from the UK Human Trafficking Centre Prevention sub-Group. Thank you for giving evidence on this very first session of the Select Committee. We have obviously read a lot about human trafficking but one of the problems we have is to try and find out the sheer scale of it, the numbers involved both in terms of people coming here as forced labour and also within the sex industry as a whole. Are we getting any clearer picture as to the numbers of people involved in human trafficking?

Ms Skrivankova: The truth is, as you have already mentioned, nobody really knows the whole extent of trafficking, and there are several reasons why this is happening. One of the reasons of course is that trafficking happens underground and is an illicit crime, and the information that we have is only from those that come forward or from those cases that come to the attention of the authorities or of the NGOs. We suspect that it is not more than 10 to 15% of the cases of the whole scale, so that is quite a low number. What is important to mention is that the problem is connected to the lack of identification. There are very few people who are actually identified as being trafficked and Anti-Slavery International, the organisation I come from, has carried out a research recently into trafficking for forced labour and in the course of the research, which was focusing on the qualitative side, we have managed to discover over two dozen cases of people who were trafficked for forced labour in the UK. However, none of these cases were identified as a case of trafficking by the agencies that initially recorded them, and that is quite a significant issue. Already from the anecdotal evidence that we have and that some other organisations have we can conclude that we have a significant problem, but we have to focus on more identification and a proper identification mechanism to be able to assess the scale.

Q2 Chairman: Do we have numbers, for example, for the UK? Would you know how many people are currently in the UK who have been trafficked here?

Ms Skrivankova: There are some minimum estimates and they are very conservative estimates from the government. You will be aware of the number of 4,000 women that are trafficked at any given time into the UK, which is the government estimate and is a very conservative estimate.

Q3 Chairman: When you say “at any given time” at the moment you estimate—and we know that these are going to be estimates—you estimate that it is about 4,000?

Ms Skrivankova: That is the government estimate and that is only on women trafficked for sexual exploitation. So what is important to point out is that this number does not include people who are trafficked for labour exploitation.

Q4 Chairman: Do you have a rough figure as to how many those are?

Ms Skrivankova: The only number on people who are trafficked for labour exploitation that we currently have comes from the statistics of an organisation called Kalyaan, and they provide assistance to migrant domestics that were in forced labour or were trafficked. According to their data they have recorded within a year that over 300 people were trafficked in London—only in London—for the purposes of domestic work. So that is quite a high number over a short period of time.

Q5 Chairman: So roughly 300 for domestic workers and roughly 4,000—and you are saying it is a conservative estimate—

Ms Skrivankova: That is a very conservative estimate.

Q6 Chairman: . . . of women in the UK at the present time who are here in the sex industry?

Ms Skrivankova: The sex industry and domestic work; the number does not include any other forms of labour exploitation. We have discovered people who are trafficked into construction, processing, packaging and into agriculture and in the catering

industry. We now have information about people who are trafficked for committing illicit activities and we do not know that number.

Q7 Chairman: But it is more than 5000?

Ms Skrivankova: I would say so, yes. We have enough information to conclude that it is a significant problem, that it is in thousands. If you look at the number of cases that were recovered in the recent police operation, Pentameter, that ran over a period of, I believe, four to six months, within that they have just in a small area recovered over 80 cases, and that was over a short period of time of a focused action.

Q8 Chairman: We will come on later specifically to employment of children but on statistics now—and just on statistics—do we have any statistics of the number of children who have been trafficked into this country?

Ms Skrivankova: According to the research of ECPAT—and that was confirmed by the government—the suspicion is that there are several hundred children that may have been trafficked into the UK. One of the numbers talk about 300; the more recent research suggests that at any given time there might be at minimum about 600 children within the asylum system or that have gone through the asylum system and have gone missing from care that may have been trafficked. So we are talking about hundreds of children. Just for your information, the research was carried out just in several regions of the UK; so we have rough information about several regions. So we are talking again about hundreds of children.

Chairman: We will come on to the regions now with Mr Patrick Mercer.

Q9 Patrick Mercer: Do you think that the victims of trafficking are spread evenly—if that is the right phrase—throughout the United Kingdom, or are there clear regional differences in as and where they might be?

Ms Skrivankova: What we can say for sure is that no region is immune against trafficking. There have been cases of trafficking recorded all through the UK. What we have to look into is what we can describe as the risk areas, at the industries that we know and where we have discovered cases of trafficking. Very often it will be industries where migrant workers are employed, where cheap labour is employed, where temporary labour is employed; so, for example, those regions where there is a high concentration of agriculture there have been cases recorded of people trafficked for the purpose of agriculture. Again, there are clear regions that focus on shellfish gathering, on fishing industries; there have been cases of those as well. There are of course areas where we know of sexual exploitation. There are regions and boroughs, for example in London, where we know that people employ migrant domestic workers and there are cases of abuses recorded. So what we know for sure is that all regions are affected; and importantly, if we are implementing some measures, we have to focus on

measures that are implemented across the regions. For example, that all the police within all the constabularies are following the same guidance in terms of identification; that there is a clear system in place where a person who suspects somebody might have been trafficked refers them to a competent authority that is composed of a multi-agency group that can identify and refer the case to proper assistance and that protection can be afforded to the victims as well as the police being able to pursue a prosecution. So it is very important to focus on the issue in all the regions.

Q10 Chairman: You said to Mr Mercer “all the regions”—every town and city in Britain?

Ms Skrivankova: Of course we do not have research about that but the evidence we have suggests that there is not really immunity against trafficking. There might not be trafficking happening in every town and region but people might be trafficked through that town; people might be trafficked from one place to another and, as I said, if there is an indication of the industries then those regions where trafficking for labour exploitation as well as sexual exploitation was previously found then we have indicators of possible trafficking happening.

Q11 Martin Salter: Keeping along the lines of the current regional and national trends, do you have any information that you can share with us about whether or not traffickers from specific countries or specific areas of the world tend to specialise in specific criminal activity or specific purposes for trafficking people? We heard earlier from a Parliamentary expert in this that the Roma community in particular are desperately vulnerable to be trafficked into the sex trade. We all saw the horrible consequences of the Chinese cockle pickers being effectively trafficked for false labour. I have heard lots of stories myself about how many people are trafficked into Chinese restaurants, in particular in London and the south of England. Can you share any of your hard facts with us or your experiences with us in that regard?

Ms Skrivankova: You are absolutely correct in concluding that there are certain areas or industries that tend to have certain nationalities. From the research we have carried out we have found, for example, that the majority of people who are trafficked for agriculture come from Central and Eastern Europe. A lot of people who are trafficked in the catering industry would be coming from south Asia or south-east Asia. A lot of people that are trafficked for the purposes of cleaning would be coming from South America. Women that are trafficked for sexual exploitation, at the moment there is a mixture between women who are trafficked from the countries of Eastern Europe, women trafficked from particular countries in Africa and women trafficked from Asia, in particular China and Thailand. I think the information that we have about the profile of the nationalities shows us that actually there is not a typical victim of trafficking, that people are trafficked to the UK from all parts of the world and the trends are changing. That is

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something on which we need to focus in the measures that we are putting into place, to look at what is happening in the UK, why the people are so vulnerable to being trafficked and when they manage to escape from the situation of trafficking what needs to be done in order to protect them from being re-trafficked. It is to address the underlying factor, which is their vulnerability that is very often connected to the threats, to the violence and, more importantly, to their status in the country, as well as look at the situation in the countries of origin, why the people are forced to migrate, why the people are forced to solve their situation connected to poverty and lack of opportunities by migrating somewhere for labour; and why are they not able to do it in a safe way, why are there people taking advantage of that situation and forcing them into exploitative conditions.

Q12 Martin Salter: Looking around Europe in particular, what would you say are the top countries of choice? Where is the destination most favoured by the traffickers? Is it Britain, is it Italy, is it Spain?

Ms Skrivankova: I think Western Europe as a whole is the place and more increasingly also Central Europe, but what we have to bear in mind is that people are very often trafficked to different countries. So somebody might be trafficked to the UK for a couple of months and then moved to Ireland or moved to Italy, to Spain, which is one of the ways in which the traffickers control the people, by moving them more often, by preventing them from maybe learning about their rights and getting to know their environment and escape. So that is something we need to bear in mind, that whatever measures we put in place here in the UK we have to see what is the context in Europe and what the implications will be on the whole scale of trafficking.

Q13 Martin Salter: But you would not say that Britain is a more preferred destination than France or Italy or any other relatively prosperous European country?

Ms Skrivankova: I would say it is comparably popular. I think all the countries where there is a need for migrant labour are the countries that are going to be targeted by traffickers, unless there are channels for safe, legal labour migration.

Q14 Chairman: Taking Mr Salter's question in an opposite way, is Moldova still the top as far as people coming from Moldova? We have had a statistic that a third of the population of Moldova has now left Moldova; is that a correct statistic?

Ms Skrivankova: It is a correct statistic and it is an indication of the vulnerability; it is an indication of why people migrate; it is an indication that there are no opportunities and no possibility to support themselves. Moldova is not at the moment, according to the information I have, the top country of origin for the UK.

Q15 Chairman: Which is?

Ms Skrivankova: At the moment in terms of sexual exploitation we are looking at people from Lithuania, Nigeria, China and Thailand. For labour exploitation and for illicit activities it is Vietnam. If you look at the profile of women that are trafficked for domestic labour we see a lot of women from the Philippines, from India, from Sri Lanka; and we see a high number of the new EU nationals trafficked to the UK from Poland and Lithuania, which is one of the examples I have already given.

Q16 Bob Russell: On the trafficking in the sex industry, if I can use that term, it is all down to supply and demand. What is your view on the large number of local newspapers, regional newspapers that carry advertisements for so-called massage parlours? Is this feeding the frenzy of the sex trade and the trafficking of women?

Ms Skrivankova: I think you would be aware that there are various different approaches to regulating or criminalising the use of sexual services. What we know is that from countries that have decided to go the either/or way there is no conclusive evidence to suggest that one way or another would influence trafficking. What is important to say is that trafficking does not equal prostitution and there is a potential danger in creating this equation; it is a more complex issue that, as you say, is connected to the situation in the country of destination as well as to the situation in the country of origin. There is a lot of coercion going on; people are put under threat, people are exploited, there is violence involved for those who are trafficked, and they are at risk before and they are at risk after. There are causes and consequences of trafficking and that is one thing that needs to be borne in mind when we talk about the sex industry as a whole, and there is no conclusive evidence based on research that would suggest that the existence of the sex industry would be the main reason why trafficking exists because trafficking exists in other industries as well. So it is really looking at the protection and the rights aspect of the issue that unveils what are the underlying problems that are connected to poverty, lack of opportunity and people being forced into survival strategies that they would not choose if they had opportunities.

Q17 Bob Russell: I recognise all those points you are making but, in a provincial town, unless there were two or three columns of these adverts in the local newspaper how would potential customers know about them? In other words, the demand is being created and therefore people are required to fulfil that demand created by the advertisements. That is what the advertising industry is all about; that is why firms advertise their wears, and here we are advertising the sex trade.

Ms Skrivankova: As I said, if you wish to tackle that sort of demand there are things that need to be borne in mind that could be created by putting in place certain arrangements. There are dangers of things going more underground, of the problem being displaced and also of putting people at more risk by, for example, criminalising punters who present a

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certain percentage of those who actually help out the women. If you imagine a situation where you have a trafficker that can be potentially criminally liable as well as the punter and the victim of trafficking then there are two sides that can potentially put the person in danger, whereas in a situation where the punter is not criminally liable the victim might have a resort how to get out. There are statistics from the police as well as from the POPPY Project that suggest that loads of intelligence would come from punters.

Q18 David Davies: A sensitive matter but you will probably be aware that one police force in the Midlands area has launched an investigation into what they call internal trafficking, that is the trafficking of—if I can say it—white indigenous British girls for sexual purposes. Are you aware of that and is that a major problem?

Ms Skrivankova: I am aware of that investigation being made. I do not have much more information about that. The important thing I want to point out is that when we talk about internal trafficking by definition internal trafficking means trafficking of anybody within the UK, and we have evidence of people who came to the UK from other countries legally and then became victims of trafficking within the UK, very often trafficked from London to Scotland, and this particular case I have in mind was a man who was trafficked into the fishing industry. So I think again if we start talking about internal trafficking we should be looking at the whole scope. I know of countries, for example the Netherlands, they started an inquiry into internal trafficking and once they had started it they found that it is quite a significant percentage of people trafficked within the country.

Q19 Mr Clappison: Going back a moment to the list of countries which you read out to us, most of those are outside the European Union and many, if not all of them, are subject to what we were led to believe was a strict visa control, one of them being Nigeria which we visited as a Committee. Can you give us some indication as to how people are getting around the visa controls because people are only supposed to get permission to come and work in this country if they are skilled or semi-skilled or if they are coming here as students, otherwise there is supposed to be a very strict visa control. What is going wrong?

Ms Skrivankova: If you look at the information that we have gathered in our research, as well as the information, for example, from the Operation Pentameter, the trend suggests that the majority of people who are trafficked to the UK, both from the countries of the EU as well as from the countries outside of the EU, came to the country legally and very often were made illegal by the traffickers. It is a very commonly used method of coercion to take the passport away, to replace the passport with a fraudulent document, which actually shifts the liability to the victim, or prevent the people from extending their visa and at that point starting to exploit them. One of the most commonly used methods of coercion is indeed retention of

documents or replacing them with fraudulent documents, or preventing them from extending the visa.

Q20 Mr Clappison: A labourer from China or Vietnam that you mentioned, or a girl from Nigeria, how are they actually getting into the country? On what basis are they getting permission to come here?

Ms Skrivankova: Many of them would be coming on regular work visas but one of the things that is worth noting is that work visas are very often tied to one concrete employment or employer, which puts a very high power into the hands of the employer. What we have witnessed is that people threatened the victims saying, “If you complain, if you run away you will be illegal and I will get you deported,” and there are instances of workers who tried to complain about working conditions, they were forced to overstay their visas and the employer calling in the immigration services and the people were subsequently deported. There is an example of how the system can be improved and it is the system that is currently in place for the migrant domestic workers, that was put in place in 1998 as a result of evidence of abuse. Under the current rules the migrant domestic workers come in on a renewable visa with the family. If abused they can change employment within the same sector; they can find another employer, and thereby they are protected when they come forward. The regulation is very clear, the regulation stays with the government, the visa is given for a purpose and it is given only in a certain category; they can renew the visa only when they are in full employment. At the moment they have no recourse to public funds. And at the moment there is a proposal on the table to reverse that and to put migrant workers in a situation that would *de facto* condone trafficking exploitation when there is no reason for it. And evidence also from other sectors shows that if the people had a chance to change employment within the same sector they are protected against abuse because the fact that the employers effectively hold the visas of their employees puts a very significant amount of power in them.

Mr Clappison: Could you write to us with any evidence you have on the subject?

Chairman: That would be very helpful. I do not want to stop what you are saying, Ms Skrivankova, it is just that we have a lot of questions to ask of you. Janet Dean is going to ask about the employment of children.

Q21 Mrs Dean: Obviously the media recently has focused on children being brought into the UK to work as criminals, whether that is tending cannabis factories or acting as pickpockets. Could you give us some information about the children? Where are most children trafficked into the UK employed? I would also be interested to know which countries mainly children come from into the UK and how many of them, for instance, come with their parents or come alone, and on what basis do they come here?

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Ms Skrivankova: You have already mentioned the issue of children being trafficked for the purposes of committing illicit activities and it is one of the problems and one of the trends we have been facing in the UK. At the moment unfortunately we still see those children being treated as criminals rather than as victims of trafficking. There are instances of children that were put in detention centres and indeed convicted in connection with illegal cannabis factories as opposed to being treated as children, as victims of trafficking and afforded protection. So there seem to be a number of children coming from Vietnam, according to the information of the organisation called ECPAT as well as the social services. There seems to be over the past six months an increasing number of Vietnamese children coming to the UK. Some of the children would be coming as a part of the family, some of the children would be coming as unaccompanied asylum seeking children; and that is an important aspect to point out, that the children very often go missing from care and you will have a lot of submissions I believe from the children's agencies on that. There is a failure in identification of the children and there is a failure in providing an institute of guardian that will be assigned to each child identified potentially at risk of being trafficked to ensure that this child is placed into proper care, and that the best interests of the child are addressed. What is important to point out is really again the issue of vulnerability because many of the children coming to the UK have been previously abused and exploited in their home countries, or they were living in a family where the adults of the family had no parental responsibility over them, and that is problematic. There are other issues that are connected to that but I do not want to go into much detail on that because I do not have that much information.

Q22 Mrs Dean: Do you have any information that would help the Committee to look at what percentage came with parents, without parents, as to whether they came seeking asylum or whether they came to work?

Ms Skrivankova: I am afraid I do not have that information, but I am sure an organisation called ECPAT has much more thorough information specifically on children.

Q23 Ms Buck: Just on that point, do you actually liaise with the Association of Directors of Social Services and know from social services how many children are with families or particularly unaccompanied asylum seeking children are in each borough? And are they saying, as you are, that there has been this change in the country or origin of children, because they would presumably know if there are, for example, Vietnamese children arriving in the country without parents?

Ms Skrivankova: Yes, according to the information that ECPAT has received from the social services there is an increasing number of Vietnamese and Romanian children as well. The problem we have at the moment is that the UK has a reservation on the United Nations Convention on the Rights of a Child

that basically prevents children that are non-British nationals from getting a complex way of protection, and I think that is very problematic and is one of the ways in which children are still vulnerable when they escape from the situation of trafficking or when they come to the UK and are at risk of being re-trafficked.

Ms Buck: Can I ask have we actually had representations from the Directors of Social Services?

Chairman: We will be asking them to give evidence to us; we will certainly be doing that. Can I bring in David Winnick?

Q24 Mr Winnick: How far are we able to distinguish between adults who are badly treated by their employers, paid less than the minimum wage and treated generally with contempt, and actually forced labour? Is there a distinction there to be drawn?

Ms Skrivankova: That is a very important point you have raised. Sometimes it is very difficult to distinguish what do we mean by bad conditions and where the line is to forced labour. What is important is to look at the situation of exploitation as the indication and as the important element, to look at the indicators of forced labour which are available, which have been created by the International Labour Organisation, and those indicators are exactly those indicators that are also indicators of trafficking, such as removal of documents, confinement, violence, threat of violence, threat of denunciation to the authorities. So if these indicators are present there is an indication that trafficking might be happening, and this situation should prompt an investigation. However, at the moment the situation of exploitation is not taken as the decisive part of an identification situation. Very often you would see that immigration control is the part that takes the lead and because of the contradictions between the policies—the immigration policy, trying to meet the deportation targets and the trafficking policy that is actually trying to tackle trafficking—there is a contradiction and, as you said, it is very difficult to find out a situation of exploitation, and those who are charged with the identification process will have to be aware of the indications and will have to know that the people who are trafficked are unlikely to self-identify as a result of the coercion. So what we need to have is a shift in the focus and start looking at the situation of exploitation first, and secondly asking how do these people arrive at a situation of exploitation?

Q25 Mr Winnick: There is general concern—and some cases have come to light—where people have been used as domestic servants. Saudi Arabia, rightly or wrongly tends to be mentioned—not necessarily connected to the Embassy but very rich Saudis in Britain—although I am sure there are other nationalities, who have domestic servants who are almost slave labour. Is that a widespread problem, the use of domestic servants in that way?

Ms Skrivankova: Yes, some of the situations of the migrant domestic workers are really situations of slavery. From the information we have from

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Kalyaan over 68% of those who were referred to Kalyaan were subject to some sort of psychological abuse; over one-quarter have suffered physical violence that goes from hitting, burning with an iron, spitting on the people, encouraging children to abuse domestic workers; over one-third had their documents removed and more than half of the workers were confined to the workplace. So we see it as a situation that is very serious and, quite rightly, it is a situation of slavery. But, again, I have to reiterate that at the moment there is a chance for these people to get out of the situation and be employed by somebody who is not going to abuse them.

Q26 Mr Winnick: Is it fair to point the finger more at the Saudis in Britain or other nationalities who come to Britain, very rich characters who are unfortunately allowed to live here, who treat their domestic servants in this way?

Ms Skrivankova: I would not have the information about the particular countries. We know that there are some families coming from the Middle East that would bring domestic servants, but not exclusively those.

Q27 Mr Winnick: It is always unfortunate that we allow these rich characters to be in Britain in the first place. Can the police help in any way? Are they helpful in the sense of making inquiries and helping the victims?

Ms Skrivankova: In the particular case of domestic workers there are some London boroughs that have excellent experience in dealing with domestic workers and that could, for example, go into the employer's house to recover the passport of the domestic worker and assist. Unfortunately what we have not seen yet is a prosecution of that particular employer for trafficking for labour exploitation.

Q28 Mr Winnick: There has been no prosecution?

Ms Skrivankova: There has been no prosecution under the law that criminalises trafficking for labour exploitation since its introduction now four years ago. That is very problematic and I think it comes down again to the lack of identification, as well as to the lack of incentives for the people to come forward and complain because at the moment there is no system of protection and assistance available to those who are trafficked for labour exploitation. So if a person decides to go and complain about being exploited the person is first of all not going to have a chance to get shelter; they are very likely to be deported because some of them would have illegal status or would not be able to prove their identity or to prove their status. So the implication is—and that is one of the things you might want to ask the government—if they are going to introduce a pilot scheme similar to the POPPY Project that exists for women who are sexually exploited for those who are trafficked for labour exploitation to afford all the rights that the people will be granted under the Council of Europe Convention that the UK will ratify this year, and that also those who are trafficked for labour exploitation can enjoy those

rights, which of course contributes then to the prosecution of the traffickers because, as we know, without people providing information it is very difficult to bring a trafficker to justice.

Q29 Ms Buck: Staying with that same point for the moment, I work very closely with Kalyaan, which is based in my constituency, and for a number of years when the domestic workers' concession was first being developed. What I would like to know is your view—and I think that domestic workers are at the very particular sharp end of the problem because they are almost by definition isolated. Kalyaan has over the years been able to be very effective because a word of mouth network can operate and that can help some of those people. If there were a need for a different kind of approach in other sectors what other sectors of the economy might people be trafficked—and we are not talking about sex here, we are talking about forced labour—where they would be so isolated? If workers are forced into a situation—again, probably akin to the cockle pickers or in agriculture—are there ways of dealing with that which are different? Are there structures that do not exist that should exist to help those people?

Ms Skrivankova: I think it is very important to point out that the setting where domestic workers are trafficked to is different. However, if we look at people who are trafficked into areas that are, I would say, visible to the eye it does not mean necessarily that they are not isolated—there are other ways how to isolate, for example by the language barrier. A lot of the migrant workers that are trafficked to the UK actually do not speak English and in the process of recruitment there is a deliberate choice of those who did not speak English because they are easier to control and isolate behind the language barrier. Sometimes they are moved into very remote areas where the group is in isolation; nationalities are mixed that do not have a common language at all—you would have Brazilians together with Polish workers, you would have Lithuanians—so the workers are isolated despite being in a group. So these are just some examples. The fact that they are moved from place to place is a form of isolation. Sometimes they are forbidden to leave the house; they are transported from the place of their accommodation, which is mostly appalling conditions, to the place of workplace and back without a possibility to interface. So these are the patterns and what we need is more research into what the patterns are and where the entry points would be. You will be aware that the government has suggested that there is a problem with trafficking for labour exploitation in the governmental action plan but there was no commitment to carry out thorough research into that to know where the entry points are. We know, for example, that Citizens' Advice Bureaux or sometimes the unions or sometimes local migrant organisations pick up on these issues and they are the ones that can possibly identify these people. However, without a system of protection and assistance in place there is very little that actually can be done for these people because

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they are dependent on the employer not only for the employment but also for accommodation and for transport.

Q30 Ms Buck: Firstly, what can be done to reduce demand? Again, it seems to me that that has to be a sexual approach, if you like. Just taking the domestic workers because that is a very particular, discrete group, is there an argument for saying that wealthy overseas visitors should not be allowed to bring in domestic workers? This question of reducing demand, should we not just ban it? Take another sector, which is harder to do if you are bringing people over into the agricultural sector where there is clearly a very large demand, there might then need to be a different way of using other bodies of legislation—minimum wage enforcement, health and safety enforcement and the environmental health work that is done around housing standards—to crack that problem.

Ms Skrivankova: If we look at trafficking from the migration perspective the people who are trafficked are, *de facto*, migrant workers who are in need of employment and are solving their situation through migration as a survival strategy. If you wish to look at the demand for migrant workers the question is, is it that sort of demand that we want to encourage because in the economy there is a need for migrant labour? If there was not a need for migrant labour no migrant would come because if there is no work nobody would come, and that is very clear and such information spreads. So what we need to focus on is we know that there is a need for migrant workers, that needs to be matched with the policy that would ensure that there are safe, legal migration channels? What we need is legal migration channels to meet that demand. If those are available people will not have to resort into the hands of traffickers or into the hands of smugglers, and if there is a right for the people to change the employer within the same sector, which is something that the government—

Q31 Ms Buck: Which the concession achieved in that particular sector, that is right. But have you yourself identified the raft of existing legislation, existing powers that might be used in different sectors in forced labour, to bear down to be used not for the specific purpose of forced labour but having in effect the benefit of being able to target and deal with forced labour abuses?

Ms Skrivankova: I think at the moment the solid piece of rules we have are the rules that are granted to the migrant domestic workers, and we know that the system is working and we know that the system—

Q32 Ms Buck: That is a different point. I take your point about migration and that is something that I think you are arguing is transferable to other sectors and that is something the Committee may want to pick up, but there is a different issue, though, about using the existing legislation that can be used in employment, in housing standards and so forth which can be used and targeted to deal with forced labour. Is that something that you have looked at,

looked at that legislation and would put forward recommendations and say to the government, “This is where you should be bringing to bear the existing powers that you have in order to deal with this problem?”

Ms Skrivankova: I think the Council of Europe Convention and the provisions that are under the Council of Europe Convention provides a solution to that because it looks at prevention, protection and prosecutions, and it suggests methods how to protect people by, for example, providing a reflection period and it enables them to reflect on the situation, recover, press charges, seek compensation and receive a renewable residence permit for those who might be in danger. So I think that is one of the issues. However, at the moment there is a clear contradiction within the immigration policy and the anti-trafficking policy that, for example, would prosecute some of the people who, as a result of being trafficked, are in breach of immigration and they are the ones that are not granted a reflection period and would not be protected. At the same time there is also a tendency not to afford any protection to those who do not cooperate with the authorities, which again goes against the principles. So at the moment I would not like to see any additional legislative measures; what I would like to see is to use the legislation that is available and implement it and ensure that those provisions that are under the Council of Europe and the Convention that focus on protection, which is something that we do not have in the legislation at the moment very explicitly, are in there are and should be sufficient when implemented.

Q33 Ms Buck: I take all of that and I am sure that the Committee will want to reflect on that, but is it not also the case that that kind of lets the abusers in this off the hook? That really in addition to looking at protection we also need to have much more focus on how we actually crack the abuses by employers who are using forced labour, because not only will they be in breach often of an abuse of individuals and sometimes a breach of migration in spirit if not in the letter, they will also usually be in breach of just about every other piece of legislation that is there to protect employers as well.

Ms Skrivankova: That is absolutely correct and I think the focus on targeting rough employers and exploitative employers is very important. If we take an example of the industries that are prone to exploitation and where we would also find sometimes irregular workers being employed very often it is just the workers that are being targeted; they are deported without anybody asking about the conditions, and the employer gets away with a fine, sets up a new company the next day and the whole thing goes on. So I think there is a clear focus that needs to be shifted from again seeing trafficking from the immigration angle to actually look at those who are exploited and again why there has not been any prosecution on trafficking for labour exploitation. That might be something you would like to ask the UK Human Trafficking Centre, what are they doing in targeting those who are trafficking

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for labour exploitation because at the moment there has not been any focused police operation that would be looking at those who are the employers.

Q34 Bob Russell: You mentioned in the agricultural and food processing areas that if there was not the work there would not be this illegal activity going on. Is there any connection, do you think, between the work being available because of the supermarket chains forcing down prices so therefore the indigenous population are not going to take work of that nature with salaries and wages below the minimum wage? If that is the case do you think that the boards of those supermarket chains are oblivious to the fact that some of their products are reaching the shelves through the use of illegal labour?

Ms Skrivankova: There are two important points to point out in this sense. There is the question of, again, the demand for cheap labour that might be fuelled by the demand of cheap goods, and that goes back to actually each of the consumers and the culture of looking for a deal. We do have a minimum wage so how is it possible that somebody can get away with not paying the minimum wage? That also comes down to the issue of enforcement and resources put into enforcement of the minimum wage and the ability of the workers to actually ask for the minimum wage. For example, at the moment if a worker is paid under the minimum and is irregular in the country as a result of being coerced and the passport has been taken away and their visa overstayed they do not have the right to get the minimum wage paid back; they do not have the right to compensation. Again, it is the employer who gets away with that repeatedly.

Bob Russell: I think we should have the supermarket chains in here giving evidence, Chairman.

Chairman: I think that is a very good suggestion and we will certainly do that. Thank you, Mr Russell.

Q35 Gary Streeter: On the point of the evidence we have just heard, if the prosecuting authorities in this country are reluctant or incompetent at prosecuting some of these clear breaches—and I am sure that you are right on that—has your organisation considered bringing some kind of civil or private prosecution to look at a test case to try and get the ball rolling and demonstrate what is going on in this country?

Ms Skrivankova: Yes, we have considered that possibility and it is again a question of resources. On the other hand, I do not think that necessarily only a test case is a way forward how to change the system. There are ways that the government has already considered to take forward. There is an action plan on trafficking and that includes trafficking for labour exploitation, and the Committee might like to ask the responsible governmental bodies why there is still more focus on trafficking for sexual exploitation than trafficking for labour exploitation? We see it again in the police activities and again in the measures that are being put into place.

Q36 Gwyn Prosser: Ms Skrivankova, I want to ask you about the treatment of victims. You have just mentioned the publicity given to the sex side of the

industry. We are used to seeing the television pictures of the door being broken down at dawn and young girls being taken away into the vans and away to the police station, but what happens next? Your organisation, as we understand it, was set up to make a shift between considering the immigration issues and the organised crime issues on to the essential human rights of the victim. How successful have you been, would you say, in making that focus?

Ms Skrivankova: I think if we look at the treatment of people who are trafficked in the UK today and situations we saw three, four, five years ago I must say there has been an improvement. For example, we have lobbied quite intensively for setting up the POPPY Project which is now available for women who were trafficked for sexual exploitation. There are issues about capacity and resources but this project is available. We are working very closely with the Council of Europe and we have been involved in the drafting of the Council of Europe Convention, which again will bring a difference, especially on the protection side. But what we need to stress is that introducing a system is quite an extensive and long-term task and what we need to do is to look at good practices outside of the UK and also good practices that exist in the UK and retain those and extend those. Again, one of the issues is the issue of migrant domestic workers but also the involvement of NGOs, for example, in the identification of trafficked women. That is one of the things we have been highlighting with the government and we are at the moment working on as establishing the competent authority, and what we would like to see, based on the evidence we have from abroad that a multi-agency approach where there is the police, for example, and an NGO working alongside in identification proved to be the most successful in protecting the victims and also in having witnesses that are willing to come forward to testify and are fit to do that. For example, if we take the example of the Netherlands, there is an organisation that has been working in the Netherlands for over 20 years on trafficking and they operate what is called help desk procedure and all cases of trafficking or suspected cases of trafficking are referred to them and they, with their experience, are able to carry out thorough identifications and assess the needs of that particular victim, and that has proven as a very successful model, and you can look at the number of prosecutions in the Netherlands and compare them with the number of prosecutions in the UK. So you might want to ask the government, especially the Home Office, how successful has the pilot been that has been running at the moment under Operation Pentameter 2 to grant a reflection period and some sort of referral to trafficked women, and have they considered to actually bring in the NGOs as one of the organisations helping with the identification because, as we know, people do not self-identify, people are scared of the authorities and, more importantly, it is not the job of the police to provide social services and protection; the police's main task is to catch those who traffic them, but of course they have to know how to deal with trafficked women and

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they have to have somebody at hand who knows how to talk to them, what questions to ask and who knows from experience the trauma that they have been through and who knows that they behave in a certain way as a result of the trauma. That is something that is a task of the support services; it is not really the task of the police to provide the social services.

Q37 Gwyn Prosser: To what extent are there regional variations in the effectiveness of treating victims? You mentioned the pilot scheme; would you put the pilot scheme down as an example, in your view, of best practice or something you have seen elsewhere?

Ms Skrivankova: I do not think we have enough evidence about the pilot scheme as yet to say that it would be good practice. To my knowledge it is unfortunately not piloted in all the regions that are involved in the police operation. There is an example, that unfortunately is not an example of good practice, that was mentioned in the *Croydon Guardian* about a week or so ago of a woman that had been rescued as part of a raid that was prompted by a member of the public suggesting that there might be women held in a particular brothel against their will. The woman was rescued and the policeman who was involved said, "Well, she was too terrified to be a witness so we were not able to provide her any support services." That is not an example of good practice because we know that women are going to be terrified, we know that they need time and protection and identification is a process—and that is something, for example, that the Council of Europe Convention stresses—and that is why we need a reflection period where the person can get information about their rights, about the possibilities and can decide whether or not they want to cooperate with the authorities.

Q38 Gwyn Prosser: Thank you for that. Lastly from me, earlier this morning we had evidence from Anthony Steen MP, who has done a lot of work in this area, and he suggested that your organisation, the Human Trafficking Centre, will never get to grips with the human rights elements for as long as it is under-resourced. What is your view of that?

Ms Skrivankova: I am actually representing Anti-Slavery International; we are a charity so I am not in a position—

Q39 Gwyn Prosser: You are a sub-committee, are you not?

Ms Skrivankova: Yes. We are working with the UK Human Trafficking Centre as an expert organisation on some of their sub-committees but I do not have information about the resourcing of the Human Trafficking Centre or what their position is on that.

Q40 David Davies: Ms Skrivankova, one of the advantages of keeping prostitution illegal at the moment is that the police can actually go in and raid any brothel or massage parlour where they think there might be girls trafficked or under the age of 18 working there. Would you accept that if there were

any moves to legalise prostitution it would be very, very difficult for the police to conduct those raids unless they had very hard evidence indeed that such girls are there, and that the great advantage is that they can raid any brothel they like at the moment without having to go through a great deal of paperwork because the law is already being broken?

Ms Skrivankova: I am not quite sure about what you mean because even in the countries where prostitution might be regulated trafficking is illegal, very often you would have procuring as illegal—

Q41 David Davies: Let me make this simple. The police actually know where the brothels are; they can go and raid any brothel at any time because they know a law is being broken. If they choose not to do so frankly an official blind eye is turned if a place is well run and there is no suspicion of under age activity or trafficking going on, and that is actually what happens. Where there is the slightest suspicion the police can put the door through at any time and raid it, therefore that is the advantage of keeping prostitution illegal; would you accept that?

Ms Skrivankova: My question would be if prostitution was illegal does it effectively mean that prostitution will not exist or that it will go more underground out of the sight of the police and there will not be a possibility for the police to actually infiltrate.

Q42 David Davies: Is it better to have it legal or illegal?

Ms Skrivankova: Unfortunately there is no yes or no or an easy answer to that.

Chairman: Mr Russell has the final questions on the international dimension.

Q43 Bob Russell: What links does your organisation have with the source countries for trafficked people, if any?

Ms Skrivankova: We have a wide range of partner organisations we have been working with for many years in virtually every continent, so we have information and we have partners on the ground that have been doing excellent work in the countries of origin and there are ways how we can work together with them on issues surrounding awareness raising, on issues surrounding, for example, safe return and risk assessment when we are considering somebody from a particular country who wants to return or is obliged to return, is it safe for the person to return? Are there enough mechanisms for protection for them? So we do have very extensive contacts in the countries of origin.

Q44 Bob Russell: But these are organisations in the source countries but in your view how willing are the governments of the source countries to cooperate in prevention of trafficking? Could you give an example of where there is a government which is very supportive of your work and perhaps a government which could not care less?

Ms Skrivankova: Some governments are better than the others. There are some examples, for example from the Ukraine, of some big progress where the

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government has been cooperating on an awareness raising campaign and there is a very good cooperation between the Czech and the Ukrainian government because there are high numbers of migrant workers from the Ukraine. So there is a very successful example of cooperation of the countries in the region, especially on issues of trafficking and cross border and protection issues, so there are good examples.

Q45 Bob Russell: That is a good example. Is there a bad example where a government shows no interest in its people being trafficked?

Ms Skrivankova: For example, I notice that you have visited Nigeria.

Q46 Chairman: Which other countries? Nigeria was one of them, are there other countries that are not cooperating?

Ms Skrivankova: The issue is not only with the cooperation but it is also with the willingness to actually put provisions in place.

Q47 Chairman: But are there other countries?

Ms Skrivankova: I would not know; I cannot give you concrete examples.

Q48 Bob Russell: Could I ask you and your colleagues to perhaps draw up a list because we need to know where we need to direct our attention, I would suggest? Linked with that, what is going on in these countries, the source of trafficking, and what can be done to educate and warn people about the danger of being trafficked?

Ms Skrivankova: When we look at awareness raising and effective awareness raising the focus of awareness raising needs to be really on provision of information about the rights, obligations, information about how to migrate safely, what to do if the people are in a problematic situation, where to turn to for help; and more importantly it is about creating safe, legal migration channels because people will migrate because for many of them it is a survival strategy, and if they cannot migrate legally somebody will come and offer them an arrangement that includes a visa and everything else that puts them, at the end of the day, in debt bondage and puts

them into a situation. So there are good examples, for example, with usage of awareness raising through a hotline and provision of information pre-migration about where to turn for help, what to do and what are the possibilities. One concrete example I can think of was a group of Ukrainian women who were trafficked to the Czech Republic and were provided information beforehand as to what to do if something happens, what are the phone numbers of the organisations that are going to help. When they came to the Czech Republic and became exploited they knew what to do, they knew where to go and they were able to get out of the situation very quickly.

Q49 Bob Russell: We as a Committee are going to need to find some good examples of where work is being done and where work is not being done if we are going to have any progress at all because I am trying to work out, from my line of questioning, how cooperative are the transit countries? Do they, for example, regard this as a European Union problem because it is going to end up in Europe, or do they regard it as a problem on their own doorstep?

Ms Skrivankova: I think the European Union, especially the European Commission has been focusing on trafficking very intensively, and I think it is important to cooperate with the countries of origin. But what we need to do is to also realise that trafficking is more than an issue of crime and immigration, it is an issue that is connected to migration, and it is an issue connected to development. Poverty is one of the main underlying sources, so if we target it it is to be targeted more on the other policy areas rather than just focusing on one specific area that is targeting the crime.

Chairman: Thank you so much for your very, very helpful evidence this morning; you have certainly given us an opportunity of exploring even further the very important subject of human trafficking. We would be most grateful if you could let us have a note on the points raised by Mr Russell and others because we are keen to go to look at some of these countries, so your guidance would be very, very helpful. Our next session is on 19 February when the Home Secretary will be giving evidence to us. Thank you very much again.

Tuesday 29 April 2008

Members present

Keith Vaz, in the Chair

Ms Karen Buck
Mr James Clappison
Mrs Ann Cryer
Mrs Janet Dean
Margaret Moran

Gwyn Prosser
Bob Russell
Mr Gary Streeter
Mr David Winnick

Witnesses: **Ms Denise Marshall**, Chief Executive, and **Ms Anna Johansson**, Manager, POPPY Project, gave evidence.

Q50 Chairman: I welcome the witnesses, Ms Johansson and Ms Marshall, to this session of our inquiry into human trafficking. Our inquiry into human trafficking began a few weeks ago and we will be taking evidence from a number of different organisations and we are delighted to have you present today to give evidence to us. I will begin by asking this question and you do not both have to answer all the questions, we are quite happy if just one of you covers the point: what is your estimate of the number of people involved in human trafficking?

Ms Johansson: Because of the illegal nature of trafficking, it is very hard to provide an accurate estimate in terms of the numbers of victims trafficked into the UK. The POPPY Project had, at the end of March 2008, received 925 referrals concerning victims of trafficking. In addition to that, the POPPY Project did a survey in the summer of 2004 where it surveyed women involved in off-street prostitution in London and, as a result of that survey, came to the conclusion that approximately 6,000 women were involved in off-street prostitution, 80% of which were foreign nationals and we believe that a large percentage of that 80% had indeed been trafficked.

Q51 Chairman: You say in your memorandum that there is a lack of co-operation and co-ordination amongst key agencies that prevent organisations like POPPY and indeed Parliament from knowing the true scale of human trafficking. Please, explain why you said that. Which agencies are not co-operating?

Ms Johansson: At the moment, there are no formal mechanisms for that co-operation. Victims may be referred to the POPPY Project without any involvement of law enforcement agencies for example, so individuals may refer victims to the POPPY Project, equally victims may be referred to the UKHTC which the POPPY Project may then not be aware of; victims may be referred to individual police forces or individual immigration teams where they are not identified as victims of trafficking and subsequently no-one will know that that victim of trafficking has been recovered or identified.

Ms Marshall: I would like to add to that. At the moment, 80% of referrals to the POPPY Project come from the UK Borders Agency whereas 13% come from solicitors who represent women in the asylum process. The problem with the UK Borders

Agency is that they rely on victims to self-identify and, when you are working with victims of trafficking, the most vulnerable tend not to self-identify, so we know that we lose women because the processes are not in place for accurate identification.

Q52 Chairman: Where do the victims of sex trafficking come from? How many are from within the European Union and how many are from outside?

Ms Marshall: Overall, the top countries that we have worked with are Lithuania, Nigeria, Albania, Thailand and China but, in 2007, that picture changed and the top five countries have become China, Nigeria, Albania, Uganda and Thailand. We think that there is actually a change that has become reflected in where our referrals come from; 42% of the women who have been accommodated by us were of African origin and we are seeing an increased number of women from Africa and Asia; 31% come from the EU, usually from Accession State countries; they are more likely to be from that than the old European countries, but we have supported women from Germany and from Switzerland—the thing about traffickers is that they will exploit women from anywhere regardless of their origin; they will exploit vulnerable women—and 69% of our referrals are non-EU nationals.

Q53 Chairman: Do you find that the way in which women are trafficked from either inside or outside the EU differs according to where they come from, for example the method of travel and the way it is being done?

Ms Johansson: Yes. Predominantly, as they have the right to remain in the UK, EU women tend to travel on their own documents. They are largely deceived as to the purpose of why they are coming here, so they are trafficked by means of deception and then for the purpose of exploitation as well. African women tend to travel here on false documents, both false passports and false visa applications. They are also largely deceived as to the purpose of why they are coming but they may be more involved in the process of obtaining those documents. In terms of other European countries that are non-EU, women tend to be trafficked through coercion and deception, so that may involve smuggling in the back of a lorry or similar methods.

Q54 Mr Clappison: Congratulations on the work that you are doing. On this point which you are just making, putting to one side the EU nationals who can come here under their own steam, in many but not all, of the countries which you mentioned which are outside Europe a visa is required in order to get into this country. Several years ago, myself and one or two members of the Committee went to Nigeria and we were told about the visa issuing process there and how strict it was, all the checks which were made against false documentation for example, but you are telling us that you see a lot of false documentation and visas which are obtained improperly. Are you able to feed back what you learned about this to the authorities in any way?

Ms Johansson: All of the women who come to the POPPY Project who choose to remain with the POPPY Project for longer than 30 days do have to co-operate with the authorities, whether that is through the intelligence-giving route or whether giving a formal statement and testifying which is up to the individual woman. All of that information would be available to the authorities. One of the problems we have is that there is a lack of capacity to deal with these cases because they are very complex and a lot of that information is not necessarily captured or, even if it is captured, it does not necessarily progress to the second level.

Q55 Mr Clappison: They have actually been issued with visas in many cases, for example the women from Nigeria?

Ms Johansson: Yes.

Q56 Bob Russell: I understand that you are a London-based organisation. Are there major problems with trafficking in the sex trade about which you are aware in other parts of the country?

Ms Marshall: Yes. We are a London-based organisation but we take referrals nationally because, after we started the project, we had to; there was nobody else doing it at that time. We find that we get referrals from all major cities, so from Birmingham, Glasgow, Sheffield, Manchester and from Liverpool. Where you have off-street prostitution, you are very likely to have trafficked women. So, we accommodate women who come to us from all over the country.

Q57 Bob Russell: Although you are based in London, do you actually operate outside or do they come to you? What I am getting at is whether there is a need for your organisation to have branches in different parts of the country.

Ms Marshall: There is a need for there to be trafficking projects outside of London, but you also have to be quite careful because, if you take somebody from a relatively smaller town, what you can do is run the risk of them being identified. We do need projects outside of London but we also need to have reciprocal arrangements in order that women can be moved to safety. For example, if you have a woman in Liverpool who may have worked in a

number of brothels in Liverpool, it may be easier to accommodate her in London and *vice-versa* in that it may be safer to take someone who has maybe been trafficked and working in London for a number of years out of London. There is a need nationally for accommodation and support projects.

Q58 Bob Russell: Are there clear regional differences? You mentioned big cities but I think that you also made reference to small towns. How widespread is it in the smaller towns in the United Kingdom?

Ms Marshall: In 2004, we received a referral where women had been found in a house in Worthing in East Sussex, which is a very small town; I think it is a neighbour to Brighton. It is not somewhere that you would necessarily have identified as a hot spot for trafficking but a number of Ugandan women were found in a house in Worthing. Again, where there is demand, traffickers will seek to supply and, where there is off-street prostitution, traffickers will be present.

Q59 Bob Russell: You made reference to demand. Are you aware that local newspapers with somewhat dubious advertisements are helping to fuel that demand?

Ms Marshall: I am aware that that is the case and I think that is absolutely right and they will identify women of particular ethnic origins in those papers. However, I have to say that the Government's Job Centre also now advertise websites for strippers and lap dancers. They do not require you to see the Job Seekers' Assistant. You can go into the Job Centre, look on the computer and find those jobs there. So, yes, newspapers do but also Government Job Centres.

Q60 Mr Streeter: On that last point, are you aware of anyone who has actually been lured into prostitution through a Job Centre advertisement of that kind?

Ms Marshall: Since we started advertising in our weekly newsletter, we have had contact from two 17-year olds who had gone into a Job Centre and, because they were not on the job seeker's allowance, accessed the computer and it brought up a number of job vacancies. They did not contact us but a mother and an older sister contacted us because they were so distressed that this had happened. Unfortunately, because nobody is monitoring this, we do not know who is using it. What we do know is that when you are offering £20 an hour for a webcam stripper rather than £6 or whatever the minimum wage is, if you are 17, the chances are that you may be naïve.

Q61 Mr Streeter: The Serious Organised Crime Agency told us that certain types of crime are prevalent amongst criminals from certain countries of origin. Do you have any idea as to which criminal

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gangs are involved in which types of human trafficking? Does it break down by country of origin?

Ms Johansson: It does to a certain extent. It is true to say that women tend to be recruited by people of the same national origin. For example, Nigerian women tend to be recruited by Nigerian traffickers and Albanian women tend to be recruited by Albanian traffickers. In terms of the sex industry in the UK, the experience of the POPPY Project is that the main gangs that operate are Albanian, Lithuanian, Russian as well as Chinese.

Q62 Gwyn Prosser: We understand that at present experienced NGOs like POPPY do not play a formal role in victim identification. Would you tell us where you would want to see your role expanded.

Ms Johansson: It is essential that the NGOs sit at the heart of any identification process whether that is the national referral mechanism as under the Council of Europe Convention or any sort of identification process partly because the NGO will have different expertise and different experience from law enforcement agencies and will encourage victims who have had difficult experiences with law enforcement agencies to come forward and that not only includes women who have had difficult experiences in their country of origin but also women who may have been charged with offences or treated as immigration offenders in this country. In terms of how we would see that national referral mechanism ideally to work would be a multi-agency independent mechanism where expertise from different backgrounds and different fields would be represented, so there would be law enforcement as well as expertise from sexual exploitation, labour exploitation, mental health and medical authorities to together provide that expertise in order to identify victims swiftly but also to ensure that victims were afforded the proper care and the proper support afterwards. In the recent Pentameter 2 operation, there was a trial of a national referral mechanism and it is our experience that the majority of the cases that were referred to the designated competent authorities—there were trials, BIA and the UKHTC respectively—by NGOs and the majority of the decisions that were made in terms of whether someone was a credible victim of trafficking or not was taken on the basis of the information provided by NGOs, so not on the information provided by law enforcement. I think that demonstrates the need for NGOs to be a part of that process.

Ms Marshall: I think that for us it is very important. We accept as an NGO that our role is victim care. There are overlaps obviously for police intelligence, but we think that there has to be a recognition. The police are there to police; immigration are there to deal with immigration. We need a body that is independent which can actually act as a neutral body that works with all of the agencies. We think that that is absolutely vital.

Q63 Gwyn Prosser: I agree with you. Under the present arrangements, are you able to tell us to what extent people you have identified in your view to be clearly victims are not accepted as such by the authorities?

Ms Johansson: The numbers that were trialled during Pentameter 2 were fairly small. Only 47 women were referred to the POPPY Project during Pentameter 2, full stop. Only a number of these were referred to the national referral mechanism for various reasons. Some of them wanted to return immediately, so there was no need for them to be referred to the NRM. I am only aware of one case where the opinions differed and that was a case whereby it was accepted that the victim was a victim of trafficking but it was not seen that she needed any further reflection delay because she had already been out of her trafficking situation for a number of months. So, in all other cases, the assessment that was made by the POPPY Project was accepted by the competent authority.

Q64 Margaret Moran: In your submissions, you have said that a high percentage of asylum cases are accepted. Would you elaborate on that and explain that to us. Why are asylum cases not being made at the outset and what do you think could be done in terms of the asylum process that would improve the whole situation?

Ms Johansson: The majority of women who come to the POPPY Project who do not want to return to their country of origin do make an asylum application at the onset of that support. They are actually making the asylum application as early as they have the opportunity to. It is important to remember that all of the women who are being trafficked are often in a situation where they are not able to seek that protection and they are also not aware of their options in terms of claiming asylum. I think that they do seek asylum at the earliest opportunity and it is important to recognise that. Our experience is that very few, if any, cases are actually accepted at that initial decision level. That is the same for the old system as it is for the new asylum model. Very few cases are actually accepted as having any grounds under the Refugee Convention or under the humanitarian protection framework. That means that the majority of the women would go on to appeal those cases and are successful at appeal. Roughly 80% of the women supported by the POPPY Project have been successful at appeal and have either been awarded indefinite leave to remain as a refugee or humanitarian protection. I think that that goes to show that there is a problem with initial decision making but also I think that there is a problem in terms of those cases that are successful are not established as guidance cases and are not established as case law, so new victims of trafficking who make new asylum claims are not able to rely on those successful decisions in the past which means that initial decision making continues to be poor.

Q65 Mr Winnick: Your memorandum states that there is no automatic right for those who are victims of this vile trade to remain in the United Kingdom, even if they have provided you. So you write in your memorandum, with substantial information and agreed to testify against the perpetrators. The Home Office no doubt would take the view that to give an

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automatic right would be a loophole in the immigration rules but presumably you disagree with that.

Ms Marshall: I would like to say a couple of things about that. First of all, one of the things about POPPY and women who come to our project is, if you just wanted to be an illegal worker in this country, the worst thing you could do is come to the POPPY Project because it actually just brings you slap bang to the attention of both the police and the immigration authorities. It would be much easier to disappear and not be found. Secondly, the experience of anti-trafficking agencies that work in Italy is that women do not throw themselves into prostitution in order to stay in Italy. That has not been the case. They have a social path where women can stay in that country and it has not been the case. The women with whom we have worked who go to court and who work with the police are incredibly brave. They do not know in the end whether they are going to be able to stay in this country; they do jeopardise their safety and the safety of their families at home by giving evidence and by going through the court case. We simply do not think that allowing these women to stay in this country will cause a rise in numbers. That has not been the experience in Italy.

Q66 Mr Winnick: I understand that but clearly that is not the view of the Home Office otherwise there would be the sort of reaction and response that you would like.

Ms Marshall: To be honest, when we first started the project back in 2001, we were told that having the POPPY Project would open the floodgates and that thousands of women would come flooding in. That has not been the case. There is growth but actually it has not caused the floodgates to open. I cannot speak for the Home Office; I simply think that they are wrong.

Q67 Mr Winnick: Do I take it that you are in negotiations with the Home Office to see whether they will modify their policy?

Ms Marshall: We are in constant negotiation with the Home Office.

Q68 Mr Winnick: You also state in the memorandum that deportation of victims invariably leads to re-trafficking and you have plenty of evidence along those lines. So, once they are deported or they leave the United Kingdom, they simply become victims of these gangsters again.

Ms Johansson: That is the case because there are no support mechanisms in place to receive women who are removed or deported, which means that those initial conditions that made them vulnerable to trafficking are still very much out there, whether that is poverty, unemployment, lack of employment options, lack of training, civil conflict, lack of family support or whatever there is, those factors are still relevant whereas, if a voluntary return can be organised through, for example, the POPPY Project

or similar agencies, we will ensure that someone is at the receiving end to support that person, to accommodate that person and to continue with counselling and medical assistance with reintegration programmes. I also think that we need to recognise that there are certain countries where it is not realistic to say that that is going to happen either through lack of available protection and support in those countries or because the support and protection is so short term that it is not really beneficial to any victims. In those cases, I think that removal is highly inappropriate, does not take account of the risks that these victims face and will inevitably lead to them being re-trafficked. We did state in our submission that 21% of the women we have supported have been re-trafficked and that includes women who have returned to their country of origin sometimes after having been removed from the UK who have then been identified very quickly and re-trafficked back into the UK.

Mr Winnick: I certainly admire the work that you do and I am sure that it is much appreciated by the victims.

Q69 Chairman: Of the 21%, is it a particular country that we have a major problem in rerouting or is it just generally that, when they are deported, they will find their way back in?

Ms Johansson: It is generally. I think that it is a reflection of the various countries that are represented in that.

Q70 Mrs Cryer: You have drawn a fairly negative comparison between the treatment given to trafficked women between Belgium, Italy and the Netherlands and the sort of treatment that they receive here. What are you saying the difference is between how they are treated here and how they are treated in those countries?

Ms Marshall: In Italy, there are two options—there is the legal route where legal redress is sought and cases are brought to court and traffickers face trial, but there is also the social route which is an understanding that some women may not be able to go down that route in that the intelligence they can offer or the evidence that they have to give is not sufficient to warrant a trial—which means that there is an understanding of women as victims rather than looking upon them as witnesses or migrant workers. In terms of the Netherlands and Belgium, they have been doing that work for a great deal longer than the UK has. I do not think that they are without problems, however. For example, one of the good things about the UK is that women may apply for asylum whereas that is not the case in the Netherlands. There have been cases where women have been through long court cases, one that lasted for four years and, at the end of that court case, the woman was simply removed and sent back to her country of origin. In the UK, we do at least have the opportunity to make a claim for asylum and I do

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think that that is better but I think that there are more services in the Netherlands and that there are more services in Belgium and we do need more. We do have a great problem with trafficking because there is so much profit to be made from it.

Ms Johansson: I also think it is essential if the framework from the Council of Europe Convention is brought in that there are several routes, after the victim has had their reflection delays lined out in the Convention, to being granted temporary or preferably permanent residence in the UK and that the route does not just go through law enforcement, it also goes through a humanitarian route that takes into account someone who might be severely traumatised and has had very extensive experiences of abuse, repeated abuse, sexual abuse and physical abuse, so that the only route to remaining here is not just through testifying but also the recognition that this is someone who has been a victim of crime in the UK who would not necessarily be here if it was not for the demand that is present in the UK that is fuelling the sex industry and the trafficking.

Q71 Mrs Dean: You mentioned earlier the situation outside of London but are there any other support services in other parts of the country and, if so, what are they?

Ms Marshall: There is CHASTE, which is Churches against Sexual Trafficking and Exploitation, which is a coalition of faith-based organisations that have been offering support and accommodation. We have also been working with women's aid groups to try to set up structures to provide refuge accommodation and support.

Ms Johansson: In Scotland, there is the TARA Project that provides similar services to the POPPY Project along similar guidelines. Although there are some groups, either refugee groups or women's groups, that provide support to victims of trafficking because victims of trafficking come their way, there is a lack of specialist services that have the skills both in terms of providing for mental health problems and for women who are very distressed as a result of their experiences, so suffering from post-traumatic stress disorder, but that also have the legal background in order to be able to give the women the best advice in terms of their options. I think that there is definitely a lack of those specialist services outside of London.

Q72 Mrs Dean: Do you have any information on the cities or towns where women could get help through CHASTE or from women's aid?

Ms Marshall: There are very few: down on the south-west coast and in Leeds. There are a couple of projects in the north, but there are actually very few. There has not been funding for those projects, so there are very few at the moment. Victims of trafficking rely on the goodwill of those organisations and the will is there but that is all, there is no money.

Q73 Mr Streeter: This may be a very silly question and, if it is, please, forgive me. Does the increase of girls being trafficked from overseas mean that fewer

UK-based people are being lured into the sex industry? Do you have any knowledge of that at all? Is there displacement going on?

Ms Marshall: Five or six years ago, 80% of off-street prostitution was British nationals and 20% was non-British nationals. That has completely switched and it is now 80% non-British nationals and 20% British nationals. However, there is still the street prostitution and there is a proliferation for the Internet escort agencies, some of which are providing services of prostitution. Nobody seems to be bringing these figures together, so I am afraid that it is very difficult to say.

Q74 Mr Streeter: The UKHTC, which you have already mentioned, was set up to increase and improve co-ordination amongst the various bodies working in this field. Would you tell us how successful you think that has been. Does it co-ordinate with NGOs? Which public authorities in particular need to improve their approach to victims?

Ms Marshall: The UKHTC is still in its early stages and its job is to gather intelligence. What we do not have is on the street officers, apart from the Met Human Trafficking Team, specialist officers who are out there identifying and bringing cases to court and I think that that has to be a priority. We have to date 75 cases of trafficking or trafficking associated cases that have gone to court. It is dreadful that, since we started the project in 2004, there have only been that many cases. That is what makes the UK a haven for traffickers because there are not the police out there who are doing that work. The UKHTC has started. I think that it works well with the police and is learning. Working with NGOs is not a relationship that is necessarily easy but I think it is willing to learn. However, I think that we have a long way to go.

Q75 Margaret Moran: Following on from that question, you are critical of the UK authorities in fighting trafficking, but do you have any feel or statistics for how the, if you like, importing countries are dealing with it? Are they actively working to prevent trafficking from their countries? Do you have any evidence about what is happening to the women being trafficked as they transit through other countries? Why are they still being enabled to come through as they often come through in very large numbers?

Ms Marshall: I think that the Met specialist Human Trafficking Team is actually very, very good. What I am saying is that I do not think that there are enough. If you employ the police officers to do that job and allowed them to have that specialism, actually they are very good, it is just that they are not being enabled to do that. I think that it depends on which countries you are coming from. We work very closely with Lithuania and the Lithuanian Government. Lithuania has been one of the top countries in terms of women arriving and the Lithuanian Government have been extremely sympathetic and have worked extremely hard with us in terms of trying to put out the awareness in

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Lithuania and working to ensure that women are returned safely. They are very good. Albania, which is on the immigration white list, I would say is actually not very good and there is no recognition that women are trafficked and that they are not doing very much there and we have lots of cases of re-trafficking of women from Albania. I think it very much depends on which country women come from.

Q76 Margaret Moran: Following up what I was asking about transiting countries, do you think that some countries are actually colluding in this?

Ms Johansson: Yes.

Q77 Margaret Moran: Tell us which countries.

Ms Johansson: Albania is a very good example where we know that there is a very high level of corruption and where women tell us anecdotally because that is how the information is collated at this stage that either law enforcement are actively involved in their trafficking or they are tacitly approving of it or receiving payment as a result of it. That is one country to highlight and I think that is also true for other countries, Nigeria, for example. You were asking previously about visas and women are anecdotally telling us that agents who are helping them to come to this country seem to be very well versed with the High Commission, for example, in Nigeria and seem to know the staff who are working there and are actually able to facilitate that process.

Q78 Mr Clappison: You have touched on a really important point there regarding agents. Are these agents who work for the Government or who work for the British Government bringing people to the Commission because there are agencies employed to help people with their applications for visas in Nigeria?

Ms Johansson: I would not necessarily know but the women would describe someone as “the person who helped me come to this country”, “the agent who arranged my visa”, “the trafficker who arranged my paperwork” and they seem to be very well versed with how to go about that and how to make those documents if not legitimate, then at least legitimate enough to pass at Passport Control in the UK. It is also important to touch upon the fact that no amount of awareness raising in the country of origin is going to be successful unless the root cause of the trafficking is actually tackled and that includes demand in this country, but it also includes push factors such as poverty and unemployment and the status of women in those countries where there is a very unequal status of women.

Q79 Margaret Moran: Can you say something about transit countries.

Ms Johansson: There are a number of established transit countries including Italy and France en route to the UK. I cannot necessarily say whether they are actively colluding in that or not, but women are actively transiting, for example through Africa—

Q80 Chairman: Whereabouts in Italy? Rome?

Ms Johansson: Not necessarily.

Q81 Chairman: Anywhere in Italy and anywhere in France?

Ms Johansson: Nigerian women, for example, are very often trafficked through Italy to the UK. It seems to be an established route: travel by boat to Italy and then on to the UK.

Q82 Mr Streeter: In order to give me an overall feel of this, what percentage of earnings are these girls allowed to keep for themselves? How much is creamed off by the traffickers? What I am trying to get at is, how much do they send home to their families and so on?

Ms Marshall: It varies. Some women will get no money whatsoever; some traffickers have learned that, if they give women £1 per customer, they can then say that the woman was benefiting from prostitution which is helpful if they are ever picked up and there is a court case. It may be £1 or it may be £5. It is very usually a minimum to enable the trafficker to prepare a defence at some later stage. Some women get nothing.

Q83 Chairman: Thank you very much. I am sorry, do you have a very quick point to put to us?

Ms Johansson: I have regarding the Dublin 2 regulation, something about which we are very concerned. As we said before, 69% of the women on the POPPY Project are non-EU nationals and the majority of them will have transited through between one and nine other EU countries, which means that if Dublin 2 regulations were in force in terms of all victims of trafficking, the POPPY Project, for example, would be reduced to a mere transit centre. It would mean that the majority of the women who came to us we would not be able to support, not be able to give counselling to and not be able to give legal advice to because they would immediately be transferred back to another country. I think it is important to highlight that the Dublin 2 regulations came in to reduce asylum shopping but do not actually address where women are victims of crime or being forcibly transited through other countries. We are very concerned to ensure that women are able to seek justice in the UK where they have been the victim of crime but also to seek support here.

Ms Marshall: For example, you may have a woman whose trafficker decides to take her through Spain and Germany before the trafficker brings her to London. What will happen under Dublin 2 is that she will be removed to Spain. She does not have any choice about going there; she may not speak that language; she may only speak English; she may have worked in prostitution in this country. I think it is, quite frankly, a shabby attempt to shirk responsibility for the fact that she would not come to London or to the rest of the UK if there was not demand and to punish her seems abhorrent.

Chairman: Thank you very much for those points. Those are very important points which the Committee will pursue during the course of this

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inquiry. May I echo what members of the Committee have said individually which is to thank both of you not just for coming here today but also for the excellent work that the POPPY Project does not just

in this country but it is respected and admired internationally on human trafficking and we are very grateful to you for what you have done. Thank you very much.

Witness: Ms Christine Beddoe, Director, ECPAT UK, gave evidence.

Q84 Chairman: Thank you very much for coming to give evidence to us today on this very important inquiry. I want to concentrate in your evidence session on children and the way in which children are trafficked. Is there a particular way that children are trafficked into the United Kingdom and does it depend on their country of origin?

Ms Beddoe: As with adult victims of trafficking, we are still very much behind when it comes to our knowledge base of child trafficking. Therefore, what information I can give you is not conclusive but it is from our experience and from the experience of police and other agencies with whom we work. We know that children are coming into the UK being trafficked for sexual exploitation, domestic servitude, other forms of forced labour, benefit fraud and organised criminal activity such as cannabis cultivation and street crime from all parts of the world. Just as the POPPY Project mentioned trends with adult women, we are also seeing different trends with children and, at the moment, what appears to be the case is that a vast majority of children who have been trafficked into the country are currently Chinese children. We also see a large number of children coming from the African continent. Unlike in past years when it was predominantly West Africa, we now see trends emerging of children from throughout the African continent, north, south, east and west. This is something that has changed over the last few years.

Q85 Chairman: One issue that concerns this Committee and was quoted in *The Guardian* last week is the number of foreign children who are placed in local authority care and who then disappear from local authority care. The figure of 400 foreign children was mentioned in *The Guardian* article last week; is that an accurate figure?

Ms Beddoe: We believe that it is. The source of that information came from a Freedom of Information Act request, so we believe that that is an accurate number and that there are only a small number of local authorities which those numbers came from, so the real number is likely to be much higher. Our own research that we conducted two years ago which we published in 2007 in a very small scale study was that, of 80 children known or suspected as trafficked, 60% of those children had gone missing from local authority care in five local authorities.

Q86 Chairman: Let us go through those figure a little slower for the Committee's benefit. Are we talking about a year? Were the figures you gave us for 2007 the figures for 2006?

Ms Beddoe: One of the anomalies that we have in data collection is that unfortunately data is not always recorded so neatly. When we requested information from local authorities during the period of our study—these were local authorities in the north-east, north-west and the West Midlands—it was dependent on what information they had available.

Q87 Chairman: What was the timescale of your inquiry?

Ms Beddoe: It was over 18 months.

Q88 Chairman: Over an 18-month period, you wrote to a number of local authorities.

Ms Beddoe: Yes, and interviewed.

Q89 Chairman: And they said that, of the 80 children in care, 60% disappeared?

Ms Beddoe: That is correct.

Q90 Chairman: Is the figure of 400 an extrapolation for that?

Ms Beddoe: No, not at all. The figure of 400 was not our numbers; that came from what I understand to be a Freedom of Information request that came from *The Guardian* itself to local authorities.

Q91 Chairman: So, you say that the figure is even higher than that?

Ms Beddoe: Yes. I would like to take that further. That was our first study. We called our report *Missing Out* because we were so horrified at those numbers. The Government did their own scoping study a few months later published as the CEOP Report—Child Exploitation and Online Protection Centre report—and they came up with a figure of 330 children suspected or identified as trafficked of which 56% had gone missing from local authority care. Their figures in percentage terms and our figures are very, very similar. That was a UK-wide study.

Q92 Chairman: Where do these children go?

Ms Beddoe: We do not know because they go missing.

Q93 Chairman: What is the follow-up that you do as an organisation when you find out what these figures are and that they are as high as they have been?

Ms Beddoe: One of the things that we have been trying to do is raise this not only at local authority level but to the Ministers responsible. I have myself written to the Minister responsible for children to not only raise this to their attention—

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Q94 Chairman: Was that to a Junior Minister or to the Secretary of State?

Ms Beddoe: It was to a Junior Minister in 2007 when our report came out to which I was told that there was no need for an independent inquiry because it was all being dealt with. I think that is a disgrace. I cannot believe that a Children's Minister cannot think that it is not a serious problem and that was when we had the lower figure. We still now have no formal response from the Secretary of State.

Q95 Chairman: May I stop you there. You wrote to the Minister for Children with the results of your survey and asked for follow-up action and he replied to you saying that no further action was going to be taken.

Ms Beddoe: That is correct.

Q96 Chairman: Would you let the Committee have a copy of your letter to him and his letter to you?

Ms Beddoe: Yes, I will, absolutely.¹

Q97 Chairman: The whole Committee would share your view that this is a very, very important issue and they are shocked to learn that that was the response. Who is the Minister concerned?

Ms Beddoe: We are talking about 2007 and I would need to go back. I have subsequently written other letters to Ministers who have come on board later and I am prepared to share all of those letters and the responses with the Committee.

Q98 Chairman: What was the latest letter that you wrote to a Government Minister about this subject? Do you know roughly when that was?

Ms Beddoe: It would have been in mid-2007.

Q99 Chairman: What was their response? Was it a similar response?

Ms Beddoe: Yes.

Chairman: I find this shocking and I think that the rest of the Committee finds it shocking as well.

Q100 Margaret Moran: I have been doing a little of my own research in Luton with the police and Social Services who tell me that six Chinese children have been trafficked in through different airports. That is all they know because the figures are not collated. My first question is, should somebody somewhere be trying to collate these figures? I was a little concerned when you said that nobody knows where the children are going because research by Bedfordshire University shows that there are established patterns. Children are going into the care of Social Services and, within 48 hours in our case, they are going missing and they can map the towns that they are being taken to. Surely if we know that information—and I am a little alarmed that you do not but that research has been done—how is it that we cannot track and intercept what is going on?

Ms Beddoe: When we talk about children going missing, if they have gone missing and they have not been traced, then nobody knows their whereabouts.

There are children who have been traced and who emerge later on in other local authorities and, if those children are in local authority care and if they have come to the attention of the authorities or other groups, then, yes, of course we know those children too. When we are truly talking about children who go missing, they are missing because there is no other data and I think that that is the problem that most concerns us. Instead of having the same responses that we would have had, if there were a missing child who is an indigenous British child, where there are processes in place. There are police processes and there are children services processes.

Q101 Chairman: But you are saying that this is not being dealt with; it is not being followed up.

Ms Beddoe: No and part of the problem is that children go missing very early after arriving into local authority care and those processes are not clicked in because the various teams that are responsible are leaving children who are already vulnerable exposed to become lured or going missing.

Chairman: Margaret Moran will come back to this later in the light of your observations.

Q102 Gwyn Prosser: Before I move on with the next question, may I ask if you have a feel of whether these children are in some way compliant with the process. In other words, do they have a pre-arranged game plan or are they being dictated to?

Ms Beddoe: I think that we need to go back to looking at the situation of children who are coming into the country as trafficked children. Many of them do not even know that they are being trafficked. Many are deceived into thinking that they are coming for a better life. We often talk about the “better life syndrome”, particularly with children who are being brought into the country for domestic servitude. There are often promises of education or employment opportunities or even foster care and it is only later on when they find themselves in highly exploitative situations that they start to realise that things are not going in the way that they thought. So, at the time of arrival, even upon interview by immigration authorities, that child may still have no idea what the intention is for them to eventually go into and I think that it is at that point in time when the question is asked, are children compliant? They have often been told the story to tell, yes, but, at that time, they may think that that will help them get into education or school and I think that we have to look at what children say in the context of what it is that they have been told before and that is not often brought out.

Chairman: Before Gwyn Prosser goes on, Ms Buck has a point to raise.

Q103 Ms Buck: I am sorry to ask such a basic question but could you clarify for the Committee what the process is by which the majority of these children are coming. They are presumably coming in with a fake passport that identifies them as the child or relative or someone who is not a relative; is that right?

¹ See Ev

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Ms Beddoe: Children come into the country by all means. They can come in completely legally on their own passport; it is very unlikely but it is possible. We have children coming in through various means such as in the back of a lorry who have been trafficked, who have no documentation, and then we have children—and this is most of our experience—who are arriving into the UK on documents that are not their own. That does not mean that they are false and faked up, it means that either the documents that have been used to obtain the passport have been fraudulent or that the document is simply another child with a real child's passport and some of those children even have the same photograph as the previous child. It is very difficult to say that there is one answer.

Q104 Ms Buck: Are the ones who come through that route accompanied for the most part?

Ms Beddoe: There are children who are accompanied and children who are coming on their own.

Q105 Gwyn Prosser: I want to ask you about in particular the special support and care that these children need in terms of their mental health and their physical well being. Would you tell us a little about that.

Ms Beddoe: When children come into local authority care, usually their physical health needs are met quite quickly within our system; that is usually the case. However, for most of them it is the mental healthcare needs that goes undetected or unnoticed or not even bothered about and what we see very often is that children who have been trafficked experience a high level of post-traumatic stress disorder that sometimes manifests in what is called difficult behaviours or antisocial behaviours and children are often not treated in the way they should be and do not get access to counselling services and do not get access to the proper mental healthcare support because, in local authority care systems when children come into the asylum system, access to counselling is often on a long waiting list; access to CAMHS or child and adolescent mental health services are often on a very long waiting list, so mental health issues often go completely undetected.

Q106 Gwyn Prosser: I believe that your organisation has been talking about some sort of guardianship system; do you want to elaborate on that?

Ms Beddoe: We believe that it is imperative to have a system of guardianship on an independent basis for every separated child who comes into the UK and specifically for trafficked children. A guardian is not the same as a social worker and a guardian is not the same as a legal adviser. Guardians have an independent role to ensure that the child is getting access to all support services and treatment within the best interests of that individual child. A guardian would help children to navigate the vast maze of different services they have to go through whether that is immigration, legal or local authority care, and we believe that a guardian really is one of the key

tools that we can use to prevent children going missing but also to ensure that every child who is a victim of trafficking gets the support that they need.

Q107 Gwyn Prosser: Would they be volunteers or would they be part of your organisation?

Ms Beddoe: We believe that a system of guardianship should be set up under statute. The responsibilities they would have would equate to parental responsibility. Therefore, this is not something that we would expect to be done on a volunteer basis. There are different models of guardianship around the world—the Netherlands has an excellent model—and we think that there is definitely scope to look at some of those global models.

Chairman: We are running well behind time because what you have to say is so fascinating and important to the Committee. Could I ask the members of the Committee and you, Ms Beddoe, if you could to keep your questions and answers as brief as possible.

Q108 Mrs Dean: Are there regional variations in the support services available to child victims of trafficking? Which regions seem to apply best practice and how can we spread that best practice?

Ms Beddoe: Support services are patchy all over the United Kingdom. We have a small number of very good practice models. It does not seem to be necessarily in big cities or urban areas. There is no consistency so you may get one good local authority within a regional grouping but the other local authorities around it are not necessarily up to the same standard. I think that is a difficult question to give a comprehensive answer to.

Q109 Mr Streeter: You have been quite critical in your evidence about how the Borders and Immigration Agency deal with these children. How do they deal with them and how should they deal with them in your opinion?

Ms Beddoe: One of the biggest complications that we have in offering or suggesting to offer up a fully comprehensive package of support for children is that the vast majority of children are trafficked into the UK from outside the European Union and therefore, in our current system, they can only access support if they claim asylum. That is the anomaly that we are faced with. Therefore, they are children in the asylum system. Unfortunately, the asylum system for unaccompanied children is very poor in what it offers children anyway. Therefore, when we expect those systems to then have to scale up to offer a higher level of protection, they are completely inadequate. It is Home Office and immigration policies that control the vast majority of children's care or what local authorities believe to be the care that they can provide. We do not have yet a joined-up comprehensive approach across the UK. What we are asking for is something that is currently not available. We need to be able to get immigration policies consistent with safeguarding policies for children. We are not there yet. The continual resistance of immigration authorities to be placed under section 11 of the Children Act is a real barrier. Therefore, we would like to have an independent

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review of all immigration policies and asylum policies with respect to trafficked children to look at those inconsistencies.

Q110 Mrs Cryer: You mentioned Operation Paladin which apparently is a multi-agency approach used by the Met. Would it be proportionate to have that sort of set-up at every port across the country, and could I also ask would that perhaps reduce the number of children who are disappearing from local authority care?

Ms Beddoe: Operation Paladin, now known as the Paladin Team in the Metropolitan Police, is a highly effective multi-agency project that works at London's ports. We do believe that this is a model, because of its success, that can be transferred to all ports across the UK. It will help enormously with getting safeguards for trafficked children as they arrive into ports, it will help to reduce the numbers of children potentially that can go missing because you would have a child protection approach at the port of entry right there, right in front of those children. Also, and I would like to bring this to the attention of the Committee, we are concerned about the children being trafficked out of the UK and by having a specialist multi-agency group already placed at ports of entry we would hope to be able to pick up on that issue very quickly.

Q111 Margaret Moran: Perhaps you could give a written response to one question to save time. We have been told that the practical solution and the answer to all these problems would all be resolved if we removed the reservation on the UN Convention on the Rights of the Child, if we ratified the optional protocol to the Convention on the sale of children et cetera and by ratifying the Council of Europe Convention on Sexual Exploitation and Abuse of Children. Perhaps you could do us a note saying which of those is a magic wand that is going to make a difference here, but what I really wanted to do was follow this up. It is truly shocking that we do not have a child protection response at port of entry; we raised all these issues at Victoria Climbié, a 10-minute Rule Bill with NSPCC, at which we said that there needed to be proper identification and tracking of children at the point of entry. How is it that we still have not got that and, secondly, there are established networks of children's services across the country; if we know which towns, as we do from research, these children are being moved to, how is that the children and social services network is not operating effectively to protect those children as they move around?

Ms Beddoe: On your first point, yes, I will send you a written note with comments around the comprehensive details about the reservation, the optional protocol and other matters. One of the easiest mechanisms that we believe could be put in place to identify concerns about children very, very quickly at ports of entry is to have a separate channel for children who are accompanied by a person who is not a parent or guardian. When they come into the country at the moment they both go through the channel together and both get interviewed by the

same immigration officer; inevitably the child does not get a thorough interview, they go through and the adult gets the interview. We would like to see a separate channel where those children who are coming in with a person who is not a parent or guardian get interviewed completely separately, within a child protection framework. That information is then brought together with the information from the adult interview and if there are still concerns then a rigorous follow-up is done, very much similar to the original Operation Paladin. This would help enormously to start to track where children are going but, more importantly, get victim identification measures at the very earliest point in time.

Chairman: That is very, very helpful. If you have any other suggestions along those lines, please let us know. Finally, could I ask Ann Cryer and Janet Dean, first of all Ann Cryer, as briefly as possible, please.

Q112 Mrs Cryer: The UKHTC was set up to ensure that trafficking was regarded as a human rights issue and not just an immigration or organised crime one. How effective is it in ensuring that the human rights of victims are respected?

Ms Beddoe: The UK Human Trafficking Centre is not in its own right a human rights-based organisation, and from my understanding the performance of UKHTC is not measured on the basis of upholding human rights, there are no performance indicators as I understand it from the Centre about that. That does not mean to say it does not follow human rights principles, but if we truly want to see a human rights approach being integrated into a victim care approach then the model itself needs to be based on the fundamental principles of human rights and, in my case certainly, specifically children's rights. I do not think we have seen that yet; the children's rights aspects are not necessarily articulated through the victim care approach so maybe that is something that they can work on. I know that POPPY Project said it is early days yet and we believe there is still a lot of room for learning.

Q113 Mrs Dean: ECPAT emphasised the need for a single agency to pull together the information from all the public authorities that work with trafficked children. Is this not one of the roles of UKHTC and should the national rapporteur you propose be based in UKHTC?

Ms Beddoe: We draw on the model of a national rapporteur that is underscored in the 1997 Hague Convention and other international instruments that say that the rapporteur should be fully independent and impartial to be able to accurately collect data from a wide range of different agencies. We do not feel that the UKHTC is in that particular place because of the way it was set up and the fact that it reports to government. This is actually the most recent National Rapporteur of the Netherlands report, a very comprehensive document; it is in English and I would strongly suggest the Committee get a copy of that. I would

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also be prepared to facilitate a meeting if the Chairman or other members of the Committee would like to meet with the Dutch rapporteur to see how different that model is to what the UKHTC could offer.

Q114 Chairman: It is a better model?

Ms Beddoe: A much better model. It is more independent and comprehensive; all they do is collect, analyse data and report to Parliament and any other stakeholders. It is that very independence that makes it such a good model in the Netherlands.

Q115 Mrs Dean: Can I just follow that up? Will that not just add to the confusion of the array of agencies involved, and in response to the first part of your answer should not UKHTC be co-ordinating the multitude of UK public authorities anyway?

Ms Beddoe: The rapporteur is not a co-ordinating role, the rapporteur is very much one that collects data and has the mandate to go out to all agencies,

government and non-government, to collect data on all facets of trafficking. It has a very strong reputation in the Netherlands for being impartial—it is separate from the policy-making role and it is separate from an operational role and that is what gives it impartiality. That is something that would certainly be appreciated in Parliament when we are looking for clear and precise data, without data with an agenda, and that is what we would like to see.

Chairman: Thank you. Ms Beddoe, you have been very open and frank with this Committee and you have clearly shocked all of us with the figures relating to the number of children who are missing. We would be grateful if you could speak to our clerks immediately after this session and please fax us the letter you sent to the relevant minister and the minister's reply. We will place them before the Committee and if we are not satisfied with what he has said we will call him to give evidence to us immediately. Thank you very much for coming today. Could I call our next set of witnesses from the Gangmasters Licensing Authority, please?

Witnesses: Mr Ian Livsey, Chief Executive, and Mr David Nix, Head of Policy and Communications, Gangmasters Licensing Authority, gave evidence.

Q116 Chairman: Good morning, thank you for coming to give evidence. You have watched the previous session; it is extremely important that we have crisp answers.

Mr Livsey: I will be succinct, Chairman.

Q117 Chairman: If members of the Committee could also be succinct in the way in which they put their questions to you, could I start by asking you how do you distinguish between those that are just badly treated by employers—for example, they are paid very badly—and those who are actually exploited and subject to trafficking?

Mr Livsey: We have revoked seven of our licences with immediate effect.

Q118 Chairman: You have revoked seven licences.

Mr Livsey: With immediate effect, that is you must cease trading immediately. We have revoked many more than that without immediate effect, that allows people to put things right, but in the most severe cases where we revoke with immediate effect the gangmaster involved has got to cease trading immediately. In those cases we have found evidence of what we call the ILO indicators of forced labour as part of the description that has caused us to reach that decision, so things like intimidation, threats of violence, allegations of threats of intimidation, attempts at forced evictions from accommodation with a loss of the licence, debt bondage—quite clearly—withholding workers' wages and threats to turn off utilities from accommodation that is tied to the employment. Those are indicators of forced labour. In addition though we usually see other factors such as transport where the doors perhaps are welded together, hurtling along at breakneck

speeds where the workers are sat on breezeblocks, that kind of abuse of employment rights in many ways, so we get both in the most serious cases.

Q119 Chairman: It is clear to you a bad employer as opposed to someone who is forcing people to work as forced labour.

Mr Livsey: It is probably not as clear-cut as that, it is usually a mix of the two.

Mr Nix: There is certainly a scale of somebody who is a vulnerable worker, an exploited worker, and somebody in forced labour.

Q120 Chairman: What is your estimate of the number of people trafficked in the areas that you regulate?

Mr Livsey: Would it be helpful if I ran through a few statistics to give you a picture of what we are trying to deal with here, and I will be brief, Chairman. The last figures we have about the number of migrant workers that were working in the agricultural sector, which is our remit, were around 420,000 to 600,000 so on average about half a million people. It is a very interesting picture and I will just briefly highlight some of the things that we know about the sector. Probably about two-thirds of the gangmasters are male, so it is not predominantly male, a third are female, and 85% of them will be British-born. 75%, that is three-quarters of these, will be registered companies and about 14% will be sole traders. 43% of them have been in our sector for between one and five years and nearly a quarter of them have been in the sector for ten years. This is mainly a migrant worker issue, it is mainly an A8 accession state migrant worker issue. 82% of the gangmasters we deal with employ Polish or some Polish workers; only about 9% of them employ just British workers so it is very much a migrant worker issue. Some of

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these businesses can be substantial: 14% have got a turnover of less than £100,000 but something like 41% are between that figure and a million and 20% are over a million pounds per annum turnover, so there are some substantial businesses involved in this.

Q121 Chairman: Just to recap, we are talking about half a million people working as forced labour in this country.

Mr Livsey: No, half a million people working in the agricultural sector under the gangmaster regime.

Q122 Chairman: How many would you say are forced labour?

Mr Livsey: I could not answer that question, we just do not know.

Q123 Chairman: Do we know estimates?

Mr Livsey: I have no knowledge of them.

Q124 Chairman: The country of origin is Eastern and Central Europe.

Mr Livsey: Yes, predominantly Polish at the moment and we see Slovakian and Lithuanian. It is probable that we will start to see more from other countries around the Eastern European area which means of course they have the right to work here but not the right to be abused here.

Q125 Mr Streeter: Do you think this sector attracts organised crime gangs and, if so, are there any particular nationalities at work, are there any patterns that you can talk to us about, whether formally or anecdotally and do you think that this sector is more associated with other criminal activity as well?

Mr Livsey: That is very hard for us to say. We are very focused in the standards that we use on the use of labour under the gangmaster scheme in agriculture so we tend not to see any evidence of other associated serious crimes but we tend clearly to see the kinds of issues that I talked about. Where it might be coming from, other serious crime, again I have no information.

Mr Nix: If I could add to that, certainly in our collaborative work with other enforcement agencies if there is illegality that we witness it is likely there may be illegality in other areas as well, so we do a lot of joint work with the police particularly. In terms of the scale though it is very difficult to say how widespread it is but it is something we have observed to an extent.

Q126 Ms Buck: You have said, understandably perhaps, that you cannot really estimate the scale of the forced labour problem but how do you know when you are winning? What are your success measures?

Mr Livsey: This is a new regulator. The second year of its existence involved introducing the licensing scheme; we license around 1200 or so legitimate gangmasters and 70% of those who went through that licensing process had to improve the way they dealt with their workforce as part of getting their

licence, so we made an immediate impact there. Some of the data I shared with you just now comes from an independent survey done by the Universities of Liverpool and Sheffield about performance—they do it annually—and they survey the gangmasters, the labour users (the farms *et cetera*) and while no regulator is nor should be widely accepted, the general view is that we have made a good start and done a good job, professionalising the sector in some ways. The key for us to success will be in the next two to three years when we move from the licensing of the legitimate (if I can put it that way) to the enforcement to try to stop the ones who are currently evading us and acting illegally, and the whole organisational progression of this regulator is from set-up, the introduction of licensing and towards the now enforcement mentality and focus that we have to of course maintain the standards of those that are licensed but to enforce the law on those who are still evading our licensing scheme and operating illegally.

Q127 Ms Buck: Does that really imply that the work you have done so far—and I am not in any way trying to be critical of it—has been focused almost entirely on people who perhaps need that regulation less?

Mr Livsey: What we have done so far in the two and a half years we have been operational is set the regulator up and brought under control the existing system by licensing and, as I say, that was a major step in itself in that seven out of ten had to improve to get where they got to, but the whole point of the GLA is that it is an enforcement body. We are here to enforce the powers that we have, we are here to protect workers, and therefore we are now getting to where we want to be. The acid test for this body, the acid test for the scheme, is over the next two to three years when we start to root out those who have evaded us, those who are operating illegally and continue to police the standards so that nobody working in this field should be exploited.

Q128 Ms Buck: But if you do not really know how big the problem is how on earth are you going to be able to map where you need to do the enforcement?

Mr Livsey: Our problem is the gangmaster, not the number of migrant workers. Our job is to license the gangmasters and to make sure that they treat however many workers they may have properly. The way we work is through an intelligence-led approach and we know who we have got so far and we have an idea through the information we get about where we need to be looking for the ones we have not got so as we move to increasing our enforcement capability we will start to pick off the gangmasters, which is really our area of interest for the next few years.

Mr Nix: If I could just try and put a picture around the size of the problem, as Ian said we are an intelligence-led organisation, we are not interested in the good guys and if there is no reason to visit somebody we will not do. In our intelligence system we have got around about 3,000 intelligence reports from a variety of sources—other government organisations and enforcement agencies, from licence-holders themselves who have reported

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people who are undercutting them, from the labour users and also from the workers themselves. That can be reported to us anonymously or in person and that gives you a real sense of the volume of intelligence we are getting into our system now. We always action pieces of intelligence and we build a picture that allows us to target our work.

Q129 Mr Winnick: Your organisation was set up, was it not, following the tragedy of the 23 Chinese cockle-pickers in Morecambe Bay?

Mr Livsey: The Bill was passing through Parliament at the time, sponsored by Jim Sheridan, and commensurate with that that tragic incident happened and facilitated the early passing of the Act.

Q130 Mr Winnick: When did you actually start operating?

Mr Livsey: 2005.

Mr Nix: We started accepting applications from April 2006 and then the offences were switched on in late 2006.

Q131 Mr Winnick: When the Morecambe Bay tragedy occurred you were not actually in effect.

Mr Livsey: Correct.

Q132 Mr Winnick: But that certainly had an effect, that appalling tragedy.

Mr Livsey: Yes, it obviously heightened the interest.

Q133 Mr Winnick: As efforts are being made to clamp down on exploitation in the agriculture and food sector how far is this kind of activity moving to other areas such as the construction and catering trades?

Mr Livsey: We have a very clear remit to stay within the agricultural sector so we really do not have any information or knowledge about how far it is spreading to construction, catering, cleaning, hospitality—people mention care homes. I have no information on that; we are a newish regulator and we are working very hard within the agriculture sector. I know there is a debate about it, my job is to sort the problem out in the agriculture sector and that is what I am doing.

Q134 Mr Winnick: Rightly so, no one is disputing that for one moment, but it does appear that this type of exploitation is in fact going from one sector which you mention to other areas.

Mr Livsey: We know that certain organisations, companies that we have licensed, have either stopped acting in our sector or somehow disappeared but we do not know where they have gone. My job and the right thing for us to do is to stay focused on sorting out this problem that we have in the agriculture sector.

Mr Nix: We do work very closely with the Department for Business, Enterprise and Regulatory Reform who are responsible for the Employment Agencies Inspectorate so we will pass

on all the relevant information about evidence of exploration and abuse outside of our sector for them to investigate.

Q135 Mr Winnick: I am just wondering how far the Gangmasters Licensing Authority could in fact extend its activities if the Government so decided to other sectors. Would that be practical?

Mr Livsey: Again, the thing is we do not know. You will be aware, perhaps, that there is a vulnerable workers forum chaired by Pat McFadden, the employment minister, which is looking exactly at those kinds of issues: how can enforcement bodies like ourselves—and we sit on that forum—work together on what are the best ways to solve the problem across all of the sectors? Our job is to sort it out in the agricultural sector and that is really what we are travelling on.

Q136 Mr Winnick: What actually happens to the victims when an illegal operation is busted? Are there any support services for them?

Mr Nix: Before we take action we always conduct what we call a community impact assessment and that is where we try and estimate the likely impact of the action we take—the size of the workforce, the nationalities and whether they would need to be provided with emergency housing, for example, and that is where we have worked with the local authorities and other organisations—charities, migrant worker groups, church groups—to try and make sure there is a support safety net in place because we do not want as an unintended consequence of our actions to make the immediate situation worse for the workers. It is something we are improving all the time, we are improving our own knowledge and capacity for dealing with those situations. We cannot act alone, that is why we do work with other organisations so that we do have the ability to offer that kind of immediate support to victims.

Mr Livsey: Can I broaden that out as well, very briefly, into the area of major retailers which you touched on in previous evidence. We recently carried out an operation in conjunction with Sainsbury's where as part of the process we closed down with immediate effect a licensed gangmaster, and Sainsbury's helped us move 138 Poles into temporary direct employment as a way to ameliorate the fact that they had just lost their jobs. In some ways that whole approach is part of the same issue.

Q137 Mr Winnick: In so far as the people involved, the victims, are here legally efforts are then made to try and get them proper employment.

Mr Livsey: Yes.

Mr Nix: Our immediate reaction is to take the person out of an exploitative environment, that is our first step that we always take.

Q138 Chairman: What is the budget of your organisation, Mr Livsey?

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Mr Livsey: £3.4 million.

Q139 Chairman: How many people work for you?

Mr Livsey: 55.

Q140 Chairman: How many of them speak Polish?

Mr Livsey: We have just lost one and we are replacing him with a multilingual intelligence person.

Q141 Chairman: You have one person.

Mr Livsey: We have one.

Q142 Chairman: It seems to me that since the clientele, if you want to put it like that, is 80% Polish, and these are the people we are trying to help who are being exploited, we need to do more of that than we currently do.

Mr Livsey: Absolutely. We are increasing our multilingual capacity in our intelligence function, which is where the one person was, we have translators on tap, we have helplines that are multilingual but we also work very closely with organisations like the CABs, church societies, Polish community societies.

Q143 Chairman: Sure. I am not trying to encourage you to go on lots of trips to Poland but publicising through organisations there precisely what they face when they come here—not to put them off coming because we want them to come here—to just keep them informed so that they know what they are expecting.

Mr Nix: A big strand of our work is making sure people are aware.

Q144 Chairman: How much of your budget do you spend on that, of the £3.4 million, making people more aware of what they are going to face when they come here?

Mr Livsey: We have a £70,000 publications budget which prints multilingual leaflets and David was about to say he travels to Moldova and to Slovakia and places like that to attend events. Most of the money, £2 million or so, goes on enforcement activities.

Mr Nix: We also work very closely with the embassies of those countries.

Q145 Mr Winnick: Is the Polish Embassy fully for this?

Mr Nix: Yes, and we are actually planning to hold an event with them next week for Polish media who are based in the UK so we can disseminate that kind of message to the Polish national newspapers.

Q146 Mr Winnick: The Poles, if one makes any sort of generalised comment, tend to be rather religious and one wonders—you made mention in passing to the Chairman about the church societies—how far can the churches be involved?

Mr Nix: We work with them very closely, particularly in the local areas where you have large migrant communities.

Q147 Chairman: What percentage say to you “Thank you very much for trying to tell us what our rights are but actually this is what I want to earn because I earn more here than I could earn in my country of residence”? Is there much of that, leave us alone, we are quite happy to get a pound or whatever it is?

Mr Nix: That is a very, very pertinent question because with the standard of living and the wages they may have been earning in their home country, the attraction of coming to the UK is very much that, and that is where they make themselves vulnerable to exploitation. If you are working in the UK there are basic employment rights and you should be fairly treated, it is as simple as that.

Q148 Chairman: Have you had any contact with the British Embassy in Poland?

Mr Nix: Yes.

Q149 Chairman: And they are helping you.

Mr Nix: Yes.

Chairman: Excellent. Mr Livsey and Mr Nix, thank you very much for your evidence, it has been very helpful to our inquiry. Could I now call our final set of witnesses for this session, the two representatives of Kalayaan.

Witnesses: **Ms Kate Roberts**, Co-ordinator, and **Ms Jenny Moss**, Community Support Worker, Kalayaan, gave evidence.

Q150 Chairman: Ms Roberts and Ms Moss, thank you very much for giving evidence to this Committee. One of the main difficulties that we have experienced so far is the understanding of the number of people involved. Do we have any estimates as to the number who are involved in this area who have been trafficked?

Ms Moss: It is very difficult for Kalayaan to estimate the total number of people involved, but we can tell you how many people come to see us. In 2006 327²

new migrant domestic workers registered with us, it is approximately 340 every year. We might be seeing the worst off, we might be seeing the people who are luckier because they have managed to escape their employers and they have managed to find us.

Q151 Chairman: Do you have any estimates? I realise this is a difficult area.

Ms Roberts: We know from the Freedom of Information Act that 18,206 new visas were issued to migrant domestic workers to enter the UK during 2006. Many of those would have entered on a domestic worker visa which was valid for six months

² **Note by witness:** 327 Migrant Domestic Workers registered at Kalayaan in 2006. Of these 312 have complete case files, therefore the figure 312 is used elsewhere.

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to accompany an employer who was coming to the UK as a visitor, so they may have come and left again within six months with their employer, perfectly happily, or they may not have, we just do not know.

Q152 Chairman: There is no agency that can help us find out more information.

Ms Roberts: Not that we know of.

Q153 Chairman: Is this a London-based problem or is this spread across the whole of the UK?

Ms Roberts: Again, we do not really know. Kalayaan is a very small organisation, we are four members of staff and we are based in West London. We get calls from all over the UK; most domestic workers hear of us through word of mouth, they have escaped from an employer and usually they approach someone else from their nationality who speaks their language to help them, and that is how they hear of us, so most of the domestic workers we see have been based in London and that is how they find us, but we do get calls from CABs, from domestic workers themselves, from religious organisations, from all over the UK, so I do not think the problem is London-based.

Q154 Mr Streeter: Do you know what proportion of those who come here in domestic servitude are brought in by criminal gangs versus those coming in, as you have just described, with individual employers?

Ms Roberts: We do not know the proportion again, I am sorry. There is a domestic worker visa which the Home Office are planning to change during the introduction of the points-based system, but at the moment there is a domestic worker visa so domestic workers are brought with a named employer to work in that employer's private household. The idea is that a person can only bring a domestic worker to the UK if they are an individual who has already been employing that domestic worker for a minimum of 12 months, and that is meant to be to protect the worker, the idea being that if they have already worked for them for 12 months the job must be okay. In practice we hear from domestic workers that this 12 months is often ignored. Many domestic workers are just taken to an embassy and made to sign a form and they do not know what the form says, but it probably says that they have worked for the employer for 12 months, but when we speak to them they have not been working for 12 months or they do not even go to the embassy, they are just made to sign something. We do hear of workers who have been recruited by someone else to work for an employer but we do not know the scale of the problem and it does seem to be usually individuals rather than large-scale organised crime.

Q155 Mr Streeter: Some of the people who approach you, have they been smuggled or trafficked into the country and end up in servitude?

Ms Roberts: The majority do come on the domestic worker visa and that visa does offer them some level of protection because at least when they leave an employer they are recognised as a worker, which will not be the case under the proposed changes to the

immigration rules. We do have some come to us who have been brought in on visit visas or visas that should not really exist, like visas which say "Visit visa to work with"—that was meant to be got rid of in 1998. We do not really see workers who have been smuggled in³.

Q156 Mr Streeter: Finally from me, people who come to you and you think that they are being exploited, what do you do with them and do the agencies help?

Ms Moss: The first thing we do is tell them about their rights because, as Kate has already mentioned, at the moment they do have rights, they will no longer if the proposed changes are introduced but at the moment they have the right to change employers and they have the right to renew their visa as long as they are in fulltime work. What we do is help them understand that and help them understand that they can leave an abusive employer. Then we have the immediate difficulty of where they live when they have left the employer because there is no emergency accommodation for domestic workers and, as we heard from the GLA, often we have to work through church groups and phone round people and try and find a floor for them to stay on so that they can leave the abusive employer.

Q157 Margaret Moran: Can we just distinguish, obviously we are interested in trafficking but how do you distinguish between somebody that is brought in and has a bad employer paying less than the minimum wage et cetera et cetera as opposed to somebody who is being brought in for slavery or forced labour? How do you make that distinction, can you give us a feel for what proportions you are dealing with?

Ms Roberts: It is a really important question and as you say Kalayaan is an organisation which works with all migrant domestic workers in the UK, whether they have been trafficked or not. We would say if you look at the definition of trafficking, most domestic workers have been trafficked, although they do not see themselves as having been trafficked—in terms of having been deceived by their employers, been coerced by their employers, been threatened by their employers, often been imprisoned, not paid. When Anti-Slavery International were doing research for their UK country report on trafficking for labour exploitation, which I think they published in 2006, they came to Kalayaan and met the workers who happened to be in our centre at the time, and they said that every worker they met had been trafficked. The issue of identification is an important one because domestic workers tend not to identify themselves as having been trafficked, they tend not to be identified by the authorities as having been trafficked and Kalayaan is not a specialist trafficking organisation. We try and protect domestic workers under the existing provisions by which they can leave an abusive employer and find a better fulltime job.

³ **Note by witness:** Kalayaan does occasionally see workers who have no entry clearance to the UK. They tell us they have arrived in the UK on their employer's aircraft and have not passed through immigration. Kalayaan also sees (but cannot assist) many workers whose employers have brought to them to the UK on family or visit visas.

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Q158 Bob Russell: I wonder if I could just briefly go back to Mr Streeter's question. You told us that 18,206 migrant domestic worker visas were issued by the UK in 2006; does that suggest to you that the British authorities must be dull because you have told us that these people must have worked for their employer for a year and the notion that 18,206 people entered the UK with domestic workers in tow strikes me as being an extraordinarily high number.

Ms Roberts: We were also surprised by how many visas are issued but many of those employers would have been coming for a short period of time and may well have left again with the workers, we just do not know.

Q159 Bob Russell: Is this an area the Committee should be looking at when we make our recommendations as to how gullible the British authorities appear to be in issuing so many domestic worker visas?

Ms Roberts: It would definitely be interesting to look at the processes in British embassies overseas because as we said in our written evidence many domestic workers never even go to a British embassy for an interview. We interview all the workers who register at Kalayaan and ask them if they ever went to a British embassy and were interviewed and told about their rights when they applied for their visa and many never did go to an embassy, and if they did go to an embassy they were accompanied by their employer or someone from the employer's household.

Q160 Bob Russell: I thank you for highlighting a clear loophole in the system. The UK Action Plan on Tackling Human Trafficking which was published 13 or 14 months ago stated that the UK's effort up to then focused mainly on trafficking for sexual exploitation and that the authorities needed to pay increased attention to areas such as child trafficking—we have heard about that—and trafficking for forced labour, which we have also heard about. What, if anything, has the UK Human Trafficking Centre done to rebalance those priorities?

Ms Roberts: Well, they do state that they are going to be focusing on trafficking for forced labour, which of course we commend, because as far as we are concerned it has been an area that has not had much interest paid to it and it is obviously an area where a lot of people are trafficked and exploited. In our experience not enough is being done, there have been no convictions as I understand still for trafficking for forced labour and certainly none for trafficking for domestic servitude in private households, but that is not because it does not happen. Again, as we have said in our written evidence, 32% of the domestic workers who come to Kalayaan are not in possession of their passports when they come to us, they have had to escape, leaving behind their passports, and Kalayaan does take action to try and get domestic workers' passports back to them. When we go to the police with a domestic worker it is never treated as a potential case of trafficking. When we call authorities and say we have a victim of trafficking who needs help and support and wants to give evidence, again there has been no interest in taking up that case.

Bob Russell: Perhaps we need to pursue that also. Thank you very much.

Q161 Mrs Cryer: You say in your submission that in most UK posts abroad, presumably high commissions and embassies, where would-be employees go to get their entry clearance papers, the would-be employee is interviewed with the employer which is very inappropriate. Could you just tell us are there any posts abroad where they actually do it properly and actually interview the applicant?

Ms Moss: We could possibly pull out the separate figures for where people are interviewed separately, but in our experience, just anecdotally, it would seem that there are no examples of good practice that we have been aware of. Possibly if we went back to our database and tried to cross-match everyone who had been interviewed separately with the countries there would be a pattern, but possibly not.

Q162 Mrs Cryer: What you are saying is that almost all of these posts interview people together.

Ms Moss: If they interview them at all. We have some figures here if you want them.

Q163 Chairman: Would you send us those figures?

Ms Moss: Yes, absolutely.⁴

Q164 Mrs Cryer: Are you actually saying that some of these people get entry clearance without being interviewed?

Ms Moss: Yes.

Q165 Chairman: Domestic workers?

Ms Moss: Yes.

Q166 Chairman: From which countries?

Ms Moss: Domestic workers come from a variety of different countries but the ones that come and see us are predominantly from India, the Philippines and Sri Lanka.

Q167 Chairman: And they are not interviewed by the entry clearance officers.

Ms Moss: No, often their employer goes for them.

Margaret Moran: Could we ask our posts in some of these countries exactly what their practice is?

Q168 Chairman: We could, we will write to the entry clearance manager in which countries in particular?⁵

Ms Roberts: We will have to look back at our data and send it but definitely domestic workers are commonly not interviewed at all before they are issued their visas. We also have incidents of where domestic workers have applied to enter the UK as a domestic worker and that is quite clear from the interview notes, but they are issued a visit visa.

⁴ See Ev 121.

⁵ *Ibid.*

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Q169 Mr Winnick: Is India one of the worst places?

Ms Roberts: We would have to check.

Ms Moss: It is very difficult to say. A lot of our clients are from India but a lot of our clients find us through word of mouth so it may just be the case that the Indian community knows about us more.

Q170 Chairman: What about Saudi Arabia?

Ms Roberts: We would have to look back at the figures.

Chairman: Would you do that; that would be very helpful indeed because in the cases that certainly I have dealt with every single person who wishes to come has always been interviewed, maybe because I am involved.

Q171 Mrs Cryer: You said that human trafficking should be made more of a higher priority by the local police, in line with what is happening on domestic violence.

Ms Roberts: Yes, definitely it should be and the police should be aware that people are trafficked for labour as well as for sexual exploitation, because in our experience the police do not see domestic workers as victims of trafficking or potential victims of trafficking, instead they see them as potential immigration offenders, so there is a severe need for awareness raising. Often it is quite shocking because not only are domestic workers approaching the police saying that their employers have taken their passport, we have many cases where missing person units contact us because employers have gone to the police saying that their domestic worker has escaped. Surely if an employer is approaching the police saying someone has escaped the police should ask a few questions about why that person would have escaped and why did they need to escape if they were here as a worker, but the police have not been taking a proactive approach in that way at all.

Q172 Mrs Dean: I presume from what you have said that you would like to see employers prosecuted for removing or retaining workers' passports.

Ms Moss: Yes, it is a really difficult issue but we would absolutely want employers to be prosecuted more, we would want the police to take it more seriously because often when we take workers to the police to report their passports as stolen we come back with lost reports because it is all they will give us, they will not report it as a theft. The difficulty is that the more difficult you make life for employers the more difficult they will make life for domestic workers and at the moment domestic workers can escape their employers and change employers. We would not want domestic workers put in a situation where their employer was so scared of the authorities that they would not allow that worker to escape.

Ms Roberts: The other issue is that domestic workers are often scared of going to the police because they are scared of threats being made to their families. Their employers have contacts with their families overseas so they are scared that if they prosecute their employers their families will be threatened or will have to pay for this, so that is something to bear in mind.

Q173 Mrs Dean: You mentioned earlier that those who do make contact with your organisation have usually heard about you by word of mouth; since domestic workers are very often very isolated what more can be done to spread the information about organisations such as yours?

Ms Roberts: One thing that could be done is for embassies to ensure that they do see domestic workers in person and give them information in their language about their rights in the UK and where they can go for help if they need to. Of course, that is not failsafe so another suggestion would be we know that many domestic workers when they come to us and they do not know anything about the visa on which they entered the UK, when we ask them did you never see your passport, they will say "No". We will say "What about when you went through immigration, did you not hold your passport then?" and again they will say "No, my employer held my passport even entering through immigration." Immigration officers should clearly be looking for instances where adults are not holding their own passports and in those cases they should pull aside the domestic worker and the employer and insist on interviewing the domestic worker separately. Although the domestic worker is likely to be too scared at that point to disclose anything, they could at least inform them about their rights and where they can go for help.

Ms Moss: It is important to add at this point though that the Home Office did at one point produce an information leaflet about domestic workers' rights that would apparently be given out by British posts abroad. Of the workers we have interviewed only 12% have ever seen one of those leaflets.

Q174 Chairman: Thank you, Mrs Dean. Ms Roberts and Ms Moss, thank you very much for coming to give evidence today. What you have said to this Committee is extremely helpful and we would like to thank you and your organisation for all the excellent work that you do on behalf of migrant workers.

Ms Roberts: Could I just add one point? We have made this point in our written evidence but it is very important. As we said in our written evidence under the points-based system for immigration to the UK the proposals are to remove the domestic worker visa as it stands and instead bring domestic workers under a domestic assistant visa, which may not even recognise them as workers in the UK although they are entering for the purpose of work and it will prohibit them from changing employers, so if they escape an abusive employer they are in breach of the immigration rules. We are very concerned about these proposals, therefore, which will undoubtedly facilitate trafficking of domestic workers.

Q175 Chairman: Under which tier will this be?

Ms Roberts: They will be brought in outside of the points-based system; it will not be within a tier.

Q176 Chairman: It is your concerns about the operation of the new proposals that the Cabinet has put forward.

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Ms Roberts: Yes.

Q177 Chairman: We are going to start an inquiry into the points-based system in June of this year and we will make sure that that particular point is raised. Is that actually in the paper now?

Ms Roberts: No.

Q178 Chairman: It is proposed for later this year.

Ms Roberts: The proposals were given to Kalayaan in March 2006 and we were told it would be in the autumn of this year. We have raised our concerns with

the minister who is currently conducting research into the exploitation of migrant domestic workers and then he will come back to us, but we are concerned that as it stands those are the latest proposals. Our recommendation is that domestic workers do remain outside of the points-based system but they come in with at least the existing rights and we would suggest that in view of the exploitation that happens they should have additional rights.

Chairman: I can give you this assurance: we are going to look at this in a major inquiry later this year and we will certainly make sure that that point is covered. Thank you very much for coming today.

Tuesday 17 June 2008

Members present

Keith Vaz, in the Chair

Tom Brake
Mrs Ann Cryer
David T C Davies
Mrs Janet Dean
Patrick Mercer
Margaret Moran

Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Witnesses: **Ms Raggi Kotak, Ms Michelle Brewer, Ms Kathryn Cronin and Ms Zofia Duszynska**, ATLeP gave evidence.

Q179 Chairman: Thank you for coming to give evidence to us today. As you will know, the Committee is conducting a parallel inquiry to policing into human trafficking. So far, in respect of our inquiry, we have taken evidence from a number of organisations and we will be taking evidence from the police. Recently we returned from a visit to Moscow and Kiev where we looked at the Eastern European dimension. Could you set the scene and explain to the Committee how your organisation is involved in respect of human trafficking?

Ms Cronin: Thank you very much for giving us an opportunity to give evidence to you. We all belong to an organisation which is a very informal organisation as it stands. We have given it the name ATLeP. The group was formed essentially by Raggi Kotak, sitting here to my right, but on the premise that all of us are lawyers and all of us are involved, in a fairly significant way, in representing victims of trafficking. The very real sense that we had was, first of all, these cases are very difficult and require some specialist understanding of the nature of trafficking and the nature of the sort of victims one gets. We were also very aware that because of the funding blight in terms of legal representation, and in particular the advent of a fixed fee regime, that these cases were going to be less than adequately represented. It is on that basis that we got together, as I said informally but now in a rather more structured way, to provide training and resources and that sort of thing. What I would say to the Committee is all of us have a very full and real understanding of the nature of these trafficking cases.

Q180 Chairman: From the evidence you have gathered so far, and you have all taken up cases and met the victims, one of the things I am frustrated about in this inquiry is getting the evidence directly from those who have been trafficked. They are obviously very, very afraid to give formal evidence and they seem to disappear very easily, for example children who come into the care of local authorities and then are no longer in the care of local authorities. Do you sense that this is on the increase or do you sense that it has peaked?

Ms Cronin: I think it would be very hard to tell but I would say that it is still a significant problem. One of the resources that all lawyers deal with is

something that the US State Department puts out which is an international critique of trafficking. They have tier one, tier two and tier three and the countries that are doing well are tier one countries. The UK would be consistently a tier one country. One of the flaws of that analysis is that the UK, like Italy, Greece and European countries, are the reason they are here. They are being trafficked here. They may be produced in less developed countries but the trade is here and so many of our clients are still highly at risk in the UK. They still have members of the group that have trafficked them who are around and about. Clients say to us they see colleagues of their trafficker in the markets when they go out so they are very much at risk in the UK and that risk is obviously compounded when you have the case of children. I think because this is such a hidden trade it would be very difficult to quantify it and have a sense of trends.

Q181 Chairman: The other thing we noticed is there seems to be no international connection between various countries. When we went to Kiev and Moscow they wished that they could deal with organisations at the other end, not just the source countries but the destination countries. There seems to be no seamless flow of information amongst the officials. Is that the case also for organisations such as your own? Would you be able to pick up a phone and speak to a lawyer in Romania or Moldova?

Ms Cronin: Most of us have pretty good relations and contacts, particularly in the big countries, with some of the experts who are closely involved in analysing the trafficking trade but also very often people who are the key NGOs in terms of refugees. One of the questions always for us is what sort of protection is afforded to these young women and young men on return. The Home Office regularly cites the number of shelters but without any recognition of just how viable those are for the numbers of trafficking victims and also what sort of time people get to spend in a shelter and what sort of assistance is provided to them to get on their feet economically and that sort of thing. I agree wholeheartedly that there needs to be just so much better coordination between here and there. One of the things that we know, for example, is that very often the mechanism of return that the Home Office adopts actually puts women at risk on return. The

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very classic country is Nigeria because the Home Office cite an organisation. It is a very good thing that Nigeria has set up an organisation called NAPTIP which is their fledgling organisation to try and assist victims of trafficking. When you send a young woman back to a country like Nigeria where there are so many trafficking victims and to an organisation that is simply unresourced, the refuges they put them are just a vehicle for them being re-trafficked. The data you get from Edo, for example, is that within six months more than 60% of the women who are returned from Europe are re-trafficked back to Europe via NAPTIP institutions. They talk of it as in one door and out the other.

Chairman: If any of the witness would like to chip in, that would be great but we are trying to finish this session by midday.

Q182 Gwyn Prosser: In your written evidence you talk about the excellent guidance that is provided by the Border and Immigration Agency and then you go in your case notes to make reference to the fact that it is flouted and ignored. Why is there such a divide between the guidance given and the actual statement? Is it ignorance on the part of the agency or pressures on other demands?

Ms Cronin: It is probably two things. Almost certainly the guidance was probably written with the assistance of the Poppy Project. It bears all of their hallmarks and I assume they were involved. I think there is inadequate training at all levels of the persons who are involved. There is a recent study that has been done by Poppy and others about what sort of outcomes you are getting with NAM and we do not see very much difference. You certainly get some pretty terrible examples of scepticism and hostility to these women as prostitutes from immigration judges and so forth. There is a dissonance between what is anticipated to be the approach and the way it is implemented by the people on the ground.

Ms Duszynska: I would also say that there are initiatives within the Home Office to introduce specialised trained case workers to deal with those cases and for periods of time it is noticeable that those cases are being channelled through the case workers but the case workers who are any good get promoted or moved into another field and then you start again. You need to have a process of continual training and continuing specialised case workers dealing with it or case workers who have a broader knowledge. I was speaking to a NAM case worker the other day who said she was only trained in specific elements of asylum law, knew nothing about European Union law and knew nothing about basic entry clearance proceedings. We have to be trained in all of those elements and have to be accredited to provide immigration advice. It is a criminal offence for us to provide immigration advice if we are not trained and if we are not accredited and we would like the same level of expertise to be apparent throughout the system.

Q183 Gwyn Prosser: Do you get opportunities to challenge the agency on those failings?

Ms Cronin: It is very difficult. You can make observations in the course of hearings but that is like throwing something into a deep dark hole. I do not think it necessarily gets taken up. I would say the problem about trafficking is the number of agencies that these cases are actually being dealt with. You also get problems with local authorities with the children in their care. You also get problems not just with the prosecuting authorities but also the criminal bar and criminal solicitors who have very little understanding of trafficking. We get them at the end where they have defending their immigration case but you find they have criminal convictions for things like document offences when they are from Somalia. We do not recognise Somali documents so they could only come in under a false document. You have children who are being prosecuted for involvement in a cannabis factory when we know that the prosecution policy is that by and large you do not prosecute those cases. There is a deficit at all levels and within all agencies in having an understanding of these cases.

Ms Brewer: Can I add something that happens particularly with children? There is a policy to grant discretionary leave to minors for a certain period of time. When a minor comes in and claims asylum and they are going to grant that policy there is not always a substantive consideration of their case so they will not necessarily pick up the identifying factors of trafficking victims. The child then becomes 17 and a half or 18, goes to extend their discretionary leave and at that stage the trafficking issues are fully canvassed. At that point there is a culture of disbelief so the Home Office then say you are raising it now in an attempt to stay in the UK and should have raised it earlier. That is happening with children being penalised for not self-identifying as trafficking victims when they were 13 or 14 years old. That is a real issue in respect of children.

Q184 Mr Winnick: Some of the most serious criticism seems to be levelled, in your submission, at immigration judges. What is your response to the argument that those wishing to stay in the UK have every incentive to oppose moves to remove them? Immigration judges, and presumably representatives of the Home Office because they will be doing the cross-examining more than the judges, have a responsibility to have a robust examination of the case.

Ms Cronin: We would never oppose a robust engagement with the case at any stage. Our concerns are about courtesy and our concerns are about comments that reflect hostility and prejudice.

Q185 Mr Winnick: It is a very serious criticism to make of immigration judges that they are prejudiced.

Ms Cronin: I have personally been in cases where a judge has said, and I think the comment is in our report, "*We have too many prostitutes here without getting another*". That to me is not just discourteous to the young woman who was here but is indicative

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of prejudice. I do think it is there and we would be foolish to expect that you would not get that in whatever system.

Q186 Mr Winnick: A judge said “*we have too many prostitutes here*” implying that the person trying to stay was a prostitute. Was a complaint made against that particular immigration judge? Surely such a complaint should have been made.

Ms Cronin: I agree that such a complaint should have been made.

Q187 Mr Winnick: This is not an anecdote. Do you actually know the name of the immigration judge and when it occurred?

Ms Cronin: I could refer back to my notes and I could find the name of the judge. I certainly was there on the day and present when that comment was made. Inevitably our comments are directed at immigration judges because this is our practice; these are who we are dealing with. I do not think any of us are saying that the system does not have very good, considerate, courteous and appropriate judging. It is not to say that the system is monumentally flawed but it is to say that there are some examples that are poor and ought to be corrected.

Q188 Mr Winnick: Obviously the one you mentioned is totally unacceptable. I am surprised that no complaint was made as that is totally unprofessional. You do accept that the Home Office representative—because it would be, from my experience of so many years ago, the Home Office representative who would be doing the cross-examination and the immigration judge used to be the adjudicator—has a responsibility to find out the truth as far as they can.

Ms Cronin: Absolutely and there is no query on our part; we do it ourselves with clients. We are fairly robust in testing their cases because we have an obligation to the Legal Aid Fund. At every level there is testing of these cases and I do not think any of us are naive about assuming that everyone who comes to us is necessarily wholly truthful. I do think that what we are talking about is manifest fairness and manifest courtesy in a case.

Q189 Mr Winnick: That goes without saying. No-one could possibly disagree that professional standards are always required. Leading on to what you have just said, given that there is no immediate way of identifying trafficking victims, how can one ensure that exempting such victims from Fast Track and new asylum model processes would not lead to abuse by those who are clearly not in that category?

Ms Cronin: I accept that certainly the way the Home Office sees it that is always the counter-side to having a protective arrangement that it is open to abuse. One of the ways in which you can guard against abuse is actually to have solicitors who are competent and professional in their dealings because the filter is, first of all, via solicitors. That is the real level of testing: to either include them in funding or exclude them in funding. If you had a core of legal

practitioners who you knew were properly skilled and professional then, to a large extent, when they are taking the cases through that ought to be a basis for saying allow them through the system. You run the risk, and the risk is just too high, of excluding one of these cases when we have so many cases where the trafficker is still here and where the woman is very, very frightened to reveal anything. I have had cases where they have pretended to be a different nationality so that they cannot be seen as providing evidence against their actual trafficker who is here and that is in circumstances where the trafficker was subsequently found by the police and prosecuted and convicted. You do get problem cases which are manifestly genuine and where you get a lot of dissembling and a lot of untruths because of their risk and because of their fears of traffickers who are here. I think that one has to err on the side of being protective rather than robust in this instance.

Ms Duszynska: I wanted to add that removing somebody from the Fast Track simply means that there is a more lengthy examination of their case and it does not mean that it is a different examination of their case. Even if a larger number of people had the more lengthy examination of their case that only has to be to the good. Asylum seekers as a group of people are not criminals; they are seeking surrogate protection because they cannot obtain that from their own states. We are dealing with civil law not criminal law. To remove them from the Fast Track so that they have a more lengthy examination of their case to the civil standard of proof, there may be some who may claim to be trafficked when they have not been trafficked or victims of sexual exploitation who have not been, but our experience, and we have been working in this field for a few years now, is that very few women would claim this to have been their situation if it were not the case. It is an extremely difficult thing for a woman to admit to this type of treatment and they would not admit to this lightly under any circumstances.

Q190 Mr Winnick: There would be some who would presumably by the very nature, however small a number. What you are saying is the likelihood is very remote.

Ms Kotak: The problem with the Fast Track system is people claim asylum, they have an initial screening interview where there are no questions asked about their claim and they are put within the Fast Track system on the basis of their country of origin. Therefore, victims of trafficking are entering the Fast Track system without being identified and because the system is so fast within a few days you are interviewed, within a week you are refused and there is no opportunity for people to build any trust with their legal representative or to be able to disclose these experiences. We think that the responsibility in relation to identification is never fully met because it is not possible within that system.

Q191 Tom Brake: Ms Cronin, in your introductory remarks you commented on your concerns about the fixed fee system. Can you explain what your

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concerns are and what impact you think this could have in trafficking victims and whether you have any statistics about how many trafficking victims are currently accessing legal advice and how many might not as a result of the change?

Ms Cronin: We do not have any statistics on how many are accessing. That would only be accessible through the Home Office and I am not even sure that one could get very clear or accurate figures from them. I am a barrister rather than a solicitor so Zofia may want to come in on this. My sense of the real penalty of the fixed fee regime is the very limited amount of funding allocated to interviewing and taking the person's case. Almost without exception with these cases you take a long time to get the story. We have so much data on trafficking. The profiles of trafficking victims are very easy to identify. We know the differences between those trafficked by Balkan gangs, mostly they have been very violently abused into compliance and subjection. We know the voodoo which is used against Nigerians. You know that you are getting a client who has been studiously contrived into compliance and dissembling. It takes a long time for those barriers and that trust to be established so that you can access the story.

Q192 Tom Brake: Is it possible to quantify how far short of the full cost the average cost of interviewing and gathering evidence that the fixed fee will leave you?

Ms Duszynska: We did do that research. The basic figure is in the paper but at the moment doing an asylum claim under the fixed fee you are paid £450 no matter how many hours you spend, which equates to more than eight hours work at legal aid rates because are not paid very highly. For an average statement from a trafficking victim you probably need 12 hours because it takes that long to build up the trust. You have to go over things, there is quite a lot of narrative and you have to take a break. You then also need to do significant representations on behalf of that client. You may also need to do a fair amount of research, getting evidence from the police officers who perhaps have been involved in arresting the person at the beginning or referring them to an agency to help them. Before that time there were different schemes in place: there were not-for-profit contracts and solicitor's contracts. On a solicitor's contract you had £800 for a case but with the possibility of getting more so you could always apply for more. On a not-for-profit contract you had 10 hours which was about £500 but you could always get more hours. If you needed more time you could request more and you would be granted more time. On the cases that I have done in the last five years, we did some research about the cases other people had done, how much these cases cost and on the fixed fees as they stand at the moment we estimated that the average case would cost probably two to two and a half times.

Chairman: Would you be kind enough to send us a note on this because it sounds very interesting for the Committee.

Q193 David Davies: Is it not the fault of immigration solicitors who used to stick in one appeal after another even when there was no hope that it was ever going to get through just so they could get extra money? Have you not brought this entirely upon yourselves.

Ms Duszynska: A stab through the heart! No.

Q194 Mrs Cryer: In your evidence you have said that the monitoring of potential trafficking victims at ports appears to be less vigilant than five years ago and the victims, even if identified, are less likely to be referred to protective services. Can you give any examples of people who have been detected in the past but do not appear to be in the process of being detected now? How much of this problem arises from the fact that the numbers of trafficked women is growing all the time and the people employed to deal with them is not growing accordingly?

Ms Cronin: In my experience at least, and others may have a different experience, the port is still quite good and quite vigilant about children. You do get children identified at the airports in particular but the missing link is the older women. I would say that has been a besetting problem that continues to be a real problem. The Home Office has very good profiles now which they have built up with Poppy and other social services about trafficking victims and it is a question of applying them, as Raggi said, at that screening stage so they do that first interview. It ought to be possible, if that profile is used by those screening officers, to identify a lot more women who are trafficking victims.

Q195 Bob Russell: Could I put a question to you which you started to cover when you gave your previous response? We have been told that experienced NGOs such as the Poppy Project play no formal role in victim identification in the UK but should they play a role and, if so, how? Do you want to expand what you were saying earlier?

Ms Cronin: They do play some sort of role in identification in the sense that if Poppy identifies a person as a trafficking victim the Home Office generally accepts that conclusion.

Q196 Bob Russell: The reason for asking the question is the evidence that we have had from the Poppy Project suggests they come in some way down the line. How can an organisation be brought in at the beginning?

Ms Cronin: It is going to be up to the Home Office to use their own profiles and refer. That would be a very effective and sensible way to get, at that first screening that was mentioned before, to people who might well be trafficked and referring them to an agency which has a great deal of experience.

Q197 Bob Russell: The Poppy Project should be brought in and other organisations?

Ms Kotak: UKHTC as well as the Poppy project would be perfect. If the Home Office used their identification criteria and they had concerns, at that point they can make a referral because there is an

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obligation to identify under the Council of Europe Convention. If they do not follow that criteria, how are they, and we, going to meet our obligations?

Q198 Bob Russell: We will be making recommendations to the government and basically I am trying to ask what would be your recommendation. If you were to write the report, what would your recommendation be?

Ms Cronin: The recommendation would be that they already have a very good profile for identifying possible trafficking victims and it is in their Operational Enforcement Manual. Their screening officers ought to be trained in that profile and told to refer to one of the appropriate agencies. The police do it, and do it quite effectively, so it is not beyond the wit or wisdom of the Home Office to follow that example.

Ms Duszynska: The Home Office also does not get people necessarily at the beginning of the process because somebody needs to have been advised to make an application to the Home Office for the Home Office to pick it up, so police and social services, everybody. The criminal justice system in particular, in dealing with people who have been prosecuted for documents offences, also needs to be aware of the identification criteria and then perhaps refer it on to UKHTC. There is a need for awareness by everybody who has initial contact with potential victims: sexual health clinics, GPs.

Ms Cronin: I have a note that UKHTC, for example, has advising and guiding roles and in a sense that is Poppy's role too. It is an extremely important advising and guiding role.

Q199 Mr Streeter: Men and women are trafficked not just into the sex industry but for all kinds of menial work in this country. We are told that the Gangmaster Licensing Authority is clamping down on agricultural trades and related trades. Are you seeing any evidence of displacement where people are being squeezed into other activities? Do you have any comments on whether the Gangmaster Licensing Authority-type activity is effective and should be extended to other fields?

Ms Cronin: The trafficking victims that I personally have a lot to do with are not just sex trafficking but the domestic work trafficking. Those cases are the most difficult to find and are generally found only some years down the track and have been abusive of generally very small children over a very long period of time. They are not amenable to gangmasters but it does trouble me that the Home Office had a very good relationship with entities that were looking at domestic work abuses but those have been eroded over the past years. I think they ought to be rebuilt because there is a lot of domestic labour abuse of very young children and over many, many years, terrible corrosive abuse. They are very hidden cases. Zofia and I had a case of a young man who emerged in his late twenties or early thirties but he had never slept on a bed, had never sat in a chair and had never been paid any money at all. He had been brought here at the age of 11 from Pakistan into a family

home and had no documentation and no evidence of ever having been here. These cases are a really serious problem.

Q200 Margaret Moran: You referred, during the course of the inquiry, repeatedly to the Poppy Project but that cannot be the only project there is across the UK. Can you tell us a bit about regional variations in support and whether you have any evidence that going through those sorts of support services makes it more likely that victims will come forward?

Ms Cronin: There is no doubt that those NGOs, the Children's Society, the Poppy Project, UKHTC, are hugely important in the support work they do for these victims. It is variable outside of London. We get numbers of cases from solicitors or from entities particularly in the North where there is very much less resourcing and protective arrangements. It is a real deficit because it does not give the women the support to come forward to provide evidence for prosecutions for their own cases. It is problematic; there is no doubt about it.

Margaret Moran: Obviously you see what is happening in respect of traffickers. Presumably you are seeing the same networks of traffickers repeatedly involved with people you are dealing with. Could you tell us a bit about what you are seeing in terms of patterns? Do you collect any information on that? Do you see victims who are repeatedly being trafficked by the same people?

Q201 Chairman: You have been involved for some time in this.

Ms Cronin: There is now some very, very good international research. Professor Louise Shelley and a number of these inter-agencies are doing work on intercountry criminal activity. Her work is very good at identifying the sort of patterns that you get and the differences between Balkan gangs, Nigerian gangs and Vietnamese gangs because they are quite different. They have a very different constellation. At our end what we see is the way they treat their victims differently. Some of the Vietnamese girls are actually trafficked overland through Russia so there are numerous stops but they arrive in tact because their virginity is important. The Balkan gangs tend to rape and abuse the women into subjection very quickly and with great brutality so that the women arrive already cowered and abused. Of course the Nigerian girls are often taken through a voodoo cultish thing to make them feel nervous about disclosing things. One of the enormous problems for everyone is the way in which these gangs seem to transform themselves. They are very diffuse, there are very informal networking arrangements so none of us would have a case where we would know the trafficker and see that repeat trafficker. They are very small networks but we do know that our clients see not only their traffickers here in markets but they see the doorman of the brothel or the driver for the brothel. There are lots of people associated with the sex trade and all of them are potentially persons who could do them further mischief.

Q202 Chairman: Your work does not give you a very optimistic view of the human race.

Ms Cronin: When you do asylum work I say very frequently to people that I see the best and the worst every day because you do see enormous protection and care. Before we wind up can we make a point about one matter that I do not know if we necessarily highlighted in our paper but which I think is enormously important and that is the case of children and in particular the way in which they dealt with by local authorities. Between us we have had numbers of cases in particular involving young Vietnamese girls. They are trafficked here at the ages of 11, 12 and 10 some of them. They are immediately identified and put into local authority care. Local authorities, when they are 10, 11 and 12, put them in a foster family. When they are 15 or 16 they take them out of the foster family, because they are seen as immigrants rather than children, and they put them in a hostel with other unaccompanied children. I personally know of two or three Vietnamese girls at the age of 15, one of whom in particular was my little pin up because from such horrors she at GCSE level was doing A-level maths and wanted to be an accountant. She has now left school and is working in a nail bar. She has a boyfriend who has been prosecuted for cannabis cultivation. These children ought to be seen as children and if they were local children they would be put in a foster family and kept in a foster family until they are 18 and given appropriate protections. What is happening is because of the way these children are seen in financial terms they lose that protection at an age where they are still extremely vulnerable. We were discussing outside that all of us have examples of these girls at 15 and 16 now at risk in the UK. We would love it if this Committee would make a recommendation that where you get these little trafficked children that we ought to have a sense of their vulnerability going well beyond 15 and 16 and they ought to be treated in the way that you would treat perhaps another immigrant child who came to your attention as a local authority just because she had been living illegally in the UK. They would do a proper assessment, get her a proper family and give her the appropriate protections. It is of enormous concern to us.

Q203 Chairman: I understand that. May I suggest that if you could send us a paper that would help us in our deliberations, perhaps in the next week or so.

Ms Cronin: Yes, we could certainly do that.

Chairman: I am pleased you have made the point but if you could follow it up with documentation that would help us.

Q204 David Davies: Do you think the prison sentences are long enough for people who are caught trafficking women?

Ms Cronin: I do not think so. Not only are they not long enough but they also tend not to get necessarily the people who are the real leaders in a group. It is very hard for the police but I certainly know of cases where my clients tell me that the person who is actually imprisoned is rather lower level in the entity.

Q205 David Davies: The police do all they can but it is whether or not the sentences fit the crime. You have argued that the Workers Registration Scheme makes it easier for employers to abuse their workers. Can you explain why that is?

Ms Cronin: We may have to do that on a paper because that came from the AIRE project so I am not sure.

Q206 David Davies: This is something that I know is going on. People coming in from Eastern Europe, not necessarily trafficked, are working in industries without any of the usual protections or guarantees of minimum wage. Would it surprise you to know that only a handful of employers have actually been prosecuted for this? We are talking in every year since 1997 of less than 20 people and in many cases less than 10. Do you think that the government needs to be doing a lot more to crack down on rogue employers?

Ms Duszynska: I agree. We have a lot of inquiries at the law centre where we work and this does bring in the Workers Registration Scheme as well. People are employed, promised the minimum wage but not paid. They are then told their papers are not in order and then are sacked because their papers are not in order. Often the papers are in order and they never get paid. There seem to be hundreds of unscrupulous employers. It is not just East Europeans but also Latin Americans who are working in low paid industries. They seem to be working for two or three months for an employer and then being sacked and they have nothing.

Q207 David Davies: I married into an Eastern European family and they tell me about it. There is no holiday pay and the rest of it. Apparently there is very little evidence that anyone is trying to crack down on this. None of the employers seem to think they are in any danger whatsoever from it and the practice is very widespread.

Ms Duszynska: Also they are told to pay £1,000 up front so they can have somewhere to live while they are working for an employer but they never succeed in paying that off. It is another form of trafficking.

Ms Cronin: When you find these children and social services get them there ought to be a concerted policy to prosecute the family who brought in these children and use them as domestic workers.

Ms Brewer: That is not done. I am at the Bar as well and having spoken to criminal practitioners you never hear of prosecutions being brought. I do not know of anyone who has been involved in defending or prosecuting an employer. Even with the new legislation that is coming through, you are not really seeing effective application of that.

David Davies: Perhaps you would be interested in having a look at the question which is the first one on TheyWorkForYou.com. It looks as though last year only 11 people were prosecuted for this offence out of the whole of Britain.

Q208 Chairman: You have already said that in your view the penalties are not severe enough and often it is the wrong person or a minor person. Is the law

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able to be applied along the whole chain because, as you have identified, there are lots of people involved in this: there are the people who do the trafficking; the men who are abusing the women; the drivers; the suppliers. Is the law able to bring pressure to bear on all of these people? Clearly if it was there is a greater likelihood that someone in that chain will spill the beans.

Ms Cronin: The secret is making the women who are the victims of these entities sufficiently confident that they can tell the full story. You need a witness, you need somebody who can identify who is the doorman, who is the driver and who is the Mr Big or Mrs Big. So long as women have this sense that they are going to be sent back to the source country they never feel confident about telling the full story because it just has too many repercussions for them. If we want to stamp it out, we have to provide proper protection for the people who are able to identify who is who.

Ms Brewer: There is a case I was working on a couple of years ago, the Soho raids. There was an Albanian woman, a prostitute at that time, who had been detained. She was prosecuted, kicked out and then re-trafficked back in. These are the people who are probably going to have the information that the police or the CPS would need to bring successful prosecutions but without any sense of protecting these women, these potential key witnesses. Particularly, bearing in mind in Albania the criminal networks are so deeply entrenched there that they have family members in Albania who may well be at risk. Without thinking about the protection issue in real depth you are not going to get the prosecution witnesses coming forward.

Q209 David Davies: Would you be able to get a safe prosecution if you were effectively saying to people if you do give evidence against so and so you will be allowed to stay?

Ms Brewer: To be quite frank, I know certain incentives have been brought to particular clients of mine on those issues and there have been suggestions of that. At the very least there has to be a strategic look at it. If you want the main prosecution witnesses to come forward and get these criminals then you are going to have to offer them some form of protection because without it their safety is at risk and their family members may well be at risk. There has to be a balance. There has to be something brought to play otherwise you are not going to get the evidence and the CPS will be without decent evidence.

Ms Duszynska: I did represent the immigration case of two women whose traffickers were prosecuted and jailed for 21 years so you can get high sentences. However, I represented two women, before the trafficking legislation came in, whose traffickers were only convicted of living off immoral earnings and were sentenced to five years. They were released from prison before our clients' immigration status was resolved which took a further two years. They had another two years of living in total fear of what would happen to them and being returned. There are gaps. What it boils down to is evidential gaps where

the women will not or cannot, through fear of their circumstances, give the evidence that is required. Where there is a legislation gap is in the benefit fraud issue. There was a recent case in Ealing of the baby trafficked to the UK for benefit fraud. Those cases cannot be successfully prosecuted as a trafficking offence because of the way the legislation is framed where the children are being forced into this situation. That is something that should be looked at as a matter of urgency.

Q210 Chairman: I asked you earlier about the judge who made those remarks about the prostitute. Would it be possible to send us information on when it occurred and the name of the judge? It could be sent in confidence.

Ms Cronin: I will look in my notebook. I will seek to provide that.

Q211 Chairman: It is a very serious accusation. I think my colleagues and I would like to see it.

Ms Cronin: My only concern is where I have not prosecuted that complaint and I then bring the judge's name to this Committee. It has been done in a context where to some extent I feel some reservation. I agree with you I should have made myself a complaint but often we drown in work.

Q212 Chairman: I will not push you. If you feel it would not be appropriate, we will accept that. If, on the other hand, you feel it would not do any harm for us to see it, I leave it entirely in your hands.

Ms Cronin: I am grateful for that. I will give it some thought.

Chairman: I would not want to push you in a direction you do not want to go.

Q213 Mrs Dean: The evidence you have just given is the same as the Poppy Project who told us that currently there is no automatic right for trafficking victims to remain in the UK even if they provide substantial information and/or agree to testify against the perpetrators and, therefore, place themselves or their families in danger of retaliation by the criminals. Are you saying you would recommend that there be an automatic right to remain in this country if someone is giving evidence against key perpetrators? How could we guard against this becoming an immigration loophole?

Ms Duszynska: The Council of Europe Convention envisages residence permits for victims of trafficking. The experience of Italy where they were giving residence permits was there was not any pull factor involved. The idea that this would be a floodgate situation where we would be flooding to contribute to the prosecution of people is very unlikely.

Ms Cronin: One of the things that we see is it is not just a residence permit but even if people are sent back one of the things that we could do which would make an enormous difference is investigate trying to get people skills while they are here. That is what we put on to the reception countries which are poor countries and they do that job very inadequately. There is a big difference for a young woman, if she has to go back, if she has some skill and can make a

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living and relocate herself in a way that is viable. We do very little. We often put them in an immigration position where they are not allowed to study or they are not in a position where they can acquire some skill that would be useful for them if they were returned.

Q214 Mrs Dean: Can you suggest anything else that could be done to make it easier to assemble a case against traffickers?

Ms Brewer: Protection is the key.

Ms Cronin: You have to understand the brutality that they have lived with in order to understand what has to be done. We have to have a much better understanding of how cowered and brutalised they have been and, therefore, what an effort it is for them to disclose not only their own story but information that allows prosecutions. There needs to be that sensitivity and that empathic understanding of the sort of victims you are dealing with. Protection is 100% the key. They are so frightened and we have to

deal with that fear. We really do see the brutality of the trade. It is absolutely horrifying to see the state of these women that we deal with.

Q215 Chairman: There is no indication at all that is going to be less of a problem.

Ms Cronin: I would think that global capitalism is a corollary of it. I think there could be a lot more constructive work with the source countries in helping them to rehabilitate these women so they are not forced back into the trade. As it stands, it is a very bleak picture I think.

Ms Kotak: I wanted to say that the women are also treated quite badly through the investigation process. There is guidance for police and prosecutors on how to treat vulnerable witnesses but that guidance is often not followed, therefore these women do not come across as good witnesses and that is going to mess up a case against a trafficker. The whole investigation process has to be considered.

Chairman: Can I thank you very much for coming along. It has been very useful and we are grateful.

Tuesday 24 June 2008

Members present

Keith Vaz, in the Chair

Tom Brake
Mrs Ann Cryer
David T C Davies
Mrs Janet Dean
Patrick Mercer

Margaret Moran
Gwyn Prosser
Bob Russell
Martin Salter
Mr David Winnick

Witnesses: **Chief Constable Grahame Maxwell**, Chief Constable North Yorkshire and Programme Director, and **Detective Chief Superintendent Nick Kinsella**, Head, UK Human Trafficking Centre, gave evidence.

Q216 Chairman: Good morning. Could I open this session, the fourth session of the Human Trafficking Inquiry of the Home Affairs Select Committee. Welcome to Grahame Maxwell and Nick Kinsella, Chief Constable and Detective Chief Superintendent, representing the United Kingdom Human Trafficking Centre. Can I draw the attention of all those present to the Register of Members' Interests, which sets out our pecuniary and non-pecuniary interests. Perhaps I could start with you, Chief Constable. How many people work at the Human Trafficking Centre, both on a full-time or a part-time basis, and what are your resources? What is your budget for dealing with this very important area of policy?

Chief Constable Maxwell: At the minute we are in a period of transition. We started the centre in October 2006 and at that time we had two members of full-time staff: Nick and a lawyer, Glynn Rankin, from the CPS. I managed to get £400,000 at that time from what was underspends within the reflex budget, which was money that had been set aside by government to tackle organised immigration crime and, particularly, about five million pounds of which had been given to policing. Since that time and in the last comprehensive spending round, we have managed to secure for this year £1.7 million, which will reduce next year to 1.6 million, as £100,000 is for a bespoke IT system. We are in the process now of recruiting up to 34 members of staff. Part of that is funded by the centre with others given as sponsorship through their own organisations such as the Borders Agency, SOCA itself and some of the NGOs.

Q217 Chairman: So your budget has increased enormously over the last few years. Are you conscious of an increase in the amount of human trafficking? We have recently undertaken a visit to central and eastern Europe. We went to Kiev and to Moscow, and the evidence that we have from the source countries is that this is increasing. Are you conscious, as we are a destination country, that the number of people trafficked has increased over the last few months or years?

Chief Constable Maxwell: I think the difficulty with that has been to try and estimate that: because one thing we have done over the last two or three years is to have increased significantly awareness of

trafficking in all its forms. As well as having victims who have been rescued who are victims of sexual exploitation, we have now got people who have been rescued who are victims of labour exploitation, and certainly, with that increasing awareness amongst front-line police officers and other front-line service deliverers we are starting to see an increase in the number of victims that are coming forward. Whether that indicates there has been an increase overall in the number of people who have been trafficked into the UK is very hard to say. Through the recent Pentameter 1 and Pentameter 2 operations we are starting to look at some analysis around how many trafficked victims we think might be in the sex industry. There is a piece of work that was done by the South West Regional Intelligence Unit, and we are currently checking out its methodology to find out whether or not it is transferable to the other regional intelligence units, and then across the whole country we can then carry out that piece of work, which will give us, I think, a fairly strong estimate about how many people have been trafficked for sexual exploitation.

Q218 Chairman: Mr Kinsella, please feel free to chip in whenever you want to on any of these points if you have anything different to say from what Mr Maxwell is saying. If you were constructing a league table of police forces that operated the best practice in dealing with human trafficking, who would be at the top of this league table?

Chief Constable Maxwell: I think that would be very easy, Chairman. That would be the Metropolitan Police. They have a dedicated human trafficking team. They have a team called Maxim, which has been in operation since about 2001. The other area which is very good is my own area of Yorkshire where the west, the south and Humberside forces have had a dedicated reflex team, which is a human trafficking team, since about 2002. Kent is another good example. In that order it would be the Met, the Yorkshire region and then Kent.

Q219 Chairman: So you would urge all local police forces to follow the lead of the Met and ensure that they have a dedicated team specifically to deal with human trafficking?

Chief Constable Maxwell: It depends on the area, Chairman. A lot of it depends on the problem for instance the Metropolitan Police identified, through their Vice Squad, that they had a particular problem around trafficking and that led to a dedicated resource. I think other areas would benefit from such a dedicated resource. Indeed, we have worked very closely with the Immigration Service—the UK BA and are setting up across the country a number of what we have termed “immigration crime teams” and some of their remit will be to look at trafficking.

Q220 Mrs Dean: Chief Constable, we have heard of only three major police operations, Pentameters 1 and 2 that you that you mentioned and the Met’s Operation Paladin. Have there been any others?

Chief Constable Maxwell: Yes, there are many other operations, but the difference between Pentameter 1 and Pentameter 2 was that they involved all forces and we tried to co-ordinate all activity through them. Each one of the Pentameter operations, in essence, involved several hundred other operations, and we do have a regular number of operations that are ongoing at the present time. Some of them are national in nature, some of them are international in nature, and certainly we liaise quite significantly with Europol and Interpol in some of the work that we are doing, although the international operations tend to be led by SOCA. I have to say, since the centre was created we have seen a significant increase in the number of police operations around trafficking.

Q221 Mrs Dean: Can you tell us anything else about those operations?

Chief Constable Maxwell: If I hand you over to Nick, Nick has probably got better information.

Detective Chief Superintendent Kinsella: Can I start by saying that the forces that we have made reference to do have some excellent practice, but part of our role at the UK Human Trafficking Centre is actually to embed this as core business across the Police Service, so that includes front-line staff as well, because victim identification is a key issue. In terms of operations, the Chief is absolutely right. Pentameter 1 and 2 were campaigns with specific objectives. Pentameter 1 was focused principally around sexual exploitation and there were over 500 individual operations in that. Pentameter 2 was much larger, and we are looking at the results of that currently and they will be released shortly, but, again, hundreds of operations. One of the differences was that was principally focused on sexual exploitation, but, again, part of our remit is to look at the other aspects of human trafficking, so we also produce with SOCA and some of the partners an “intelligence requirement”, as we call it, to try and build up our knowledge and understanding around forced labour, and that has led to some operational results. In terms of other operations, whilst I would not go into the operational detail in this forum, I can say that there are operations going on now, both within the UK and internationally linked to the UK, specifically on sexual exploitation and on labour and, in fact, in one of those we are actually looking

at the trafficking of UK national children within the UK, which is one of the first investigations that we have started up at the centre, and that has secured a conviction of 10 years for the multiple rape of a child, and that work continues.

Chief Constable Maxwell: Can I add to that? If you take my own force, for example, North Yorkshire, I think if we had looked two years ago North Yorkshire would have said, “We have not got anything to do with human trafficking”, and yet in the last few months we have mounted four human trafficking based operations.

Q222 David Davies: Chief Constable, I would not doubt your personal commitment to this, but would it surprise you to know that in 2006 only 11 employers were prosecuted for illegally employing workers; the year before it was 22; in 2004 it was five; 2003 10. These are incredibly low figures, are they not, and it does suggest there is a lot being said, and people like yourselves being in position, but very little is actually being done about this.

Chief Constable Maxwell: I think you make a very valid point, Sir. Certainly if you had looked back five years and you had asked me about human trafficking and if you had asked me about facilitation, I think I would have been a sceptic, but having moved across time and seen what actually is happening, seen that increasing awareness, we have certainly seen that increasing awareness in terms of our operational teams, and a lot more multi-agency work is taking place now, in 2007, 2008 and onwards.

Q223 David Davies: Your commitment is not really being backed up by a government and DWP commitment to prosecute people who illegally employ and exploit vulnerable people from abroad.

Chief Constable Maxwell: What we are doing at the minute is running a pilot, as Nick has spoken about, in a number of areas. We are working with DWP, the UK Borders Agency, looking at what is the extent of labour trafficking working with the Gang Masters Licensing Authority and the police. What we are hoping we will get from that is an indication of the scope of the problem of labour trafficking that we are faced with.

Q224 David Davies: It is fair to say there are more than 11 companies in the UK employing people illegally.

Detective Chief Superintendent Kinsella: I think it is important (and I know the committee are aware) to make a clear distinction between illegal working and trafficking for forced labour, and that has been one of the key issues and one of the key messages we are trying to deliver, not only within the Police Service but to partner agencies. The labour campaign we are doing at the moment, which is focused around five different police force areas, is very much focused on that distinction. We have lead “first responder agencies” in each of those areas. It is also looking at domestic servitude, and there have been a number of victims that we and our partners are currently supporting as a result of this so far.

Q225 Margaret Moran: Mr Kinsella, you made an off-the-cuff remark about looking at internal trafficking of children. I was very surprised to learn from other witnesses that some research that has been done by a lecturer on sexual exploitation of children along with the NSPCC shows that children are being brought into the country, vanish from children's services within 48 hours and are trafficked through known UK groups to known towns. Is that intelligence something that you are aware of, and perhaps you could tell us a bit more about what your thinking is around what is obviously the need for sharing of data and tracking of children in a more systematic way than we appear to be doing at the moment?

Detective Chief Superintendent Kinsella: If I can clarify, the comment I made in respect of internal trafficking was specific around the internal trafficking of UK national children. Of course, any person can be trafficked internally within the United Kingdom, adult or child, of any nationality. One of the key messages that we are delivering to the Police Service is that it is core business, because this is serious crime. It does not actually matter. If you have got, for example, two females walking down the street (one could be from Moldova and one from Westminster), if they were both bundled into a car, abducted, falsely imprisoned, raped and trafficked, actually they are both victims of a serious crime and our approach would be that victim-centred approach. But, yes, coming back to your other point about children coming in and going missing from social services care, that is an issue that has been raised, it is something that many people are looking at, and some of the partners that you have heard of have already commented on that.

Q226 Mr Winnick: The whole problem of what we are looking at in this inquiry into human trafficking, obviously, first and foremost, is a matter of international contacts and the manner in which organised gangs operate. I am just wondering if you could tell us how far you are able to co-ordinate with overseas enforcement agencies? Are they co-operative in all instances? As the Chairman said, we have been to Russia and the Ukraine. It would be interesting to hear your views as to how far they are co-operating.

Detective Chief Superintendent Kinsella: In terms of sharing of best practice, let me say straight away, there have been a number of national delegations, ministers from Albania, Ukraine visitors and many others, to look at our structures and the practices and processes and the multi-agency approach that we have embedded. Operationally, yes, and an example would be a campaign that we currently lead with the Home Office, which is a joint lead coming out of the G6 Ministers Group where the UK and Poland have the lead, where we are actually co-ordinating activity in four areas: operations, intelligence—intelligence led by Interpol and supported by Europol—victim care, which is led by Ireland, labour exploitation and sexual exploitation, which comes under the enforcement leg, labour is led by our Dutch colleagues and sexual exploitation

work is led by ourselves in the UK, and there is also a raising awareness leg. So there is generally good co-operation. We have also signed a number of agreements with international partners and, in fact, we are due to sign another one in August with our colleagues at the United States Centre for Trafficking.

Q227 Mr Winnick: Is there a possibility that these international gangs have contacts in pretty high influential positions in some state agencies? Far removed, fortunately, from our own country, but in some places where democracy is not as strong as it should be, is very recent, and the rest of it, allegations of corruption and the rest of it, are you concerned that that is quite a possibility?

Chief Constable Maxwell: I think certainly you make a very valid point in two issues. We have some very good relationships with our European partners and certainly our transatlantic partners, but when it comes to countries which are further afield, then we are faced with some difficulties in terms of exchanging information, exchanging different working practices, and I do think in certain areas of the world corruption is still a big issue amongst some police services and that can be a barrier to some of the work that we are involved with. I think some of the serious organised crime gangs will exploit it if it is at all possible. What we have found out, though, is that we think some of the gangs behind this are very organised, we think some are very disorganised and I think some others are very opportunistic about how they exploit people.

Detective Chief Superintendent Kinsella: I think on that, Pentameter 2, for example, one of the principal aims of that operation, which was initiated within the trafficking centre, the operation, was to discover more about the scope and scale of the problem. Certainly when we analyse the results, which we will be doing over the coming weeks and months, that will give us a better indication.

Q228 Mr Winnick: We have had evidence given to us on various matters by the Serious Organised Crime Agency. A leading the question: I was going to ask you if you feel they are doing an effective job. Perhaps I could put it differently. Your co-ordination with that agency is on a day-to-day basis?

Chief Constable Maxwell: I can pick up on the strategic issue. My relationship with the Serious Organised Crime Agency is very good. The Serious Organised Crime Agency has defined through the UK threat assessment a number of programmes of activity I lead. Two of those programmes of activity on behalf of the Serious Organised Crime Agency, granted they are around trafficking and exploitation of migrants, but certainly in this area I think our relationships at that top level are very good, and I am sure Nick will comment on the day-to-day issues.

Detective Chief Superintendent Kinsella: We contribute a considerable amount to those programmes of activity that Mr Maxwell has mentioned. In addition, SOCA have given a clear commitment to the centre in that they are just doubling the number of staff that are embedded

within the centre. We work on a daily basis with SOCA in terms of the national intelligence requirement that we prepared for Pentameter 2 and some other work, including the labour campaign that I mentioned earlier. SOCA have been fully engaged on that and, in a particular operation at the moment that, again, I cannot go into the operational detail of, we have just prepared a full intelligence development that is now an international operation that is linked into Europol that SOCA are taking forward operationally.

Q229 Mr Winnick: Do you think there is any reason why we should be optimistic (though, obviously, it is not going to be resolved) that this criminality will be undermined in the near future? Are you reasonably optimistic or otherwise?

Chief Constable Maxwell: I would not say I am optimistic. We are on a long journey. I think there are some elements where we are starting to understand the criminality that we are fighting in terms of that. What we do know is that the people who are involved in human trafficking are very innovative and creative. When we think we have closed one particular avenue of entrance to the country, they will find something else. What we are required to be is very fleet of foot. I think that we are raising awareness, and the more that we can raise awareness the more we make it difficult for criminals to operate, but we are dealing with people who are very intent on exploiting people for profit.

Q230 Tom Brake: Can I return very briefly to the international co-operation issue. I think you have both indicated that operationally, with your counterparts in other countries, things work reasonably well but there may be corruption in other parts of those governments. Are you able to indicate which countries you have particular concerns about, and, if that corruption does exist, are you able to find ways and means of working with your counterparts to actually get round that corruption to ensure that proper action is taken?

Chief Constable Maxwell: For us, in the main, where we are based we are a national centre; so our work principally must focus on the UK. Where we work internationally, then principally it is in Europe and sometimes with the US and Canada, and the people we are dealing with in the main are not part of that. The vast majority of people we deal with are highly professional, very committed to what they are doing. It is when we go to further reaches outside of the EU that it becomes much more difficult, and certainly when we have got one or two issues, it is not so much us but our SOCA colleagues, who have got liaison officers round the country who talk sometimes about the difficulties about exchanging information, sometimes tracking down people, I think there are issues which some of the NGOs will probably have explained to you about when people are returned to home countries.

Detective Chief Superintendent Kinsella: I think we look at each case on a case-by-case basis and you do a dynamic risk-assessment around that and you

identify within that risk assessment who are the key organisations or individuals who can help you in establishing the best way to take that forward.

Q231 Chairman: One of the issues that we identified in the Ukraine was that they felt that there was not enough contact with the destination countries and the transit countries, and there seems to be no organisation that brings together the source countries, the transition countries as well as the destination countries. The last time this was raised on an international level was at the end of our Presidency in 2005. Which is the body that should be co-ordinating this? Should it be the EU or should it be someone else?

Chief Constable Maxwell: Certainly the EU co-ordinates very well across Europe.

Q232 Chairman: But this is not what the source countries tell us?

Chief Constable Maxwell: It is, I think, the co-ordinator for Europe. I think it is fairly good for Europe.

Q233 Chairman: You mean for the EU?

Chief Constable Maxwell: Yes.

Q234 Chairman: But not the wider Europe.

Chief Constable Maxwell: Not the wider Europe, and I think some of the areas that we need to look at are probably through the UN or the UNODC, and certainly they have been doing some extra work this year where they have been trying to bring a number of countries together; so that is the way you get the transit countries, the home countries, and the destination together.

Q235 Chairman: How often have you been to Moldova? That is where we have a big problem, do we not? A third of the population of Moldova has now left Moldova. Have you been there?

Detective Chief Superintendent Kinsella: Not Moldova, but to answer your point about the links between destination, transit and source countries, it is something that we look at constantly. I could mention a prevention campaign that we are raising through the G6 called Blue Blindfold, which is going to go through all three areas but specifically around Ukraine there was an international NGOs conference there, a series of three, last year, and we were the only non-source country represented there.

Q236 Gwyn Prosser: Mr Maxwell, in your answer to Mr Davies earlier you talked about some activity and enforcement over the last four or five years, but the Anti Trafficking Legal Project has told us, "The monitoring of potential trafficking victims at ports appears to be less vigilant than five years ago and the victims, even if identified, are less likely to be referred to protective services." Do you recognise that description?

Chief Constable Maxwell: No, to be honest, I do not recognise that description. Much of the work that we do, of course, my own work, involves police forces and the Police Force is not necessarily the guardian

of the border. Nick has done a lot of work in terms of raising awareness with the Border Agency and we have run awareness campaigns. Certainly in Pentameter 1, which was about raising awareness at borders, understanding awareness campaigns with the likes of certain air operators who were running adverts in some of the planes where people were coming in from different places, they certainly were trying to raise awareness at that point. The number of victims that have been identified has increased, and we know that because we can co-ordinate those types of numbers through the centre. We have run campaigns where we have got the DVD Blue Blindfold, which has been seen, we think, by 65,000 police officers, and we have distributed just short of 10,000 leaflets which we are trying to get into the safer neighbourhood teams so that neighbourhood police officers are aware of what to look for.

Detective Chief Superintendent Kinsella: On that point, victim identification is still an issue. It is something that we continue to work on, particularly with our NGO colleagues who are embedded across the centre's activities. To give you an example of how we try to broaden this awareness around victims and the issues around the particular trauma that victims of trafficking go through and the control that traffickers hold over them, one of the key partners—and it was a lesson we learnt from Pentameter 1—is to embed more activity in other key partner agencies. So within the first 12 months of the centre opening we have trained 850 UK BA staff, some of whom work in detention centres, around how to identify victims not just of sexual exploitation but of all forms of trafficking. We have also brought in key partners such as HMRC, for example, following what we would call the Al Capone approach, taking any legitimate angle we can to disrupt traffickers, to secure victims, and the example I particularly want to give is around HRMC, who are relatively new to this trafficking agenda but very much on board and committed to the work. They went out as part of their adult entertainment project. During the course of that, because we had cascaded the DVD and other material, HMRC staff, not accompanied by police, identified two victims of trafficking who were subsequently removed to supportive accommodation.

Q237 Gwyn Prosser: During an earlier inquiry by this committee and during the time Pentameter 1 was going through, we visited places like Heathrow Airport, starting off some of the case studies, and it is pretty clear that the decisions being made by the desk officers are very difficult, especially when, for instance, a child from an African country is coming in with a non-relative or sometimes unaccompanied. They are making very fine judgments about whether that is part of the culture or whether it is something untoward. What sort of contact would they have with you? Would there be any contact? It might not be fair to ask you this, but looking over their shoulders, do you think that, on the whole, they are making correctly cautionary decisions or the contrary?

Detective Chief Superintendent Kinsella: UK BA staff are embedded within the centre, and we use those skills as points of contact into a key audiences like the ports, and we have certainly done awareness-raising around the ports. I could not comment on individual decisions, but it is part of our awareness-raising programme that is on-going.

Q238 Patrick Mercer: Gentlemen, we have heard that often victims are treated just as illegal immigrants. How much progress are you making with the immigration authorities to take human trafficking seriously?

Chief Constable Maxwell: I think we are making significant progress.

Q239 Patrick Mercer: You cannot say anything to the contrary, can you?

Chief Constable Maxwell: No, I genuinely do think we are making some progress. I think part of the progress is that we have set up the centre itself, but, bearing in mind that the centre has only been in operation for 20 months, so it is still in its infancy in many respects, we have trained 800 people to look at it, we have got much more awareness about it. I think there are issues about making sure that we sign up to the European Convention, so there is a reflection period for victims, and certainly the centre and ACPO have been very, very supportive of bringing in the 30-day reflection time period. I think it has to be said that, wherever we look, we have identified victims. If a victim determines that they are not a victim, even though we consider that they are a victim, and they happen to be an asylum seeker or failed asylum seeker or an illegal immigrant, then the law will take its course in terms of repatriation.

Q240 David Davies: Mr Kinsella, do you ever feel like Hans, the hero of Haarlem, putting a finger in the dyke: because no matter what you do, no matter how hard you try, there are going to be millions of people wanting to come to this country and, sadly, maybe hundreds of thousands willing to exploit them? As soon as you put some away, there are going to be more that are willing to take their place. I ask you two things. Firstly, do you feel the sentences for those few who are caught are long enough? I suspect we will agree on that one. Secondly, whether you do not feel, going back to my previous question, there is a lot more, to mix my metaphors, if you follow the Al Capone example, that we could be doing, and one of the things we could be doing is cracking down on illegal employers, because most of them are exploiting people. Whether or not those people are trafficked is by the by, they are being exploited, and you and I know that 11 companies across the UK prosecuted is disgracefully low, though you probably cannot say so.

Detective Chief Superintendent Kinsella: I think on your first point on sentencing, generally very good sentences are handed down by the court. People regularly raise the relatively low number of convictions for trafficking, but actually that reflects the Al Capone approach.

Q241 Chairman: It is a very, very low figure, is it not? We cannot just pass over it, as David says.

Detective Chief Superintendent Kinsella: If I give an example, Chairman, there were 134 people charged in Pentameter 1. Thirty-two of those were charged with trafficking, because that is where the evidence led us. However, there were others convicted of rape. Operation Glover, an operation I mentioned earlier on, trafficking of UK national children within the UK for sexual exploitation, started in our centre as a trafficking investigation but the conviction was for rape because that is where the evidence led us.

Q242 David Davies: I am happy to allow you to just come back on this point about the HMRC: because whilst you have said that there are close links, it does not really appear that way. Maybe the figures have gone from 11 to 70; it is still horrendously low, is it not?

Chief Constable Maxwell: There are two things for me. Just answering your first question, if we save one victim, it is worth it, because we remove somebody from an horrendous life. The second issue is, I think there is significantly more work to be done by agencies working jointly together. Some of the issues we are looking at with the new established immigration crime teams is to try and put HMRC in there and start to actually get into where it hurts criminals, and it hurts criminals when we remove their money from them, and that is the Al Capone issue. If we cannot get them one way, we will get them another, and it does require us to have more than 11 illegal employees convicted.

Q243 David Davies: I think you could pick any major street in London (and I know this because I married into an East European family) and you will find people working illegally there and to some extent exploited. Whether it is 11 or 70 or 80, it is an horrendously low figure. If the HMRC police went in and investigated those businesses, surely you would find a lot more evidence of trafficking out there?

Chief Constable Maxwell: I think that is one of the things we want to try out with the pilots. We are looking at the East Midlands to pilot with their immigration crime team, putting HMRC in there, and we have found some money from within the budget that we have got to actually pay for a full-time investigator, which we hope will happen in the next couple of months.

Detective Chief Superintendent Kinsella: Can I also mention that they are doing particular work through an adult entertainments programme, the Criminal Taxes Unit. There is a lot of work going on that perhaps is not seen publicly. For example, they are embedding a member of staff within the centre in the very near future, and it is part of the G6 initiative, going back to the Chairman's point about source, transit and destination countries, that HMRC within that programme of work are trying to build up a network of revenue investigators across national boundaries.

Chairman: I think what frustrates the committee in this inquiry is the fact that we have got all these fancy names for these initiatives—Pentameter 1, 2, et cetera—but prosecutions are very low. We are told that this is the second largest problem facing the globe after drugs and we do not seem to be able to find the people responsible. That is what is frustrating this committee.

Q244 Tom Brake: Could I ask you whether you feel perhaps that too much emphasis has been put on the sex trafficking side of things? Are you now having to branch out into the areas you have just talked about in terms of labour, domestic service and benefit fraud, and, if that is the case—you mentioned the pilot there—are there other ways in which you tackle the prevention and detection of that type of crime that are different to sex trafficking?

Chief Constable Maxwell: How I feel is as if we are on a journey. As I said earlier on, if you went back four or five years and talked to a police officer in the street, he would not know about trafficking. He would think that modern day slavery was something that happened elsewhere, not in the UK. By concentrating on sexual exploitation, we have seen people who are very clearly victims. These are people who have been deceived, forced into the sex trade, victims of multiple rape. I think that this very quickly got into the public psyche and the public have determined that sexual exploitation does take place. On that journey we have to shift our emphasis and actually start to say that labour exploitation and domestic servitude exist and start to raise awareness, and part of that raising awareness is through the Blue Blindfold campaign, trying to get into the neighbourhood teams, raising awareness with the police officers. As we get the confidence of the community where you are used to seeing your local PCSO, your local special constable, your local PC, you start to determine what the changes are taking place within the neighbourhood and we can start to identify those issues. It is getting the confidence to challenge people for instance who are working in fields and ask difficult questions. It is about multi-agency working—so working with the Gang Masters Licensing Authority the DWP, HMRC and the police—and I think the five pilots that we have got operating will be the genesis of that because we will start to scope that problem out. What we are seeing is that we are starting to get victims who are victims of labour exploitation, and some of those will emerge, I think, when we have gone through Pentameter 2 and have done some of the analysis around that. We have got a number of inquiries that are ongoing at the minute which are showing that we have got people who are being exploited for the purposes of labour.

Q245 Tom Brake: Can I ask you what you would expect my local beat officer on the Safer Neighbourhood Team to be doing to try and spot sex trafficking, labour, or benefit fraud, or the types of thing that you are trying to deal with? What are they supposed to do?

Chief Constable Maxwell: One of the issues around that is to understand the neighbourhood where they are, try and look at people who are coming and going in neighbourhoods, and some of this is about whether you live in a transient neighbourhood or whether you live in a very stable neighbourhood, look at the people who are there, listen to what the public have got to say, and there are things, particularly around sexual exploitation that you may see. A brothel may be operating where a lot of men are going into one house. There are other issues where there are a lot of people living in one house, where a minibus turns up and in that minibus you have got 12 or 15 people who are taken off at 7.00 a.m. in the morning and do not return until 9.00 p.m. at night. So there are some clues that we are trying to look for and it is trying to raise awareness that this thing is happening and how you combat that.

Q246 Tom Brake: Can I ask you about your contact with the Gang Masters Licensing Authority? Do you have an on-going working relationship with them?

Detective Chief Superintendent Kinsella: Yes, a constant relationship with GLA. Our contact is their Director of Operations, who we meet regularly. To go back to the first point of your question about how we deal with it differently to sexual exploitation, that is one of the ways we deal with it separately. We work with different partners in forced labour campaigns. For example, in three of the force areas the GLA are the first responders with the police. We also deliver the training differently. For example, in the training that we have done in these pilots there has been NGO involvement in the delivery of that, anti-slavery have been involved with that and ILO. The course was developed by the UKHTC, but it had been discussed with the ILO and others, and, of course, there are other issues that we do not know all the answers to yet, and that is the different needs of victims of forced labour—they will be different to the needs of the victim who has been sexually exploited—and we will work with NGOs and others and build up on the expertise that is already within the centre. There is a good centre of expertise there.

Q247 Tom Brake: One final question. With the points based system, and particularly the issue of unskilled labour, are you and the Gang Masters Licensing Authority preparing plans for what could be an upsurge of illegal, unskilled labour being trafficked into the country?

Chief Constable Maxwell: At the minute we do not anticipate that. What we need to do is keep an eye on where things are.

Q248 Tom Brake: Why do you not anticipate that?

Chief Constable Maxwell: Because what we need to look at is what are the entrance routes into the country. They have been strengthened quite considerably from where they were two or three years ago. We need to work with UKBA colleagues and we need to make sure of the intelligence picture. As we get more rescues, as we find people in different situations, we are using them as the examples to get over to police officers and front-line staff that this is

happening in their neighbourhoods. To pick up one of the previous things you said, it is a lot easier to explain sexual exploitation where a person is truly deceived than when someone who comes to the country and actually thinks that receiving two pounds an hour they are a lot better off than in their own country, but that is exploitation as far as the UK is concerned.

Detective Chief Superintendent Kinsella: There is an example where we are taking proactive action where we have seen a threat emerging. When Romania and Bulgaria joined the EU, funded by the Home Office and in co-operation with the IOM (International Organisation of Migration) and the FCO, we ran an awareness-raising campaign for all forms of trafficking—children, adults, sex and labour—in both those countries and, together with the IOM, established an advice line in both countries.

Q249 Chairman: How many people telephoned it?

Detective Chief Superintendent Kinsella: I do not have those figures to hand, but I can try and find out for you.

Chairman: That would be very helpful.

Q250 Bob Russell: As a result of this inquiry and the visit we made to Moscow and Kiev, I am more and more convinced that quite a lot of the advertisements that we see in the backs of some of our local newspapers indicate that some of the ladies, but not all, may well be victims of sex trafficking. What are the police doing to check those ones out, because to my mind those local newspapers are not only aiding and abetting prostitution but they are aiding and abetting people trafficking?

Chief Constable Maxwell: Two things. It is one of the tactics that are used, it is one of the ways that we try and determine where we have got brothels and then launch an operation to find out whether there is a trafficked person within them. I agree with you actually. One of the stances that ACPO have taken to try and raise awareness with editors is to look at personal ads and see if they can really think that is the right thing they want for their paper.

Q251 Bob Russell: Would you wish this committee to make a recommendation?

Chief Constable Maxwell: What I would like is if we could give some strong advice that this is unacceptable behaviour in terms that it can lead to, and assist with, criminality.

Q252 Bob Russell: That leads me to the main question. We have heard about the guidance you give to neighbourhood policing about trafficking, but does that guidance include advice on whether the trafficked victim could be an illegal immigrant from the European Union? Is there separate advice there, because the person could be trafficked even though they are here legally?

Detective Chief Superintendent Kinsella: Absolutely, and that is the key point that we put out, it is one of the points we consistently raise in numerous audiences, why we deal with this as serious crime

rather than as an immigration issue: because if the victim is an EU national, which includes UK nationals, there is no immigration matter, they are just a victim of serious crime. We are very aware of that and we raise that consistently.

Q253 Bob Russell: Lastly on trafficking, I am sure you have noticed that there are many hand car wash enterprises which have set up, some of them at quite reputable national firms, it would appear, in car parks. Have you noticed, like I have, that not only is this a cash industry but a large majority, if not all of them, are not English speaking. Is this something that perhaps your colleague in the Inland Revenue might wish to address: not only the possibility of trafficked people using it but the strong possibility, I suspect, that the operators are not complying fully with the rules and regulations?

Detective Chief Superintendent Kinsella: I think we look at a number of industries across the board.

Q254 Bob Russell: I can nominate three sites if you want to use those as a trial run.

Detective Chief Superintendent Kinsella: I would always welcome that information, but we do try to be intelligence-led and I think we go back to what is the distinction from our perspective in the trafficking centre between illegal working and forced labour. I cannot speak for HMRC, but I know they are very proactive in that field.

Q255 Martin Salter: I wanted to come back to the point that my colleague, Bob Russell, was raising in terms of the willingness or otherwise of local newspapers to carry these adverts. Do you think it would be helpful if we were to seek a memorandum from the Society of Editors just probing whether or not there are any guidelines in place to suggest best practice for local newspapers?

Chief Constable Maxwell: Indeed, I think the Home Office has started those negotiations. I do think it is a very positive step forward. We need that kind of guidance. I think an MOU or some kind of undertaking from those editors would assist us greatly. It is always of interest to me. On the front page you would have something about: here we have had somebody who is arrested, we have rescued a victim of sexual exploitation and, if you turn the pages back, the advert is there. That cannot be ethically right.

Martin Salter: Can I suggest that we do request that memorandum as part of our inquiry because we have clearly not got space to have more witnesses.

Chairman: Indeed, we have asked them to come and give evidence to us. They have declined so far, but we will pursue these letters to make sure that they do come, in view of what you have just said.

Q256 Mrs Cryer: Can I ask you both further about public awareness. One of UKHTC's functions is to look at public awareness and try to encourage people to understand what they are doing. Apparently you had a Blue Blindfold campaign. Am I right in saying, I seem to remember some sort of poster that said something like, "You arrive as a

punter and leave as a rapist", presumably referring to the fact that men sometimes are aware that there is an element of coercion?

Chief Constable Maxwell: Yes, I think there were two elements to that. We have had a number of different campaigns: some of them related to Pentameter 1, some of them were run by NGOs. Blue Blindfold is just about trying to raise awareness to every single type of trafficking there is. We need to do that within the £1.6 million budget. We have had a number of people who have given their services free in terms of putting together a very professional DVD, but what we are trying to do is to get into places like cinemas, we are trying to get places on buses. They are commercial enterprises. We have a very limited budget in terms of that, and we are trying to spend quite a bit of time to negotiate, "Can you do this for free"—this is the good will part of what we are doing—and that would significantly raise awareness with people about what it is. You made a very clear point that if a man has sex with a trafficked woman, whether he thinks he has paid for it or not, he has raped that woman. We try to get that very clearly across. It is a very difficult case to prove. When you look at the majority of prosecutions that we have had in terms of trafficking, the victim can remember the trafficker but when she has been a victim of multiple rape one of the coping mechanisms is not to remember who you have been forced to have sex with.

Detective Chief Superintendent Kinsella: Could I add on the prevention point, as Mr Maxwell has said—this is very much a multi-agency approach—our prevention strategy was developed within our prevention sub-group and led for us by Anti-slavery, which again shows the NGO embedded nature of our work. We have four key audiences, and one of the key messages is about identifying your audience and then delivering a very focused message in the best possible way to that audience. So there are four key audiences for us: the general public, of which there are particular sets as well, such as men who purchase sex, and the particular poster you are referring is to the pilot within the Home Office demand review that is linked into Blue Blindfold, because we are branding that as the national prevention strategy. The second key audience are victims themselves. How do we safely get messages to victims? The third key audience are other professions, where we feel by upskilling their knowledge on identifying victims we may more readily identify—so Social Services, Health Service and others—and the fourth, the law enforcement themselves, and at the moment our activity is focused on law enforcement, awareness raising and the general public.

Chief Constable Maxwell: Indeed, we are just about to produce a new DVD which is trying to raise awareness with school children about the potential of trafficking and the potential to become a victim of internal trafficking.

Q257 Mrs Cryer: Thank you very much. Can I briefly ask you about how successful you have been in drawing together information in order to assess the scale of trafficking?

Detective Chief Superintendent Kinsella: In a number of ways. Let me give you an example. As I say, the final results of Pentameter 2 are being analysed and will be released shortly, but there are significant (in the thousands) new intelligence reports around that, all of which will be analysed. In addition, we have got the other campaigns I have already mentioned. In addition to that, clearly, understanding the scope and scale is a key part of our work. We are well advanced on a multi-agency programme of assessment work around the various areas, all of which are linked into the UK threats assessment and knowledge gaps identified by SOCA and its partners, again linking into the programmes of activity. I have already mentioned the intelligence requirements, which are about improving our knowledge, links to the RIU network, the immigration crime teams, the new analysts that are going in post, but also we are linked into various universities for specific pieces of research around the specific areas within the trafficking agenda, and through Mr Maxwell's funding we have just secured funding for a full-time research post which will help to co-ordinate that work across the country to bring forward more knowledge and data. We are also—in fact it is going in today—preparing a bid with the International Organisation for Migration for EU funding about standardised data collection, so that all of us, not just the UK but our main European partners, can collect the right data in a similar format and share it through an agreed process.

Chief Constable Maxwell: It is a very difficult thing to estimate. We had a report in 2003 that said there were 4,000 victims. In P1 we looked at 10% of all visible sex outlets and from that we rescued 88 people. The best piece of research I have seen is from the South-West Regional Intelligence Unit, and what I want to do is try and use that methodology to give us a picture across the UK and try and get something which is a fairly firm figure around what we are dealing with, because at the minute I do not think we have got a real handle on what the figures are.

Q258 Mrs Cryer: What did they do that was different?

Chief Constable Maxwell: They looked at each of the areas where there had been identified brothels, where there were off-street brothels. They used this as the basis of a multiplier across the population they have got, they used it across the geographic area. Again, it was a multiplier, but it was based on hard figures; so they have used the hard figures on the number of rescues, multiplied that across, using a bit of professional knowledge to give an indication. In the end we will get a guesstimate, but it is a firmer guesstimate, about what it is than what we have got at present.

Q259 Martin Salter: Like many people representing urban constituencies, I deal with a lot of immigration casework. I have come across people who have been trafficked and come to members of Parliament for help. I have never yet come across a trafficker. They tend not to make themselves known

to you. Can you give the committee a pen-picture of the characteristics of the gangs involved in trafficking? What I am particularly interested in trying to get at is are they total criminals and could be just as easily trafficking guns and drugs as they could be people?

Chief Constable Maxwell: It is extremely difficult to give you a profile of a trafficker because they are as different as criminals are different from one another. What we found during Pentameter 1 was that there were different types of networks. There were networks which were very, very organised, and you can actually see from the country of origin the transit route which was controlled by the gang into the UK and the UK outlets controlled by the gang. There were other gangs which only controlled certain aspects of the route. They would take you to from A to B and hand you on to somebody else from B to C onwards. Some people were sole traders. They would actually go out to places like an African village, find a child, bring the child in and then exploit the child—any nationality. We certainly found that in P1. There were UK nationals; there were foreign nationals. We have got examples where women had been traded to settle bets from playing a game of cards and people who were just as equally trading people as they would drugs, as they would guns. It was purely about how much profit they could make.

Q260 Martin Salter: So in some parts of Europe or the world on the major trafficking routes there would be crime syndicates, gangs, that would control the movement of illegal contraband, whether human or otherwise, through certain countries?

Chief Constable Maxwell: Yes.

Chairman: Can I bring in Mr Davies for a quick supplementary and then we will continue with you, Mr Salter.

Q261 David Davies: Does the sexual exploitation of humans involve men and boys as well as women and girls?

Detective Chief Superintendent Kinsella: We have looked for it. We have not yet recovered a victim. We have had one person come forward which was not substantiated, and that was in Pentameter 1.

Q262 Martin Salter: Given the criminality and obviously the propensity to use violence, extreme violence at times, in order to force, trade, market share and anonymity, and so on and so forth, we have been told as a committee that in order to secure more convictions there needs to be better systems in place in respect of giving victims of trafficking the confidence, the protection and the anonymity in order to come forward to provide evidence that could be used in court. What are your views on that? Are there steps in place to try and achieve a better witness protection scheme?

Chief Constable Maxwell: Yes. I think some of issues where we have had significant results is where we have had very brave people come forward. The very first conviction we got for trafficking within the new legislation was on a victim who came forward in

Sheffield, a 15-year old Lithuanian girl who gave evidence that secured over 90 years for four Albanian traffickers. You can see the courage that is involved in that, and I think anything that can make that situation easier, including anonymity for some of the evidence the witnesses need to give---. What we will do is we will look for evidence that corroborates what has been said by the victim. Is there anything else in the investigation that we can actually seize or find that will assist in securing that conviction so that that person does not have to necessarily always go through that trauma of giving evidence. I think it was in Kent where we had the first victimless prosecution. That was based on a lot of findings from researching the financial backgrounds. What you got in the end was not a conviction for trafficking but you got the trafficker convicted.

Q263 Martin Salter: Is there anything Parliament can do in terms of legislation, or anything the Home Office could do that it is not doing now, that would give that protection and make it more likely for victims to come forward, or have we got sufficient procedures in place, it is just a question of using them?

Chief Constable Maxwell: We have got very good witness protection support. What did concern me is what came out last week, which was the ruling I think, and I do not know where it came from, but it was the one where Operation Trident have used anonymous witnesses, and that could actually affect this. I know that the Justice Minister, Mr Straw, is taking that forward and trying to put legislation before Parliament, but it is wider than just Trident. It is about victims who have been subjected to horrific crimes like trafficking.

Martin Salter: Chairman, can we make sure that that very pertinent point is reflected in our report, because that is a new dimension that has been brought into the row that Jack Straw is currently having with yet another mad judge!

Chairman: That is a very important point. Mr Brake has a final question to ask.

Q264 Tom Brake: Presumably often the witnesses are scared to come forward, not only because of what might happen to them but also their family back in the country of origin. What are you able to do, if anything, to provide help remotely in other countries, either directly or through your partners?

Detective Chief Superintendent Kinsella: A number of things. First of all, can I pick up on one point? The Council of Europe Convention, the ratification of that, which will be this year, is clearly very important. We must never forget that some victims, as in that 15-year old's case, actually want to go to court and face the trafficker. There is an issue around the amount of accommodation that is available. If

we could mainstream accommodation for victims, that would be a significant step forward. Coming back to your particular point, Sir, there is a lot of well-established best practice now that is shared. If a victim, as part of this victim-centred approach, wants to return home, and many do, then it is important that we approach that on a risk-analysis basis and they are properly supported to reduce the threat of re-trafficking. Also they should be escorted home (and we have done this consistently), settled back into the community, not by you uniformed officers or anything of that nature, of course, but also, if they are coming back to give evidence and it is not by video-link, which has been done previously, then they would be met and escorted back to this country so they have got that confidence and reassurance that they are kept in secure, safe accommodation where they feel comfortable during the trial period.

Q265 Chairman: How many people have gone through this process?

Detective Chief Superintendent Kinsella: I could not give you the exact number, but it is not uncommon.

Q266 Chairman: How many, roughly?

Detective Chief Superintendent Kinsella: I would have to check. Again, I am happy to do that and send you the figures through.

Chairman: Would you, and would you send us all the other figures we have asked for? That would be very helpful.

Q267 Tom Brake: You have not talked about the wider family. You have talked about the victim, quite correctly, but, clearly, the families often will be at risk perhaps. Are you able to provide any support or do you get the people you work with to provide that support on the ground?

Detective Chief Superintendent Kinsella: Again, you look at that on a case by case basis. There have been good examples, for example, in Lithuania, but again you look at the victim. Does the victim want the family to know? What are the circumstances around that victim? You have to take that into account, because, of course, sometimes when a victims returns home the family themselves can present a threat to that victim if they discover what has been happening.

Chairman: Mr Maxwell, Mr Kinsella, thank you very much for coming to the committee to give evidence today. We might write to you again, as the inquiry progresses, to ask for further information, but what would be extremely helpful is some of the comments made by members of the committee which are reflected in statistics that you have. If you could possibly send us those statistics, that would be very helpful. Thank you very much for coming.

Witness: Mr Misha Glenny, Journalist, gave evidence.

Q268 Chairman: Welcome and thank you very much for coming to give evidence to us. We have a copy of your book *McMafia* which was recently published, though actually I thought it was quite old, but it has obviously been read by many members of the Committee and that is why it looks a bit worn. This is obviously a very, very large and interesting subject which we have studied very carefully over the last few years. You mention throughout the book the gangs who control the trafficking of humans, and obviously the book goes beyond this and it talks about other aspects of crime and criminal gangs, but how do you characterise these gangs? Where do they come from? Are they from a particular country or is it now a multinational operation?

Mr Glenny: It is a multinational operation, but one can trace how they emerged in the late-1980s and early-1990s, particularly in Eastern Europe, as a consequence of the collapse, not merely of the ideology of communism, but of state capacity throughout Eastern Europe and the former Soviet Union, so essentially the policing and judicial systems of Eastern Europe ceased to function for a period of years really into the mid- and late-1990s, so the policing, the courts, the definition of what was legal and what was illegal was undertaken by groups with enough power to establish themselves as the arbitrators of society. Many of these people were former members of the security services under communism, many of them, it is becoming widely known now, were sportsmen in the case of the former Soviet Union, Afghan veterans and so on. They essentially acted as the market arbitrators in Eastern Europe and looked around for market opportunities outside of Eastern Europe as well because the economies had collapsed in Eastern Europe and they found in the European Union, in particular, that there was a very vibrant market for all sorts of goods, some of them licit goods, like oil or gas, for example, although often purveyed in a sort of criminal fashion.

Q269 Chairman: How large are these organisations?

Mr Glenny: There are, within the former Soviet Union, hundreds of thousands of people involved in them. They have come under control to a great degree, particularly in the Russian Federation, although it is a control which involves some deal of co-operation between the State and these people. They have sought, where possible, to legitimise themselves rather in the way that the robber barons did in the United States in the early days and some have successfully legitimised themselves and are now seen as respectable businessmen and members of society, some have laundered their reputations indeed in the United Kingdom, in other European Union countries and in the United States as well and dissociated themselves from the more outwardly criminal activities, as the legal definition of what is a licit and an illicit market has become clearer in Eastern Europe.

Q270 Chairman: You were in the session, I know, just now when I was talking about the source, transition and destination countries. Gangs like that, are there

representatives of the average gang, if there is such a thing, some from Eastern Europe, some from the transition countries and the rest in the destination countries? Are they like that?

Mr Glenny: Yes, except that, in my experience, they are relatively decentralised. I agree, in principle, with the last two speakers, that in some commodities and from some areas you will see that the person in the producer country, the distribution country and the retail country, it will be a single operation and there will be a very clear trade, but not in all cases.

Q271 Bob Russell: Continuing with the Chairman's line of questioning, your description of the growth of smuggling of all kinds from the former Yugoslavia implies that the gangs shift commodities, from cigarettes to gold to people, depending on the profitability. Is that true of gangs in other countries? You have mentioned hundreds of thousands in Russia, which I think is quite a shocking thing.

Mr Glenny: In Russia, the hundreds of thousands are those people in licensed and unlicensed private security agencies during the 1990s.

Q272 Bob Russell: And Yugoslavia?

Mr Glenny: In Yugoslavia, during the war, it was very difficult to distinguish between the mafia, the paramilitaries and the State.

Q273 Bob Russell: But now that there is a sort of settling down of the various countries of Yugoslavia, that sort of gang culture, is it found in all the former Yugoslav countries?

Mr Glenny: It is reducing, although I would argue that the assassination of the Prime Minister Djindjic of Serbia was a consequence of his introducing a Witness Protection Act three months before he was killed. When it comes to fighting organised crime in south-eastern Europe, those people who are prepared to stand up and be counted are literally putting their lives on the line, and there have been numerous examples of this. However, I would say that, if you look at patterns of criminality, particularly in the case of trafficking and the trafficking of women, initially Poland and Czechoslovakia before the break-up were the primary sources of women coming into the European Union, whether voluntarily or involuntarily. Since the absorption of Poland, the Czech Republic and Slovakia into the European Union and the opening up of labour markets, you have seen a very significant reduction in the trafficking of women from those countries, even in Romania and Poland, I think the statistics, on the whole, are anecdotal. The final point that was made by the two previous witnesses, I think, is very, very important, that we do not have any serious statistical capacity in the European Union to monitor how many people are being trafficked, but, even in Romania and Bulgaria, things appear to be improving. In Moldova, the Ukraine, Belarus, it is still pretty disastrous, in my experience.

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Q274 Martin Salter: You mentioned women coming in to fill places in the sex trade, if that is the expression, either voluntarily or forced. Do you have any idea of the proportions?

Mr Glenny: Well, this is a very controversial issue amongst researchers at the moment. There is emerging, what I would call, a "revisionist school" which is suggesting that the bulk of women coming in are doing so voluntarily. I first came across this argument in 1999 from the first Professor of Women's Studies at Warsaw University and she argued to me that, from their evidence, about 70% of Polish women going to Germany to work as prostitutes were doing so voluntarily, understanding what they were doing, and she was arguing that the labour market should be opened up because that would reduce the number of women who were prepared to work as prostitutes. I have found that, on the whole, the further east and the further south you go, and I cannot talk about Africa, the less willing these women appear to be and, even those, some of whom I interviewed, in Israel, and I interviewed exclusively women from Moldova and Transnistria, even those who understood that they may end up sleeping with men as prostitutes by accepting a job abroad, none of them, but none of them had any idea what this actually meant because they are forced to see, in the ones that I interviewed, up to 20 clients a night or during the day. They really had no concept of what it meant and they were locked into the brothels for 12 hours and then locked in an apartment for 12 hours. This was the standard I came across all over the Middle East, Turkey, the United Arab Emirates and Israel; it was all the same.

Q275 Martin Salter: You have spent quite a lot of time talking to law enforcement agencies across the world. We are interested obviously in what level of co-operation there is or exists currently between the various law enforcement agencies, but somebody said earlier that they are beginning to question how effective that co-operation can be if some of this corruption is endemic, say, within the Russian Federation or even some of the EU Accession States, how effective police co-operation can be if the corruption itself has become institutionalised and some of the police forces are in fact, not just turning a blind eye, but facilitating the trafficking of people. I would be interested in your views on this point.

Mr Glenny: This is incredibly difficult. In the early-1990s, what you had were policemen who were very keen and willing to co-operate with other law enforcement agencies from the EU and the United States, but who had no influence or capacity to act in their country because of the collapse of state authority. Now, in the Russian Federation you have had rather a reversal of this situation where they are in a position to co-operate, if they want to, but, on the whole, they do not want to, and you have seen that in the case of Litvenenko. That holds in a number of areas, although, from what I understand, co-operation on the issues of human-trafficking is better than it is in other areas. This is terribly important for law enforcement agencies here in the United Kingdom. It is a long, slow process which is,

I think, showing benefits with Romania and Bulgaria, and I use those two because they are often used as examples of black holes of law enforcement and I do not think they are as bad as some people suggest, and there has been a huge amount of work by the embassies in Bucharest and Sofia, in particular, to try and establish links between law enforcement agencies, which is working. Europol is potentially an important institution which I think should be encouraged and, if you look in other areas of co-operation between the British police and the Spanish police, say, in narcotics-trafficking, that over the years has developed into a fairly effective form of pan-European law enforcement, but, when it comes to can you trust your opposite number in Moldova, it is a profoundly corrupt and profoundly poor society and it is extremely difficult to have ultimate confidence in the person, in your interlocutor.

Q276 Mr Winnick: Mr Glenny, you have painted, and I am sure accurately, a very pessimistic scenario of the problem which our inquiry is all about. You have heard, I take it, at least some of the evidence from the previous witnesses about the co-operation which you have just spoken about in reply to my colleague, Mr Salter. Do you feel there is much more that we in Britain and within the European community could do to cut off a trade at source?

Mr Glenny: At source, the only tool we have, in my opinion, is long-term which is European Union expansion and the opening up of the European Union labour markets to East European countries, but I see that as a long-term solution. I do think that in the case of Poland and the United Kingdom's relationship with Poland, because obviously France and Germany have decided, rather ill-advisedly in my opinion, not to open those labour markets, this has had a huge impact on trafficking inasmuch as Polish women are, on the whole, much happier to work in Starbucks than they are to work in brothels, and you do not see Polish women now, on the whole, as far as I understand it, working in brothels in the United Kingdom, but that is a long-term solution to the problem, but one that, I think, does have a real effect on rates of trafficking into this country. The other thing, I think, is to do with demand. We have a real demand problem in this country and in other European Union countries. We have a culture now where it is seen as legitimate for men to fly off to Riga for the weekend for a stag night and to include a visit to a prostitute in the package. The reason why there are so many brothels in this country is that there are so many men prepared to visit those brothels, and I do not see much, except for organisations like the IOM and other NGOs, the (?) project and so on, coming from the Government, coming from other areas of civil society raising awareness on this issue and, until men stop visiting prostitutes, we are going to have a big problem.

Q277 Mr Winnick: Well, that will never happen. It is a question of reducing demand.

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Mr Glenny: Absolutely.

Q278 Mr Winnick: We know the human race and that is all that there is to it. What I wanted to ask you as well is that you spoke earlier in very eloquent terms of a kind of corruption in former authoritarian, communist countries, as the case may be in Eastern Europe, and the way in which clearly the criminal gangs have infiltrated state agencies, and that was your point obviously much-discussed in your book. Do you feel that Britain and the European community can do anything diplomatically to put pressure on those countries?

Mr Glenny: Well, in terms of any form of diplomatic sanctions, I am not entirely sure, but Bulgaria is currently a very interesting case. The fear was that, once they became members of the European Union, there would be no sanctions left to deal with the issue of organised crime, and in fact at the moment we are seeing that there are a range of sanctions which the EU is prepared to apply to Bulgaria to clean up the criminal justice system there. I think that, although the Government is reacting somewhat slightly slowly to it, they are beginning to wake up to the fact that this is serious and they have to start acting, and you are beginning to see various political figures emerge in Bulgaria who are now prepared to take on this problem.

Q279 Mr Winnick: So there is room for optimism, as far as Bulgaria is concerned?

Mr Glenny: There is room for optimism.

Q280 Mr Winnick: The former Yugoslavia?

Mr Glenny: The former Yugoslavia, well, that is more problematic, but at the moment with Serbia, in particular, which is an absolutely critical country because of its geographical position as a crossroads, the relationship between Brussels and Serbia can be used very effectively in this area. We have seen it happen both with Montenegro and with Serbia at an earlier stage on the cigarette trade. There is a fairly high profile in Serbia, and I have just returned from Belgrade, there are posters at many transit points in Belgrade, the airport, stations and so on, warning against human-trafficking, asking people to go to the police if they have information about human-trafficking. They suffer from a lack of resources, but I would offer what has been done in Bulgaria which is for close relationships to be established between the Home Office and the Interior Affairs Ministry in Serbia, sending people who can train, not just policemen, but civil servants as well. We have a very good record in the United Kingdom on that in various east European countries in defence, foreign affairs and in home affairs areas, and I would strongly encourage bringing up links with Serbia to that effect.

Q281 Mr Winnick: That is not being done by Britain at the moment?

Mr Glenny: It is not nearly as advanced because it is all related to where they are on the pre-accession, but we are about to get in Serbia, I think, a fairly keen pro-European government established by the end of

this month and I think that they would welcome signs of engagement from the United Kingdom on these issues and they are ready to be helped. The police and prosecutors in Serbia are keen to move and, after they were given the green light on the cigarette stuff, they are prosecuting some of the major cigarette smugglers at the moment and they are putting a lot of effort, time and money into it.

Q282 Tom Brake: Can I just return briefly to the cultural aspect of things. Do you have any views as to how we can stop British men thinking that a trip to a prostitute when they are in Riga is like going to a football match, or however they are treating this?

Mr Glenny: Well, I think this is an issue of public education. I agree with Mr Winnick, that you are not going to stop prostitution and I also think we have a problem in this country with the fact that prostitution is a sort of twilight zone of legislation and, given that prostitution itself is not illegal but soliciting is, you are sending out mixed messages as a consequence to the clientele. I think campaigns like, "You enter a punter and depart a rapist" are very positive campaigns and worthy of public funding. How one gets a discussion going about this, one of the things I have noticed about trafficking as opposed to narcotics or terror, for example, around the world, and this is not just the United Kingdom, is that terror and narcotics, arms and so on attract much more funding in terms of public education than human-trafficking does either in sex-trafficking or in labour-trafficking.

Q283 Tom Brake: Could I move on to the issue of transit countries. In your book, you have identified Odessa as a sort of crossroads where different people are being trafficked for different reasons, sort of get together and then go out and are distributed around the world. First of all, presumably the authorities there are perfectly aware of what is going on and, assuming they are, what, if anything, can we do about it?

Mr Glenny: It is very difficult. Anywhere where there is a port, you have a big problem. Unfortunately, the political situation in Kiev continues to lend itself to a system of control of mafia bosses on a provincial level and it is very regionalised, the situation in the Ukraine, and unfortunately Odessa, because it is the main oil terminal for Russian oil, is particularly subject to corrupt activities and it has been ever since the mid-1990s. I see the Ukraine as a huge problem from all sorts of aspects and there is an element, particularly in areas like Odessa, where you have a strong Russian influence, where Russian is the local language, there is a fair hostility to people coming in from the outside and from the West and dictating to them how they should run their business, so, no, when it comes to the Ukraine, I have to say at the moment I remain deeply pessimistic.

Q284 David Davies: Just going back to something you said about what the long-term solutions are to opening up the EU labour markets, I can see your

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point, but is there not also simply the danger that we move the problem further east or further south into Africa?

Mr Glenny: Yes, there is no doubt that this is a danger, and this is one aspect of the problem of how you deal with supply and demand. The key thing in terms of supply is poverty, there is no question in my mind, and, if you look at Transnistria, Moldova and the rural areas where there is absolutely no work, and this is where the bulk of the women are recruited from, it is clear that, if they had a job to go to, they would not find themselves in this situation. The EU is not in a position to go on expanding in that sense, so you have to combine it with other aspects, looking at the demand side, you have to look at law enforcement, absolutely critical, and I would again say here that the European Single Arrest Warrant, although not noticed by many people, except of course when it was introduced, from my discussions with the police here in the United Kingdom, is proving very successful in all areas of organised crime in terms of speeding up the process, once people have been caught in one country, in extraditing them to another European country. Therefore, we need to look at demand, public education, we need to look at law enforcement, ways of increasing co-operation, we need to look at the judicial system, and I strongly identify with the remarks about anonymous witnesses made by the previous two speakers as I think anonymous witnesses are absolutely critical, as are good functioning witness protection programmes, and then we need, where possible and where we have the capacity to do so, to look at the supply area, but obviously we come up against your problem that we cannot expand the European Union indefinitely, as it were.

Q285 Mrs Cryer: Most of the victims that you have talked to were trafficked for sexual reasons. Have you any idea of the extent of exploitation of victims into other areas of labour other than the sex industry?

Mr Glenny: Well, not in any quantifiable sense. All I can tell you is what people like the IOM and other NGOs, working in situ though, say and they reported that labour-trafficking was growing much faster than sex-trafficking, that sex-trafficking, in a sense, has sort of reached its level and that the real increase was in labour-trafficking, not necessarily just to the European Union, but they gave me a number of examples of people being trafficked from eastern Europe to Kazakhstan, bizarrely, to work on farms in Kazakhstan. Now, here I think we really have to identify the difference between smuggling and trafficking because those people involved in illegal labour markets that I spoke to, I did not find anyone who was there without knowing what they were doing, they were smuggled, so the Morecambe Bay example, because I went to see the relatives of the Morecambe Bay victims in China to see what had happened to them since Morecambe Bay, it is perfectly clear that the snakeheads were providing a service that everyone bought into knowingly and actually, once they got here, the snakeheads had

done their job and then you go over to the gangmasters, but everyone involved in this knew what they were doing. Now, that is not trafficking, that is the smuggling of illegal migrant labour which is a different issue and, in contrast to the revisionist school that most women are unaware of what is going to happen to them when they move to another country and become involved in the sex industry, I think that most people involved in the labour market actually do understand the rules of the game, the risks that they are taking and that laws are being broken.

Q286 Mrs Cryer: Can I just mention that we came across a particular case in Moscow where we met a man, quite a vulnerable man, and he was at a sort of refuge and he had spent eight years as a slave to a family in Georgia and had somehow got out. I wonder how typical that is.

Mr Glenny: Well, the examples I have from Kazakhstan, which were from the IOM, sound very similar and these people were working as slaves, but they were all internal Soviets, as it were, of sort of former Soviet territories, so it is extremely difficult to identify any hard facts as to what is going on because there is a lack of research. I would again stress the issue that, when I was researching this book, in all areas, whether trafficking, whether narcotics, whether arms or whatever, you have seen emerge in the past 10 years a group of very interesting scholars, a lot of whom happen to be in Oxford at the moment, who have done their research through empirical work in various parts of the world, just sitting in a town in Russia, sitting in a town in Kosovo and watching things unfold for five/six years or so. It is a new type of research into criminology and organised crime and it is not yet being channelled into policy-making, nor is it yet really being channelled into policing, and I think that there is real scope here for bringing in the knowledge that is being accumulated in the academic community into policy-making and into policing, and this issue of trying to identify just how many, we have no idea really how many people are trafficked into this country, we simply do not know, and the importance of using data in the same way in Germany as we use here and in Greece is incredibly important.

Q287 Chairman: Finally, I have a question about globalisation. You said, I think in your book, that trafficking is the consequence of globalisation. I think the quote is, in your view, that “this type of criminal activity is simply the corollary of globalisation”. Am I misquoting the book?

Mr Glenny: No, you are not misquoting me, but what really you have in the early-1990s is a tremendous increase in migratory flows along with flows of trade and flows of capital.

Q288 Chairman: But is it a depressing story? Is there any hope about the way in which we can deal with this issue?

Mr Glenny: Well, I do not, with the book or in my own personal opinion, want to trash globalisation. I think that globalisation is something that has

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emerged and does have many positive sides, including the issue of poverty-reduction in China, for example, but I think that we have to understand that huge economic phenomena like globalisation come with a cost as well and really that cost has not been monitored. What I was trying to do with the book was to show how the shadow economy, as I call it, expanded. All of the things like money-laundering and so on, and this all applies to people-trafficking as well, they are all using the same mechanisms in order to ensure that the fruits of their activity are legitimised and they are able to use it, so there is an

integrated sense and, even if the trafficker is not also trafficking narcotics, they will still be using similar mechanisms in order to launder money and ensure that they do not get arrested.

Q289 Chairman: Misha Glenny, thank you very much for coming to give evidence to us today, and we have your book, so we hope you are going to sign it for us!

Mr Glenny: Absolutely.

Chairman: Thank you. That concludes this session.

Tuesday 14 October 2008

Members present

Keith Vaz, in the Chair

Tom Brake
Ms Karen Buck
Mr James Clappison
Mrs Ann Cryer
David T C Davies
Patrick Mercer

Margaret Moran
Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Witness: Mr Ian Murray, Editor-in-Chief, *Southern Daily Echo*, NewsQuest, gave evidence.

Q290 Chairman: Can I open this fifth session of the Select Committee's inquiry into human trafficking and welcome you, Mr Murray, and thank you for giving evidence. Can I ask all members to declare any relevant interests as far as this inquiry is concerned, and I refer all those present to the Register of Members' Interests. Thank you for giving evidence. It has been a bit of a struggle getting some of the regional newspapers to give evidence to us on this very important subject, so we are extremely grateful to you for coming here. I understand that NewsQuest has decided to refuse any further advertisements for adult services in all its local newspapers and, just to source this, I got my information from the *Croydon Guardian*. Is that report correct?

Mr Murray: It is absolutely correct, and this happened about two months ago. The Chief Executive, Paul Davies, made the decision that we would no longer accept those kinds of personal advertisements, with the exception of advertisements for genuine massage services that could be proved with a qualification.

Q291 Chairman: Have you had any reaction from any of your newspapers?

Mr Murray: I can talk specifically about Hampshire which is the newspapers that I cover and generally from talking to other editors around the group, but specifically what we have seen is a complete falling off of those kinds of adverts. Specifically, escort ads we no longer take and a large range of massage parlour or offering massage advertisements dropped away going from double figures, well, into the 20s and possibly 30 occasionally a day down to two or three that could be verified with certificates and qualifications.

Q292 Bob Russell: I would just say that I do come from a local newspaper background, but, in my day, we did not have those adverts. Why did NewsQuest take these adverts in the first place?

Mr Murray: It is difficult. My history is I have been 30 years as a local journalist coming up to being editor of two regional daily newspapers and for the last 10 years at Southampton. My personal observation is that these were a form of local classified service advertisements that basically began and just grew. I must admit, I was thinking on the train coming up here, "Had they always been there,

and at what point had we realised that there were large numbers actually of them?" and I think it must have been in the last 10 years that I became aware of them, that they basically were there.

Q293 Bob Russell: Mr Murray, it used to be the policy of local newspapers not to take these adverts, so clearly your company, owned by an American company, must have made a policy decision. You are an investigative journalist. Now, if you saw an advert that said, "Sugar and Spice massage, escort, strippers", or "Jesse and Page, twice the pleasure with two ladies. Prices start from £90", or "Share in the extreme team. Seven days with all eight—new ladies available", would that be a clue that perhaps this was not a traditional massage service and, thus, as an investigative journalist, it should be investigated?

Mr Murray: Well, there are two points about that, Mr Russell. First of all, I do not think that I could agree that the whole of the regional press did not use to take these advertisements and made a conscious decision as a whole industry to start taking them; it does not work like that in the regional press, certainly not in my experience. Secondly, yes, if I saw something like that, and I am hoping you are not pointing that out from one of my newspapers—

Q294 Bob Russell: It is a NewsQuest publication.

Mr Murray: I, as an editor, if that were mine, would basically draw that to the attention of the advertising manager, saying, "This wording should never have been accepted. What kind of background are we looking at?"

Q295 Bob Russell: That is three out of 35 and I am pleased to say that this newspaper has now dropped them, but you are aware of course that living off immoral earnings in this country is a criminal offence?

Mr Murray: I am, yes.

Q296 Bob Russell: You do not like being described as a pimp?

Mr Murray: I certainly do not like being described as a pimp and personally would refute that absolutely, yes.

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Q297 Bob Russell: Finally, what, if any, guidance from the Society of Editors is available on this subject?

Mr Murray: The Society of Editors does not give straightforward guidance on this matter. They, when I spoke to them, basically said that it is an individual matter for individual newspaper companies and individual newspaper editors, but following the same advice as the Newspaper Society which is that the law should be adhered to and that, if we, as editors, spot these kinds of adverts coming into our papers, we should raise that issue with the advertising managers or managing directors and say, "This is unacceptable".

Q298 Bob Russell: Would you accept that these advertisements have almost certainly involved criminal gangs and the trafficking of young ladies into this country?

Mr Murray: I cannot say that I can definitely accept that that is the case. I am sorry, I cannot say that.

Q299 Tom Brake: Do you have any idea what advertising revenue you were getting from these adverts and, therefore, do you have any feel for what advertising revenue any competitors who are still carrying these adverts may be getting?

Mr Murray: Yes, I took advice on this before I came away as to how much we were predicting that we are no longer going to receive we predict for the Hampshire region, which is the *Southern Daily Echo* based in Southampton and our associated newspapers in Basingstoke, Andover, Winchester and Salisbury, which we know is not in Hampshire, but groupwise we count it as being in, that the reduction will run to between £200,000 and £250,000 for a year, and that is just for us, so it is quite a sizeable reduction in income.

Q300 Tom Brake: So you would expect your competitors to be benefiting on that scale from the revenue they are getting?

Mr Murray: Commonsense would tell me yes, that is the case.

Q301 Mr Winnick: While you were running these rather obnoxious advertisements, and obviously your newspaper was not alone in this, did you receive any complaints from readers?

Mr Murray: Occasionally, yes, I can recall one or two complaints from readers.

Q302 Mr Winnick: What was your response?

Mr Murray: It was always to look at the individual complaints and I would say, and I hope that my recollection is correct, that never did advertisements appear in my newspapers that I had control over along the lines of the wording which you just read there. I can recall at times going to the advertising manager and pointing out that some words were beginning to appear in some advertisements as I spotted them, as members of the editorial team spotted them, and pointing out that those seemed to

be going against policy and those were immediately removed in that way. Sorry, I have forgotten the rest of the question.

Q303 Mr Winnick: What was your response?

Mr Murray: Yes, once or twice, though perhaps that is being disingenuous, so perhaps about half a dozen times, I can recall that someone would contact and would either write in, or email in later years. The response was always to look at the individual advertisement and I cannot recall one that actually had the kind of wording there that was making the accusation that anyone who placed any kind of advertisement for a massage parlour or an escort, therefore, must be a prostitute, et cetera. I can recall that my answer was that I would raise that issue with the advertising manager and we would check the source that it was coming from and that it was our understanding that we were accepting a perfectly legal advertisement, which would always be the case. We would never knowingly accept something that we believed to be illegal.

Q304 Mr Winnick: At what stage, Mr Murray, did you come to this conclusion, this welcome conclusion that these advertisements should come to an end?

Mr Murray: That was a decision by the Chief Executive that took place two months ago and that was in the light of the discussions which were beginning to take place within the industry, discussions such as this which were taking place, and he discussed this with senior editors and decided, following that, that he would make that decision, that we would remove. We had checked that we were following the guidelines from the Newspaper Society, we had checked that we were taking away or we were ensuring that some of the controversial wording was not there, did we feel confident now, et cetera, and his decision was that we would simply remove them completely at some loss financially, but that we would remove them completely because that was the best way to go, and that is what we did.

Q305 Mr Streeter: I would just like to probe you on that final point actually so that we can all understand what kind of pressure works on newspaper groups of your type, and I was going to ask you what the trigger moment was for that decision? Was it contact with this Committee? Was it public pressure? Can you help us in deciding what might help with other groups?

Mr Murray: My understanding, and I am afraid you would have to address that to my Chief Executive, recalling the conversation he had with a number of senior editors, is that an ongoing debate was taking place that he was considering and the final trigger, I believe, came from this Committee.

Q306 Martin Salter: I have watched, in the 25 years I have been involved in public life, the systematic sort of automation and stripping out of staff in newsrooms and they are a shadow of what they were 20 years ago, for all sorts of reasons. Logistically, how possible is it to check every word and syllable of

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advertises that are coming in? It is all very well having a kind of notice and take-down system, but it stretches credulity that it would be actually possible, given the resources that are available to most local newspapers, to actually have an effective monitoring system, and I would be interested in your views.

Mr Murray: Well, there is an effective monitoring system and it does not sit within the editorial department, but it sits within the advertising department. It starts naturally with the employees that are taking the advertisements in the first place. They have guidelines, they definitely do at the *Southern Daily Echo* where I have direct knowledge of that, they have guidelines of what they can and cannot accept which have now been completely changed within the last two months, so that is the first change basically there, and most certainly with any advertisement which, the advertising department would consider, may have legal problems. Yes, they will involve the editor if they feel that is necessary and they can make those decisions without him in that way. There is another check which is that we, as journalists definitely at the *Southern Daily Echo*, read every day all of the small classified ads because we are looking for all kinds of stories.

Q307 Martin Salter: It is a bit late when you are reading them in your paper.

Mr Murray: Well, we are looking at the proof pages.

Q308 Martin Salter: Inside the deadline?

Mr Murray: Yes, because we obviously do not want the opposition to pick up those kinds of stories. That is on top of the checks which are taking place. It should be that no advertisement should go in without being checked.

Q309 Martin Salter: I am intrigued about the position of the Society of Editors in this because they seem to manage to find time to get terribly involved in issues like the return of the weekly bin collections or the transfer from the committee system to the cabinet system in local government, yet, when it comes to its own affairs, in other words, a practice which undoubtedly is fuelling in part a degree of human trafficking, it is strangely silent on such areas. Has anyone within the Society of Editors ever made any attempt to raise this issue or to get a collective position or guidance issues, particularly as you put yourselves in quite a vulnerable position if your paper is still carrying these adverts and other papers around you are not?

Mr Murray: I am not aware if the Society of Editors has a view on that.

Q310 Martin Salter: Do you think that is a deficiency on behalf of the Society of Editors since it is supposed to be helping to set professional standards?

Mr Murray: On a personal level and obviously having considered it in coming to this Committee and having spoken to the Society of Editors, yes, and I am a member of the Society of Editors, that is something that I intended to take from this and raise

anyway, so yes, my personal opinion is that it is something that, as the Society of Editors, we should be coming to a firm conclusion on. However, at the moment, as it stands, as I say, it is a case that each newspaper, each newspaper group and each newspaper editor basically know what the law is and should be following the guidelines that are there from the Newspaper Society.

Q311 Mr Streeter: In the towns covered by your newspapers, and there presumably is not a daily competitor, if you take the adverts falling away from your newspapers, is there any evidence in the last couple of months of those organisations trying to advertise in those towns in a different way, for example, more postcards in telephone kiosks? How are they now getting through to the public?

Mr Murray: From talking to Hampshire Police, their belief is that they have now moved on to the web. That is where they are going.

Q312 Bob Russell: The decision of NewsQuest is obviously welcome, however belated that is, but, following on the question from Mr Salter about the newspaper Society of Editors, clearly the industry has shown itself incapable of policing itself in this respect because, whilst the *Colchester Gazette* has dropped the adverts, its rival, *The East Anglian Daily Times*, is still running them, so those advertisements are still available in the north Essex area. First of all, would you welcome a recommendation from this Committee in our Report which would follow NewsQuest's line to make a level playing field so that such adverts would not be allowed? Secondly, the *East Anglian Daily Times* gets round this problem by saying, "Advertising in this section has been taken in accordance with guidelines provided by Suffolk Constabulary. We hold full details of all the advertisers which are available for scrutiny by Suffolk Constabulary". What are your thoughts on those two questions I have put to you?

Mr Murray: I do not think I can talk about what goes on with another newspaper group and away from my region. Would I welcome a level playing field? Personally, yes, I would. I am personally very pleased that our company has made the decision that it has made. It has cleared up an area which was opaque and there are straightforward, simple guidelines, "We do not accept these advertisements", and that is that. Would I welcome personally a level playing field? Yes. Am I in a position to call for recommendations throughout the industry? No.

Q313 Bob Russell: But we are.

Mr Murray: Yes, you are.

Q314 Mrs Cryer: Mr Murray, it seems to me that this is a subject ripe for imaginative investigative journalism and I am amazed that no local newspaper has tried this out, just to send along perhaps a reporter in a shabby mac or something to find out just what is going on in these parlours and those that are advertising in your papers. Has that ever happened?

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Mr Murray: Has it happened in our paper? Not during my time and not during my time previously. There are some editors that like those kinds of stories and there are some editors that do not and, yes, we will cover all that kind of news if it crops up in court. In fact, we may have assisted the police in their inquiries in that way, but editors just decide what they wish to cover. I can assure you hand on heart, giving evidence to this Committee, I have never made a decision not to investigate something in this area or anywhere else because I did not want to upset advertisers in that, but it is just that that is

not the kind of thing I would want my reporters to be doing, which is going and finding out if this lady offers you massage and it is such and such. It is somewhat clichéd, but that is my personal opinion on that.

Chairman: Mr Murray, thank you very much for coming to give evidence to us today. It has been very, very difficult, as I said, getting some of your colleagues to come in, it has taken us seven months, so we are very grateful. If there is any other information you think would be helpful to the Committee before we conclude our inquiry and you could send it to us, we would be very grateful.

Witnesses: **Mr Max-Peter Ratzel**, Director of Europol, and **Mr Bob Fairweather**, Deputy Head of Mission, British Embassy in The Netherlands, gave evidence via a video link.

Q315 Chairman: Mr Ratzel and Mr Fairweather, thank you very much for giving evidence to the Home Affairs Select Committee. This is the fifth session of the Home Affairs Select Committee, looking into the very important subject of human trafficking. We have just heard evidence from our news agencies about newspapers that carry advertisements for massage parlours and the like, and we would like to talk to you about what Europol is doing concerning human trafficking. Could you tell us what you regard as being Europol's role in human trafficking, in trying to stop the spread of human trafficking?

Mr Ratzel: Thank you for providing Europol with the opportunity to give you some information on our encounter with that terrible crime. Given that one of the priorities of Europol is to combat trafficking in human beings, in doing so, we support the Member States and their efforts as the crime countermeasures are mainly done by the competent authorities in the Member States. We are established to support them, providing them with three different roles. The first is that we are an information facilitator which means that we can connect them to each other and we can also connect them to so-called "third states" via our information exchange system and via the liaison officers who are posted at Europol headquarters. Secondly, we provide them with crime analysis. Crime analysis is established in two different levels: strategic analysis to provide people with an overview and provide them with risk assessments, to give them information at hand to set priorities and to elevate the available resources; and the operational analysis is produced in order to support ongoing investigations in the Member States, to properly deliver their law enforcement and to build up connections between various crimes, various perpetrators and various groups across the Continent and also with their partners.

Q316 Chairman: How many people work in this area in Europol?

Mr Ratzel: We have a unit which is composed to counter crime against persons, which includes a section which is dealing with trafficking in human beings. Seven people work in that section and two of them are specialists in child sexual exploitation.

Q317 David Davies: First of all, I am looking forward to visiting Europol on 1 December where, I understand, we are going to get a fairly full briefing. In the meantime, could I ask you about the co-operation you receive from police forces in other European Union States and specifically what sort of joint operations you have been involved with?

Mr Ratzel: Europol has just recently supported various joint operations in trafficking in human beings, and especially we have supported operations between Romania, Spain and the UK, which were dealing with the trafficking of women for sexual exploitation. In addition, we have supported operations between the UK, Norway, Sweden, Denmark and the Czech Republic, and this was in the trafficking of men for their labour exploitation in doing repairs of road surfaces. Then we have supported another operation between Romania and Ireland, also looking for trafficking of women for sexual exploitation, in addition, operations between Romania and Spain, operations between Italy and the Netherlands mainly dealing with the trafficking of Nigerian children and women for sexual exploitation, another operation between the Czech Republic and Austria dealing with the trafficking of children for sexual exploitation, another one between Romania and Italy where children for labour exploitation were trafficked once again and, last but not least, an operation between Romania and Finland which was dealing with the trafficking of women for sexual exploitation. These are case examples and, in addition, we also support since recently a Joint Investigation Team which has been established between the UK and Romania. In that case we are in very, very close contact with the Metropolitan Police in London.

Q318 David Davies: Could I ask you whether Europol has access to the police national computer or the equivalent that exists in each of the Member States? Perhaps I should clarify that. The police national computer in the United Kingdom is the record of all citizens who have got some sort of police record or who have had contact with the police and it is widely used by the UK police force to find out information about suspects.

Mr Ratzel: Europol has no direct access to any data in the Member States. The system is composed in a way that, once we need to have data for our databases, we ask the Member States to provide the relevant data to us. For that purpose, we have the information exchange system and we have the liaison officers of the Member States located at Europol headquarters. So we ask the Europol liaison desks of the UK and they retrieve the data from the British systems and they decide which data are relevant for the Europol databases, either for the information system or for very sophisticated databases, AWF, in which we hold dedicated data. One of them, PHOENIX, is dealing with the trafficking of human beings.

Q319 David Davies: Are Europol aware of the different policies adopted by EU Member States towards people who wish to change their identity? For example, in the United Kingdom, it is quite difficult to change one's identity, although it is feasible, whereas in some of the other Member States, particularly some of the newer States, it is a very, very simple and straightforward procedure to completely change one's identity. Is that something that Europol is aware of and is it something that it is trying to change?

Mr Ratzel: Europol is aware of some of these differences. This is one of the reasons why Europol has been established. We should provide the Member States, the Commission and the Council, the justice and home affairs ministers, with overviews on these issues, and what we can do is that we propose to the Member States to come to meet each other at meetings and to discuss these differences and the discrepancies and to try to find out how far the legal systems have to be adapted in order to avoid these discrepancies across the Continent, but Europol does not have the power to start these processes. This is still the responsibility of the Member States or, as far as the European Commission is concerned, by the European Commission, but we deliver to them the relevant information so that they see where there is a need to change legislation. For example, we also deliver these reports to the Commissioner who is in charge of justice, liberty and security in order to enable him to develop the necessary measures for the legislative area.

Q320 Patrick Mercer: Gentlemen, thank you for making yourselves available and for agreeing with everything that everybody else has said, that how sensible this is. Can you explain what your relationships are or your relations with police forces, particularly in source and transit countries?

Mr Ratzel: First of all, we have to consider that many European Union Member States are source and transit countries as well as destination countries. Very often it is reported in a different way in the media, which is not true. This cannot be supported by us. We have many countries of origin in the European Union, for example, Romania and Bulgaria, and also in the neighbouring areas, for example, the Ukraine, Russia, Moldova, but also a

country of source, for example, is Nigeria. Within the European Union, all of these Member States of course are fully fledged members of Europol, so there the question can be easily answered, that they are part of the European family. But with the other states, as I have said, the Ukraine, Russia and Moldova, we have relations, we have so-called "strategic co-operation agreements" and we exchange relevant information with them, and we support the Member States of the European Union and we invite them to have close relations with these states and to deliver the relevant data to be fed into the Europol databases. For the time being, we have no co-operation agreement with Nigeria and in these cases we have to trust that the Member States who are involved will deliver the relevant data which they can retrieve from the Nigerian authorities, for example, also to Europol. In addition, we also co-operate with non-governmental organisations and this has been proved to be added value in the fight against trafficking in human beings as they are trustful partners and generally competent partners as well.

Q321 Martin Salter: Gentlemen, could you give us an idea of which national police forces could provide us with the examples of best practice when it comes detecting and prosecuting human trafficking? Obviously, there must be a variance in standards between the police forces across the European Union.

Mr Ratzel: Indeed, there are different standards, but there is also a different level of impact of the various Member States. Currently those Member States which have had an impact on the trafficking in human beings are good case examples, and I would like to highlight especially Belgium, the Netherlands, France, Spain, Austria, Germany, Italy, Romania and the United Kingdom. It is at that level that the European Member States have established with the Turkish authorities and with the authorities in the Ukraine and the neighbouring authorities of some other states to enable them to commit a lot of staff and a lot of resources to these crime-fighting areas.

Q322 Martin Salter: Thank you very much, that is very helpful. Can you give us an indication of how much contact you have with Britain's Serious Organised Crime Agency and the other agencies active in Britain on this issue?

Mr Ratzel: In Great Britain, the Serious Organised Crime Agency, SOCA, is in charge of the direct co-operation with Europol. They have a liaison office under their command. But at that liaison office there are also people who are representing other agencies. Europol is a multi-agency agency, so that means that we co-operate with the police, with the border guards, with customs, with all the competent authorities in the Member States. In the UK, our main partners for the fight against the trafficking in human beings is the Human Trafficking Centre, and at the second level I would consider SOCA and the Metropolitan Police in London. But in addition we also have close relations with SOCA in Scotland and

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with the Drug Enforcement Administration also in Scotland, which is a trustful partner for us on trafficking.

Q323 Martin Salter: And you are happy with the performance of our UK agencies, are you?

Mr Ratzel: I can say in general terms that the UK agencies are those which have a very good professional background and which are very much committed, they are very reliable and trustful partners, and this includes the area of the trafficking of human beings as well.

Q324 Mrs Cryer: Mr Ratzel, could you describe to us what the characteristics are of the criminal gangs involved in human trafficking? Does it vary from country to country and do they vary according to the type of trafficking they are involved with?

Mr Ratzel: Let me give you the answer in two different directions. First, looking at the nationalities, we mainly see traffickers coming from Romania and Bulgaria, if you look at the European Union Member States, and a third state is Nigeria outside of the European Union. Nationals of other Member States and also of border states of the European Union are also involved, but they are not as active as the other groups I mentioned in the first instance. The second thing I might add is that we have more problems now with female traffickers being involved, so in the past it was more done by male perpetrators, but now we have an increased number of female perpetrators which are clearly indicating that there is a change in the structure of the groups. When you look at the structure of the groups, which would be the third issue, we can only see that there is a big diversity. Some groups are family members and relatives who are working together now who are involved in these trafficking activities, then we have groups which are formed along the lines of ethnicity or lines of clan-related connections, clan ties, and then we have also very sophisticated groups, organised crime groups, which deal with the trafficking in human beings as one part of their ill-advised approach, and they are dealing with this issue in a very, very sophisticated way.

Q325 Mr Streeter: Can you give us, first of all, a feel of the scale of the problem so far as it comes across your desk? What could you tell us about numbers and so on, but, also in relation to scale, traffickers are often prosecuted for other reasons, it might be rape, kidnap or something of that kind, and does that help hide the scale of trafficking and does that mean that we do not get enough help to victims as we might? Could you comment on those issues please.

Mr Ratzel: To give you an answer to the first part of the question, we do not have complete figures on this issue. Then, as to the second question you raised, in many cases we see that traffickers are prosecuted for other crimes as it seems to be easier for the police and for justice to investigate, and find evidence for other cases of crime. From our viewpoint, the trafficker is still a trafficker, it does not matter if he is prosecuted for another crime area. Then we have different ways to calculate the current figures in the Member States

and also we have seen that the Member States do not fully apply the same definition of everything to these cases and some Member States have different agencies who are dealing with these issues, for example, customs agencies, police, border guards, and sometimes they are confusing figures and they are regarding them in a different way. What we can see is that the problem as such is still on an increasing aspect and we have now seen a lot of cases where huge numbers of people were trafficked, so in the specific case which jumps into my head, and I cannot turn to my briefing note, I have it only in my head, I think the number of children who have been trafficked was more than 1,000. So in a specific investigation to see that more than 1,000 children have been trafficked for labour exploitation or to be since used to commit crimes is a serious issue and it indicates where the problems lie.

Q326 Tom Brake: You have mentioned, for instance, that different states have different ways of calculating the number of people who have been trafficked, and you have also mentioned that different states have a different definition of human trafficking. Is there one particular measure you think that should be taken at a European level that would help increase Europe's ability to tackle the human trafficking problem?

Mr Ratzel: Yes, this is one of the functions of Europol, to try to convince the Member States to use the same definition that we are using, the Palermo Protocol definition, for the trafficking of human beings and not only to use it, but also to apply it accordingly. In order to achieve this goal, we offer to the Member States meetings which give them not only mutual trust, but also current understandings, not in language only, but, for example, current understandings of the definitions, and we offer to train their trainers in order to inspect that information exchange across the country because it is not enough to have two or three people on board, but you must have on board all the competent authorities of the Member States. This is a process which takes some time, but we have achieved some results and from year to year we see that there is more and more harmonisation and standardisation and more and more people are willing and able to apply the definitions in a similar way.

Q327 Mr Clappison: You mentioned a moment ago the figure of 1,000 in respect of children who were being trafficked, and you said in your earlier remarks that there was a problem of children who were being trafficked for sexual purposes as well as for labour purposes, which you mentioned a moment ago. Have you come across any evidence of this taking place into the United Kingdom, of children being trafficked in this way into the United Kingdom for these purposes, and are you able to say whether the children are being trafficked completely surreptitiously or are they being brought in on some spurious legal basis?

Mr Ratzel: For the time being, I have no regional information off the top of my head to answer that question in this way, but, if you agree, I will take it on board and I will give you a written reply.

Mr Clappison: That would be very helpful.

Q328 Gwyn Prosser: Mr Ratzel, all kinds of human trafficking are serious, but, in terms of the various categories, which are posing the most problems at the moment? Would it be trafficking for the sex trade, for domestic service, for benefit fraud purposes or for legitimate labour, for instance, in agriculture and construction?

Mr Ratzel: I have to give you the answer, based on our knowledge. We can only judge, based on the information which is available in Europol and we do not know enough how this information is really reflecting the real situation across the European Union. Based on the information with us for the time being in this crime area, we are seeing that a big area is for children to commit crimes and the most is to traffic children and young women for sexual abuse, and this is sometimes maybe camouflaged by using the terminology "child pornography". It is not child pornography, it is child abuse and the sexual abuse of children and young women.

Q329 Gwyn Prosser: Finally, the numbers of trafficked people seem to be increasing all the time in Europe, according to the numbers we have. Just looking to the future, do you see a time when Interpol and the various state agencies will get a grip on this evil trade, and is there perhaps one reform or one change in the law or in communications which would help you in your task?

Mr Ratzel: I would like to highlight that the current activity against trafficking in human beings is not exclusively work for the police. I think we have made some progress in the recent past and I even think that your Committee's work has signalled that there must be an overall, holistic approach. There must be an approach on the political side, on the law enforcement side and judicially, but also from the media and public opinion. In many cases, the victims of trafficking in human beings can be seen in public and in many cases people who are using these services are merely a player in the circumstances and they should have an understanding that these people have been trafficked. In that respect, trafficking in human beings is also an issue for public opinion, to add meaning, and we have to involve especially those people in the public environment who should know about this.

Q330 Ms Buck: As we know, many people enter into the trafficking trade and enter their children into it voluntarily, not realising what the ultimate consequences are going to be, and there are huge barriers to getting a message back into the communities that do send their children and young people into these networks of abuse. Is there any scope for a more co-ordinated and European-wide strategy for getting a better communication back into the countries from which a number of these trafficked young people originate?

Mr Ratzel: There are strong efforts to give feedback to those states which are the states of origin. I have recently been in Moldova and this was very well received, for example, where in Moldova they have created a governmental institution which is taking the feedback on board to provide information to children in school, especially to young children and especially to young girls. They also advise the parents to take very much care of offers which are made for these young girls, for example, by Western Europeans for au pair work or to work in restaurants and then later on to be trafficked into illegal and forced prostitution. Indeed, we have the situation that in some cases women, for example, decided to go for prostitution, but they never intended to go for forced prostitution and they never intended to be kept as slaves in Western European countries. We also we have made aware in these states that they are to do much more in awareness for these people. As I said, in Moldova I could see at a meeting which I had with a group when I was there that this is really payback now and, in that respect, they are also strongly supported by the non-governmental organisations who take this on board.

Q331 Margaret Moran: Are you able to say, in relation to trafficking for child sexual exploitation, which are the main destination countries or towns? London is often cited, but are there others? Also, are there any examples that you are aware of where countries have successfully reduced the demand for trafficked children of this kind?

Mr Ratzel: We have no indication if there would be one specific country which would be a destination country for sexual exploitation, but the second part of your question is quite interesting. There is still a lot of room for improvement to reduce the demand side. Also the sexual exploitation of women is a kind of market, whether you like it or not. The market is always determined by two factors, by the demand side and by the supply side. On the demand side, I think we can do a lot in the Western European states and, on the supply side, for sure, the number of people would be reduced if the demand side was reduced of people asking for these services.

Q332 Chairman: We are now going to take evidence from the European Commission, but, before we do so, do you have any comment to make about the role of the European Commission? Do you feel that they should be doing more in this respect because what the Committee has found so far is that there seems to be very little co-ordination between the origin, the destination and the transit countries, that there is no mechanism to bring them together.

Mr Ratzel: I would not say that there is no mechanism.

Q333 Chairman: Well, what is the mechanism?

Mr Ratzel: The question is whether the mechanism is strong enough and it is clearly expressed where there is need for improvement. One of the mechanisms is, for example, that they use Europol as a facilitator, and it is a commitment which requires that Europol is supported by all Member States and

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by the third partners and that the relevant data is sent to Europol. The second point would be that the relevant reports which are drafted by Europol, for example, the draft reports on organised crime threat assessment regularly and also draft reports on trafficking in human beings, they are sent to the Commission and to the Commissioner, that they are taken seriously and decisions are based on these threat assessments and risk assessments. They have to be implemented in the Member States, so the police, for example, have to allocate resources and they have to start investigations and also the judiciary sector has to prosecute these cases and this

has to be done with a co-ordinated action plan within the Member States. Also, on the European Union scale, Europol has supported a new action plan on combating trafficking in human beings and all of our advice we give to the European Commission was taken into account.

Chairman: Mr Ratzel, thank you very much and, Mr Fairweather, thank you for coming. We are not able to come on 1 December *en masse*, but we are sending, as our representative, Mr David Davies, so we hope that you look after him well and send him back to us at the end of his visit! Thank you very much.

Witnesses: Mr Joaquim Nunes de Almeida, Adviser, Directorate F (Security), and Ms Maria Grazia Giammarinaro, National Seconded Expert, DG Justice, Freedom and Security, European Commission, gave evidence via a video link.

Q334 Chairman: Thank you for joining us. This is the fifth evidence session of the Home Affairs Select Committee, looking into the important issue of human trafficking. A number of my colleagues will be asking you questions. We have heard evidence just now from Europol and we would like to put a number of questions to you about our inquiry. If I may start with you, Mr Nunes de Almeida, what is the role of the European Commission in respect of human trafficking and how many people work in the DG in your area?

Mr Nunes de Almeida: To start, I will just inform you that I am in the Directorate in charge of criminal policy and internal security. Maria Grazia is a detached national expert who works for us on trafficking. The role of the European Commission in the area of human trafficking means that we operate a panoply of actions that we have at our disposal. On the one hand, we finance projects and we have a financial programme of approximately €80 million a year to be spent on criminal policy issues, of which some can be spent on trafficking. We can propose legislation at the European level which needs to be adopted by the Council by unanimity, and we are in the Third Pillar, as you know. We can act as catalysts for the spread of best practice by coming up with conferences and organising meetings of experts, and we do a lot of that.

Q335 Chairman: Can I just stop you there because there is concern in Parliament, especially from the All-Party Parliamentary Group on Human Trafficking, that none of these seminars and conferences and none of the money that has been spent by the Commission involved parliamentarians. In fact, at your last conference, out of 220 people who attended, there was only one member of any of the parliaments. How do you account for that?

Mr Nunes de Almeida: There is nothing obvious that comes to my mind. There certainly is not an intention of excluding national parliaments and we will be more attentive to that from now on.

Q336 Mr Clappison: Could you tell us please what other initiatives you are planning for the future?

Mr Nunes de Almeida: Yes, but I forgot to say how many people work in this area. There are two people full-time dedicated to the area of trafficking. Further initiatives of the Commission in this area are, on the one hand, we are going to amend the framework decision on trafficking and we are going to submit the proposal in March 2009, and shortly, I think by the end of this week, we are going to adopt a report on the implementation of the EU Action Plan on Trafficking. It is to be adopted on 18 October, or hopefully on the 17th because the 18th is a Saturday, and it is about the implementation of the European anti-trafficking plan, so we will adopt a report to implement the EU Action Plan.

Q337 Mr Clappison: Could you write to us giving the details, for example, of how you propose to amend the framework decision and the other initiatives you are taking? I think we would find that very helpful.

Mr Nunes de Almeida: You want me to send you the names of the people—

Q338 Mr Clappison: No, to send us a letter explaining in definite terms what actually is being done, for example, how you are going to amend the framework decision and what the other proposals are going to amount to. If you could write to us about that, that would be very helpful.

Mr Nunes de Almeida: We can.

Q339 Mr Winnick: What is Eurojust's role in respect of human trafficking?

Ms Giammarinaro: A major role is to solve jurisdictional conflicts. In other words, if there are different countries that start prosecutions concerning trafficking, Eurojust retains a co-ordination role between the countries involved and they will reach an agreement about which country will take action that will result in a prosecution. It has been a very important role. The number of cases where Eurojust plays this role is increasing.

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In 2007 Eurojust treated 71 cases. That is more than double what was done the previous year. There were 32 cases in 2006 and 71 in 2007. This means that EU countries are more willing to use Eurojust resources.

Q340 Mr Winnick: Eurojust was set up, was it not, some six years ago?

Ms Giammarinaro: Yes. A draft decision is under discussion right now in the Council which would involve strengthening the role and the power of Eurojust.

Q341 Mr Winnick: Can you give us any indication of how many officials are involved in that organisation?

Ms Giammarinaro: I do not know exactly, but I know there is a special team dealing with trafficking human beings. I do not know how many people are involved.

Q342 Mr Winnick: Perhaps you could write and let us know.

Ms Giammarinaro: Yes, I can forward the information.

Q343 Mr Winnick: What difference does it really make having Eurojust as opposed to the Member States working on their own trying to deal with this problem?

Ms Giammarinaro: We have seen the role of Eurojust as being really, really important because this has been a real facilitation role to reach an agreement in cases of conflict.

Q344 Tom Brake: Clearly the trafficking of people is not very visible and affects states in different ways, whether they are states that are going to be the destination, the source or transit countries for people who are being trafficked. When you look at the way different states are tackling this, are there any Member States that you feel are not taking this problem seriously?

Ms Giammarinaro: No. The awareness is very high nowadays concerning the importance of fighting against trafficking. I can tell you that all European countries have taken initiatives to combat trafficking at least in terms of the introduction of legislation. We are going to issue an evaluation report on the implementation of the EU action plan and we have also asked for information concerning new legislation. In many countries new legislation has been passed very recently, in 2006 and 2007. This means that countries are aware that it is necessary to deal with trafficking effectively and they are taking action, but unfortunately there is still a big gap between these efforts and the real results of anti-trafficking laws.

Q345 Tom Brake: Are there any particular countries that you would like to highlight where you think the gap is very large?

Ms Giammarinaro: Unfortunately the gap is large everywhere. Concerning the estimated scale of the crime, we do not have precise figures because, as you said, the phenomenon is mostly underground and

we do not even have a reliable assessment. However, taking into account the estimates given by the ILO concerning forced labour but also trafficking for the purposes of forced labour, we think that 100,000 people are trafficked to Europe every year, but it may be as many as 700,000 or 800,000. Compared to this scale of the phenomenon the number of criminal proceedings in Member States, which is 100 or 200, sometimes 300 cases, is absolutely under the level of what we would consider a real response. This is exactly what we are going to say in this international report.

Q346 Tom Brake: So although you say countries are taking this problem seriously, at the same time you are saying the number of cases that individual countries are bringing forward is very small?

Ms Giammarinaro: It is still not high enough. Even if we said that not all the cases of trafficking in the courts are treated as cases of trafficking—sometimes the indictment or the conviction is for less serious crimes, for example, the exploitation of prostitution or the exploitation of labour, simply because it is difficult to gather evidence concerning this very complex crime of trafficking—we still think that the figures concerning criminal proceedings are not high enough. Unfortunately trafficking is still a low risk and high profit crime. This is something we will have to overcome in the future.

Q347 Mr Streeter: Which Member States do you think have been most successful at detecting and prosecuting criminals involved in human trafficking? Could you give us some feel for that, please?

Ms Giammarinaro: The best results are in Belgium, Austria, Bulgaria, Germany, the UK, Italy and Portugal. Those are the countries with the highest results concerning criminal proceedings.

Q348 Mr Streeter: Was that in any order or was that just a collection of countries mentioned together?

Ms Giammarinaro: No. These are countries where we assess that the situation is increasingly effective and the actions taken by law enforcement and judicial authorities is good. In the UK, for example, the role of the UK Centre for Trafficking Human Beings is crucial. In other countries we have different experiences. In Italy, for example, the role of the National Anti-Trafficking Directorate has been very effective.

Q349 Mr Streeter: Just sticking with this theme but looking at those countries which actually have implemented good initiatives to care for victims of trafficking, could you say something about which Member States might have found some excellent ways of doing that, please?

Ms Giammarinaro: Interestingly, the Member States that have good practices in the field of victim assistance are the same ones that have higher figures for criminal proceedings. This means that countries that have been active have been active in both fields. There is a relationship between a good system for the victim and a successful prosecution because it is true

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that victims, once they are assisted and supported, are normally willing to testify in criminal proceedings, so they become a very good source of evidence.

Q350 Gwyn Prosser: Can you tell us how the Commission is developing relations with source and transit countries outside of the EU?

Ms Giammarinaro: It is not really our role because, of course, JLS and the Director of JLS works mostly in the EU area and at the Relex meeting with certain countries, but I can tell you, based on information given by other DGs, that there are a number of country and regional strategy papers especially with neighbouring countries that are countries of origin of trafficking such as Belarus, Moldova and Ukraine. In addition, the Commission is regularly engaged with third countries on this issue, for example, in the framework of the EU-Egypt Justice Assessment Committee, the EU-Philippines Committee on Migration and, in addition, in south Asia and in South Africa and with the African Union and with the Ouagadougou Action Plan. There are many, many initiatives going on in this field. Of course, we try to co-operate with third countries to reduce the vulnerability of people that are at risk.

Q351 Gwyn Prosser: We have the view that some of those countries are very effective in taking action against traffickers and others are more reluctant to see it as a problem. Would you be in a position to tell us which are which?

Ms Giammarinaro: It is not our methodology to say which countries are particularly good or bad, but you can see from this list that these areas are particularly involved in the fight against trafficking. For example, the African Union has been really, really involved in this as well.

Q352 Mr Clappison: Could you give us one example of an area where you would like to see more being done than is currently being done by Member States? What more could they do?

Ms Giammarinaro: There are, of course, different areas of anti-trafficking policy where substantial improvement is needed. One of those is a collection and monitoring system which helps to improve the possibility of getting to know better the trends of the phenomenon because this is a very complex phenomenon change and new means and new routes are experienced by victims of trafficking. Another one would be a collection and monitoring system concerning the results of anti-trafficking policy. For example, we are suggesting Member States appoint national rapporteurs or equivalent mechanisms to be in charge of the monitoring of anti-trafficking policies. In other words, we need to know every year if the efforts being made against trafficking have been more successful than in the past. Another area is the so-called referral mechanism which is a mechanism that means the early identification and assistance of victims. We have seen that where there are these mechanisms in place the impact on criminal

justice is also good. The assistance of victims of crime is imperative from the point of view of the fundamental rights of people involved. Another very important area is improving investigation and prosecution especially concerning international co-operation. Trafficking is a trans-national trend mostly in the EU area so the response must be at the same level. If we carry out an investigation at national level, even a successful investigation, we can catch just the final exploiters. We have to identify all the trans-national networks of trafficking and this implies good co-operation among Member States and beyond.

Q353 Mr Clappison: On the first of those points, when you talk about the results of collecting information about what has been done, would you include amongst that how many persecutions there have been in individual Member States of people for carrying out people trafficking?

Ms Giammarinaro: Absolutely. Our figures concern investigations, prosecutions and convictions because sometimes there is a gap between prosecuting people and convicting people for different reasons. We need all the details. It is also important to identify nationally the age and other personal details concerning offenders because this helps to understand what the phenomenon is nowadays and how it has changed.

Q354 Mr Clappison: Do you feel that the people who are the planners and the people who are at the top of the network, the "Mr Bigs" as it were, are being prosecuted and detected at the moment?

Ms Giammarinaro: Sometimes, yes. There is an increasing number of investigations where some form of international co-operation has been going on according to information given by Europol. Unfortunately, particularly effective means such as joint investigation teams are used very rarely and we should identify the reasons for that and try to take action. There has been an increasing number of investigations where international co-operation allows investigators and prosecutors to identify such networks, the top of the network, but not in some other cases. In most cases the investigations and prosecutions are still nationally based.

Q355 Mr Clappison: Does the centre recently established by the European Commission in Mali have any role in relation to combating human trafficking?

Ms Giammarinaro: On the basis of information I had from the DG, the centre in Mali is mostly about labour management so it does not have specific tasks concerning trafficking and, in addition, there are limited resources.

Chairman: It would be very helpful if you could write to us with the information that members of this Committee have asked for. I will be writing to you about details of a conference that Warwick University will be holding following the publication of this report, which we expect will be published early next year, probably January or February, which will be directed towards parliamentarians. I

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think very strongly the All-Party Group in the House of Commons is very keen to make sure that the Commission does as much as possible to inform parliamentarians as opposed to the so-called

“experts” about what is happening on human trafficking and your help in that would be extremely useful. Thank you both very much. Thank you, Brussels. That concludes the session for today.

Tuesday 21 October 2008

Members present

Tom Brake

Mr James Clappison
David T C Davies
Mrs Janet Dean
Patrick Mercer

Gwyn Prosser
Bob Russell
Mr David Winnick

In the absence of the Chairman, Gwyn Prosser was called to the Chair

Witnesses: **Mr Jim Gamble**, and **Ms Aarti Kapoor**, Child Exploitation and Online Protection Centre, gave evidence.

Q356 Gwyn Prosser: Good morning everyone. I am chairing this morning's meeting in the absence of Keith Vaz who is on Parliamentary duties elsewhere. This is the sixth session of the Home Affairs Select Committee inquiry into human trafficking. I would like to open this session by welcoming Mr Jim Gamble from the Child Exploitation and Online Protection Centre and to remind members about their declarations of interest in the Register. Mr Gamble, can I start by asking you what the general role is of CEOP in relation to human trafficking and how many people altogether do you have in that particular section?

Mr Gamble: The Child Exploitation and Online Protection Centre is a police-led, cross-sector, multi-agency environment primarily focused on child exploitation on the Internet and on controlling and inhibiting those individuals who represent a threat to children, whether through the local MAPPA or those individuals who will travel. We have responsibility on behalf of the Association of Chief Police Officers through my ACPO lead for child trafficking. We were commissioned to carry out a Scoping Report in 2007 on the nature and scale and range of child trafficking in the UK. After that we set up a Child Trafficking Unit in CEOP and its primary role is to build knowledge and understanding about the issues related to this offence, to develop policy which within the criminal justice system allows us to act as child protection advocates. That creates a healthy tension so that policy is developed that looks at the issues from the welfare of the child protection perspective and on the basis of that inform police practice and others across the UK. Currently we have four people in the Child Trafficking Unit dedicated to this work. We have two posts that are to be shortly refilled and another filled and the Unit will be led, as it was, by a member of the UK Border Agency which brings together that collective with different experience to that we can look at things from a 360 degree approach. Six individuals are committed full time to this work. Critically, where we achieve an economy of scale is with the other 100-plus people who work in the centre. Our primary focus is one of child welfare so our behavioural analysts who work on our broader work are available to the Child Trafficking Unit as are our training team and many, many others.

Q357 Gwyn Prosser: Before we go further could I ask you to introduce your colleague.

Ms Kapoor: My name is Aarti Kapoor and I am the Chief Policy Adviser on Child Trafficking at CEOP.

Q358 Gwyn Prosser: In June 2007 CEOP produced a report on its Scoping Project on Child Trafficking in the UK. Can you tell us what progress has been made since then? What is the actual scale of this problem?

Mr Gamble: If I could deal with the scale first of all and then come back to the Scoping Report and move forward to the contemporary strategic threat assessment. The scale of the problem is very, very difficult to define and whilst I do not want to offend any of my colleagues from other organisations, especially the international ones, what we see very often are guesstimates of the scale and range of this offence. That is not to say that the numbers are not significant and I would not want to trivialise this in any way but the truth is we simply do not know from a UK perspective. The Scoping Study was the first definitive piece of work that actually looked across the statutory services and engaged NGOs in the UK to ask them, "What do you know about children who come in contact with you who may have been the subject of trafficking?" The problem is if you do not understand trafficking and the impact on children, you expect a victim to manifest themselves as a person who apparently has been beaten or as a person who says, "I am actually a victim." That is not generally the case in child trafficking so awareness levels at the beginning were very low. In the Scoping Report when we went out to agencies there were issues about collecting data because many of them were unsure about whether they could share it and many of the agencies involved use different data sets and different disciplines to collect the information that they have so sharing it makes it difficult. However, having delivered that caveat, we were able to identify 330 cases whereby on a scale we believe children may have been the victims of trafficking. Of those cases we believe that in just over 30% there was a high probability that the children had in essence been trafficked. If we move forward from that, that provided a foundation for the work that has gone on within CEOP and a foundation for much of the very, very positive work that is taking place in government from the DCSF's point of view,

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from the Home Office's point of view, and in particular if I could mention David MacDonald from the Home Office who has done some outstanding work with regards to developing policy, engaging cross-sector and multi-agency and driving that forward. That has all begun to come together now around safeguarding guidelines and developing a better understanding. The 2007 study took account of an 18-month period. Our Strategic Threat Assessment data, which is being verified at present so I would like to advise you of that, takes place over a 12-month period and that data would indicate identification of roughly the same number of children obviously over a shorter period of time. We believe the quality of that data is significantly improved to the degree that in just over 50% of cases—53%—we believe there is a strong probability or a certainty about them having been trafficked. We are moving forward in terms of police policy development and in terms of government policy development very quickly. Is that manifesting itself in practitioner behaviour at the same pace? I am not sure that it is and that is not a criticism, that is the fact that policy needs time to coalesce, to become more focused and then to cascade down meaningfully to police officers and members of the UK Border Agency and others.

Q359 Gwyn Prosser: You made reference to other agencies who might have been making rather wild estimates or guesstimates. Last week we had Europol in and they estimated that the scale of trafficking across the European Union might be as high as 100,000 child victims a year. What is your view of those figures?

Mr Gamble: I think that may be a mistake and that may be from an individual case. Having read that, I stand to be corrected but I think that might be an error. It might be that what they meant was in one particular investigation 1,000 children were identified. I do not want to take away from the work that the ILO have done and IPEC around this which gives large scales across the world and clearly where there are areas of social and economic deprivation and where there are foreign jurisdictions that do not have intrinsic child protection systems built within them, there is always going to be the scope for large-scale movement of children, so I am not taking away from the scale but I think on the Europol question that there may be 100,000, I am not in a position to evidence against that, but I think there was perhaps an error in that evidence at the time.

Q360 Gwyn Prosser: We will look into that perhaps.

Mr Gamble: I could follow up in writing, Mr Prosser, on that. I will clarify with my colleagues in Europol because I do not want to be unfair.

Q361 Tom Brake: Could I come back first of all to the profile so that I understand it. Is it that you draw up perhaps the typical scenario of someone coming from a particular region who comes into the UK perhaps as an unaccompanied minor, then goes into care, disappears at a certain age, is that the sort of profiling that you are talking about?

Mr Gamble: I think in the early stages generally that was the type of profiling that we were talking about. We are moving to a position now where we are developing a victim identification tool kit and working largely off the back of the London Safeguarding Children Board's work and the ACPO Child Trafficking Group which I represent. You could say there are three phases of this assessment and three phases is going to help anyone in the field to better identify. What we are looking at is there evidence of movement, critically is there evidence of control or coercion and is there evidence of exploitation. Where you find those three commonalities and are able to build on them then we are moving towards a level of real probability that the child has been trafficked. Of course whether the child has in essence been trafficked in the first place does not take away from the fact that (i) they are a child, (ii) they are in a jurisdiction which is not their own, and thereby (iii) they are extremely vulnerable. Perhaps now is a good time for me to make the point from a policing perspective, the reason we have created the ACPO Child Trafficking Steering Group is because we recognise that children are fundamentally different. They have different needs and we need to ensure that the criminal justice system does not revictimise them within this. People confuse child abuse. We are talking about child trafficking this morning whereas actually we are talking about child abuse. A child has no say in this; a child cannot give consent. Within the ACPO Child Abuse Investigation Portfolio, which I chair, we are looking at streamlining the police's work to simplify it. Historically we have looked at interfamilial abuse, we have looked at abuse driven by technology and abuse which can take place in the context of a crime—prostitution or trafficking for example. What we are simplifying is the fact that all of that is child abuse and the child deserves the best investigator from the police point of view, the best care and support from a multi-agency point of view, and we need to make sure that we work cross-sector/cross-agency so that we have a single understanding of that. The Child Trafficking Steering Group within ACPO has representatives of the DCSF, of AFRUCA, the Refugee Council and others on it, and it has representatives from UKBA and other areas so that we can work together to develop a single understanding around children.

Q362 Tom Brake: You said that your profile had identified 330 children of whom you then went on to say possibly 30% of those had been trafficked. What has happened as a result of that profiling exercise that has identified those 30%? Has each of those cases been followed up and have you obtained confirmation that they were trafficked or what has happened? Has it just been a desk-top exercise?

Mr Gamble: I would not say it was a desk-top exercise. This was an historic exercise. This is what we did in 2007 and it was looking backwards. It was looking back over a period to identify between 2005 and 2007 children who fitted the profile as we then understood it. What we know is that up to half of those children had gone missing at the time we

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actually carried out this work, so it is not a success story insofar as we have learned something that made an immediate critical difference—it did not—what it did identify to us were the key issues. It is difficult to define and identify a child who is a victim, there are the issues and the pressures on the child protection system per se, and there are the issues where a child presents either as an unaccompanied minor or as someone who comes in and then claims asylum perhaps with a third party, goes into care and within 48 hours goes missing. For us it was the beginning of a journey about understanding why that happens because we cannot deliver the protective environment and the caring environment where children are more likely to engage without understanding that. These children are coerced, they are often in debt bondage, they often have friends and family who remain in the source country and there is a level of coercion applied where they are not going to put their hands up and say they are a victim. They believe sometimes that they are coming to a better life so they are going to actively participate in an escape programme as they see it to go back into the community.

Q363 Tom Brake: That still does not answer my question. It is still not clear to me whether anybody actually followed up those 30% and actively pursued investigations to find out where they were, whether or not they were trafficked, first of all to help them but also to confirm whether your profiling is accurate.

Mr Gamble: Perhaps I am not explaining myself. Those cases had already been completed and our information on the 32% that I am talking about had already identified them as probably being trafficked because they fitted that profile. When we made the inquiry they had already been referred so these were referred cases and would not have come to us otherwise. Hopefully that is clear.

Q364 Tom Brake: Thank you. One further question: according to the Government's Action Plan CEOP have been tasked with preparing guidance to assist police officers in identifying and understanding child trafficking matters. Can you tell us what progress there has been on that and what has been published or whether it is already up and running and being used by police forces?

Mr Gamble: What we did was through the ACPO Child Trafficking Steering Group was bring together all of those geographic police forces with experience in this area, add to that the expertise developed by CEOP around a strategic understanding of these issues, and we identified a force—Sussex Police in fact—who led the work on building the best practice guidance. That was signed off last week and is shortly to be distributed. On the back of that it became apparent that some models work much better than others, and what we are doing now is we have a funding bid being prepared to go into ACPO for a small amount of money that would allow us to distil the lessons learned in the four years that Operation Paladin has been running with multi-agency teams and mobile imports that are able to

respond in a much more holistic sense in these cases. What we intend to do now is we will not wait, we will issue the best practice guidance, as I said led by Sussex Police developed through the ACPO Child Trafficking Steering Group, and we will then add to that critical guidance around how you can create a Paladin-type model given perhaps the constraints of your geography, the ports in your area, how mobile it can be and within a given budget, because different forces will have different levels of resource applied.

Q365 Mr Winnick: Mr Gamble, would you say that all of the police forces in the United Kingdom are up to the job in recognising the problem of trafficking and doing their best to deal with the problem? It is a leading question but it is up to you how you answer it.

Mr Gamble: I think every force is committed to protecting children in the communities that they serve. I think there are a number of difficulties that they face when it comes to child trafficking. I do not believe the label is helpful. Child abuse is much more readily recognised and responded to by police and local authorities who have a responsibility to protect children in that community no matter where they have come from beforehand.

Q366 Mr Winnick: That is all very good but if you look at an article in the *Sunday Telegraph* on 3 February, if it was at all accurate and presumably the people responsible for putting in the piece would have checked accordingly, there was a very sad story of someone who came from Nigeria and was exploited and treated virtually as a slave and what happened? She managed to get away after five years from that horrifying place where she was treated in such a fashion. She found some reference to child trafficking on the Internet, realised what had happened to her and then I quote directly from the article: "She went to the police and told them her story. They said they would get back to her; they never did." Do you think that is accurate?

Mr Gamble: I do not know whether that is accurate or not.

Q367 Mr Winnick: Have you seen this article?

Mr Gamble: I am not aware of that particular article but what I would say is this: have the police got it perfectly right? No. Do we make mistakes? Yes. Have we lessons to learn? Absolutely. Are we learning them? We are. Some police forces have developed programmes of work at a faster pace than others but the Police Service is committed to this. The reason that Ken Jones, the President of ACPO, created an ACPO Child Trafficking Steering Group was to create a corporate, uniform approach across the Service. Are we getting it right in all cases at all times—

Q368 Mr Winnick: Mr Gamble, if I can interrupt, we all make mistakes and politicians are the last people to deny that we make mistakes. This happened 2008 or the previous year. If someone goes to the police and gives them her story and they say they will get back to her and they do not, you cannot, with the

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greatest of respect in your trying to defend other police officers, simply say well, we get it wrong. Why did they not get back? Why did they not check, unless of course what this lady is saying is not true, but I assume that the *Sunday Telegraph* checked their sources accordingly?

Mr Gamble: Let me say this: I accept everything that you say and if we have made a mistake in an individual case I would be the last person to try and create some cover for the police on that. We want to identify and deal with that issue. Victim identification is a very complex and difficult problem and where an individual comes forward who has been indoctrinated into a crime when they are below the age of majority we believe that that must be taken into account when we consider whether or not they are prosecuted. That is what we believe. So if it is a case whereby a child is brought in, is abused as a victim of trafficking and then makes a report, that needs to be taken into account and the victim identification process needs also to recognise that. What I will do is I will undertake to give you a real answer.

Q369 Mr Winnick: We are on the same lines because I was going to ask you if you would be good enough to check this article from 3 February 2008, because even the press can get it wrong, like politicians and police officers, so if you would be good enough to check, read the article, see if you can find out if the matter was reported to the police (she lived in north-west London) and in what circumstances she did so, whether she was promised it would be looked into and if it was not, why not. Could you write to the Committee? You may find that it is all fiction but we would be grateful if we could have an explanation.

Mr Gamble: I will definitely write to the Committee on this. Could I just say that it is critically important that I do not want to do or say anything which undermines the confidence of those people out there in NGOs or in the victim community who might come forward. The Police Service is committed to engaging child victims of trafficking positively, creating a caring environment and making sure that they are looked after in the way they should expect.

Q370 Mr Winnick: I am sure many are and certainly yourself and your organisation is and we have the highest praise for what you do, do not have any illusions on that, but if you would be good enough to look into that aspect. How do you work with the Serious Organised Crime Agency? Is there a close co-operation between your organisation and SOCA?

Mr Gamble: We have an excellent working relationship with the Serious Organised Crime Agency and that is on behalf of CEOP which is affiliated to SOCA and on behalf of ACPO in this area. The Serious Organised Crime Agency provided £250,000 from what was the Reflex budget to set up the Child Trafficking Unit within CEOP so they are supporting (by what they do as opposed to simply what they say) a child-centred approach in this regard. We have no issues about gaining information and intelligence from them and we

work hand-in-glove. I have to say having reviewed this, as you would expect, towards the end of last week before coming here there is a very strong relationship and a very positive one.

Q371 Mr Winnick: In all these matters it is a question, is it not, of having the closest possible co-ordination between all these agencies, yours, SOCA and obviously first and foremost the police?

Mr Gamble: Yes it is. It is about mutual respect and about mutual understanding about what each of us do so that we do not duplicate effort and we feed off one another's expertise. It is getting that right that is critically important. When it comes to the national and trans-national identification of the criminal law to identify, locate and hold to account offenders, I believe SOCA act in that regard. The UK Human Trafficking Centre provide a co-ordination mechanism that means that the UK Police Service in all of the services that that represents can be much more effective, but it is using that co-ordinated vehicle appropriately and intelligently so that their role is co-ordinating the combined efforts of UK policing, complementing the outreach of the Serious Organised Crime Agency and it is informed when it comes to children by a centre like the Child Exploitation Online Protection Centre that actually advocates on behalf of children.

Q372 Mrs Dean: You mentioned that ACPO's Child Trafficking Steering Group has produced best practice guidance. Are there any other ways that there have been improved co-ordination between the training of the various officials working at ports of entry such as police, immigration and child protection workers?

Mr Gamble: We are developing a scoping project now to look at the training needs of practitioners on the ground and we are holding the first seminar towards the end of next month/the beginning of the month after where we are bringing together practitioners from the multi-agency environment. What we have seen is because of the commitment of the UK Border Agency (they have a Children's Champion in Jeremy Oppenheim and they have a senior member who is heading our Child Trafficking Team) and because of that collegiate approach we are seeing positive benefits. Had we greater funding for awareness-raising and training then of course we could do more. I recognise that in the present environment, not least the current situation that we all face, that there is no new money and that is why co-ordinating efforts and collaborating with one another on awareness-raising projects is all the more important. If I am being fair, if we look since the advent of the Child Trafficking Advice and Information Line which we partner with the NSPCC, we are probably seeing a greater use and a greater awareness level in the ports officers through UKBA than in any of the other agencies, including my own. There are training programmes for those officers and we are attempting to increase those. We are looking at sensible collegiate ways of raising awareness so for example we have CTAIL, the Child Trafficking Advice and Information Line, co-funded

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by the Home Office and Comic Relief, led by the NSPCC, with CEOP and ECPAT as partners to that. What we need to be able to do, though, is be much more effective in being able to raise awareness about the availability of that line so that more and more people use it so they can get immediate advice on what to look for and where to go to for advice when they believe they are dealing with a child who may be the victim of trafficking. Of course they can be pointed to the DCSF Safeguarding Guidance which has been issued in the courts. We have seen the CPS in the last couple of years issue a range of guidance which now much better informs prosecutors and the courts. We would hear at one time previously that there was a fear that children were being prosecuted who had been found in cannabis factories for example and we believe that that certainly is not routinely the case now.

Q373 Mrs Dean: Looking at the international work, could you say how CEOP has been involved in trans-national police efforts to crack down on human trafficking and have you, for example, worked with Europol on spreading intelligence? Could you give us some idea of what your relations are with police forces in source and transit countries?

Mr Gamble: CEOP looks first and foremost from a child protection footprint. We have worked in South East Asia, we have worked in parts of Europe, and we have worked in South Africa carrying out scoping exercises on the ground to look at where we think in the source countries these children are coming from and what the influences are that allow this to take place. We look at it from that point of view. I believe that we deal with the symptoms in the UK and the root cause lies elsewhere. The root causes are manifestly social and economic deprivation and sometimes a degree of political unrest or armed conflict, but what you see across those regions whereby children are much more vulnerable is a lack of a child protection infrastructure, a lack of a child protection system that is meaningful and engages the children there in a way that protects them. From CEOP's point of view we would draw DFID's and the FCO's attention to the fact that when we are involved collectively as UK plc with government and the services that are here to protect children in investing in those countries to help them develop perhaps their economic platform or business platform, or whatever else, that critically and explicitly we must be looking in those areas at helping them build a child protection infrastructure because attacking the root cause in that way is going to be more effective than the law enforcement response to the symptom of a crime once a child has gone through a number of countries and arrived here. It is about that collective response where we need to see our outreach programme as a country not just doing the obvious but actually targeting the specific around child protection. So that is the work we do in those countries and that is a difficult issue for us because we leverage off the funding that we get from embassies and the funding that we get from particular programmes of work. Where we work

abroad we work through the Serious Organised Crime Agency. They have the responsibility for this trans-national crime and have the lead. Where the likes of CEOP can come into its own is that we operate a collaboration across international territory called the Virtual Global Task Force and that is a board which represents the Department for Homeland Security and the Immigration and Crime Enforcement Department in the United States, the Royal Canadian Mounted Police, the Australian Federal Police, the Italian National Communications and Postal Police, ourselves in the UK, and Interpol (which represents a gateway to another 187 countries) and we have been using that platform to combat the trafficking of images and information about children on the Internet. We are now using that platform to target sex offenders who travel to abuse. We have found that extremely impactful insofar as it is a low-cost high-impact strategy because we provide eight hours here and following a commercial business model our partners are there for the next eight and so on, so we are able to deliver a 24/7 response in a focused way when we have an operational requirement. We have a report abuse mechanism that allows individuals to report to us if they have suspicions about someone in the on-line environment. We are considering how we could use that same mechanism and that same infrastructure that we have to provide support for trafficking in the traditional sense, so in Cambodia for example CEOP has an NGO advisory body. NGOs can be extremely powerful especially when they are on the ground in countries where these problems manifest themselves because if you build that mutual respect, it delivers mutual trust and the mutual benefit goes to children because you then get eyes and ears on the ground who give you that critical intelligence and information. We are looking at how we can build on that and the next Virtual Global Task Force board meeting (and I chair the board) is to be held in Lyon in November.

Q374 Bob Russell: Can you remind me when was the Child Exploitation and Online Protection Centre established please?

Mr Gamble: April 2006.

Q375 Bob Russell: So we have just had over two years?

Mr Gamble: Just over, yes.

Q376 Bob Russell: What has been your experience of the agency in working with immigration officials?

Mr Gamble: Our experience has been a hugely improving one. Working with UKBA, as it currently manifests itself, we have become more and more and more engaged with them and that is not because we have necessarily been pushing, it is because they have been actually pulling. Working with them as we do I know that UK ports officers for example care about kids and they care about what they are doing. They want the information and the training but they are in a hugely difficult position. If I can just put it in context, if you imagine as you walked here this morning if you identified an adult with a child 15 feet

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away from you and then tried to make an assessment before you passed them about whether or not that child was trafficked, they are faced with those type of problems because they have a very short distance of time and the intelligence and mechanisms need to improve. Some of these children who are coerced are shown videos of what to do and where to go and where to hide until they present themselves at a particular stage, even at airports. So there are issues that make it difficult for them and I have to say that my experience has been one where UKBA has incrementally improved and our relationship is an extremely positive one.

Q377 Bob Russell: Mr Gamble, you are ahead of me with your answers to questions I have not even put because I was going to ask you how confident you were about the officials and I think you said you were very confident. I was going to ask you about whether there was a role for the agency in improving understanding and you have already indicated that that is happening already. Have we reached perfection or is there still more to be done by the agency in working with those other agencies and with officialdom?

Mr Gamble: There is much more to be done. I am talking about us coming from a position which was potentially negative a number of years ago to a position where we now have a willingness to engage, where we have a government platform that is delivering meaningful policy and sharing that. The Children's Champion post in UKBA is positive. I believe that we are now at a stage where we can make much more aggressive progress because all of those constituent elements are there. That is going to be how we distil the information within the Child Trafficking Unit and how we distil a better understanding into UKBA and other agencies.

Q378 Bob Russell: Purely with immigration officials and officials at ports of entry are there any particular recommendations that you would wish this Select Committee to make in our final report? If you cannot answer that one immediately then please write in with it.

Mr Gamble: I think I will write in with a response to that.

Q379 Mr Clappison: Could you tell us about the role of the Health Service and education authorities in identifying possible victims?

Mr Gamble: Health service and education authorities are actually our next target group, so to speak, if that does not sound like I am using their own language. They have a critical role and I do not think we have made the progress in that area that we have made in others. My colleague might wish to correct me on that and please do if you think I am being unfair.

Q380 Mr Winnick: We would like to hear her response as well.

Ms Kapoor: The question was how good are they at responding and identifying victims of trafficking?

Q381 Mr Clappison: Where are we in working with education and health authorities in identifying victims?

Ms Kapoor: As Mr Gamble started off, we have a lot more progress to make. For example, the health sector are in quite a unique position, especially in terms of accident and emergency departments, to identify those children that would never otherwise surface over a closed environment. And of course where the health of a child who is being exploited deteriorates to such an extent the only option left is to go to accident and emergency. In fact, we have received some confirmation that referrals are made from accident and emergency departments to children's services and to the police where they are concerned about a particular child and when they have delved a bit deeper the child and accompanying adult in most of those cases disappears, so we can already see an awareness there and we need to better support that type of referral.

Q382 Mr Clappison: You have identified a role that they might have and there is evidence that this has arisen in some cases. At the moment have you any input into the guidance for people working in these areas as to how to identify possible victims?

Ms Kapoor: Yes, the Department of Health actually seconded a part-time member of staff to our centre earlier this year and she was working partly with our Child Trafficking Unit and she has developed some draft guidance for the health sector and we have had a significant role inputting into that and we hope that that will be out quite soon.

Q383 Mr Clappison: Could I move on to ask you about the Child Trafficking Telephone Helpline Advice Service which you referred to earlier on. I think you said that you needed more awareness of this. Are there any further thoughts that you might like to share with us on that subject? How successful do you think it has been? Do you think it has some way to go or where are we?

Mr Gamble: I think information-sharing is critically important. The point I would just like to add to what Aarti has just said across statutory agencies concerns a recommendation that I would like this Committee to seriously look at. We are told that the Data Protection Act does not inhibit the sharing of information between statutory agencies but in practice I do not believe that is true. In practice I believe that practitioners are concerned about sharing information because they feel vulnerable when they do. Health is a good example. If you are in an accident and emergency unit and you see a lady turning up every week with non-accidental injuries and you fear that this may be a case of domestic violence and you have a reason to believe that that person is living in a vulnerable environment where they are at risk, you should report that. If a child comes in and manifestly is demonstrating symptoms that show a form of abuse you should report that. When we engage, whether it is in domestic violence, whether it is in sexual assault, whether it is in evidence of trafficking, people within the statutory sector do not feel reassured. If you are going to have

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proper risk assessment mechanisms, and proper identification mechanisms they must be fed by accurate information from the bodies that have access. When the Safety and Justice consultation took place a number of years ago when Harriet Harman was Solicitor General with Baroness Scotland, the Police Service asked for an empowering line to be added to the Data Protection Act which said “if you are in one of these services and you do fear for the safety of another you should share it and, if you do, on that basis you will of course be protected”.

Q384 Mr Clappison: You have got evidence at the moment and believe yourself that the Data Protection Act in preventing people in say the health or education sectors from sharing information which would have helped to protect child victims?

Mr Gamble: I believe in my experience working as the ACPO lead historically on domestic violence, in my current role and others, that the Data Protection Act as it is currently constructed and understood inhibits people from sharing. That will be their perception and we could have a debate and we could have someone stand up in the House or elsewhere and say that it is very clear and of course under these criteria you can share it. However, that is not how it works in practice. The Data Protection Act historically was seen as something whereby it gave reasons that you should not share. Then we had the terrible case of Holly and Jessica and the focus that came for a period of time I believe meant that we went through a period where people felt they had to push all information. We need to have clear guidelines and I think we have moved back to a point where when I speak to people in other agencies when we look at our data collection model and we try and ascertain why it is not being shared, it is because people say, “I cannot because of the Data Protection Act.” Are you going to get a lot of people come in and give you evidence to that effect? I do not know but the reality is when I go to conferences and ask people to put their hands up, a conference room full of social workers or a conference room full of lawyers who work in local government, “Do you feel confident to share information?” no-one puts their hands up and that is the reality on the ground. If you want to do something that not only helps us identify victims of trafficking but helps us manage risk across the entire public protection sphere, then that simple measure would go a long way to giving us the information that we need.

Q385 Mr Clappison: Thank you, that is something which I am sure we will want to reflect on. Can I just take you back to the Child Trafficking Telephone Line, do you feel that has been as successful as was hoped?

Mr Gamble: I do not think it has been as successful as was hoped. I think it is a success. We have a desk of three plus an administrator that has the expertise from a social service background and has access to law enforcement through its partnership with CEOP that can provide practitioners with advice. Have we sufficiently raised awareness across the practitioner

community? I do not think we have. Do we need to be more imaginative with regards to how we do that to drive traffic to that helpline so that accurate information is shared that guides colleagues to better identification and signpost them to other agencies that can help in a time of crisis, then I think we must do that.

Q386 Mr Clappison: Can I leave this with you, you have already said that you may be writing to us, could you reflect if there is anything which you feel we could recommend which would help to raise that awareness, on reflection?

Mr Gamble: Yes.

Q387 David Davies: Mr Gamble, there have been media reports, and in fact we have been told this has happened, of asylum-seeking children who have been placed into children’s homes have subsequently disappeared. In fact, I have even heard reports of, to use the vernacular, pimps waiting outside in cars to pick them up and take them away. Is there any truth in these reports and, if so, do we have any idea how many children have disappeared in these circumstances from local authority-run homes?

Mr Gamble: Yes there is truth in those reports. It is an unfortunate reality, as I said at the beginning, that many of these children that appear that are taken into care believe themselves perhaps that they have come for a better life because they have been lied to or are tied into a bondage regime around cash or debt or family that means that they will participate, they will be complicit in escaping; “escape” is probably the wrong word, but leaving that care environment. There were two issues in the Scoping Study that we did. Half of the children that had been referred when we were doing this had in fact gone missing. The difficulty is, and I am in absolute agreement with the Home Secretary here, we need to get victim identification right because if we do not get that right we do not know whether the 330 in the initial Scoping Report is the tip of an iceberg. We certainly believe that there are considerably larger numbers than that in the UK but is it accurate enough because how many of those children simply were children that appeared in London one month and a year later in Sheffield or somewhere else around the country. Accurately identifying and reidentifying victims is a critical issue. One of the areas I have been discussing with the UK Border Agency is using some of the expertise that we have in CEOP around biometric identification from photographs of children, so taking a child’s photograph and using a computer-based biometric identification which maps that so that a child found one day or recovered in London who then goes missing and is recovered again is identified and verified as being the same individual regardless of the information they may give.

Q388 David Davies: What I cannot quite understand, and I may be missing something, is let us talk for a moment about children who have disappeared from local authority-run homes, there must be an accurate number of those who have

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disappeared and not returned because they have gone into local authority homes so they would be registered.

Mr Gamble: We will give you a written submission on that.

Q389 David Davies: That figure must exist. I do not expect it from you necessarily right now but it must be a figure, unless the local authorities are not actually bothering to collect the numbers of children who disappear and do not return within a given period of time.

Mr Gamble: I will submit a written answer.

Q390 David Davies: Okay. That leads on to a question about how safe the accommodation is because I have been told by police officers that they are for ever being called out to deal with missing persons, not necessarily asylum seeking ones but let us talk about those for a minute, because staff in children's homes are not allowed to use any kind of force whatsoever to prevent children from walking out, even if they know that that child is about to put themselves into danger either by prostituting themselves or taking drugs or a combination of those two things. Is that also the case?

Mr Gamble: From a police perspective if we believe that a child is placing themselves in danger then we can operate emergency protection orders so a police officer with that knowledge should be taking action to prevent the child doing that. I cannot speak on behalf of local authorities.

Q391 David Davies: What the police officers tell me is that they cannot understand why it is that staff in a children's home who see a child walking out and know that that child is vulnerable are powerless to stop them from walking out.

Mr Gamble: I think what we are dealing with here is the issue where we are not talking about secure units, so number one is you are not limiting the liberty of that child; you are providing a protective environment for them because they are a child in care. They are not in a secure unit and there are issues there. Critically these children go missing; that is a fact. Even if you look after them well enough do we have the right type of accommodation for them? I am not sure that we do have.

Q392 David Davies: But the right type of accommodation would be accommodation that was secure both from the point of view of people outside as well as those on the inside, if you know what I mean, to protect those children from outside predators and the comment that is always made to me is that nothing is there to prevent these children from walking out and nobody will prevent them from doing so, even if a child gets up at 11 or 12 o'clock at night. If my children tried to do that I would physically stop them. Presumably the law still allows me to do so, although I am not 100% certain about that. However, in a children's home the staff are not allowed to stop those children from walking out even if there is a car outside with a dubious looking person in it waiting for a 13-year-old.

Mr Gamble: We need to be clear about what we are saying here. It depends which type of home the police officers were talking about.

Q393 David Davies: It was not a secure unit.

Mr Gamble: Because there are different types. Where it is not a secure environment then children are at liberty, within reasonable constraints. The child protection community as it is currently constituted is a very cautious community because it is engaging with a child and a child's rights, so what we do in the UK is institutionally protect children and we look at models elsewhere where there is more individual or guardianship protection and there is no evidence as yet to say, in my view, that the guardianship one is better. However, we are looking at that, where there is a more individual focus on the child. Ultimately in the UK there are issues. Accommodation that is secure for many of these vulnerable children is better. The mechanisms that are able to introduce those children into that environment need to be looked at but from a policing perspective a police officer that fears a child is going to go and prostitute themselves has the power to intervene.

Q394 David Davies: I do not want to take up too much more time, and this is not a criticism of you or the police at all, I am on your side, as it were, I am just trying to get to the bottom of this, but in my understanding is that children will only get placed in secure accommodation if there is a perception that they may commit crime or that they have committed crimes and it is very unusual to put a child into secure accommodation simply because he or she is vulnerable. The problem is that vulnerable 13- and 14-year-olds who are put into unsecured accommodation are at liberty to walk out and cannot be stopped by staff even if they are about to walk into, to use the vernacular, a pimp's car. Am I correct in saying that?

Mr Gamble: I am going to ask Aarti to talk a little bit about private fostering because what we are talking about when a child turns up there is a variety of places whereby they can be cared for. Do you want to touch on that, Aarti.

Ms Kapoor: I just want to say I think it is right to highlight that there are some factors in regards to safe accommodation for children and those under 18 and the younger a child is there is more chance that the local authority will refer them to a foster home. Sometimes you are waiting for a foster home to be found and in those types of situations in the short term local authorities will put children into relatively unsupervised accommodation. Of course I do not think that that is always the best situation for the minor involved.

Q395 David Davies: Unsupervised?

Ms Kapoor: My understanding—and I think I need to look into it and we can give you a written response—is that there are different levels of supervision in terms of accommodation that is provided to children, from foster care which is within a family environment, to accommodation where there is more supervision, and

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accommodation where it is relatively quite independent for the child because that is what the child wants.

Q396 David Davies: So a 13 or 14-year-old could be placed into effectively a hostel of some sort with no supervision?

Ms Kapoor: I cannot speak for local authorities but I think most of the cases where we have been referred 13 and 14-year-olds would normally be placed with a foster family.

Q397 David Davies: But not immediately because they cannot always be found.

Ms Kapoor: In the cases that we know of they would be placed within foster homes.

Q398 Mrs Dean: Going on to fostering, in your experience do traffickers exploit the hidden nature of private fostering as a way of moving children around without the authorities being aware of them?

Mr Gamble: In our experience yes they do.

Q399 Mrs Dean: What can be done therefore to close down this route without disrupting the genuine arrangements that sometimes exist between families?

Mr Gamble: It is very difficult because once again we are dealing with extreme symptoms as they manifest themselves after the child has already been trafficked and brought into the country. The issue is one again for local authorities and not one for the Police Service. Where a child goes into a private fostering arrangement there are requirements placed on the local authority to follow that up. I am aware that local authorities are under huge pressure with the volume of work around child protection and that is an issue that really would be best addressed by them.

Q400 Gwyn Prosser: What, if anything, has the National Register of Unaccompanied Children achieved in protecting asylum-seeking children from abduction by traffickers?

Ms Kapoor: The database for the National Register for Unaccompanied Children is as good as the data that has contributed to it. There needs to be more work done in raising awareness within local authorities to use that register and to regularly input data into that register and have trained staff within local authorities that use that database and use that register. I think that they definitely have a lot of potential that we need to tap into.

Q401 Gwyn Prosser: Are there any aspects of the register and its use which could be improved?

Ms Kapoor: I think simply the awareness and training within local authorities to use it.

Q402 Mr Winnick: I was going to ask about the nationalities of those involved in this vile trade. Are there certain nationalities, in your view Mr Gamble, which are more prominent than others?

Mr Gamble: I think different nationalities at a given time will manifest themselves in different ways. We see children from particular ethnic backgrounds

coming into the UK and being assimilated into the community very hard to find again. We see other children from particular backgrounds coming in and being indoctrinated into particular areas of crime and when we are investigating those particular areas we are not surprised to see children from that region. We see other areas where young people are more likely to be indoctrinated with the use of more overt violence and brought into the country and into the sex industry. One of the problems is not about the ethnic background but is actually about child trafficking because it is looked at under the trafficking label and is often misunderstood. You have sexual abuse which people automatically relate to but the large undercurrent is of children who are being subjected to domestic servitude or being used in forced labour or who are being indoctrinated into committing other crime types (and they are the vast majority that lie below the surface here) and are the ones whereby we need to be raising awareness. We need to try and operate a dual mechanism where we treat these symptoms in the best way we can with the child protection focus first and foremost to make sure that we do not revictimise these children. We must work better through the FCO and through DFID and others in those source countries because the traffickers who are involved in this are not stupid. Most of them that are involved in this complex business see it as a business so they diversify. Where once we saw destination cities like Amsterdam and Vienna we are now seeing destination cities switching to the likes of London and Madrid, so we need to understand that they watch as an investor might (although that is not a good analogy at the minute) the market to see what is up and what is down, looking at how you can move children from one area to another. I have often wondered about London because it has got one of the best systems when it comes to the multi-agency approach to identifying and safeguarding children once they are here, but you can come into the UK through many different ports and traffickers will look to those ports that have the lowest security at a given time. They look at the pattern of security and how it is delivered and see that maybe a port on a particular day or a particular period has higher security and on that same day at a different time has lower security. These people are intelligent business people and they will diversify and they will take children from any environment where they are vulnerable and where they can seduce them perhaps into believing there is something better for them elsewhere.

Q403 Mr Winnick: Would you say that in Eastern Europe and West Africa criminal gangs are more strongly based than elsewhere?

Mr Gamble: I think that is fair. I think in those regions you are going to see significant involvement from organised crime enterprises. In other areas you will see children that are not as obviously trafficked because they are trafficked on the back of a family relationship or a community relationship, bringing people into business or domestic servitude in the way that they do. We focus more routinely on some of the

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regions that you have mentioned because we are used to seeing victims appearing in brothels, so being brought in, subject to the brutal nature of an organised crime enterprise and manifestly appearing as they are indoctrinated into the sex industry. It changes and there are trends, themes and patterns of behaviour and what we hope to do in our Strategic Threat Assessment (which we will now deliver year-on-year and the next public version is due in January but the restricted version will be out in December) is to re-visit the assessment and to keep re-visiting it and to keep engaging with all the agencies involved to make sure that we get more data and the data is of a better quality to try and get something within data protection that encourages the sharing of this where there is risk so that our understanding is much better. Underlining that, we are working with the UK Human Trafficking Centre, the Serious Organised Crime Agency, the Metropolitan Police and others in building an infrastructure where we identify a child that is brought into the child protection environment and where we do that we capture their true identity so that if they do go missing and are found again we recognise that pattern because at the minute we are dealing in an imprecise area and I think where we have come collectively—the Government, the Police Service, UKBA, other agencies and the NGOs that have been on the field long before we were—is a remarkable distance in a short time. It is not far enough; I accept that.

Q404 Mr Winnick: This is a rather sensitive question in a sense: in dealing with terrorism obviously the security authorities—MI5 and the police—have agents in the way one would expect in trying to protect our country against mass murderers. Can I ask, again without revealing any secrets, to some extent your organisation and the police forces do use agents of a kind to try and detect what otherwise would be a very difficult job for those in uniform to do.

Mr Gamble: We rely on the intelligence collected by the law enforcement community, information that we can translate into intelligence from the NGO community, and the best information that you are going to get in this regard, unless you have infiltrated an organised crime group (and that would not be us but there are many agencies that do that), is going to come from a child who is being trafficked and who is in a caring environment where they feel comfortable enough and safe enough to share that information with someone. What we have seen in the studies is that those children that are placed in appropriate care, whether it is within the NGO community or whether it is within social services, where they feel safe they are much, much more likely to share information about what happened to them, where it happened and the whole *modus operandi* then begins to unfold. So yes it is law enforcement and the Police Service, and we have some very, very sophisticated partners here. The Scottish Police are becoming very engaged in this area and we see it

across Kent, and it is very advanced in Sussex, as I have already said, the Metropolitan Police and many others. They will use every legal tactic they can to accrue intelligence and information about what traffickers do, but the best source from our point of view for understanding the needs of a child is going to be the child that feels they can disclose.

Q405 Patrick Mercer: Are you disappointed by the number of traffickers that are brought to justice in Britain?

Mr Gamble: Yes.

Ms Kapoor: Yes.

Q406 Patrick Mercer: Please expand on that for us.

Mr Gamble: It is a very difficult crime type. I am disappointed by the number of children that we are able to safeguard. I believe that we should be able to safeguard many more children than we do. We are working hard, on the basis of the partnerships that I have outlined, to be much more collegiate in our approach so that when children are introduced to a protective environment they do not go missing again, that we do something different that actually protects them and prevents them from going back into this environment. The organised crime enterprises—and I am not the expert in this, the Serious Organised Crime Agency would be—are diverse groups of individuals who come together at a particular place and time because they have got a commodity which they can move, where they perceive the risk to be low and the profit margins are generally high. It is a very difficult and complex piece of work. Very often the work that is being done is not readily evidenced because much of the work the likes of the Serious Organised Crime Agency and others does is preventative; in other words, they are working at the source end, they are inhibiting movement and they are disrupting those networks. Would we like to see more prosecutions? Yes. What is the answer to that? Better intelligence and better co-ordination from the Pentameter operations that the police service has run. Do we want to see more? Do we want to see a greater focus? Yes. We are working collaboratively to do that. We are debriefing what has been done before to learn the lessons from that. The UK Human Trafficking Centre critically needs to apply that central UK focus that directs and co-ordinates UK policing activity so we achieve an economy of scale.

Q407 Patrick Mercer: What more can be done to protect witnesses? That is clearly a crucial part of making evidence stand up in court.

Mr Gamble: The difficulty is the best witness in these cases is the child themselves. If you cannot get the child to engage then you will have a very difficult time in court proving this. Whilst I am disappointed with trafficking *per se*, the level of prosecutions, there is an imaginative approach often adopted and you will see cases where people are convicted of other offences. I talked about domestic violence earlier. When someone is charged with assault it is very often a domestic abuser who has been dealt with under some aspect of the criminal law. Trafficking as

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an offence—and we see facilitation being a more successful approach very often—manifests itself in different ways, around blackmail, coercion, violence and sexual assault, and we see successful prosecutions in those areas that are not always labelled as trafficking, but infiltrating these groups is very difficult. I am absolutely sure that that work is being done by the Serious Organised Crime Agency.

I believe that as time goes on and the intelligence and understanding becomes better we will see more prosecutions.

Gwyn Prosser: Mr Gamble and Ms Kapoor, thank you very much for coming and giving evidence to the Committee. In particular, we have been struck by your remarks about the sharing of data and identification.

Tuesday 9 December 2008

Members present

Keith Vaz, in the Chair

Tom Brake
Mr James Clappison
Mrs Ann Cryer
David T C Davies
Mrs Janet Dean
Patrick Mercer

Margaret Moran
Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Witnesses: **Commander Allan Gibson, Detective Chief Inspector Nigel Mawer**, Human Trafficking Unit, and **Detective Inspector Gordon Valentine**, Paladin Team, Metropolitan Police, gave evidence.

Q408 Chairman: Could I call the committee to order and could I also refer everybody to the Register of Members' Interests, which records the interests of members of this committee. Can I start by welcoming Commander Gibson, Detective Chief Superintendent Mawer and Detective Inspector Valentine? Thank you for coming to give evidence to the committee this morning. This is the final session in a very long inquiry that the committee has been conducting into human trafficking which has taken us to the Ukraine and to Russia and also to other parts of the United Kingdom. I wonder if I could start with a question to you, Commander Gibson. What is the benefit of a specific human trafficking unit?

Commander Gibson: I think, if I go back to the initiation of this, the Metropolitan Police sought funding to set one up and there was a gap in our enforcement approach.

Q409 Chairman: You may need to speak up a bit, Commander.

Commander Gibson: We sought funding under Reflex to set up a human trafficking team a couple of years ago because we recognised that there was a gap in enforcement, an emerging problem. So one of the benefits was actually to put together a group of people to build up our knowledge and understanding of the problem, and where we are now is that I think we need to move into mainstreaming this and actually spread knowledge across the whole organisation; and we have a number of different units which are involved in both illegal immigration, which I might call facilitation at various times, and people trafficking, which is the subject of your investigation. I do have a diagram. It might help if I talk to this diagram. It is a very simple diagram; it does not require anything other than a visual sort of reference. I have 10 copies of it.

Q410 Chairman: That is very helpful. Thank you. While we are circulating that, what is the cost of running this?

Commander Gibson: It is £870,000 a year for the Human Trafficking Team.

Q411 Chairman: We understand, though, that you are facing problems in respect of the funding of this unit by the Home Office. Is there a move to reduce or even to cut your funding?

Commander Gibson: The funding stream is as follows. We have a sum of money under Operation Maxim from Reflex funding, which is our approach to both facilitation and trafficking. We simply bid for £800,000 to do the trafficking and we were successful in that money. It was pump prime funding—I will be clear about that—but at that time it was very clear that this was a high priority for government and there was a lot of activity, not only in policing but with the Immigration Service. What we found was that as the Serious and Organised Crime Agency was set up and the UK Human Trafficking Centre the landscape around this was changing and the people involved changed. We had an expectation, being a priority, that funds would continue to be made available, though I do say that this is pump prime funding and at some stage it will be expected that we mainstream. When it became apparent with SOCA and the UK Human Trafficking Centre that there were doubts about future funding we wrote and made clear our views that we may not be able to continue.

Q412 Chairman: You wrote to whom: the Home Secretary?

Commander Gibson: Yes, we did.

Q413 Chairman: When was that?

Commander Gibson: A year ago.

Detective Chief Superintendent Mawer: It was Tony McNulty. He was the minister who had responsibility at the time.

Commander Gibson: Eighteen months ago, a year ago.

Detective Chief Superintendent Mawer: It would have been when it first became apparent that the funding was likely to be ceased, which would have been, yes, just over a year ago.

Q414 Chairman: What was his response?

Detective Chief Superintendent Mawer: Basically, the response was that this was pump prime funding, and it was expected that this would be mainstreamed at the end of the reflex funding. I think the difficulty was that there were indications from SOCA and

**9 December 2008 Commander Allan Gibson, Detective Chief Inspector Nigel Mawer and
Detective Inspector Gordon Valentine**

from the UK Human Trafficking Centre, there were some mixed messages, about whether the funding was going to continue.

Q415 Chairman: The final decision on this is what? I am lost in the jargon somewhat: pump priming, flexible. What is the end product? Are you getting this money restored or not?

Commander Gibson: I will cut right to the chase here. We have now been advised that we will get £400,000 from the Home Office for next year as a final amount of money. We have, in response to that, made clear that we were already planning to do this, to review (and it is the purpose of that diagram before you) how we handle immigration, whether it be trafficking or facilitation, in our organisation because we have different parts of the organisation with different roles and we think there are opportunities—

Q416 Chairman: So they are halving your funding in effect?

Commander Gibson: No, it was not halving, because this year we have had 600,000 and next year it will be 400,000.

Q417 Chairman: From what you had at the beginning, they are halving it.

Commander Gibson: Yes, if you go back that far.

Q418 Chairman: Is that going to affect your effectiveness in finding the victims of human trafficking?

Commander Gibson: Yes.

Q419 Chairman: And the perpetrators?

Commander Gibson: We are going to have to find different ways of doing the same function, and we think we can find better ways of working. So it is not all dependent upon this funding, because we are determined to tap into some other resources, and we have also got plans with the UK Border Agency to revisit the collaboration we have got with them, they are putting resources in, to actually move some resources to deal with the criminal networks rather than just the bottom-end individuals who are either affected by this or who have themselves come to the country without proper clearance.

Q420 Chairman: What is the scale of human trafficking within the Metropolitan Police area?

Commander Gibson: It is a very difficult question to answer. Lots of it is unreported. So I would say whatever I say here is going to be but an indication and probably an under estimate. What can I say concretely is that we have 157 cases where our colleagues in uniform on borough have reported to us cases where they have sought advice, i.e. they have probably had a woman come forward to say that she has been trafficked, and the unit themselves have dealt with 54 operations over the two years, so that is about 211 cases.

Q421 Chairman: Two hundred and eleven cases in what time scale?

Commander Gibson: Two years.

Q422 Chairman: Two years. So it is about a 100 a year?

Commander Gibson: Yes.

Q423 Chairman: What do you think the real scale of it is? These are the ones that you find out about.

Commander Gibson: It is probably an iceberg and we are dealing with the top of it. I would not like to say how much of it is above water.

Q424 Chairman: What is your estimate?

Commander Gibson: I have no way of making that judgment.

Q425 Chairman: Is anyone able to help us on this?

Detective Chief Superintendent Mawer: No, I think it is difficult. A lot of it is obscure, because prostitution, or the legislation around brothels and moving people for prostitution is sometimes an easier offence to manage. So we have not got a fuller picture at all, even where we have found victims and we have dealt with them, as to whether they are victims of trafficking because they are not coming forward as that. The bigger picture is that there is a problem with identification of victims, because if people do not self declare at an early stage, and our officers are not trained in how to recognise, then it becomes very difficult to quantify even when we come into contact with it.

Q426 Chairman: This is the problem the committee has had throughout this inquiry. People talk about the huge scale of human trafficking, but when we come to actual figures and meeting some of the victims, it is extremely difficult to do so. You, presumably, have the same problem.

Detective Chief Superintendent Mawer: Yes.

Commander Gibson: We do, and it is very difficult to identify the difference between women who are involuntarily in prostitution and those that are voluntarily in prostitution because you cannot rely on what they tell you. I think you will have heard this before.

Chairman: Can I bring in Tom Brake.

Q427 Tom Brake: I wonder whether you have any feel from your experience or the experience of officers on the ground of whether, for instance, in the majority of brothels or massage parlours in London there will be trafficked women?

Commander Gibson: I do not think I can say that. I cannot answer that question with certainty. A high percentage, but I cannot be more precise than that.

Q428 Chairman: Is it just the sex trade or are we dealing also with people exploited, for example, in the catering, construction industries?

Commander Gibson: There are four aspects to this. First of all, the sex trade is the majority of the problem that manifests itself, we also have domestic

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servitude of the cases that are reported to the Human Trafficking Team, they have taken one case to court, but that refers to adults and I think you will have an opportunity to hear from Operation Paladin later on about children. They also do work around this and they report their own figures—the figure is for the Human Trafficking Team. The Human Trafficking Team has taken two cases to court around forced labour. The other thing within their remit is organ harvesting, and they have had no cases of that over the last two years.

Q429 Martin Salter: We are, obviously, Commander Gibson, concerned about the scale and nature of human trafficking and it is difficult to pin down, as the Chairman has said, the numbers, but is it possible for police officers in the ordinary course of their duty to detect human trafficking and refer a possible ring or a larger conspiracy to your unit, or do you rely on evidence from victims themselves to direct your inquiries and as to where you should place resources?

Commander Gibson: We do rely on notifications from victims. Can it be spotted? Yes, it can. There are ways by which that may be achieved. Brothels are normally known to local neighbourhood officers. If there is one operating, before long we will get wind of it. There are ways of doing that. Saunas, as we know, massage parlours, have notoriously been associated with prostitution; local newspapers have pages of ads which could lead to what is happening in the local area; cards in telephone kiosks is another area with indicators, and when we have tag lines like "Recently Arrived" or "New Girls" there is often an indicator, so an officer who has got some nouse could probably work that out and begin to look if they were motivated to do so; but in terms of where the information comes from, most notifications come from the boroughs themselves in London—that means women coming forward and saying, "I am a victim." We have some information from Crimestoppers, anonymous information, and we also have some information from non-governmental organisations such as the Eaves Project, the POPPY Project and so forth, but the majority of information comes from the local borough, from trafficked women coming forward or people being unhappy with a brothel in their area, and investigations reveal that there is reason to be concerned.

Q430 David Davies: Commander Gibson, the reality is that everyone knows where these brothels are. If you see a red neon light at two in the morning saying, "Massage Parlour", you can pretty well bank on the fact that it is not there offering therapeutic alternative health services. What is the problem here? The police seem to be very reactive to these sorts of things and these establishments are pretty well-known and advertised. Do you have to wait until you get information about trafficked women before you investigate, or do you take steps to look at all of these premises and investigate them?

Commander Gibson: That is a difficult question to give an easy answer to. Obviously prostitution is described as the oldest profession in the world. We could commit a lot more of our resources to prostitution. Would that be the right thing to do? I would suggest it would be a very difficult thing to actually sell to the public, given all the other demands made on British Police resources. So it is a matter of to what extent we target our resources at this problem.

Q431 David Davies: Basically, we turn a blind eye, do we not? I am not blaming the police, but society, politicians, we know that these establishments are there and where they are but we turn a blind eye providing nobody complains about them?

Commander Gibson: There is a sense in which there is a tolerance of a certain level of prostitution in society. That is not just true of policing; it is true of the whole of society. We know that it is a difficult problem to eradicate. If we were to focus on prostitution alone, I think you would end up in a situation of saying there is a certain amount we should do but perhaps not exhaust all our resources doing it; but when you have women being trafficked for the purpose of prostitution, I think that is an aggravating factor and we need to build that into our response and, when we have information that what is taking place is not prostitution but rape, then I think that changes it completely.

Q432 Chairman: So the Government's proposals, which we will examine the Leader of the House on later on, will cause you problems, will they, when men are going to be expected to ask prostitutes whether or not they have been trafficked and then be subject to criminal offences?

Commander Gibson: I cannot speak for the organisation on that because I have not the mandate to do so. I can give you a personal view. I think that is going to be very difficult to enforce.

Q433 Patrick Mercer: Could we talk about anti-trafficking operations? Would you be kind enough to describe, briefly, operations Paladin and Pentameter?

Commander Gibson: Yes. I will leave Paladin to Gordon to deal with. Obviously, Pentameter is a national operation. I am sure you will have heard of it. Pentameter 1 and Pentameter 2. Pentameter 2 finished in March and we are waiting for Pentameter 3. In London, effectively, that is building on the operations of our existing units, particularly the Human Trafficking Team, Operation Maxim, which sits under Nigel's command, which is dealing with facilitation and particularly false identifications, false passports, facilitating people in large numbers into the country. We have got clubs and vice. The diagram you have got there, you will see that mentions clubs and vice. That is within central operations—a different business group to my own—and they visit clubs and they identify women who are being trafficked. Operation Kontiki—that is the operational name. Those have been going on, and

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have been going on for a number of years now, around Pentameter. We do not need an operational name to do this now, we are doing this as day-to-day work, but we are using existing units, existing capabilities and capacities to deliver on that and we have had some good results. In addition to that, the Human Trafficking Team have done their own operations. I do not know if you would be interested in this, but one recently achieved a lot of publicity, which was an operation dealing with a sauna in Luton, Bedfordshire, which was done with the Bedfordshire Police, Operation Bactrian and Cerros(?)—that was two operations put together. That led to seven arrests. Six have been to court and have been convicted; one awaits trial. The ring leader got 14 years' imprisonment; 52 years' imprisonment across the whole six of them; 10 victims. It was an operation which, I think, shows what can be done if you join up and get the right information and the right approach.

Q434 Patrick Mercer: What have you learned from them?

Commander Gibson: We learnt of the insidious nature of the problem and how important it is to get information from our victims and to build that into our response. I think it is a proper level two operation. What I mean by that it is organised crime, and we had the right people with the right training and the right equipment tackling it. You do not take out such networks by routine policing; it is organised crime.

Q435 Patrick Mercer: The Metropolitan Police, I guess, are involved with national and international anti-trafficking operations as well. You have touched on it already, but could you expand a little bit more, please?

Commander Gibson: Yes. International co-operation is absolutely vital; we do a great amount of it. We liaise with Europol quite a lot. Our people have attended a Europol conference within the last month. We share information, we work with other countries to identify emerging problems, we seek to tackle the networks upstream wherever possible, and so we actually deal with the source countries, the transit countries, as well as what manifests itself on the streets of London. We also deal with SOCA—that is an international agency—and the UK Border Agency and there is a lot of information exchange. The UK Border Agency does an awful lot of joint operations with us where their people are actually working with our people on the ground on operations, so we are using their international footprint as well to unlock some doors. The Serious and Organised Crime Agency particularly help us with their people abroad who are based in the countries to facilitate inquiries and to help us to achieve our aims.

Q436 Margaret Moran: Can I take you back? You made reference to an operation that I am aware of in Luton involving saunas. Could you be clear about your organisation's precise involvement? Is it not the

case that that operation arose out of local intelligence of a very systematic and organised operation around local saunas which came from local knowledge on the ground? Secondly, what was the follow-up to that operation? Is it not the case also that there has been no systematic approach, certainly in my area, learning from that operation and tackling, again, what is a very organised and lucrative operation across Luton and beyond?

Commander Gibson: I do not know the answer to the follow-up. I would need to get back to you on that one.

Q437 Margaret Moran: Would that not be part of your role in terms of learning from these operations?

Commander Gibson: It could be. I did say, it is another force area: it is Bedfordshire. I simply do not know the answer to that part of the question. Yes, the intelligence does originate from the local level. I have said most of our referrals come from the local level and most of our intelligence is built using sources at the local level, but it was a Human Trafficking Team operation that actually took those people to court.

Q438 Margaret Moran: So your unit's sole involvement is to deal with the court parts?

Commander Gibson: No, it is the investigation, to actually put together the evidence to actually take to court; so it is building the investigation.

Q439 Margaret Moran: So the local police actually do the preliminary surveillance, gathering all of the information in order to catch the perpetrators, and then they are responsible for any follow-up and you are simply responsible for collating what they have done?

Commander Gibson: The operation is run by the Human Trafficking Team, so the case-build, putting together the intelligence and links—because there are two cases mentioned, one was Bactrian and the other was Cerros(?)—they are linked operations. So we worked with Bedfordshire to put it together, but the lead in this case was actually the Human Trafficking Team. As for the exact details of the operation, I do not know, I was not involved in it. I can get you the information, if you would like me to do that, and report back to you a bit more as to how they did it and what the follow-up was.

Chairman: Chief Inspector Valentine, you can chip in whenever you want on the Paladin issue.

Q440 Mr Clappison: I would like to ask you a little bit more about international co-operation, taking the answers you gave to my colleague, Mr Mercer. Obviously it is important, but the committee has heard when it has inquired into human trafficking on this occasion and on previous occasions about the international dimension of it, but there are bigger people, big fish, behind this internationally. Do you feel you are making progress and getting at the people who stand, as you put it, upstream?

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Commander Gibson: Clearly not sufficiently; that is self-evident. The Human Trafficking Team, I am aware, do good work with Romania, Hungary, Lithuania and Nigeria, where they seek to identify the source countries and how is it that the victims are actually recruited, or captured, and put on a plane and taken to another part of the world and who is it that is doing it. What inducements do they do? Is it artifice? Is it coercion? How do they work? What routes do they take? We are familiar with some of them. Obviously, Lithuania is a very frequent source country. There is Russian criminal involvement and the Ukrainian involvement and some of the routes taken across the Black Sea into Italy?

Q441 Mr Clappison: The picture I am getting from you is that you are getting good co-operation from some countries. It would perhaps be invidious to ask you to name countries where perhaps there might not be so much co-operation, but would you say that the co-operation is a little bit uneven from the picture which you are giving us?

Commander Gibson: Yes, I think it is probably fair to say that. There is a difference between a polite answering of your question and proactively seeking to work with you to identify the problem, and I think perhaps with Russia and Ukraine we have law enforcement to law enforcement assistance but we are not yet working actually perhaps with those countries to actually deal with the problems right at source, which is some of the criminal gangs in those countries.

Q442 Mr Clappison: You mentioned in passing organ harvesting. How exactly does that work?

Commander Gibson: You would bring someone into the UK, you would pay them an amount of money—£5,000, £10,000—for agreeing to have one of his kidneys removed to give to someone else, effectively.

Q443 Mr Clappison: You have evidence that that is happening. I think you said nobody had been brought to court.

Commander Gibson: No. It has been known, but the Human Trafficking Team over two years have not had any cases to deal with.

Q444 Mr Streeter: Going back to co-operation with UK police forces, other forces, can you say a bit more about that? Presumably you are establishing best practice spear-heading this. Are you finding that other forces are working well with you? Are they learning? Is co-operation good?

Commander Gibson: It is reported to be good.

Q445 Mr Streeter: It is reported to be good?

Commander Gibson: Yes, because I am not dealing with it myself. My staff are saying they have actually had people approach them to identify what they are doing because they have had some good results, and we have had the Police Service in Northern Ireland, Strathclyde Police and other police forces coming to seek out how we operate the model.

Q446 Mr Streeter: What about the other large cities in England? It is not just a London problem, is it?

Commander Gibson: No, it is not. We have an intelligence network and Pentameter; we share intelligence, so we operate that. The UK Human Trafficking Centre is at the hub of this to actually facilitate intelligence sharing and to make sure that best practice gets disseminated, but I think, by and large, what happens is where we have joint intelligence, where there is a linked problem, it is collaboration at the operational level on specific operations.

Q447 Mr Streeter: Working with the UK Human Trafficking Centre, is that going well?

Commander Gibson: The staff report very good relations with them. They are working very well. I do not have day-to-day contact with them and the intelligence that we get from them is probably not as much as we would want. I think that is self-evident. We are still building the intelligence and understanding where the gaps are, but they do help us with training and they are very, very helpful around, when we take a problem to them, accommodation, an agency to work with the victim. We go through them and they provide great assistance to us.

Q448 Mr Streeter: Presumably you do not have any Home Office targets to work to, because it is pioneering work, or do you?

Commander Gibson: No, we do not.

Q449 Mr Streeter: You must be floundering without them?

Commander Gibson: No, we are quite grateful for the Green Paper, so we do not need targets, I do not think. We take a harm-based approach and also work to identify criminal networks. We do prioritise the harm caused by criminal networks, and where you have human victims the harm level associated with their activities is much increased.

Q450 Mr Streeter: Finally, do men ever get trafficked into the sex industry?

Commander Gibson: Not frequently. Not to my knowledge. I have not heard of a case.

Q451 Tom Brake: In relation to best practice, partly returning to my earlier question, have you been able to identify within London any forces that are effective at identifying the scale of the problem? It seems to me as though you would give it greater priority, and the public would want you to give it greater priority, if you knew that, on average, more than 50% of massage parlours had trafficked women in them who were being raped on a regular basis but, because you have not got that information, you are not able to sell the idea of prioritising it to the public. So which force has actually been able to identify how many women are being forced to work in the sex trade against their will?

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Commander Gibson: I do not feel anyone can. I would say is that not something that should be done nationally rather than each individual force trying to solve that problem for themselves? It seems to lay itself open to a commissioned piece of research to actually find out.

Q452 Tom Brake: So we are waiting for a commissioned piece of research before we can identify the scale: how many massage parlours have trafficked women in them being raped on a regular basis?

Commander Gibson: Together we need to get a national picture through the UK Human Trafficking Centre. I would have thought that would be the approach that would be most appropriate.

Detective Chief Superintendent Mawer: We are a lead because of the work we have done, we are a large force, but the responsibility sits with the UK Human Trafficking Centre to build the intelligence picture, which is broader than just London—that is nationally and internationally. I know they have done a lot of work in that area and, again, this is the type of research, I think, that sits very squarely within their remit.

Detective Inspector Valentine: If I could just—

Q453 Chairman: Yes, Detective Inspector, could you also cover the Paladin issue?

Detective Inspector Valentine: May I just say, with regard to child trafficking, that child exploitation and online protection are doing a threat assessment on the extent of child trafficking. They have already done a scoping exercise. So there is an effort at getting figures together for child trafficking.

Q454 Chairman: Do you have any figures?

Detective Inspector Valentine: No, in the scoping exercise, which was published at the end of last year, 330 victims of trafficking were reported, and that was a survey that was over, I think, a 14-month period. I may not have got the exact number of months right but it is about a 14-month period. So there was an assessment there. I would like to say that in our experience of child trafficking, it is a lot broader than sexual exploitation. If I go back to what you were talking about before about an awareness within the Police Service being important, when you have got situations of domestic servitude, that is when police officers are going into houses and they need to be aware of that particular problem, because without any awareness they could go into a house and they are blind to what is actually going on in that house. So there are other forms of trafficking, other sexual exploitation, where an awareness is important.

Q455 Mrs Cryer: I am asking all of you this. What happens to victims of trafficking once they are, not arrested but held by the police or removed by the police from the people who have trafficked them? We understand from other witnesses that

immigration officials are so keen to bundle any illegal immigrants out of the country quickly that they are not taking cognisance of the fact that the victim could be very, very useful in prosecuting the trafficker. The other side of this is that some of the people who have been trafficked are not illegal immigrants; they may be from Eastern Europe or other parts of the EU. I wonder what happens to those people being trafficked. So there are two sides to it: those who are illegal immigrants and those who are not. Can any of you give us some guidance as to what happens to them?

Commander Gibson: I will let Gordon deal with the child victims of trafficking separately. First of all, the UK Border Agency is a partner with us in Operation Maxim and so they have people working in the Metropolitan Police, and also Operation Swale is another one where we work hand in glove. So our working relationships, our knowledge and understanding of each other's roles are well developed. I recognise what you say, but I think it is a simplification. I think the UK Border Agency recognises trafficking as a separate offence where they have a victim. They have moved on from perhaps where they were a few years ago. What we do is if we have a case of trafficking, rather than facilitation, that is recognised: we contact the UK Human Trafficking Centre, we link into a non-governmental organisation, such as the Eaves Project, and we think about the accommodation needs, we think about the victim protection needs and support, and so we do think about those things with the people who are able to provide that service. In the UK, obviously there will be changes next year and they will be formalised, but at the moment I cannot guarantee the uniformity of the response but we are taking a victim-centred approach where we identify that these women are trafficked rather than facilitated. I will ask Gordon to talk about child victims.

Detective Inspector Valentine: With child victims, when they are identified and brought to our attention and we do the risk assessment around them, I have never known a child to be sent back, but, of course, we only deal with a small proportion of children at these ports; but if they are identified as a victims of trafficking they are taken out of that situation and put into care and not sent back.

Q456 Mrs Cryer: What about adult persons who have been trafficked? Have any of those been sent back before being asked to give evidence against the traffickers?

Detective Inspector Valentine: Not to my knowledge. We have had absolute co-operation with the UK BA over these matters.

Q457 Mrs Dean: Commander, what is your estimate of the number of traffickers who have been prosecuted for offences other than trafficking?

Commander Gibson: I do not have figures, unfortunately, but I have asked the question. I understand that joint charging is common, if not required, in order to make the offence around sexual

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exploitation. So you have got to charge the relevant offence as well as the trafficking side. Joint charging is common. Also, when we work around criminal networks we try to take a broader view and where we have identity card issues, false documents, those are opportunities which we avail ourselves of. Money laundering is an opportunity which is increasingly available to us and we like to use that. Nigel is one of the experts around money laundering approaches to crime investigation. I would say, we do not have enough at the moment financial investigators working in trafficking. There is scope to increase that because I do think there are opportunities there to impact upon the problem to take some of the profit out of the trade. So we do take a broader approach. It is not a simple one charge one offence.

Q458 Mrs Dean: Is the rarity of prosecutions for trafficking simply due to the fact that the victims are too fearful to testify, or are there other causes?

Commander Gibson: I would think mostly it is fear when you have a genuine victim of trafficking—I cannot think of another reason why they would not—whether that is fear for themselves or fear for their families back in the source country, so it may be a complex fear, I would think it is probably that, maybe cultural awareness, suspicion of our systems. There may be other things but predominantly fear.

Detective Inspector Valentine: If I can help here, with child trafficking there is also that the victims do not recognise themselves as victims because they come from such harsh backgrounds, and also we have come across, with domestic servitude, the Stockholm syndrome where they have empathy with the people who are abusing them. In particular this happens in domestic servitude because if they are looking after a child of the family for a long period of time, they build up a bond with that child and there is a fear that if they go forward with the prosecution the parents will be put in prison and they worry about what will happen to the children. They do not want to children to go into care afterwards.

Q459 Chairman: The problem for the committee in this inquiry is trying to find these hard facts and the scale of human trafficking. We thought that you

would be able to provide us with the answers, that us why we have had you in last, but actually they are not there, are they?

Commander Gibson: I would have thought that if anybody should have been able to give you that it is the UK Human Trafficking Centre, because we are one force, we do not have a national remit. I admit that because of the under reporting, because of the nature of the problem, I do not think it would be easy to get to the place you describe. I think you would need a proper commissioned piece of research, and that is both within police forces but I think you need to take other approaches, not just police data.

Q460 Chairman: But Mr Brake's point to you, which was well put, was you know where this might be happening. Why do you not just go in there and sort it out? Why are you waiting for research? I know you have only got 600,000 at the moment, but with SOCA and all these other organisations you have got millions of pounds going into this area.

Commander Gibson: Not all of prostitution is human trafficking-based prostitution, so you would need to make sure that you went into the right places. It is an issue of what we can do with our resources and where this actually sits as one of our priorities. I do say that where we have rape taking place and not facilitation of women for the purpose of prostitution I do think that is a high priority.

Q461 Chairman: Your concerns about the Government's proposals, which you describe as being difficult to enforce, have they been expressed to ministers?

Commander Gibson: I have not had an opportunity to express it, but I am sure that ACPO will have an opportunity to express it and I will express it through them and maybe the Metropolitan Police as well.

Chairman: Commander, Detective Chief Superintendent, Detective Chief Inspector, thank you very much indeed for coming in to give evidence to us today. We might come back to you before the end of the inquiry and ask for further information. Thank you very much.

Witnesses: **Councillor Shireen Ritchie**, Deputy Chairman of the London Councils Children and Young People's Forum, and **Mr Steve Liddicott**, Director of Planning, Performance and Commissioning, Department for Children, Young People and Learners, Croydon Council, member of ADCS, London Councils and Association of Directors of Children's Services, gave evidence.

Q462 Chairman: Councillor Ritchie, Mr Liddicott, thank you very much for coming to give evidence to this committee this morning. You have listened to part of that session from the Metropolitan Police. What duty do you think local authorities have to house and look after the adult victims of human trafficking? Is there such a duty?

Councillor Ritchie: Can I just explain that I am here in my capacity as Deputy Chairman for Family and Children's Forum in London Councils rather than representing my own particular local authority.

Q463 Chairman: Thank you for that.

Councillor Ritchie: As the committee may or may not know, London has done quite a lot of work on the issue of trafficking, and child trafficking in particular, and the London Safeguarding Board has a procedure in place for all professionals and volunteers working with children to safeguard trafficked and exploited children, so we have been quite far forward thinking in how we approach these things. I guess (and I am sure Steven is going to be more precise than I am) we do have a duty to

accommodate homeless people. I think Mrs Cryer asked the question about the refugees and the POPPY Project, the Eaves Project. In London there are only 35 beds for trafficked women through the POPPY Project, which run is run by Eaves, so that is quite a small number of accommodation available.

Q464 Chairman: Can you help us with the scale of human trafficking? We ask this question to practically every witness. Do you have any estimate on that?

Councillor Ritchie: I think there are instances. I think part of the reason that London started to look at trafficking back in 2004 was because there were concerns in a number of boroughs in London, which is where the London procedures came into being as a result of that. I do not think I certainly could give a perspective on the numbers involved, but the comments by the police earlier on, the tip of the iceberg, I think, would have a resonance with us, particularly in respect of trafficked women, and some of these trafficked women will have their children with them and to a certain extent, in respect of trafficked children, through private fostering and children in houses, but I certainly could not give any indication of the sort of scale. I know that is what you are looking for, but I am afraid I cannot do that.

Q465 Gwyn Prosser: Councillor Ritchie, earlier in the year I think you chaired a conference of local London authorities on the whole issue of human trafficking. Can you tell us what were the main issues? What were the main problems which figured at that conference?

Councillor Ritchie: As I say, it is a long period of working that London councils have been involved in looking at this issue. At that particular conference we had both lead members for children and families and lead members for community safety, and there is a bit of a problem there. There is a tension because in local authorities it spans two areas of work, if you like, two business groups, so we thought it was an opportunity to have those groups of lead members together and to discuss the issue rather more holistically. As a result of the seminar there were various recommendations that were made and we have also produced, which I am sure Steve will talk about a bit more—at the moment it is in draft—the London Traffic Tool Kit, which is going to be launched next year. So I think we are quite far ahead in thinking how to deal particularly with trafficked children. Some of recommendations that came out of that seminar may be useful for the committee to know and, again, because we are working in local authorities we have various business groups that can perhaps have an impact and an effect on the issue of trafficking. A gender impact assessment with every licensing application, in the same way that the Local Safeguarding Children's Board take a child impact assessment on licensing applications. We would like to run a pan-London pilot to address some of the solutions to the issues that were raised at the seminar. London is in some ways uniquely placed to run pan-area regional pilots and you might, if we had something along those lines, start to get an

indication of the numbers that were involved, because that might be part of the research that would form part of the pilot. Notwithstanding what the police were saying earlier, our recommendation was that police targets should include detection for trafficking and the prosecution of perpetrators. The Common Assessment Framework, which some of you may know, could be used to better identify children who are victims of trafficking. London councils are in a position to disseminate best practice. Obviously, which I think has started to happen now, we were supportive of the Object Campaign which was to get lap-dancing clubs licensed as sex establishments. So those were some of the recommendations. I can talk a little bit more about the tool kit if that is useful or if you are interested.

Q466 Gwyn Prosser: Yes, please.

Councillor Ritchie: Okay. The tool kit that we are about to launch, there are going to be various local authorities that are piloting it. It is very much a multi-agency safeguarding model and it brings together work by London councils, individual local authority Local Safeguarding Children's Boards, the Metropolitan Police, the Home Office, and it includes legislation, local structures, training plans and an update of the original London procedures for professionals in respect of trafficking. Work on the tool kit began in September of this year. We have now got seven local authorities signed up to act as pilots. The thought is that if it is successful, then this is something that could be rolled out nationally. The role of the Local Safeguarding Children's Board would be critical, because they would be the lead to provide other professionals, and I think if we looked at the more general things that local authorities could do that would be very helpful to have the safeguarding boards talking to people like licensing, environmental health, housing people. There is an opportunity there. I think there is a funding issue because the Local Safeguarding Children's Boards have allocations for co-ordinators and they talk about training co-ordinators being desirable, but the issue of funding, you find that you have got the co-ordinators in place often but not necessarily the training co-ordinators in place, and training or raising of awareness was another significant finding of the seminar that we had, that people are just not aware of the amount of trafficking, or trafficking as an issue, and what in their respective areas of activity they can do to be helpful about it. So those are some of the things that this particular London tool kit is going to address. Steve can probably say much more about it.

Q467 Gwyn Prosser: That is very helpful. In terms of our report, if I were to ask you to choose three recommendations which would be most helpful where government could be of direct influence, what would they be?

Councillor Ritchie: I am sort of going to answer your question in a round about way, if I may. I was specifically talking the tool kit that we have developed, but I think there are other things that

local authorities can do. I am sure that there is not enough awareness generally amongst council officers. For instance, Environmental Health have the right to enter and inspect in the private rented sector. If they were properly trained, there is no reason why they should not be able to pick up the warning signs of trafficked women or perhaps trafficked children. Joint operations between Environmental Health and police are helpful. We have certainly done some in my borough. Again, we are talking about training and, as the police were talking about this morning, establishing priority. Until you have the police targets, then it is not a priority for them. It is a bit of a chicken and egg situation. If they do not have the targets and they do not have the priority, they are probably not going to be able to understand the scale of the problem, would be my supposition.

Q468 Tom Brake: Could I ask you to expand on what you are saying in terms of what local authorities and other agencies working with local authorities are doing to help detect trafficking? Have you got some concrete practical examples?

Councillor Ritchie: One of the things, for instance, that I think local authorities could be doing is when you have got lap-dancing clubs or sex encounter establishments often the women involved have to pay for the right to be there. It seems to me that there would be a possibility, as a licensing condition, for the employee to have to produce their self-employed papers to show that they were properly employed and not employed in some underhand way. So that would be something that could be done. I think we could clarify the distinction between children in our care who are missing through unauthorised absence perhaps and those who are genuinely missing and are therefore are vulnerable. I think there needs to be some clarity and some thought in children's services around that that could be done. Those are two suggestions.

Q469 Chairman: Mr Liddicott, do you have anything to add?

Mr Liddicott: I think, Chairman, that the particular point around proof of the nature of the relationship between the child and the adult is something which we do need to focus on more, and I think staff have become more aware of that but need to be continually reminded that, simply because an adult says that they have a particular relationship with a child, they should not necessarily believe and there should be some evidence provided of that relationship, because that will uncover many of the false relationships that are claimed.

Q470 Tom Brake: Can I ask you, Mr Liddicott, who you think should be asking that question? Is that a question that could be asked by a teacher at school or someone in children's services at the centre of a local authority? Who is asking that question?

Mr Liddicott: I think to comprehensively address the issue it has to be the responsibility of any professional coming across a child in the context of providing them with a service. So, yes, a school

should have evidence that a child that an adult is applying for a place for actually has the claimed relationship with that adult, a health professional should have evidence that the child that they are taking to the doctor has the claimed relationship with that adult, et cetera.

Q471 Tom Brake: Is there any guidance provided to different employees of a local authority explaining in which circumstances they might want to ask that question, because clearly that is quite a difficult question for, say, a teacher to ask: "Is this really your mum or dad?"

Mr Liddicott: There is reference in the Trafficking Tool Kit, but I think it is actually a much wider issue, and it is not going to be for an individual teacher, it has to be an issue that is addressed at the point when a child is admitted to a school, when they are registered with a GP, and so on. It is obviously a difficult issue but, unless you apply it fairly rigorously across all children, then you are going to miss some.

Q472 Tom Brake: A slightly different question. The Department for Business Enterprise and Regulatory Reform has responsibility for preventing bad employment practices outside the areas covered by the Gangmaster's Licensing Authority. Are you aware on any occasions on which the regulatory bodies have actually successfully intervened to halt a trafficking operation?

Mr Liddicott: I am not.

Councillor Ritchie: No, it is beyond my ken, I am afraid.

Q473 Bob Russell: Councillor Ritchie, you remind us that you are here looking across London as a whole. Are you aware of any examples of best practice amongst councils outside London?

Councillor Ritchie: No, I am afraid I am not. I am not here representing LGA. I am representing London councils. I can give you some examples of best practice within London, if that is helpful, but not outside of London, I am afraid, I am sorry.

Q474 Bob Russell: You say you are not here representing the LGA, and we appreciate that, but are you aware, wearing your London hat, whether the LGA does have a good exchange of best practice?

Councillor Ritchie: I do not think, if they do, it is anything like as advanced as it is in London. Part of the thing that I am talking about, the pilot scheme, London is really very well placed to run a pilot because it is—

Bob Russell: Is the Chairman is happy for the best examples within London?

Q475 Chairman: Indeed; that would be very helpful. I am sure Kensington and Chelsea is one of them.

Councillor Ritchie: Actually we are not listed here. Tower Hamlets, for instance, is undertaking a strategic review of the impact of the up and coming Olympics on demand for the sex trade and low-level crime and projects will focus on the sale of

counterfeit DVDs and the links to human trafficking. You probably know about victim support in Croydon, Steve. Sutton is running a multi-agency training day on trafficked children that will be open to the voluntary sector, because often the voluntary sector has an ability to talk to people in a way that statutory agencies do not. The Safer Sutton Partnership trains the borough's police community support officers on identifying trafficked children. The Contact Point Centre is looking at homes that have more than four children to identify if some of those children might be trafficked. So that links up also with the private fostering situation and the number of children in a house. In Camden the role of the Community Safety Partnership Adviser has been created specifically to focus on issues such as human trafficking, child labour and honour-based violence, and they are also engaging with faith organisations and immigrant community organisations and they are continuing to explore issues around licensing. Finally, in Camden and Islington the Safeguarding Children's Boards are working together in partnership with other agencies to focus on human trafficking now that Eurostar has moved to St Pancras. So those are some examples of some good practice in London, and certainly London councils could be a repository for examples of good practice.

Q476 David Davies: We have taken evidence from various police officers and others who have suggested that unaccompanied asylum seeking children who announce themselves at airports and ports are always taken away to children's homes but are very often tragically picked up by pimps and disappear off the radar screen. I have tabled a number of questions about this and I know that several hundred, towards a thousand children a year are walking out of children's homes but the Government do not seem to be able to provide any figures as to how many of those are asylum seeking children and how many of them never return and never show up again. Do you have any idea of whether this is a problem? Is this something we should be looking at? Do you have any more information about this for us?

Mr Liddicott: I cannot give you a precise figure. I know that colleagues who work in those authorities where there is a port of entry support report that some of the young people that they support who present as unaccompanied asylum seeking children do go missing. I think it is worth putting that in context and that is to say, that out of the 3,000 or so young people under 18 who claim asylum in the UK each year, 85% of them claim asylum as in-country applicants, so it is actually the minority who are port of entry applicants. Colleagues in Kent in particular have reported that a percentage of their young people do go missing and sometimes they recover them and they have some evidence as to what has happened with them, but on other occasions they do not. Those of us who work in local authorities that have supported significant numbers of unaccompanied minors do know that sometimes young people are looked after by an authority and

that they choose to re-present to a different authority, so some of those who appear to have gone missing may be reappearing.

Q477 David Davies: There is no blame attached to any of this, but obviously if they move from one local authority to another then there would be a record of that. What you are saying is that there may be dozens or perhaps scores who have just disappeared completely. Surely that is something we should be concerned about. Would it be realistic for me to say that perhaps upward of 20 young children each year are just disappearing and we do not know what happens to them?

Mr Liddicott: In terms of your first point, you assumed that a young person would re-present under the same name and give the same set of circumstances, but it is our experience that they do not necessarily. I would be loath to put my name to a number, but I would have thought, based on the information that I have heard, that a number in the order of 10 to 20 is not unreasonable.

Q478 David Davies: Is this suggestion of guardians keeping track of individuals something that would help or is it not going to make any difference if the homes are not secure?

Mr Liddicott: It is a proposal I have heard of previously. I have yet to understand quite how that would be seen to prevent that happening. It is my understanding that for those young people who are trafficked, who do go missing, either they are under some duress or they are a participant in what is happening to some extent and if that is the case then the presence of another adult who is going to be at a distance is not going to make a lot of difference in terms of preventing that.

Q479 David Davies: Is the National Register for Unaccompanied Asylum Seeking Children likely to help or will we be presented with the same problem, people are disappearing because the homes are not secure and not showing up again?

Mr Liddicott: The National Register for Unaccompanied Children is a good mechanism by which we have a far better understanding of which young people are being supported by which local authorities from which countries. It is certainly far better than we had two or three years ago at the point when the register was first being established. It is a means by which you may be able to track some of those who go missing but, as I said before, you cannot always assume what will have happened to somebody who ceases to have support from a particular local authority.

Q480 David Davies: Councillor Ritchie, when I visited Europol last week to discuss these matters with the officers there, they suggested that children who go begging are actually more profitable to these traffickers than prostitutes. We have talked about ways of killing the demand as it were. One thing that came out of the conversation as a possibility—and it was one of my suggestions, I do not want to blame it on Europol—was perhaps some sort of campaign

to warn people about the fact that if they give money to children or to parents with a child very often they could be inadvertently responsible for a cycle of trafficking and abuse that is going on. I wondered whether any of the councils, particularly Westminster, found that to be a particular problem?
Councillor Ritchie: We have significant incidence of aggressive begging with children in my borough. As a local authority, wearing a safeguarding hat, we look at the children. At one stage we were told that they were probably drugged in order to keep them quiet during the begging. We were not, from a safeguarding perspective, able to do anything because in the incidences that we looked at they were not drugged. It is a major crime. It is an organised crime in that way. We do work with the police. What we tend to find happens is that it just moves them on to another place.

Q481 David Davies: What about a national campaign warning people not to beg?

Councillor Ritchie: I think that would be helpful. The aggressive begging in my ward is around Harrods. They obviously think that people are going to have a lot of money and therefore that is good ground to be on. In some cultures giving to the poor is something which is recommended and the proper thing to do. We have done some local advertising about giving to beggars, but I am not aware of anything being done on a national basis.

Q482 David Davies: Do you think it would be helpful to do that?

Councillor Ritchie: I do, and particularly for those beggars that are accompanied by children because that is the one that tugs at the heart strings.

Q483 Margaret Moran: Let me take you back to the point about where children are vanishing from. I have been told by Bedfordshire University, who are doing some research with the NSPCC, that a certain number of children are leaving here within 48 hours and that there are specific routes to towns in the UK where they are being trafficked to by these gangs. Are you aware of that research? What would you say should be the response of your association to ensuring that there is some mechanism whereby social services or children's services in those areas are networking together to ensure that children are safeguarded?

Mr Liddicott: Yes, I am aware of the research. My authority, the London Borough of Croydon, has been one of the participants in that research. There is growing information about some of the countries from which children originate, some of the routes and some of the destinations. I came in to this room at the point when the police were coming to the end of talking about the need for better information about that. If we are able to get better information so that we are clearer about which countries, which routes, which destinations, then collectively we need to do what we can in order to disrupt that trade.

Q484 Margaret Moran: We are talking about various criminal activities by trafficked children. Obviously there have been some very high profile media reports. There has been the issue of Romanian children being involved in organised stealing. We have heard of children being used specifically for benefit fraud. How do social workers identify the children involved in those activities, and what sort of training are they given both to identify and tackle that?

Mr Liddicott: Certainly when I did my social work training, which was quite a long time ago now, it did not cover any immigration law and it did not cover many of the issues that you have touched on. It is not my understanding that there is a significant amount of information provided within current social work training. Some of it goes back to the point that I made earlier which is that it is more about the generalities, ie is this child who it is claimed to be and can you prove it, because that actually gives you a way in to identify whether or not this child, who is purported to be a son or a daughter, has indeed got that relationship. It does not avoid the use of false documentation. I think there is perhaps a need for there to be some closer work between local authorities and particularly the Immigration Service in terms of knowing what an accurate document is and what a false document is. I think that goes some way to avoiding simply taking people on trust, which is how we have worked in the past.

Councillor Ritchie: We talked earlier about the Common Assessment Framework. There is an opportunity there to use the CAF to perhaps identify trafficked children. I guess the other part of it is the Local Safeguarding Children Boards. There has at least been a start there to allow them to be more aware of the trafficking issues. We certainly have had presentations from Pentameter to our safeguarding board and I am sure you have in yours, but that is not necessarily general practice. Safeguarding boards can take a lead in disseminating information, raising awareness and I think that is an opportunity we have as well.

Q485 Margaret Moran: I would have assumed a lot of this would have flowed from the issues around the Victoria Climbié case, obviously not the child protection issues per se, but the fact that there was a child involved in private fostering.

Councillor Ritchie: She was trafficked, yes.

Q486 Margaret Moran: We also know that children are being used in that context as domestic slaves. What actually has been implemented since Climbié that has made a difference to the issue that we are now discussing?

Mr Liddicott: I think primarily it is around the care with which information is gathered, but I would not want that to sound as if it was too much of a confident statement because I think that, for all the reasons that we have touched on before, the awareness across professionals both within social care services and across health and education services needs to be raised in order that whichever party first comes across a child and an adult will be

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thinking about, “Has this person evidenced their relationship with this child? Are they really their aunt or their mother or might there be something more to this than is initially being presented to me?”

Q487 Margaret Moran: Is that routinely done within children’s services?

Mr Liddicott: I think it is in some areas, but there is still some further work to be done to heighten the overall awareness of the need to be undertaking that sort of check. In response to some of the earlier questions about whether or not you do it with some or with all parents, I think in the end you can only feel that you are being safe about the way in which you are conducting that sort of inquiry if you are doing it on all occasions because it is the one when

you think “Well, I am satisfied with that relationship” which may well prove not to be the case.

Q488 Chairman: Councillor Ritchie, Mr Liddicott, thank you very much for your evidence to this Committee. We have been very keen over the last few months to visit a children’s home where there are children who have been trafficked. We are finding it very difficult to arrange such a visit. Through your good offices could you see whether you could do something to help us before the inquiry is completed because it would be good to meet them?

Councillor Ritchie: Would we do that through ALDECS or London councils? We can do it through either of those routes.

Chairman: Thank you very much.

Witnesses: **Rt Hon Harriet Harman MP**, Leader of the House, and **Mr Alan Campbell MP**, Parliamentary Under-Secretary of State for Crime Reduction, Home Office, gave evidence.

Q489 Chairman: Leader of the House, may I just start with an issue that is not related to human trafficking but the events of last night in the House of Commons. The Committee has decided to hold an inquiry into the policing aspects of the arrest of Damian Green. We will publish our terms of reference shortly. Do you have any views on that?

Ms Harman: The only thing that I would say to the Committee is that I think it is very important indeed everybody recognises the sort of turf issues here. Just as we expect ourselves to be legislators and that is our domain, we expect the police to be able to conduct their own investigations without feeling that we are somehow on their turf and in their face. All I would ask is for the Committee to make it absolutely clear that you respect the fact that the police are going to continue their investigation, if that is what they are going to do and that is their right to do it, and that this Committee is not impeding their operational independence, which I am sure will be second nature to you, Chairman, and to everybody on the Committee. That is my only point and that indeed was the point that I was making yesterday in the House. There are clearly many issues that will arise, but we have got to let the police do their work. I also think that the terms of reference need not in themselves to be cast in such a way that the police will perceive that they are an interference with their operational independence. You can imagine the sorts of things that could be in the terms of reference which the police would feel would cut across their investigation.

Q490 Chairman: Indeed. Is it the Government’s intention to continue with the committee that was voted on yesterday by the House?

Ms Harman: The committee was brought to the House at the request of the Speaker from his statement last Wednesday. It is really a matter for the Speaker, the House having decided that it wants to establish a committee but that it should not commence its work until after the police

investigation. I think the key point was that the House was concerned that any future searches should be subject to a warrant, the Speaker had already made it clear that that is the situation, and that the parliamentary server and all the data should be secured and he made it clear that he has taken that in hand. So future searches and protection of the parliamentary data network he has already taken in hand.

Q491 Mr Winnick: We are going to have an inquiry which will look into what occurred, the police raid and all the rest of it. Can we work on the basis that we will have the full co-operation of the House because inevitably there may well be witnesses that we will wish to call who are in fact some of the most senior officers of the House of Commons?

Ms Harman: I think that careful thought will have to be given as to whether or not the issue that you are going to be inquiring into really goes to the heart of what lies behind the police action because what lay behind the police action of search was the facts of a particular case. It was not just a process which was an issue, it was the question of whether the facts justified the process. I think it is very difficult to look back at the process without looking at the facts that underpin the process. That is why I think that if you are looking backwards you will find yourself asking questions of the officers of the House which relate to facts which are the subject of a police investigation.

Q492 Mr Winnick: We will be looking at the police raid on the House. We will not be looking at the alleged leaks which took place.

Ms Harman: But the police search was on the basis of a criminal investigation.

Mr Winnick: We will be looking at what happened on the Parliamentary Estate. I do not think we should anticipate what we will find as a result of our inquiry. We have noted the points that you have made.

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Q493 Chairman: We shall move on now to human trafficking, if we may, and what the Government seems to feel is an increased demand for sexual services by men. Does this underpin the Government's approach to human trafficking, the fact that there seems to be an increase in the demand for sexual services by men?

Ms Harman: I think that what appears to be evident is that within the sex trade there are a growing number of women who are brought in from abroad. Anecdotal evidence which has come from the Metropolitan Police is that something like 85% of women who are in brothels are from abroad and that is a big increase on what it used to be. Perhaps I can characterise it as it used to be a kind of very unpleasant industry, a homegrown cottage industry. It is now an international serious organised crime with victims being doubly vulnerable because there are hundreds, sometimes thousands of miles from their home. Sometimes they do not speak the language, they are miles away from their family and from any support system. They are more trapped because of the fact that they are brought from abroad and exploited. I do not know whether or not there is an increase in buying sex overall, but I do have a strong sense that the nature of the sex industry is changing and it is in the hands of those who do drug running, gun running, money laundering and the sex trade, it is all part of the same organised criminality. When I was Solicitor-General I looked at all the prosecution statements of many cases because some of them I was referring to the Court of Appeal as unduly lenient sentences and one of the things that is clear is that these young women are regarded as a capital asset as well as a revenue asset. So if a woman is required to have sex with 20 punters a day that is a big revenue asset but she is also a capital asset. There was one case in which I read the prosecution statements where in a supermarket car park two gangs were negotiating over a girl and she was sold for £5,000. These women are not just sold to the punters, they are bought and sold between gangs and that is a new, really ugly dimension. I just think that we are going to look back on this and think "Is that the hallmark of a civilised modern society, young women being bought and sold in supermarket car parks?" I think we will look back and think that is a medieval, primitive way of going about things and that we should do everything we can to stop it.

Q494 Chairman: The proposal of the Home Secretary, which she outlined on 19 November in her statement, is to put the onus on the sex buyer, the man who goes in there. We have had evidence from Commander Gibson who heads the Human Trafficking Unit which says that it is very difficult to enforce a situation where a man is expected to ask a prostitute whether or not she has been trafficked, and even if he gets a negative answer, he is still to be prosecuted. The police themselves—although this has not been formally communicated to you—feel that the new proposals are unenforceable. What do you say about that?

Ms Harman: Again, when I was Solicitor-General I used to see cases and in one particular case there was this young woman who had escaped from being held in a brothel and then she was caught by her traffickers and brought back to the brothel. Ultimately she did escape and was able to give evidence in a criminal case where somebody was convicted. She said that when men were brought in to have sex with her, after she had escaped the first time and been recaptured, she would say to them "Will you help me escape?" and then nearly all of them just went on and had sex with her. They were on notice that she was being held there against her will.

Q495 Chairman: That is a clear situation where somebody is on notice. What if they are not on notice?

Ms Harman: Let us identify that the proposals the Home Office are bringing forward would actually deal with that situation where the woman is asking for help. In one case the man, on the basis that she had said she was being held captive, did not have sex with her, but all the others just went on to have sex with her and arguably that could be rape, but what we are talking about is a slightly lesser offence here. I would strongly endorse the work that the police are doing, that the UK border agencies are doing and that is being done internationally to stop the supply side, but actually we have to address the demand side because this trade would not be happening if men were not buying sex.

Q496 Chairman: How do you stop men buying sex? How does the Government stop this?

Ms Harman: We have brought forward a proposal for changing the criminal law which means that if the woman is there for somebody else's gain or she has been trafficked in and is being held captive then that is a strict offence. In that case the man who pays to have sex with her takes the risk. Instead of her taking the risk, he takes the risk that actually, if it turns out—and even if he could not have known it at the time—that she was there controlled by a pimp or brought in by a trafficker, he is guilty of a criminal offence. When you think of what it must be like to be told that you have got a job in a hairdressers in Birmingham or a hotel in Manchester and then you discover that you are raped by your traffickers, that is always the first thing that happens, broken in, and then you are effectively raped 20 times a day, then we have to say that the men who are handing over the money that makes these women vulnerable have got to be answerable for what they are doing to create this trade.

Q497 David Davies: Can I just take issue with you on the language you use first of all? It is very important that you do not talk about men in that general sense. We do not talk about blacks who knife people or Muslims who drop bombs because we know it is a very small minority in each case who do that and we do not stereotype entire communities. I would have expected you to be a bit more careful in the language you use. Secondly, if you are trying to quench

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demand, Europol have told me that child beggars bring in more money than female prostitutes. Do you suggest that we prosecute anyone who gives money to a child beggar if it turns out that that child has been trafficked? If not, why not?

Ms Harman: I do not want to see any child begging on our streets. I think any child that is reduced to begging has fallen through the net of the support services and actually we should not have any children like that.

Q498 David Davies: Of course not. Do you suggest that we prosecute anyone who gives money to a child who is begging because by the same logic they are furthering the cycle of abuse and trafficking which is similar to women who are brought in and trafficked for sex?

Ms Harman: Walking past a child in the street and giving that child money is quite different from having sex with somebody.

Q499 David Davies: It is the same logic, is it not, because you are trying to clamp down on demand?

Ms Harman: No, I do not think it is.

Q500 David Davies: You are trying to hit the user and the person who ultimately is perpetrating this and I can understand why you are doing that, but by the same logic, should you not also be hitting those who perpetrate child begging by giving money to beggars and perpetrating that cycle of abuse?

Ms Harman: Is that what you were proposing?

Q501 David Davies: No. I am asking if you are and, if not, why not because the logic would apply in both situations, would it not?

Ms Harman: I hope that what I have said—

Q502 David Davies: It has been very emotive, but you cannot look at the law in an emotive way, you have got to look at it in a logical fashion.

Ms Harman: I think it is a horrible, horrible exploitation—

Q503 David Davies: You are being emotive again. We all understand that.

Ms Harman: It is an emotive issue. I will have to write to you on the question about child beggars. I have not addressed it in the context of human trafficking of women for sex.

Q504 Tom Brake: Ms Harman, I would like to return to something that you said about there being anecdotal evidence in terms of the number of women who are being trafficked and having to work in these sorts of establishments. We heard from the police before you arrived that they seemed to be waiting for a major piece of research to be done before they will have an appreciation of the scale of the problem and, therefore, presumably before they know what sort of priority to allocate to tackling sex establishments. Why are we still waiting for a major piece of research to establish the scale of the problem?

Ms Harman: If you know there is a serious problem, you do not need to wait for research before you take legislative action. This is not a numbers game. You can see in the courts that there is a problem. We know enough about it to know that it is a major problem. I do not think anybody challenges what I have said, which is that the sex trade is changing in nature and becoming part of serious organised crime. We have seen plenty of cases that have been successfully prosecuted through the courts that make it clear that is the case. That being the case, it is important that we take further action.

Q505 Tom Brake: Does it worry you that the police would appear to be waiting for a major piece of research to be carried out so that they can establish the scale of the problem on a national level?

Ms Harman: Obviously it will help the police the more research there is, but I do not think they are waiting for this research. They might be anticipating or expecting this research. I do not think they have put on hold their actions. I think that they are very aware of the concerns. I have got the south London press here and it says, “New Japanese Massage”, “Far East Beautiful Girls”, and then you find in the actual part of the editorial it says, “A woman who ran Britain’s most profitable vice ring has been jailed for two-and-a-half years . . .” and then her name, “Sutima Khongpon, of Leigham Court Road, ran the Oriental Gems escort agency”. So we have the criminal trials going through the court and the ads in the same newspaper.

Chairman: We are coming on to this very point now.

Q506 Mr Winnick: Perhaps I could preface my remarks by saying that as someone who occasionally may criticise ministers, many of us deeply admire the way in which over the years you have campaigned against discrimination towards women and that is very much in your favour and I am sure history will record it accordingly. I want to turn to the question of advertisements carried by local newspapers for sex-related establishments, and we have asked one or two editors why they carry such obnoxious advertisements. I understand that you have asked the Women’s Institute to help in trying to persuade newspapers not to pursue this. Is the Women’s Institute doing its best in helping such a campaign? Have they started ringing around and writing to local newspaper editors?

Ms Harman: The Women’s Institute has got a long track record of taking up social issues in the kind of market towns or cities where they live, so they are a kind of community based, social orientated organisation. They have been growing, in parallel with the Government, increasingly concerned and discussing it in meetings. I went to a meeting organised by the Women’s Institute in Sally Keeble’s constituency in Northamptonshire about two years ago and there were over 100 people packed in. They are already concerned. I have just been liaising with them and working with them. It is not so much that I have asked them to do it, it is that they have got their own concerns and therefore they are doing it. This is a big issue, a big talking point for people in

terms of attitude, what sort of society should we be, should we be feeling that this is an unfair accusation against men or should we feel that it is not the way society in this day and age should be going, and these are the kind of issues that the Women's Institute really think through and grapple with. I think the fact that they are raising these issues with their members and stirring up the discussion about it of itself is very important. The views are very divided and no doubt views will be divided amongst their membership, but I think that they are taking the view that they do not want to see these women for sale alongside the ads for skips for hire and pets lost and sold, so they are writing to newspapers and newspapers will have to work out whether something like the 4% of their revenue that they get from this sort of advertising is worth it. Leaving aside the legalities, do they really want to be doing that?

Q507 Mr Winnick: Nearly half a century ago some of us tried to persuade local newspapers not to carry advertisements which were racially discriminatory and so to some extent it is like that, is it not?

Ms Harman: It is.

Q508 Mr Winnick: Women and children are the main victims of areas of trafficking other than the sex trade as such, particularly when it comes to domestic servitude. Is this also very much part of a campaign to alert women and children that they could become domestic slaves—in some cases they are being well publicised—and to try by every possible means to stop what is happening?

Ms Harman: I think women who are brought in for domestic servitude, especially if their papers are then confiscated by the person that brought them in, can feel very vulnerable indeed. Some of them are brought in as young girls and are very vulnerable to exploitation, including sexual exploitation. Sometimes they are sexually abused by the people who are employing them. It is a different area of exploitation than the one I have been talking about, which is about trading in the young women for sex, but I think it is something that people are concerned about and I know that work is going on. The trade union movement is concerned about it, the black church is concerned about it, voluntary organisations like Kalayaan are concerned about it and I know that the Home Office has been doing work on this as well.

Q509 Margaret Moran: It is very laudable to mobilise the Women's Institute to put pressure on papers and many of us have been doing likewise. In terms of cutting off the demand, there is the issue of penalties for the men who are buying these services and the issue of awareness raising. Do you think that the Government should be doing more to make local authorities, schools, the voluntary sector, aware of the realities behind sexual exploitation of this kind? Bearing in mind the last evidence that we just had from Councillor Ritchie et al, do you think that local authorities are doing enough to use their licensing

and other associated powers to bring penalties to bear on those that are running saunas, strip joints or whatever it might be?

Ms Harman: When you have got a new shape of a phenomenon with something that has been a domestic trade turning into an international trade then everybody needs to think how this affects our work: are we correctly identifying it and are we acting correctly once we have identified it? Whether it is the Borders Agency, the courts or, as you have said, local authorities, everybody needs to think, "Are we really across this issue working with other people who are and are we doing as much as we need to do?" As far as the penalties is concerned, I think the courts have really taken this very seriously and done what they can to say we are going to pass really very swingeing sentences because we want to send out a message internationally that if you get caught here you are going to spend a very, very long time in prison. I do not think you should worry about saying penalties for the men because actually I do not think that it is women who are using men for sex and therefore we could actually say "persons" to try and degenderise it, but this is a gender-laden thing. This is male exploitation of women. I am not saying all women are exploited and I am not saying all men are exploiters and this is an issue for me as Minister for Women. These women are vulnerable when they are trafficked and brought in because there are men buying sex.

Bob Russell: Minister, the Women's Institute is a formidable organisation and I wish them well, but there is some good news because when we started our investigation *Newsquest's* publications were publishing the very sort of advertisements that you read out there, but by the time they came to give evidence, by an amazing coincidence, they had dropped them all. I wonder, Mr Campbell, wearing your Home Office hat, if you could have a look at what is going on in Suffolk where the *East Anglian Times* is still carrying these advertisements with a little note at the top saying, "The following details are known to the Suffolk Constabulary," as if that is some indication that it is "okay, mate". I am pretty sure that it is not the role of the police to give a blessing to prostitution.

Q510 Mr Streeter: Leader of the House, I admire your passion on this subject and agree with you it is a male on female issue, but in government it is about finding dispassionate and effective solutions. We heard earlier that the police more or less know where all these brothels are. You have said that 85% of the ladies in these brothels are these days from overseas. Why is it not possible for the Government to initiate some massive campaign here for the ladies in these brothels to be interviewed confidentially by the police and asked, "Have you been trafficked? Do you want to escape?" and if they say yes, there and then to be taken away to a safe place? If you feel as passionately as you clearly do and rightly so, why cannot we have a major intervention of that kind which might then get to the heart of how many of these girls have been trafficked and how many have not and take them away to safety?

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Ms Harman: Because that would be based on an assumption and a position, which I certainly take, that women in brothels are leading a terrible life and being exploited irrespective of whether or not they are trafficked, but actually what we are talking about is whether or not that is the general view that everybody has and that therefore that justifies the police going in to every single brothel and raiding it.

Q511 Mr Streeter: Many of the girls will say, "I am happy, thank you very much," and carry on, but many of them will not.

Ms Harman: I shall give that some thought.

Chairman: Leader of the House, we did agree with your office that you had other engagements and if you want to slip away during the next set of questions you can. Mr Clappison is not going to let you go without answering a few more questions!

Q512 Mr Clappison: I cannot help but ask her this in view of all that she has just said about trafficking and what she rightly identifies as being a serious problem. We have just heard from the police that their Human Trafficking Unit is having its funding substantially cut. I wonder what sort of message you think that sends to other countries who we are trying to persuade to work with us to deal with this problem? That is a question for you, Leader of the House, because you have expressed such strong views. This is what the Government is doing about it. You have told us with some passion—

Ms Harman: He might be going to say something reassuring!

Q513 Chairman: Mr Campbell, I have not formally welcomed you. Can I welcome you to the Committee and congratulate you on your appointment. I am sure you will be coming back many times in the future.

Mr Campbell: Thank you very much. The short answer is that we will be match funding the unit for the next 12 months. We have been in discussions with the Met for some time. Our view is that the work that the Met trafficking unit does ought to be core police business. We do not see it as a regional issue, we see it as a national problem. That is the direction in which we think this ought to be developing, but we have had extensive discussions with them in the recent past and we will be match funding the work of the unit.

Q514 Mr Clappison: They seemed to give the impression that their funding was being reduced. From what you have just told us, does that mean that their funding will stay the same or will it be reduced?

Mr Campbell: What I am telling you is that we have put something like £2.3 million in since 2007 because we value the work that the unit is doing, but we will expect the work of the unit to develop and the direction in which it will develop is that we want that work to be done as core police business. We had discussions that led us to the point where we thought that the unit's work in a sense was being wound up and that the work was going out into the boroughs

and the command units, but in fact since then we have had further discussions and we have agreed with them to match fund the work of the unit for a further 12 months.

Q515 Mr Clappison: Is their funding being reduced, yes or no?

Mr Campbell: It is a one year £435,000 match funding because we believe that gives extra time for the Met to make sure that those things that need to be in place are in place so that it can become part of core police business.

Q516 Chairman: The point Mr Clappison is making is that when this project began the Government had given them £860,000. That was reduced to £600,000 and now it is down to £400,000 for the next year. The concern of the Committee in conducting this report, acknowledging the good work that is being done by the Government and this unit, is that at the end of the 12 months there just will not be any money for them. That is the concern that Mr Clappison is putting.

Mr Campbell: That is the position that the unit was in at the beginning of this financial year. They were aware that this was funding over the short to medium term but in the long term that work would be part of core police business. So we knew the direction of travel and the money was allocated appropriately. However, that direction of travel is taking slightly longer and therefore there will be a payment from this year which will take them through next year.

Q517 Mrs Dean: The match funding you have just said about is for the next financial year. Is there a commitment from the Met Police to fund the whole amount for the following year?

Mr Campbell: It will come from our budget this particular year, but it allows them to re-allocate within their budget for the next financial year which will guarantee the future of the trafficking unit until 2010. How they organise their resources is really a matter for them. If they decide at the end of that period that they value the unit's work and that it is essential to the work that they are doing I am sure they will come back to the Home Office and tell us that, but they will also allocate their resources accordingly and if the model that they arrive at is that they want some kind of central unit then I am sure they will look for the resources to do that.

Q518 Mrs Dean: Is it not the case that it should be a nationwide unit and therefore should not the Home Office continue to fund it in the future?

Mr Campbell: This unit is a Metropolitan Police unit. There are other units across the country that will carry out similar functions. Within the police area that we are talking about our view is that it should be core police business, it should be part of what they do and it should be part of the everyday activities of the police right across the Met, rather than a centralised unit. It has been valuable in pointing in that direction, but we believe that the way forward is to make it core police business. That

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does not mean that there will not be other organisations in place, for example, that the Met will be able to use in order to get that national perspective.

Q519 Mrs Dean: If it is going to be core police business, does that mean the unit as it exists at the moment will cease to exist?

Mr Campbell: That was the proposal at the beginning of this year. However, in discussion with the Met Police we have decided that we will match fund it with them for a further 12 months so that they can look at this again and they can continue to have some provision for the next financial year, but the direction of travel is very much in making it core police business.

Q520 Tom Brake: Could you just say what the total budget will be in the next financial year?

Mr Campbell: Yes. Our contribution to their budget next year for this unit will be £435,000. It will be match funded with some money that the Metropolitan Police have found themselves.

Q521 Tom Brake: Match funded pound for pound?

Mr Campbell: That is my understanding.

Q522 Tom Brake: So the total budget will be £870,000 in the next financial year?

Mr Campbell: That is my understanding, yes.

Q523 Mr Clappison: There seems to be a bit of a disjunction between the rhetoric we are hearing from the Leader of the House and what is actually happening on the ground in terms of funding for the police. I had the opportunity to see the expression on her face a moment ago before she left when she was hearing about this. Do you think you will be able to liaise with her about this subject of funding for the future of the unit?

Mr Campbell: We have liaised about it because she was aware of it.

Chairman: We should not read anything into people's facial gestures, Mr Clappison, otherwise we will be here all day!

Q524 Patrick Mercer: I am told that it is still impossible to make even a rough estimate of victims of trafficking employed in legitimate industries. Are you satisfied with the progress that you are making in getting to grips with the scale of trafficking inside the United Kingdom?

Mr Campbell: Is that a question about estimates and how big we think the problem is and therefore whether we are doing enough about it?

Q525 Patrick Mercer: Partially, yes.

Mr Campbell: I think we are making considerable progress and I am sure further questions will draw out what that progress is. In terms of the size of the problem, we have been working to Home Office estimates since 2003 that suggest that around 4,000 women have been trafficked into this country, most of them for sexual exploitation. Other strands of work have suggested that there is somewhere in the

region of just over 300 children that are trafficked into the United Kingdom. However, we are not satisfied that that tells us the whole picture. We have got some work taking place now which will give us a better estimate of the size of the problem. Not only will that give us numbers, it will give us a better understanding of that problem too. We are funding 10 police intelligence units around the country that are looking at organised crime and where trafficking, for whatever purpose, fits into that. The Human Trafficking Centre is looking at data, including from Pentameter 2, in order to get an estimate of the problem. We are also working very closely with our partners like the Serious and Organised Crime Agency and the Child Exploitation and Online Protection Organisation. Those three strands of work will come together within the next year to give us a better estimate of the size of the problem, and I have asked my officials to look at that because we want good figures upon which we will base the policy.

Q526 Patrick Mercer: When will that piece of work be finished?

Mr Campbell: I have asked them to get on with it. However, I do want good, verifiable figures and therefore the best I can say to you is some time in 2009.

Q527 Gwyn Prosser: Mr Campbell, I want to move now to the treatment of people who have been trafficked after they have been rescued. The Human Trafficking Centre is supposed to be encouraging the relevant public authorities to view human trafficking as an assault on human rights, not just an immigration problem. Do you think they are being successful in this?

Mr Campbell: I think we are making real progress on that. May I say as a health warning on this issue that it can be very complex because we need to take it on a victim-by-victim basis. Of course, the UK Human Trafficking Centre brings together a number of agencies and takes the lead on these issues, but where a victim's human rights come into play and where other considerations come into play is a difficult issue, not least because if someone is identified as having been trafficked they do not always want to share that information with us. We have got a big job to do to try and identify who they are and where they have come from and all the other things that go with it. We have made it very clear that if they have been trafficked then they are victims in all of this and whether it is how they come into contact with local authorities who, if they are children, are obliged to provide care for them or whether it is the legal process in which they are involved, the fact that they are a victim should be the primary consideration because, after all, we are about to ratify the Council of Europe Convention hopefully next week and it draws no distinction between the reasons why people are being trafficked and it puts the rights of victims at the centre of that and that is the direction that we are certainly travelling in.

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Q528 Gwyn Prosser: We are told that immigration officers tend to concentrate on quick removals out of the country for people who have been trafficked or allegedly trafficked. What are you doing to make sure that people who have been trafficked are treated by the border control people as victims?

Mr Campbell: The key point as I understand it is that we identify whether or not they have been trafficked because, of course, it would be possible in your scenario for some people to claim that they had been trafficked and use that as a way to get round either employment rules or immigration rules or anything else. So the key thing is to identify very early on whether or not they have been trafficked. That then puts their rights as victims in the forefront and that includes when it comes to immigration matters. Some people who have been trafficked do want to go home, they do want to return. It is not the case that they want to remain here just because they are victims and that this is the best place for them. So we have to tread carefully with this, but I think we also have to ensure that above all the rights of the person who has been trafficked as a victim are primary in this regard.

Q529 Mrs Dean: Can you say how many people have been prosecuted for trafficking rather than other crimes linked to the abuse of trafficking victims? What does the Government propose to do to make it easier to prosecute people for trafficking?

Mr Campbell: The people who have been prosecuted by and large have been prosecuted for other offences. Ninety two is the answer under the Sexual Offences Act.

Q530 Chairman: In what timescale?

Mr Campbell: Since 2004.

Q531 Chairman: In the last four years?

Mr Campbell: Yes, 92 convictions for people who have been trafficked and then sexually exploited under the Sexual Offences Act.

Q532 Chairman: You mean these are the perpetrators?

Mr Campbell: Yes.

Q533 Chairman: Ninety two perpetrators in four years?

Mr Campbell: Yes, and four quite recent convictions for labour trafficking, but that reflects the fact that the focus has shifted on that quite recently. If behind your question is why are they not being prosecuted for trafficking rather than for these offences, the reality is partly because of the difficulty of proving they have been trafficked, that the CPS and others will use whatever means is best at prosecuting these people and it might not be that going after them for trafficking is the best way, it might be that the best way is to use the Sexual Offences Act or indeed other legislation in order to get them. I would not like to think by just looking at those figures that it suggested that we were not taking trafficking seriously because we are.

Q534 Mrs Dean: What can we do to make prosecutions for trafficking easier then?

Mr Campbell: That is a very difficult question. Partly we need more people to be prepared to come forward and to build confidence in that process. When we have signed, for example, the Council of Europe Convention it will send out a very strong signal to people. I think sometimes it is about building confidence, confidence amongst victims that they can come forward and talk to the police about it or bring that to the attention of the police. There is also a big learning exercise for everybody involved in that process, including police officers themselves, including immigration judges, for example, including the CPS, to make sure that they know what to look for in cases so that they can identify if there is an element of trafficking in this. There is a piece of work being done, which again we hope to have available early in 2009, about having a toolkit which will go out to agencies, including local authorities, and by working through the toolkit it will give a much better appreciation of whether or not the person has been trafficked and is therefore a victim or is perhaps subject to a different crime. We would hope for that to be available very shortly.

Q535 Mrs Cryer: Minister, there is an organisation called Anti-Slavery International and they have told us that most of those trafficked into the UK from abroad came here legally, but abusive employers then exploited them and often took away their travel document and/or forced them to breach the terms of their visas. Removing their travel documents is a criminal offence in itself. Why should not others admitted to the UK for employment purposes be given similar rights to those domestic workers to change employers within the sector to protect them from abuse?

Mr Campbell: It is my understanding that domestic workers can change their employment.

Q536 Mrs Cryer: But over and above domestic workers.

Mr Campbell: At the minute we have the points based system coming into play and then we have the visa system for domestic workers that will sit alongside that and we have said that we will review the working of that after two years. We do know that a number of people coming into the country are using domestic workers as a cover for other things. We have already got some safeguards in there, for example, the commitment that someone would need to give before they could bring someone in as a domestic worker. We also try to inform the worker themselves about the rights that they have, and they also have the right to change employer. I think there is a distinction to be made here for people who come into this country with regard to their employment. If there is evidence that they have been trafficked for that -and I think you are getting very close to it when you say they are brought to this country, they are offered a job which may or may not exist and also pay and conditions that may not exist; they get here and they have their documents taken from them and whether they are sexually exploited or they are

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exploited in the workplace, they are still being trafficked—there is a very clear route as to what should happen to them. The national referral mechanism which will come in under the Council of Europe Convention will make that even clearer. However, if it is not clear that they have been trafficked it does not mean that the people who are mistreating and ill-treating them are outside of the law because we have laws about employment, we have laws about wages, we have criminal law about whether or not someone could be beaten for not doing what someone else told them to do, but there is a difficulty in convincing particularly victims that they need to trust the law rather than to trust the people who bring them here and then how you break them out of that cycle of exploitation. We are doing a lot of work through the Vulnerable Workers Enforcement Forum about how best we can open up lines of communication so that these people can come forward, around helplines and other things. So there is a lot of work going on but it is a tricky area.

Q537 Mr Streeter: Minister, you have a whole army of officials out there in the country from building regulation inspectors to health officials who obviously go into houses and could be trained up perhaps to spot incidences of trafficking. Do you think more could be done to train up this army and use them in this way?

Mr Campbell: We have people in place who are not only trained to spot but are spotting because we have had some very successful operations at a number of ports of entry that have had a dramatic effect particularly on the number of children that are coming through those ports and I think that emphasises the point that I have made, that it is important to identify people who are at risk or show risk factors of having been trafficked. To be honest with you, Mr Streeter, I think we have got a job to do to train the people that will come into contact with people who may have been trafficked to look at that as a specific issue, whether that be local authorities and we are working with them in order to do that, whether that be police forces and we are working with them, or whether that be the legal processes and we are working with them too. I think we have got a long way to go but I do think we are making progress.

Q538 Tom Brake: When children are found to be engaged in criminal activities, what would be your advice or your recommendation in terms of the way those children are treated by prosecuting authorities? How should they be viewed?

Mr Campbell: Are you talking about people who have been trafficked into the country?

Q539 Tom Brake: Children who are begging or who are involved in cannabis cultivation for instance. How should they be viewed by the authorities?

Mr Campbell: They should be viewed on a case-by-case basis because there is no strict rule which says that because they are children they should not be held to account for what is happening around them. I know that some NGOs have a view about cannabis

farm cultivation and the fact that there have been some instances of children found there. The difficulty in the context of this inquiry is demonstrating whether or not those children have been trafficked because I think some people have the assumption that they have. If someone is brought into this country as a child and works in a cannabis farm and is paid handsomely for that, then it would be hard to argue that they had been trafficked and held against their will. I do not think there is an easy answer to that. I think there is a particular light that should flash with regard to children if they have been victims of trafficking and, of course, we do make sure that they are treated accordingly.

Q540 Tom Brake: The position you have adopted seems to be different from that adopted by the Child Exploitation and Online Protection Centre who believe that when any form of coercion is involved children should be treated as victims of abuse.

Mr Campbell: They are victims of abuse in the sense that if they have been trafficked and they may have been abused in other ways. We have been absolutely clear that victims of trafficking should not be prosecuted and advice has gone out from the CPS and from ACPO to prosecutors and police officers. We are looking at whether or not that guidance is robust enough and whether or not it needs to be strengthened, but there is certainly a presumption that if they have been a victim of trafficking they should not be prosecuted. As I have said in the context of cannabis farms, it is not always clear.

Q541 Chairman: I think the concern of members is on the issue of funding, but there is also another concern which is the issue of prosecution which was raised with the Leader of the House when she was here. It seems the police are very concerned at the Government's proposals to prosecute men who are supposed to ask prostitutes whether or not they have been trafficked and if the woman has been trafficked then the man will be prosecuted; it is a strict liability offence. Are you aware of the concerns amongst the police about this issue?

Mr Campbell: Yes, we are, which is why we are taking great steps to make sure that when the Police and Crime Bill comes forward—and this is part of it—we get the particular measures right. Let me say two things. To some extent we have a similar liability with regard to underage sex in that it is no defence to say, "I did not know she was not over the age of 16", so there is some precedent in this regard.

Q542 Chairman: But one of them is a consenting adult, the other one obviously is not a consenting adult.

Mr Campbell: Yes. It is, of course, already an offence to control someone for gain, but let me tell you why I think we have arrived in this position, which I think is the right position, a very honourable position, which is, let us say, a raid under Pentameter 2 which identified a woman as having been trafficked and can treat her as a victim of trafficking accordingly and there is a clear process for that. The law can come down very hard on the person who has trafficked

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that person, and so it should. The man, the punter, who is caught in flagrante, walks away and has not committed an offence. After this Act he will have committed an offence.

Q543 Chairman: Is this not an admission of the Government's failure. You spent millions of pounds on trying to find out who the perpetrators of human trafficking are. You set up a special unit, you are matching the funding for the rest of the year. The only way you are going to deal with this problem is to cut down on the ability to buy sex. You hope to reduce the demand for sex rather than deal with the people who are perpetrating these crimes. As Mr Brake said in his previous questioning, why have research when it is quite clear from the Leader of the House that we know where these women are?

Mr Campbell: I do not think it is an admission of failure at all, I think it is a signal and a sign as to how far we have to go in this regard. I do not think what you have said is fair on the progress which is being made on trafficking in general. Most of the women coming into this country who have been trafficked are then being sexually exploited. You are talking about trafficking and we are talking about prostitution, both areas where it is extremely difficult to get hard evidence and to get hard numbers.

Q544 Chairman: Indeed, but the Government cannot stop prostitution, can it?

Mr Campbell: No, but what we can do is make every effort to reduce both demand, which is what we are doing through the Police and Crime Bill, and also to reduce supply. We are working very hard through the UK Action Plan for Trafficking not just in this country but, of course, with our international partners in order to try and reduce that supply too. I do not think anybody is arguing that this particular measure in the Police and Crime Bill will be the magic key that unlocks this and solves this particular problem but it is a very important measure that we are bringing forward and sends out a very strong message which the law ought to be doing about people who are being trafficked and then sexually exploited.

Q545 David Davies: I understand what you are trying to do and I am not as unsympathetic to it as you might think but going after the demand like this, why not, for example, prosecute anyone who buys drugs as though they were responsible for the enormous amount of suffering that that causes all around the world? As it is we tend to treat the users of drugs as victims in many ways and prosecutions for personal use are very light. What is the difference in terms of somebody who buys drugs and somebody who buys sex? If we are going to kill the demand and if you think your Bill will work for one it should work for another. Has it been tried anywhere else in the world and has it worked anywhere else in the world?

Mr Campbell: It is my understanding that if you are caught with a controlled drug then you fall foul of the legal system.

Q546 David Davies: It is a slap on the wrist, you do not go to prison for it.

Mr Campbell: You are saying it is a slap on the wrist but it depends what drug you are talking about and which drug you are caught in possession of.

Q547 David Davies: Even heroin is a slap on the wrist.

Mr Campbell: But, it is still an offence and the law still comes into play and it is also the case that one of the central strands of drugs policy is to particularly concentrate on the dealers and do everything you can to disrupt supply.

Q548 David Davies: The users.

Mr Campbell: If you are a user of a drug, the problem is—even I admit this—even if you just go down an enforcement route with drugs, I do not think you would get to the root of the problem and I do not think you would resolve the problem. What we need in drugs policy is a strong enforcement strategy, which we have, but we also have to have strategies around treatment, for example, which might mean that you do not persecute and prosecute as much as some might say but you do try your utmost to resolve that particular issue for the good of the individual and for the good of society. I do not think that we should run away with the idea that someone who uses drugs is somehow accepted by the law because they are not. In terms of prostitution, I think one of the big problems, and this was reflected in what the Leader of the House said, is that if someone is trafficked and used as a prostitute it is not an open process, it is not about being able to ask someone on the street or to be able to go to somewhere that you know and the police might have a particular attitude in a particular brothel and ask if they had been trafficked. Most of the people who are trafficked to this country and are sexually exploited are in the off-street brothels. They are in the darkness, in the shadows. It is not a case of being able to go and ask them whether they have been trafficked. These are the people who are going to come out of raids on brothels, they are not people that we can expect to be there, that is how we come across them and, therefore, it is extremely difficult.

Chairman: Thank you, Minister. We have a final question on the international dimension from Margaret Moran.

Q549 Margaret Moran: I think all of this is focusing on the balance between prevention and cure or prevention and penalty, but could you say what discussions you have had with your counterparts in the FCO and DFID, for example, in respect of trying to get greater co-operation from source and transit countries. What is your assessment of the effectiveness of Europol in this agenda?

Mr Campbell: If I start with the Foreign Office and DFID. The Foreign Office works very hard on our behalf, particularly where we discuss trafficking in the context of the European Union and the United Nations. They helped to fund an awareness campaign, for example, in Romania about the dangers for people who may be seeking to come to

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the European Union and, of course, on individual cases of trafficking the FCO is very important, using their posts across the world to help us in that. The focus of DFID is slightly different in that they focus very much on alleviating the conditions which might produce the push factors which lead people to leave countries and come to the EU, that is very much a focus of what they are doing. They also, as of course we do, fund a lot of work with non-governmental organisations in order to point out the dangers inherent in that. We value very much the work that we do with Europol, it is an extraordinarily important part of what we doing in collecting and collating that intelligence across Europe which then educates us as to the scale of the problem and of particular cases. Of course, on all of those issues there is more to be done but I think, again, there is a great deal of progress which has happened.

Q550 Chairman: As you will remember, Minister, human trafficking was one of the main discussions at the UK Presidency when Britain held the presidency.

Mr Campbell: Yes.

Q551 Chairman: What we have found on our visits is that there is a lot going on in each of the countries but there is nobody that in a sense brings together the origin, destination, and transit countries. Do you think Britain would be in a position to take a lead on this issue once we have ratified it?

Mr Campbell: Yes, obviously. Looking at this, I was surprised to find so many organisations doing so many things. Although it has been around for a very long time, that might reflect the fact that focus has come on these issues latterly. I think we have done a lot. I think our UK Action Plan on trafficking led the way. When we had the presidency in 2005 I think we played an important part in getting the EU trafficking plan up and running and we continue to push that. The Czech Presidency next year, I know we have been talking with them about making sure that we keep that as a high priority. I think we have got a good record and certainly when I spoke at a conference in Brazil recently about child trafficking there were a number of people who held us up as a good example of what they ought to be trying to do. However, that should not be taken as meaning that we have cracked it and have all the answers because we have got a long way to go, but I think we have a good record in this and we do continue to push at the levels that you are talking about.

Q552 Chairman: When the report is published next year the Committee will be hosting a seminar in May and we hope the Home Office will be involved with that.

Mr Campbell: We would very much like to.

Chairman: Minister, thank you very much for giving evidence to us and I am sure that, as I have said, we will have you back again in the future.

Written evidence

Memorandum submitted by Anti-Slavery International

1. INTRODUCTION

1.1 Anti-Slavery International was set up in 1839 and is the oldest international human rights organisation in the world. Today Anti-Slavery International works to eradicate all contemporary forms of slavery, including bonded labour, forced labour, trafficking in human beings, descent based slavery and the unconditional worst forms of child labour.

1.2 Since 2000, Anti-Slavery International has done a considerable amount of policy and research work related to trafficking in human beings.¹ At the European level, Anti-Slavery International was involved in the development of the Council of Europe Convention Against Trafficking in Human Beings and has been a member on the EU Experts Group on Trafficking in Human Beings. In the UK, Anti-Slavery International has been involved in different multi-agency consultative groups, including the Counter-Trafficking Steering Group (from 2002) and the Stakeholders Group on Human Trafficking which replaced it at the end of 2005. These groups have brought together NGOs, police, immigration and government officials to discuss and develop aspects of counter-trafficking policy. Anti-Slavery International is also on three of the UK Human Trafficking Centre sub-groups, one of which we chair.

2. WHAT WE KNOW ABOUT TRAFFICKING IN THE UK

2.1 Government research shows that there were an estimated 4,000 victims of trafficking for prostitution in the UK during 2003 at any one time—a huge increase from the top estimate of 1,420 in 1998. Ten years ago roughly 85% of women in brothels were British, now 85% are from outside the UK. In 2006, a four months police operation, Operation Pentameter, identified and released 88 trafficked women including 12 minors.²

2.2 In relation to children, ECPAT UK's research from 2004 documents 35 cases of child trafficking in 17 London boroughs. Most of these children were trafficked for domestic work or for prostitution, but there were also cases of trafficking for benefit fraud, restaurant work and involvement in illegal activities. While many London boroughs had not identified specific trafficking cases, 32 out of the 33 boroughs were concerned that they had a problem with trafficked children.

2.3 ECPAT's research in 2006 in three regions of the UK found 80 reported cases of known or suspected child trafficking (in 60% of cases the child had gone missing from social services and had not been found). Most children were from China, Nigeria, Somalia and Vietnam (19 were male) and 28% of the children were under 16 years old. This was consistent with the findings of Government research which identified 330 cases of known or suspected child trafficking (around 50% of whom had gone missing).

2.4 Anti-Slavery International expects that members of the Committee will receive a number of submissions specifically on the trafficking of women for sexual exploitation and the trafficking of children to the UK, including from expert organisations such as Eaves Housing and ECPAT UK. For this reason, Anti-Slavery International has decided to focus its evidence to the Committee on the trafficking of people to the UK for labour exploitation.

3. TRAFFICKING FOR FORCED LABOUR

3.1 In the UK Action Plan on Tackling Human Trafficking (2007), the Government states:

“At the moment we do not have sufficient evidence regarding trafficking for forced labour to enable us to make a full assessment of whether it poses a significant problem for the UK. We recognise that we need to improve our knowledge base in this area.”³

3.2 While Anti-Slavery International would agree that there is a “lack of information concerning the scale of the problem”, we do believe there is sufficient information already to show that it is a significant problem for the UK and more immediately for the migrant workers affected.

¹ Recent publications which include research specifically on the UK include: *Collateral Damage: The impact of anti-trafficking measures on human rights around the world (2007)*; *Trafficking for Forced Labour in Europe: report on country studies in UK, Ireland, the Czech Republic and Portugal (2006)*; and the Protocol for Identification and Assistance of Trafficked Persons and Training Kit (2005); These can be accessed at: <http://www.antislavery.org.uk/homepage/antislavery/trafficking.htm>

² It should be noted that there is no publicly available assessment of what assistance and support was offered to these women and children after they were identified as trafficked people or what happened to them subsequently.

³ Home Office, UK Action Plan on Tackling Human Trafficking, London, March 2007, page 5.

3.3 In 2006, Anti-Slavery International published the findings of six months research on trafficking for forced labour in the UK. This was a qualitative rather than quantitative project which aimed to provide information about how migrants become trafficked and which industries in the UK are affected.⁴ During the research 27 individual cases were identified in which migrant workers had been trafficked for forced labour in the UK.

3.4 More than one case of trafficking for forced labour took place in the following industries: agriculture, construction, food processing and packaging, care/nursing and the restaurant trade. Anecdotal information is available about people being trafficked and forced to work in motorway services, as casual labour in ports, doing laundry and in nail parlours. In several cases, information was received which indicated that people had been trafficked for illicit activities such as shoplifting, pick-pocketing and the sale of pirate CDs and DVDs on the street.

3.5 An example which appeared to be trafficking for illicit activities which was reported to the researcher, but not documented as part of the 27 cases, involved a group of women from the Baltic States who were repeatedly recorded on CCTV shoplifting in supermarkets in the South of England. The recordings showed a man that seemed to be supervising the group. The police raided the flat where the women were staying and found that they were all sleeping in one room. The flat was very basic and none of the stolen goods were found on the premises. The women denied knowing the man that appeared to be the supervisor and seemed anxious, afraid and intimidated. In an informal talk with a translator, they seemed ashamed of what they were doing and said that they had come to work, but the work they were promised was not available when they arrived.

3.6 The January 2008 police operation in Slough, which targeted suspected trafficking of children for forced begging and theft, provides further evidence that this kind of trafficking does take place in the UK.

3.7 Among the 27 trafficked people identified in the study there were nationals of European, African, South American and Asian countries. However, certain nationalities were concentrated in particular industries. For example, trafficking into agriculture mainly affected individuals from Central and Eastern Europe.

3.8 The migrants were compelled to work against their will in exploitative conditions through a variety of coercive mechanisms. The most common of these were debt bondage, the removal of their identity documents or the use of intimidation and threats.

3.9 Agencies commonly charged fees for arranging work which put the migrant workers in debt even before they arrived in the UK. These fees ranged from several hundred to thousands of pounds. Care workers from Bulgaria paid £2,000 for jobs to be arranged in the UK, which was then deducted from their wages and included very high interest rate charges. A Polish woman was told that according to the law in the UK she had to pay £300 as part of facilitating a job as an au-pair. Additional deductions were also made from wages and often justified as a requirement under UK law (for taxes, worker registration, visa extension, national insurance etc.).

3.10 Removal of documents is also a key method through which people are controlled by their employers. Research by the NGO Kalayaan, which works with migrant domestic workers, found that, between April 2006 and March 2007, around one third of the 340 domestic workers registered with the NGO during this time had their documents retained by their employers.

3.11 The research showed that migrant workers often do not speak English, are isolated from wider society and do not know what their rights are under the law. The vulnerability of migrant workers means that any one of the coercive mechanisms highlighted above can be sufficient to coerce them into working in conditions they did not agree to. In some cases a variety of control mechanisms are used.

3.12 One of the domestic workers interviewed worked seven days a week, from 6am until all the family members went to bed (sometimes well after midnight). In two years, she was not allowed to take a single day off. Several of the care workers had similar experiences, being made to work 95-97 hours a week without being entitled to days off. These workers were contracted by an agency to provide care in the home of clients, but the travel time between clients (often an hour) was not included in their work hours or their pay, even though the clients were paying the agency for the travel time.

3.13 Another case involved two Vietnamese men in their twenties who were recruited in Vietnam to work in a hotel in the UK. They paid the agent £18,000 to arrange the job and came to the UK under the work permit scheme with a promise to receive £4.95 per hour for their work. On arrival in the UK an agent met them at the airport and took their passports away from them. The men worked in a major hotel chain for two months without receiving any pay. All they were given was food. They attempted to organise a strike at the hotel, but almost immediately after this their families in Vietnam received threats. The men were too frightened to approach the Vietnamese Embassy or the police and only approached a Citizens Advice Bureau office via a Vietnamese speaking person they met on the street.

⁴ In the course of the research 23 professionals working in various agencies that come into contact with migrant workers and 11 migrant workers employed in different industries were interviewed. Some 300 migrant worker case files which the Citizen Advice Bureau offices had recorded in the past year were also reviewed.

3.14 There are two key findings from the research which need to be highlighted because of their policy implications. Firstly, the majority of the trafficked people identified in the report entered the UK legally. Traffickers are using regular migration routes and work visas, but utilise debt bondage, the removal of documents and migrants' uncertainty about their rights and status to subject them to forced labour. Many of the migrant workers believed they were dependent on their employer in order to stay in the country (eg for visa extensions). In other cases the employer retained the migrant's documents, sometimes claiming they had sent the documents to the Home Office for official purposes, until the workers became irregular and were therefore much easier to exploit because they no longer had a right to be in the UK.

3.15 This clearly shows that regular as well as irregular migrants are subject to trafficking for forced labour and that strategies which look at trafficking only as part of organised immigration crime are not going to identify a significant number of people who are working in forced labour conditions.⁵

3.16 Secondly, none of the 27 cases were identified as trafficking cases by the agencies that initially recorded them. Furthermore, in the majority of these cases there is no information as to what has happened to the trafficked people. This reflects both a real lack of awareness about trafficking for forced labour amongst individuals in the relevant agencies and also a lack of support services for the people affected.

3.17 One domestic worker interviewed in the research recounted her friend's experience:

“She managed to run away—through a window—from the family that treated her like a slave. She was terrified and had bruises on her body. Her passport was locked in the house. The policeman at the station asked her for her documents. She of course did not have them and wanted to tell him what happened, but he insisted on her documents first and said he must first know who she was.”

3.18 Even when agency personnel have concerns about the treatment of migrant workers they are unsure about what they can do about it or where they can refer them to for assistance. One social services worker who visited a factory saw that the supervisor had many passports locked in a drawer of his desk. He explained that it was a safety precaution, because there were cases of theft at the factory. The woman who worked for social services was worried about the workers, but did not know what to do and was advised by her supervisor not to get involved in such issues.

4. CONCLUSIONS

4.1 The UK introduced an offence of trafficking for sexual exploitation in the Sexual Offences Act 2003 and separate offence in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 which covers trafficking for all forms of labour exploitation. These trafficking offences came into force in 2004 and both carry a maximum penalty of 14 years in prison.

4.2 While there have been over 70 successful convictions for trafficking for sexual exploitation by January 2008, there has not been a single successful prosecution brought for trafficking for labour exploitation since the offence came into force in 2004.

4.3 The explanation for this failure to prosecute individuals for trafficking for labour exploitation is largely to be found in the fact that the identification, referral and protection and support measures for adults and children trafficked into labour exploitation are pretty much non-existent.

4.4 An additional problem is that UK policy focuses on trafficking as an organised immigration crime, but this misses the point that people can be trafficked through regular migration channels with the correct visas (eg nurses, agricultural workers, domestic workers, etc.) and can also come from EU states or have EU passports.

4.5 Contradictions between the Government's anti-trafficking and immigration policies are having the unintended effect of punishing trafficked people. For example, there have been cases of trafficked women being arrested, detained and charged for entering the UK on false documents.

4.6 Worse still, other Government proposals threaten to undermine progress made in combating trafficking. For example, the proposal to amend the 1998 immigration rule so that migrant domestic workers will not be allowed to change employers even if they are subject to abusive practices is destined to increase the number of migrant domestics who are subjected to trafficking and forced labour.

4.7 Evidence from Kalayaan, shows that of the 340 migrant domestic workers registered with them in the period April 2006 and March 2007, just under a quarter reported instances of physical abuse (eg beating them, slapping them, throwing things at them, spitting in their face, pulling their hair), with the figure rising to 69% for those reporting psychological abuse (eg shouting, insults, threats to throw them out or have them deported). Over 60% of domestic workers reported that they were not allowed out of the house without the permission of their employer.

⁵ The large percentage of trafficked people identified in this study who entered the UK through regular migration channels could simply be a consequence of the fact that they are easier to identify because they are more likely to come forward to the relevant organisations for assistance.

4.8 Under a 1998 immigration rule, introduced by the current Government, migrant domestic workers are issued with one year renewable visas and can seek work with another employer if they wish. Under the terms of their visa, migrant domestic workers do not have recourse to public funds and can only have their visa extended if they are in full time employment.

4.9 These rights have been extremely important in facilitating the escape of domestic workers from exploitative and abusive situations highlighted above. This is because domestic workers can come forward and receive support and assistance knowing that they can still seek work with another employer and thereby will not put their livelihood at risk.

4.10 The Government recently acknowledged that the 1998 rule has been positive in reducing abuse and exploitation. Baroness Scotland noted on 26 March 2007 that the Government is “conscious that the changes we brought in greatly benefited domestic workers in this situation.”

4.11 Despite the above, the Home Office is now proposing to change this rule and give migrant domestic workers only a six month non-renewable visa and not to allow them to change employers even if they are subject to abusive practices. Furthermore, migrant domestic workers would not be recognised as workers, but rather as domestic “assistants” and consequently would not enjoy protection under employment laws.

4.12 Anti-Slavery International is firmly of the view that these proposals are destined to increase the number of migrant domestic workers who are subjected to trafficking, forced labour and exploitation.

5. RECOMMENDATIONS

5.1 The Government has announced that it aims to ratify and implement the Council of Europe Convention on Action Against Trafficking in Human Beings by the end of 2008. This is very welcome and should improve this situation as the Convention guarantees minimum standards of support and protection to all trafficked people. Anti-Slavery International urges the Government to set up a pilot project, similar to that run by Eaves Housing for women trafficked into prostitution, to provide shelter and specialised assistance to those trafficked into forced labour.

5.2 It cannot be assumed that trafficked people will simply identify themselves as such to the authorities. The identification of trafficked people and their referral for support is the responsibility of all agencies and individuals and there needs to be better training to assist people in doing this, along with the establishment of referral mechanisms for the relevant agencies that may come into contact with trafficked people. An example of a training manual that Anti-Slavery International developed with the Dutch police and other organisations can be accessed at: www.antislavery.org.uk/homepage/resources/PDF/PDFtraffic.htm

5.3 The 1998 immigration rule, which provides migrant domestic workers with a one year visa and allows them to change their employer, has proved to be a very successful policy as it encourages workers to come forward for assistance and facilitates their cooperation with the authorities. The Government should retain the 1998 rule and protections that it provides to migrant domestic workers. A failure to do so will only increase this group of workers vulnerability to trafficking, exploitation and forced labour.

5.4 The Government should remove its reservation to the UN Convention on the Rights of the Child (it announced this would be considered in January 2008) as this will provide protections to all children in the UK. The Government should also sign the UN Convention on the Protection of the Rights of All Migrant Workers and their Families, as the measures contained in this Convention aim to set up a migratory framework which will encourage regular migration and reduce trafficking in people.

5.5 Migrants who have been trafficked into the UK for labour exploitation should be able to stay in the UK to pursue compensation for the damages suffered regardless of their immigration status.

5.6 Another way to assist in identification, assistance and effective prosecution would be for the Government to support the establishment of a body, like the “Fair Employment Commission” as proposed by the Citizens Advice Bureau, to liaise between all the agencies that have responsibilities in relation to labour issues in order to ensure: an effective and comprehensive system of inspections; investigation of complaints; advice, guidance and support for all migrant workers and employers; as well as a pro-active approach to compliance and, where necessary, enforcement.

5.7 The Government should establish an independent National Rapporteur on Trafficking as a focal point for information; to foster co-ordination between different organisations and agencies; and to review government policy and make policy recommendations. This type of post exists in other countries (eg Netherlands) where it has proved useful in performing these functions.

Memorandum submitted by Dr Tomoya Obokata

ABOUT THE AUTHOR OF THIS SUBMISSION

1. The author of this submission is the Assistant Director at the Human Rights Centre, Queen's University Belfast. He has extensive experience of conducting research on the subject (over eight years), and currently serves as the Specialist Adviser to the Parliamentary Joint Committee on Human Rights. He was previously an independent expert for a joint Council of Europe/European Union project on trafficking. His recent publications include a book entitled *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*.

2. In this submission, the author will comment on a few key areas highlighted by the Home Affairs Committee. It should be stressed from the outset that the views expressed are his alone, and do not necessarily reflect those of the Joint Committee on Human Rights.

SUMMARY

3. The UK Government has taken some steps to prevent and punish trafficking in persons and protect victims of trafficking in recent times, and some good practices are evident in this regard. However, compared to other European counterparts, much more is needed. In the submission below, the author lists various recommendations so as to improve the effective fight against trafficking while placing the human rights of victims at the core of the UK's anti-trafficking strategy.

THE SCALE OF TRAFFICKING IN THE UK

4. Due to the clandestine nature of trafficking, it is extremely difficult, if not impossible, to obtain the accurate data on the number of trafficked victims in the UK. The vast majority of those individuals and organisations who submitted evidence to the JCHR inquiry on trafficking also highlighted this problem.⁶

5. The Home Office study conducted in 2000 estimated that up to 1,400 women are trafficked for sexual exploitation.⁷ More recently in 2003, the Home Office stated that up to 4,000 women were trafficked for sexual exploitation in that year.⁸ The author of this submission believes that this is a very conservative estimate. Given that around 800,000 people are trafficked world-wide annually,⁹ the number of those trafficked into the UK is likely to be much higher. Further, there has been a consistent lack of consideration in the UK for trafficking for labour exploitation, and the statistical information thus far does not even include victims (including boys and adult men) who were trafficked for purposes other than sexual exploitation.

6. The JCHR has highlighted this problem when it conducted its inquiry on trafficking in 2006, and recommended to the Government that it should conduct a comprehensive research into the extent of trafficking in the UK.¹⁰ However, this has not been done to date. Understanding the nature and extent of problem is essential in mobilising available resources and devising a strategy for effective prevention and prosecution of the offence and protection of victims. The lack of knowledge is particularly acute in other parts of the UK. From the author's experience in talking to members of civil society in Northern Ireland, it became apparent that the authorities did not consider that trafficking was a big problem as yet. Such a mentality can hinder the fight against trafficking of human beings as adequate human, financial and other resources to deal with the problem will not be allocated. The author of this submission therefore recommends that the UK Government should obtain clearer picture of the extent of the problem as a matter of urgency.

IDENTIFICATION OF VICTIMS OF TRAFFICKING

7. As the JCHR pointed out in its report, identification of victims is "not only the first step towards generating better intelligence and securing the criminal prosecution of traffickers and exploiters, it is also essential to ensuring that victims' human rights are protected."¹¹ States have the primary responsibility in this regard, and the obligation to identify victims is stipulated, among others, in Article 10 of the Council of Europe Convention on Trafficking. Compared to other European countries such as Italy and the Netherlands, the UK has been lagging behind in this regard. One positive step taken recently is the initiation

⁶ Joint Committee on Human Rights (JCHR), *Human Trafficking: Twenty-Sixth Report of Session 2005-2006 (Volume I)*, at para. 78.

⁷ Liz Kelly and Linda Regan, *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK* (Home Office Police Research Series Paper 125).

⁸ Home Office, *UK Action Plan on Trafficking* (March 2007), p. 14.

⁹ U.S. Department of State, *Trafficking in Persons Report 2007*, at <http://www.state.gov/g/tip/rls/tiprpt/2007/82799.htm>

¹⁰ JCHR, *supra*, para. 82.

¹¹ *Ibid.*, para. 139.

of *Operation Pentameter 2*. The Government has initiated a pilot project on national referral system. Under this scheme, victims are referred to the Competent Authorities, and NGOs, such as the Eaves Housing for Women, which administers the Poppy Project, are contacted to assist them in identifying victims.¹²

8. Although such an effort should be commended, much effort has been put into London and its vicinity, and the rest of the UK, such as Scotland, Wales and Northern Ireland are ignored. A potential problem with this is that traffickers will move victims to these areas as the risk of detection is relatively low, thereby furthering the victimisation. Therefore, the Government must implement a similar project to the rest of the UK.

9. There are other issues which need to be highlighted. Firstly, there has been a lack of adequate training for those who are likely to be the first port of contact (police or the immigration authorities). These victims have been treated as offenders of immigration regulations, and are often deported back to their own countries. The problem is especially acute outside of England, as trafficking may not be recognised as a problem as noted above.

10. It should be stressed at this point that the practice of deportation runs the risk of breaching the well-established principle of *non-refoulement* or non-return. This applies in particular to refugees in accordance with Article 33 of the Convention Relating to the Status of Refugees 1951. Within the framework of the European Convention on Human Rights (ECHR), this principle is often invoked in conjunction with Article 3 (prohibition on torture). As the Home Affairs Committee might be aware, the cases such as *Soering v United Kingdom*¹³ and *Chahal v United Kingdom*¹⁴ have established that if someone faces the risk of torture or other inhuman or degrading treatment in a country of his/her origin, Member States, including the UK, cannot return that person. This principle equally applies to cases where victims may face torture, inhuman or degrading treatments by trafficker if they are deported back to their countries of origin.¹⁵

11. Another acute problem is unwillingness of victims to approach law enforcement authorities. Many of them firstly fear law enforcement actions against them. The Government now assists some victims of trafficking by granting reflection periods and other assistance through the Home Office funded Poppy Project. While this is a significant step forward for identifying and protecting victims, a similar project does not exist in other parts of the UK (except for Glasgow). This can result in traffickers moving victims to these parts where law enforcement and other authorities are not able to conduct proper identification. In addition, assistance is only given to women who are trafficked for *sexual exploitation*, and does not extend to other victims. Further, these assistance measures are provided on the condition that victims co-operate with law enforcement authorities. In the view this author, this is problematic as victims are used as a tool for law enforcement, and their human rights are regarded as secondary concern. This will make it difficult for victims to build a sense of trust and come forward freely to co-operate. The primary consideration therefore should be given to the welfare and the best interest of victims.

12. Secondly, victims are also afraid of a reprisal against themselves and/or their families back home, as traffickers often threaten victims with death and violence if they approach law enforcement authorities. These factors effectively prevent them from approaching the law enforcement authorities in the UK.

TREATMENT VICTIMS OF TRAFFICKING

13. Once someone is identified as a victim of trafficking, then adequate protection should be provided to him/her. This is enshrined in, among others, Articles 12, 13 and 14 of the Council of Europe Convention. To begin with, victims require a certain period of time to recover from their ordeal. In order to allow this to happen, Article 13 of the Council of Europe Convention obliges State Parties to provide a reflection period. The Convention itself recommends a minimum of 30 days for this purpose, but the JCHR has recommended that a minimum of 3 months should be granted, given the depth of trauma and suffering victims experience.¹⁶ The author of this submission fully supports the JCHR and other members of civil society on this point as the emphasis will be placed upon protection of victims.

14. A related to this is the grant of temporary residence permit. Article 14 of the Council of Europe Convention obliges State Parties to provide a renewable residence permit of at least 6 months. Article provides that residence permits should be given not only to facilitate prosecution against traffickers, but also to protect victims. Therefore, a human rights approach is evident. The Home Affairs Committee might find an approach adopted by Italy useful. The JCHR has visited Italy in 2006 to find out more about how they deal with trafficking. In Italy, there are two paths through which victims can obtain temporary residence permits of six months (renewable). One, known as a “judicial path”, requires victims to co-operate with law enforcement by providing testimony and other assistance.¹⁷ The other, known as a “social path,” is less

¹² A presentation made by Mr. Rob Jones (Deputy Director, UK Immigration and Border Agency), at Council of Europe Seminar *Action Against Trafficking in Human Beings: Measures to Protect and Promote the Rights of Victims* (10-11 December 2007).

¹³ Application No. 14038/88, Judgment of 7 July 1989.

¹⁴ Application No. 22414/93, Judgment of 15 November 1996.

¹⁵ JCHR, *supra*, para.40.

¹⁶ *Ibid.*, para. 203.

¹⁷ *Ibid.*, para. 184.

formal and the emphasis is placed upon protection of victims.¹⁸ In looking at this arrangement and other forms of protection provided to victims, the JCHR concluded that Italy puts victims protection at the centre of anti-trafficking strategy, and recommended that the UK Government should adopt a similar approach.¹⁹

15. While the UK Government has been providing these measures on a discretionary basis, it has simultaneously been reluctant to incorporate this into national legislation for the fear that reflection periods and temporary residence permits will serve as a pull-factor. However, in reviewing evidence submitted by members of civil society and visiting Italy, the JCHR concluded that the Government's position is difficult to sustain.²⁰ The author of this submission supports the JCHR's finding and recommends that provision of reflection periods and temporary residence permits should be incorporated into national legislation to ensure their implementation and establish accountability for non-compliance.

16. In relation to other assistance, measures such as accommodations, medical assistances, subsistence, etc. are not adequately provided for in the UK at the current moment. For one, they are given on a discretionary basis, and on a condition that victims co-operate as noted above. Therefore, only a small number of victims benefit from them. Second, as highlighted above, much emphasis has been placed upon victims of sexual exploitation. Therefore, those exploited for other purposes are not in a position to receive any assistance. Finally, protection/assistance is not widely given in other parts of the UK other than London and Glasgow.

17. The current practice of the UK Government, therefore, might raise an issue of non-discrimination under Article 14 of the ECHR, in conjunction with other articles such as Article 3 (prohibition on torture) and 4 (prohibition on slavery). The author of this submission believes therefore that the Government should devise a comprehensive strategy to include all victims of trafficking regardless of age, gender, and types of exploitation they have experienced. One way to expand protection is to use proceeds of crime under the *Proceeds of Crime Act 2002* and other related primary and secondary legislation.

18. Finally, compensation is an important part of victim protection. This is stipulated under Article 15 of the Council of Europe Convention. This obligation to provide compensation can also be inferred from Article 2(3) of the International Covenant on Civil and Political Rights, to which the UK is a party, which provides for a right to an effective remedy.²¹ This is closely inter-linked to provision of temporary residence permits, as one cannot claim compensation without being in the UK physically. It is encouraging to see that in December 2007, a total of £140,000 were awarded to 4 victims of trafficking for sexual exploitation.²² Another 10,000 victims are believed to be eligible under a new interpretation of the Criminal Injuries Compensation Authority guidelines.²³ More assistance should be given to victims of trafficking so that they can claim compensation for the trauma and suffering they have experienced, as any other victims of crime in the UK. Once again, the compensation can be derived from proceeds of crime of trafficking.

DEMAND FOR TRAFFICKED PEOPLE

19. While this is not specifically asked as part of the Committee's inquiry, the author of this submission finds it necessary to touch upon this. Destinations countries often blame source countries for sending victims. Nevertheless, it is important to keep in mind that traffickers would not transport people, were it not for the strong demand in sex and other industries in the UK. In order to reduce the flow of people, then, the UK Government must also deal with the demand in its own territory. One key measure to be taken is prohibition of slavery, forced labour and illegal working. The UK Government has taken some steps in this regard. Under the *Gangmasters (Licensing) Act 2004*, for example, the Gangmasters Licensing Authority operates a licensing system to discourage employers from exploiting migrants. The *Immigration, Asylum and Nationality Act 2006* has also introduced a civil penalty regime for employers of illegal migrants and an offence of knowingly employing illegal migrants. These measures, however, are not necessarily known to employers. Therefore, legislative measures should be accompanied by rigorous information and awareness-raising campaign in order to reach out to potential employers and the general public.

20. An area of sexual exploitation is a difficult one, as there is no concrete evidence as to whether or not prohibition of buying of sex, as seen in Sweden, would actually curb the demand for prostitution and other sexual services. Arguably prohibition will drive the practice underground, and therefore promoting further victimisation. This should not, however, stop the UK Government from implementing some measures. It is worth noting in this regard that, as part of the original *Operation Pentameter*, the Government in the past engaged in an advertisement campaign in men's magazine and other sources warning about the danger of trafficking of human beings and sexual exploitation.²⁴ Such an innovative measure should be encouraged and continued so that potential clients are made aware of the whole issue.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, paras. 183 and 195.

²⁰ *Ibid.*, para. 200.

²¹ A similar provision is provided under Article 13 of the ECHR.

²² The Observer, "Sex Slaves Win in Landmark Legal Deal," 16 December 2007.

²³ *Ibid.*

²⁴ JCHR, *supra*, para. 102.

THE CURRENT EUROPEAN UNION ACTION AGAINST TRAFFICKING

21. The EU action against trafficking has been implemented mainly under the Third Pillar (Justice and Home Affairs provision of the Treaty on European Union). The entry into force of the Treaty of Amsterdam is significant, as it has introduced a measure for approximation of national laws among Member States. This is achieved through the adoption, by the Council, of framework decisions in accordance with Article 34 of the Treaty on European Union as revised by the Treaty of Amsterdam. One relating to trafficking, *Council Framework Decision on Combating Trafficking in Human Beings* (Framework Decision)²⁵ was adopted in 2002.

22. In adopting this Framework Decision, the EU has recognised that merely seeking functional co-operation among Member States (police and judicial co-operation), which has been the main emphasis in the past, was not sufficient to deal with trafficking, as asymmetries in legislative frameworks among Member States meant that some traffickers received lesser penalties than others, depending on where they are prosecuted. Further, variation in the definitions of trafficking also resulted in many cases not recognised as trafficking ones. The main drive behind this Framework Decision, then, was to reduce these problems and seek a common EU approach to trafficking. It obliges Member States, including the UK, to adopt a common definition of the offence and a uniform threshold for minimum penalties.²⁶

23. Another key legislation is the *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities* (Short-Term Residence Permits).²⁷ The legal basis of this measure is Article 63(3)(b) of the EC Treaty, not the Justice and Home Affairs provisions under the Treaty on European Union. This obliges Member States to provide reflection periods and temporary residence permits of at least six months to those who co-operate with law enforcement authorities. Again, an emphasis is placed upon approximation of national laws to seek a unified approach to trafficking. It should be noted, however, that the UK, Ireland and Denmark are not part of this legislation.

24. While the adoption of these measures is a significant step forward, there are areas of concern. To begin with, the key emphasis is placed upon a criminal justice approach without due consideration to the protection of victims. For example, support to victims may only be given during the criminal proceedings, and States can withdraw support once proceedings against traffickers are terminated or completed.²⁸ In addition, short-term residence permits can only be issued to victims who are willing to co-operate with authorities. Further, anti-trafficking measures are implemented in conjunction with restrictive immigration policies, which are designed to cut the flow of victims. They include, but are not limited to, visa requirements,²⁹ carrier sanctions,³⁰ removal/expulsion,³¹ and establishment of airline liaison officers.³²

25. While States are entitled to control its own borders as a matter of national and international law, these measures raise some serious concerns. For one, victims of trafficked are exploited in Member States of the EU, and therefore Member States should be under an obligation to provide protection instead of sending them home. Second, many of these victims escape from persecution in their source countries (and therefore qualify as refugees under the 1951 Refugee Convention) or other humanitarian crises including internal/international armed conflict. Finally, restrictive immigration policies and programmes are counter-productive in reality, because limited opportunities for legal migration will force potential victims to resort to traffickers, thereby furthering victimisation.

26. Therefore, the author of this submission argues that the current EU action against trafficking must incorporate a human rights approach.

²⁵ OJ L 203/1 (1/8/2002).

²⁶ Articles 1 and 3, *ibid.*

²⁷ OJ L 261/19, (6/8/2004).

²⁸ Framework Decision mentions the *Council Framework Decision on standing of victims in criminal proceedings*, OJ L 82/1 (22/3/2001), under which Member States are obliged to provide protection measures during criminal proceedings.

²⁹ *Council Regulation (EC) No 1688/95 laying down a uniform format for visas*, OJ L 164/1 (14/7/95), *Joint Action on airport transit arrangements 96/197/JHA*, OJ L 63/8 (13/3/1996), and *Council Regulation (EC) 574/1999 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States*, OJ L 72/2 (18/3/1999).

³⁰ *Council Directive 2001/51/EC supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985*, OJ L 187/45 (10/7/2001).

³¹ *Council Decision 2004/573/EC on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders*, OJ L 261/28 (6/8/2004), *Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air*, OJ L 321/26 (6/12/2003), and *Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals*, OJ L 149/34 (2/6/2001).

³² *Joint Position on pre-frontier assistance and training programme, 96/622/JHA*, OJ L281/1 (31/10/1996), *Schengen Aquis—Decision of the Executive Committee on coordinated deployment of document advisers*, OJ L 239/308 (22/9/2000), and *Schengen Aquis—Decision of the Executive Committee on liaison officers*, OJ L 239/411 (22/9/2000).

KEY RECOMMENDATIONS

27. The UK Government should adopt a human rights approach to trafficking of human beings with particular emphasis placed upon protection of victims. In this regard, the Government should ratify the Council of Europe Convention as soon as possible.

28. The UK Government should conduct comprehensive research into the nature and extent of problem of trafficking of human beings in this country.

29. The UK Government should incorporate provision of reflection periods and temporary residence permits into national legislation.

30. The UK Government should extend protection to other part of the country (Scotland, Wales and Northern Ireland).

31. The UK Government must pay more attention to the demand for trafficked victims and devise an effective strategy to curb the demand for sex and other industries.

32. Protection and promotion of the human rights of victims should be the core of any EU action against trafficking.

4 February 2008

Memorandum submitted by ECPAT UK

ECPAT UK is a UK registered charity (Charity no. 1104948) and the UK national representative of the global ECPAT movement with partner organisations in over 70 countries around the world campaigning against the commercial sexual exploitation of children, including child trafficking. In the UK we represent a coalition of eight leading charities. They are Anti-Slavery International, Jubilee Campaign, NSPCC, Save the Children UK, The Children's Society, UNICEF UK, World Vision UK, and The Body Shop Foundation.

ECPAT UK is contributing to this consultation as a result of our expert knowledge on child trafficking. We have framed answers accordingly and will not be responding on adult victims of trafficking.

Policy development on safeguarding child victims of trafficking has increased substantially over the past two years. ECPAT UK welcomes the recognition from the Department of Children, Schools and Families (DCSF) and the Home Office that special efforts are needed to safeguard children from abroad, and specifically the inclusion of child trafficking in the DCSF 'Staying Safe' consultation document and the 2007 guidance document 'Safeguarding Children Who May Have Been Trafficked'. However, significant gaps still exist between policy and practice.

ABOUT ECPAT UK

ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) has thirteen years experience of campaigning against the sexual exploitation of children, including child trafficking. As the only UK charity with child trafficking as part of our name and core business ECPAT UK has developed a high level of expertise in this area. We work both in the UK and with international partners to campaign, research and advise key stakeholders and train professionals on safeguarding child victims of trafficking. ECPAT UK participates in the following groups:

- The Joint Ministerial Stakeholder Group on Human Trafficking
- The Home Office Stakeholder Group on Child Trafficking
- The ACPO group on Child Trafficking
- The UK Human Trafficking Centre Independent Advisory Group
- The UKHTC/CEOP group on child protection for Pentameter 2
- Various Local Safeguarding Children Board sub-groups on Trafficking

ECPAT UK also works in partnership with NSPCC to provide the 'National Advocate for Children' during Operation Pentameter 2. This role has been approved by Gold Command to follow up, on a case by case basis, each child identified in Pentameter 2 operations.

ECPAT UK supports the All Party Parliamentary Group on Trafficking of Women and Children (APPG) by providing guidance, advice and contacts for experts in the UK and internationally. The APPG has been highly successful in raising over 100 parliamentary questions and several debates on human trafficking over the past eighteen months.

ECPAT UK has published several research reports on child trafficking including research across London (What the Professionals Know, 2001; Cause for Concern, 2004) and Manchester, Newcastle and the West Midlands (Missing Out, 2007). ECPAT UK and UNICEF co-published the report Rights Here: Rights Now

in September 2007 measuring current UK policy and practice on safeguarding child victims of trafficking against the UNICEF Global Guidelines for the Protection of Trafficked Children and the Council of Europe Convention on Action against Human Trafficking.

SUMMARY OF RECOMMENDATIONS

ECPAT UK recommends that the Government:

- a. Declare which Articles of the Council of Europe Convention on Trafficking require primary or secondary legislation amendments, and begin to implement the remaining aspects of the Convention without delay while those amendments are going through the parliamentary process.
- b. Remove its Reservation to the UN Convention on the Rights of the Child on immigration and nationality and ensure that the forthcoming review process is transparent and reports to Parliament.
- c. Ratify, without further delay, the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
- d. Sign and Ratify the Council of Europe Convention on Sexual Exploitation and Abuse of Children.
- e. Immediately withdraw the recently announced Home Office policy to forcibly remove unaccompanied children under 18 who have failed asylum claims.
- f. Remove any child who is a victim of trafficking out of the immigration system whilst a decision is made about his or her future.
- g. Establish a system of Guardianship for children suspected or identified as trafficked that has a statutory duty to support the child in their legal, practical and emotional needs and who can advocate on their behalf.
- h. Establish multi-agency safeguarding teams (such as the Metropolitan Police Paladin Team) at each port to identify, and respond to, concerns about separated children and young people entering or leaving the UK.
- i. Treat age disputed young people as minors whilst they are awaiting independent assessment by a multi-agency panel.
- j. Review the use of the European Union (EU) Dublin II agreement on third country returns with respect to victims of trafficking where removal may cause harm and place young people at risk of re-trafficking.

ESTIMATING THE SCALE AND TYPE OF ACTIVITY:

Child Trafficking

1. ECPAT UK has mapped over twenty-five countries where trafficked children have originated from over the past five years. In contrast to the numerous media reports of the trafficking of Eastern European adult women into sexual exploitation, ECPAT UK's research in London (2002³³, 2004³⁴) and Manchester, Newcastle and West Midlands (2007)³⁵, presents a much more complex picture for children. The majority of trafficked children are already highly vulnerable in their home country before they become the targets of traffickers. Some children trafficked to the UK have already been exploited and abused, and many appear to have been living in households with adults who do not have parental responsibility. The circumstances of them travelling with traffickers are often the result of being deceived, sold or coerced rather than abduction or kidnapping.

2. Significantly, many children believe they are coming to a better life, some not having any idea they are coming to Europe, and innocently go along with offers of education or employment. Once in the UK children experience exploitation through domestic servitude, forced labour, sexual exploitation, cannabis cultivation, street crime, forced marriage and benefit fraud. ECPAT UK research shows that the vast majority of children appear to come from Africa, China and Vietnam. In Operation Pentameter, launched in 2006 to identify and rescue trafficked women in saunas and brothels around the UK, 84 foreign females were identified as victims of trafficking, 12 of these were under 18: of those 12 children 9 were of African origin and 3 were European.

3. Trends change and current information gathered from local authorities and police suggests that: the trafficking of Chinese children has increased over the past six months and coincides with the numbers of Chinese children going missing from local authority care; the trafficking of Vietnamese children for cannabis cultivation has increased and so too the trafficking of Roma children from Romania and Bulgaria for street crime such as bag-snatching.

³³ Somerset, C (2002) "What the Professionals Know". ECPAT UK.

³⁴ Somerset, C (2004) "Cause for Concern". ECPAT UK.

³⁵ Beddoe, C (2007) "Missing Out". ECPAT UK.

4. ECPAT UK has been gravely concerned by the number of Vietnamese children who have been prosecuted and convicted for drug and immigration offences following raids of so called 'Cannabis Factories'. These children are victims of crime and should be seen as child witnesses' not as perpetrators, yet case evidence available to ECPAT UK shows children as young as 14, both boys and girls, being convicted for drug offences and immigration offences who have been sentenced and awaiting deportation.

5. It is important to note that UK legislation for trafficking offences included within The Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants etc.) Act, 2004 is inadequate to deal with the many offences that constitute what we now understand of child trafficking, specifically the trafficking of children for criminal activity; and the trafficking of babies and young children who cannot speak for themselves. The latter is relevant because of trafficking for benefit fraud and illegal adoption.

6. Until 2007, when the Government published A Scoping Project on Child Trafficking in the UK (CEOP, 2007) there were no government estimates on the number of children trafficked into the UK. The UK, with its devolved government structures, separate police forces and local authority responsibility for child care, will continue to have problems producing a national picture of trafficking until one single agency becomes responsible for analysing data provided by victim care agencies, alongside information on prosecutions and immigration statistics. Without a comprehensive annual audit of child trafficking data it is almost impossible to assess the resources needed for the development and allocation of specialist support across the country.

7. Without a national picture it will never be possible to monitor and evaluate the Government's protection and prevention strategies for safeguarding trafficked children. ECPAT UK believes that because of the covert and deceptive nature of trafficking, victim identification is a process rather than a precise moment. Children very rarely disclose they have been trafficked at the moment of entering the country or when being initially assessed by local authorities. Many children might not even know they are being trafficked or exploited. Data must be compared across agencies and over time to assess risk and reduce harm to children who may have been trafficked.

8. ECPAT UK believes that a National Rapporteur on Human Trafficking, with a specific responsibility for children, should be established with statutory powers to request information from police, immigration authorities, child protection agencies (both government and non-government) and to analyse information and report annually to Parliament.

Effectiveness of the co-ordination between public authorities in the UK:

9. Child victims of trafficking remain a highly vulnerable group within our society, even after they are identified and placed in Local Authority care. Our responsibility to them as children is not diminished simply because they come from abroad; indeed our responsibility to them is substantially greater because most trafficked children have no family within the UK; they are victims of crime and many live in constant fear of being returned to the criminals that exploit them. From our experience of working with trafficked children and their care givers, children's experience of the asylum system does not make them feel secure and away from harm.

10. ECPAT UK, along with other children's organisations, believes that a system of guardianship for separated children is the only mechanism that will ensure that all actions and decisions with respect to that child will be made in their best interests. This is particularly important for trafficked children. A Guardian would assist the trafficked child navigate across the boundaries of statutory services, legal advisors and non-government agencies to support the child in every aspect of their wellbeing. ECPAT UK research shows that when trafficked children go missing from local authority care there has been very little cooperation between agencies, and across local and international boundaries, to trace children and make contact with their families.

11. ECPAT UK has been very outspoken over the extremely high numbers of suspected and known trafficked children who have gone missing from local authority care. This remains a priority area for investigation and action. ECPAT UK would like to remind the Home Affairs Select Committee that the solution to trafficked children going missing is much more than simply providing a safe house in a suburb. In order to bring safety to children a comprehensive package of joined-up support is required including safe accommodation (especially enhanced foster care), guardianship, expert legal advisors, qualified interpreters, physical and sexual health support and particularly mental health support. The concept of "safeness" can only be fully realised when children believe that they have a safe haven that affords them more protection than being back on the streets or with the traffickers.

12. ECPAT UK welcomes the recent efforts of government to develop new policy on safeguarding child victims of trafficking. However, we are increasingly concerned that policy development around trafficking is being seen in a vacuum, and not seen as a cross cutting theme in related areas of policy and practice guidance. For example, on January 10, 2008 the Secretary of State for Children, Schools and Families announced a new cross-government working group on young runaways and a review of policy and practice. It is imperative that these initiatives are inclusive of children who may have been trafficked.

The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Action against Human Trafficking:

13. A renewable residence permit system for victims of trafficking is essential to create clarity for social care practitioners, legal advisors and children themselves. A renewable residence permit system would provide children with an alternative to immediately claiming asylum and allow them to understand the options available to them without being forced down a track they do not understand, which is more often than not a dead-end. Even with residence permits, some trafficked children may well choose to seek asylum on the basis of expert legal advice but the “breathing space” that a residence permit provides should ensure that decisions are made in the best interest of each child.

14. ECPAT UK’s research on child trafficking and training workshops with social service teams across the UK clearly indicate children known or suspected of being trafficked are often already in the asylum system when their experiences of trafficking and exploitation come to light. In other words the social workers did not know at the initial intake and assessment phase and that routine plans were made without knowing the child’s past history. This can lead to trafficked and exploited children being seen first as “asylum seeking children” and placed in completely inappropriate accommodation, receiving little support and getting no expert legal advice. The nature of their exploitation often only comes to light when a child’s immigration solicitor does more extensive interviews during the immigration appeal process and when discretionary leave entitlements come to an end. Children very rarely use the word “trafficking” to explain what they have been through, and often think that they will not be believed or have been led to believe that what they have experienced is somehow normal or to be expected.

15. On the basis of past research and interviews across local authorities around the UK, ECPAT UK estimates that at any given time a minimum of 600 children, known or suspected of being trafficked, will be in the asylum system or will have been in the asylum system before going missing from local authority care. This represents 10 percent of the Home Office quoted figure of 6,000 total number of unaccompanied asylum seeking children supported by local authorities (p6 of the 2007 Home Office consultation document called *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*). The ECPAT UK figure of 600 children is a very conservative estimate based on limited data.

16. Although some trafficked children do claim asylum upon arrival due to the tactics of traffickers, many more end up in local authority care, after what can be long periods of abuse or exploitation; being advised by non-specialist immigration solicitors to claim asylum. While some trafficked children do go on to obtain protection under Article 3 of the European Convention on Human Rights (ECHR), many do not. It is worth noting that this group of children who are victims of crime and human rights abuses are referred to the asylum system by default by UK professionals and are a long way from the picture of systemic abuse painted by the Home Office in various documents as “those who are not in genuine need of asylum”.

17. Although it will be appropriate for some trafficked children to be voluntarily returned to family or guardians in their country of origin, many trafficked children will be living in fear of violence, stigma, sexual abuse and re-trafficking if they are forced to return to their own community. The asylum claims of trafficked children are routinely rejected. Appeals on the ground of human rights violations are often met with a culture of disbelief from the Home Office and the Asylum and Immigration Tribunal and we have regularly seen trafficked children’s appeal statements being rejected and claims refused because of a basic lack of awareness and concern about human trafficking from both the Home Office Border and Immigration Agency (BIA) staff and immigration solicitors.

18. ECPAT UK would like to stress that any Home Office proposals related to “failed unaccompanied asylum seeking children” will have a direct impact upon trafficked children and risk increasing the harm to children unless robust child protection measures are embedded in BIA policy and practice.

19. ECPAT UK welcomes the aspirational statements on page 8 of the recent Home Office publication *Better Outcomes: The Way Forward. Improving the Care of Unaccompanied Asylum Seeking Children* (January 31, 2008) but we are appalled at the introduction of enforced removals of unaccompanied children under 18 who refuse voluntary return. This has taken away a vital safety-net for trafficked children who may well be living in fear of traffickers should they be returned.

20. It is worth noting that no conviction for a trafficking offence has taken place in the UK related to an African child victim and yet African children figure prominently in the statistics of known or suspected trafficking victims in both the governments’ own research and that of ECPAT UK. There is incongruence between the numbers of trafficked children who are in local authority care and the low number of investigations and prosecutions of traffickers for child trafficking, particularly for domestic servitude. Much more examination is required to see to what extent trafficked children in the asylum system are supported as child witnesses.

Co-operation within the EU (including EUROPOL); and control of the EU's external frontiers:

DUBLIN II

- i. The Dublin II Regulation came into effect from 1 September 2003, and is part of the European Union efforts to harmonise asylum policies and processes across Europe. The Dublin II Regulation provides the legal basis for establishing the criteria and mechanism for determining the State responsible for examining an asylum application in one of the Member States of the EU (excluding Denmark, but including Iceland and Norway) by a third country national. The regulation applies to the following countries: Austria, Belgium, France, Greece, the Federal Republic of Germany, Finland, the Republic of Iceland, Ireland, Italy, the Grand Duchy of Luxembourg, the Netherlands, the Kingdom of the Norway, Portugal, Spain, Sweden and the United Kingdom.
- ii. Asylum applicants are fingerprinted and their fingerprints checked against a European wide database that informs the UK whether a person has previously passed through another EU member state or made a claim for asylum in another member state. Under Dublin II separated children can only be returned on the basis that they previously made an asylum claim in that country. This is referred to as “taking back”. However, children who have been age disputed in the UK by Immigration authorities can be returned on the lesser proof that the person has simply transited through the third country and this is called “taking charge”.
- iii. With time limits attached to the application of the regulation the opportunity to fully risk assess the child is compromised. The UK must formally request another member state to “take back” an applicant within 3 months of the claim for asylum in the UK. A decision must be made on this request within two months and the UK has a further six months to enforce the transfer. (ECPAT UK. Missing Out, 2007)

21. ECPAT UK is gravely concerned by the inappropriate use of the EU Dublin II regulation to return young people who may have been trafficked back to the first place they claimed asylum. Case evidence has emerged to suggest that the UK is removing unaccompanied young adults back to European transit countries where they passed through as children as a result of being trafficked.

22. ECPAT UK has raised this issue numerous times without response from the Home Office. It was included in the ECPAT UK submission to the Joint Committee on Human Rights Inquiry into Trafficking, the ECPAT UK submission to the Home Office Consultation for A National Action Plan and the ECPAT UK report Missing Out. The Home Office Third Country Unit has never provided a response to explain what actions they have taken to prevent trafficked people from being removed back to places where they first experienced exploitation.

23. At an event hosted by the All Party Parliamentary Group on Trafficking of Woman and Children, held in the House of Commons on January 29, 2008, the Director of ECPAT UK asked Lin Homer, the Chief Executive of BIA, what the Home Office policy was on using the Dublin II regulation to remove victims of trafficking. Ms. Homer was unable to answer the question and said she would ensure a written response was sent following the meeting.

24. A response was received from Ms Homer’s office on 12/02/08 which included the following statement:

“To adopt a policy that allows a claim of trafficking to provide a blanket override of provisions of Community law in the form of the Dublin Regulation risks opening a potential area of abuse. This is why it is important that the UK does not provide a general exemption for victims of trafficking which would undermine the intent of the Dublin Regulation, but considers claims on an individual basis.”

25. ECPAT UK strongly urges the Home Affairs Select Committee to make robust enquiries regarding Home Office third country returns and how this policy works in practice to safeguard victims of trafficking from being returned to a place of harm.

26. In addition to UK Dublin II removals, ECPAT UK is also concerned at the possibilities of trafficked children who first claim asylum in the UK, but who go missing from local authority care, and who may end up being processed as a “Dublin case” in another EU country and sent back to the UK without the knowledge of police, support agencies and local authorities. To our knowledge the Dublin II process has never been interrogated for EU wide data to trace missing children, including those suspected as trafficked who have been identified as adults in Europe.

27. A recent child trafficking case being prosecuted in the Netherlands has shown just how relevant this is. The following is an excerpt from an Irish press article from January 18, 2008.

“The High Court yesterday ordered the extradition of a West African man wanted in the Netherlands for allegedly trafficking children from Africa to Europe for use as prostitutes. The Dutch authorities had sought the extradition of Jackson Smith, aka Peter Kwame Sarfo (38). They allege he is involved in the trafficking of children from Nigeria into both Spain and Italy. Yesterday, Counsel for the State, Patrick McGrath, said the Dutch authorities had claimed that, between January 2005 and October 2007, Sarfo was involved in the sexual exploitation of children and people trafficking at “a national and international level”. Mr. McGrath said that the Dutch were claiming that Sarfo arranged for girls from Nigeria to travel to the Netherlands. When there they would seek asylum, and because they were minors they would be put into the care of a

guardian. Then, Sarfo and others would arrange for the girls to abscond from where they were residing and end up as prostitutes in Spain and Italy.” (<http://www.independent.ie/national-news/court-orders-extradition-of-child-trafficking-suspect-1268454.html>).

28. It is clear to ECPAT UK that children are trafficked to and through the UK on to other European countries. Greater co-operation with European institutions such as EUROPOL, EUROJUST and the European children’s charities would enhance our ability to protect children and close in on the criminals that traffic them.

4 February 2008

Memorandum submitted by Unicef

INTRODUCTION

1. UNICEF is the leading children’s organisation, reaching children in more than 150 less-developed countries around the world. We work with local communities and governments to make a lasting difference to children’s lives. UNICEF UK is one of 36 UNICEF National Committees based in industrialised countries. UNICEF National Committees raise funds for UNICEF’s worldwide emergency and development work. UNICEF UK also advocates for lasting change for children. For example UNICEF UK’s Public Affairs Team works to change government policies and practices that are detrimental to children’s rights in the UK and internationally. UNICEF believes that every child should have a safe environment in which to grow up. UNICEF upholds the UN Convention on the Rights of the Child (CRC) and works to hold the international community responsible for their promises to children.

EXECUTIVE SUMMARY

2. With regard to children affected by trafficking, there is a dramatic absence of harmonised and systematic data collection, analyses and dissemination—at the international, regional and UK level.

3. In order to ensure the full protection of children’s rights, all relevant treaties must be ratified and effectively implemented. The UK needs to:

- Transpose the CRC into domestic law
- Lift its general reservation on immigration and nationality on the CRC
- Ratify the Optional protocol to the CRC
- Ratify the 2005 Council of Europe convention but in the same time go beyond the minimum standards of protection set out in this instrument.
- Sign the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)

4. On an international level, the UK should continue to be active within the EU and encourage the European Commission to develop a harmonised system of data collection, including a consistent legal definition of trafficking. On a bilateral level, the UK should not just focus on law enforcement cooperation but also include provisions for victim assistance.

THE SCALE AND TYPE OF ACTIVITY

5. According to the latest estimates in for 2002, some 1.2 million children are trafficked worldwide every year. Trafficking in children occurs in virtually all countries in Europe, even if there are significant differences across sub-regions and countries in perceptions of the phenomenon and in the quantity and quality of information available. While there is a great deal of data on trafficking in human beings in South-Eastern Europe and Commonwealth of Independent States, there is far less documentation available in the European Union and other Western European countries, including the UK. It is extremely difficult to quantify how many children are affected in the UK, given the lack of reliable data-collection system.

6. Whereas there is no hard data on the number of child victims being trafficked within or into European countries, research and reports from agencies working in various countries indicate that trafficking is taking many different forms. Accumulated knowledge from field work in South Eastern Europe shows that child victims generally fall into two categories:

- Adolescent girls between 15 and 17 years of age for sexual exploitation
- Children under 13 year of age for forced labour, begging and, exceptionally, for the sale of organs.

7. Trafficking is a dynamic process—routes and “supply” and “demand” flow change all the time. What we know, however, is that many of the victims who are being returned to their countries of origin have similar vulnerability profiles:

- Children who grew up in institutions
- Children from families where domestic violence or abuse was taking place
- Children who come from poor, disadvantaged and often dysfunctional families.

8. Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination, is an essential part of tackling the child trafficking. It is vital not only to establish effective system for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children.

9. Annual publications of comprehensive report on the state of child trafficking should be introduced. Publication and wide dissemination of and debate on such report, including in the parliament, can provide a focus for broad public engagement in implementation.

THE TREATMENT OF TRAFFICKED CHILDREN

10. International legal standards on trafficking in human beings complement one another. In order to ensure the full protection of children’s rights, all relevant treaties must be ratified and effectively implemented. The CRC is the most comprehensive legal instrument for the protection of children’s rights and has long been in force in all European countries. Article 35 specifically addresses child trafficking and affirms that “States parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form”.

11. The CRC provides a comprehensive framework for the protection of the rights of all children and calls for a multidisciplinary approach to child protection issues. It acknowledges children as actors and asserts children’s agency by reaffirming their right to be consulted on matters that affect them, to express their opinions freely and to seek, receive and impart information.

The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography supplements the Convention. As of September 2007, the protocol had been ratified by 37 European countries, but not the UK.

12. In addition to important international legal standards, a strong regional and sub-regional framework exists to address trafficking. Amongst the former the most notable one is the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. It is important that the UK ratifies it as early as possible, but also to go beyond the minimum standards of care set out in the convention.

13. On 25 October 2007 the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) was signed by 23 Member States in Lanzarote. Alas, the UK was not represented at the conference and did not sign. This Convention is of particular importance to protect and support victims of child trafficking. It is the first international treaty to criminalise sexual abuse, introducing preventive measures include the screening, recruitment and training of people working in contact with children, making children are aware of the risks and teaching them to protect themselves, as well as monitoring measure for offenders and potential offenders. The convention also establishes programmes to support victims, and sets up help lines for children

14. Initiatives for the prevention of child trafficking need to ensure the protection of the child from all forms of exploitation and abuse, not just sexual exploitation, as has been the case so far in the UK.

15. The UK ratified the CRC in 1991 but has never transposed it into domestic law. Upon ratification the government entered a reservation to the CRC concerning immigration and nationality. The CRC is ratified by 193 countries and 3 of them have entered declarations relating to the treatment of non-nationals (Indonesia, Mauritius and Thailand) but only the UK and Singapore have entered a general reservation to the application of the CRC to children who are subject to immigration control.

16. The Home Office points out that “nothing in the Reservation prevents the Department from giving effect to the rights set out in the CRC.”^{vi} In the same report a letter from the Home Office Minister, Lord Filkin, was quoted, which was a response to comments in one of JCHR’s reports on the Nationality, Immigration and Asylum Bill, saying that:

“The CRC is not binding on the UK in so far as a matter falls within the reservation, and there is therefore no requirement to make the best interests of the child a primary consideration or to adhere to any other principles set out in it.”^{vi}

17. UNICEF UK believes that not only is the Reservation incompatible with the CRC, but also it manifests itself in a number of practical ways and prevents implementation of an effective and rights-based approach to tackling child trafficking. Key features that should be part of all future anti-trafficking measures are:

- Ratification of key international instruments
- Effective implementation of international standards

- National child protection systems
- Adopting a multisectoral approach
- Collaborating within and across countries
- Including prevention measures and strategies
- Creating a uniform system for identifying children who have been abused or exploited
- Raising awareness about child trafficking
- Providing long-term support to children who have been trafficked
- Data collection, analyses and dissemination
- Monitoring and evaluating programmes
- Involving children in policies and measures to address trafficking
- Non-discrimination

CO-OPERATION WITHIN THE EU

18. The EU has been promoting cooperation measures for the prevention of trafficking in human beings, and the UK has been very active in this regard, which should be congratulated. In October 2005 the European Commission presented its communication and proposed action plan that includes a focus on children. Two months later, the EU adopted Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings.

19. However, the lack of consistent legal definition of child trafficking shared by all European countries is a considerable obstacle to effectively addressing the phenomenon. Not only does this pose challenges for international cooperation between countries, it also has major implications for the identification of child victims. Trafficking cases are still not always recognised as such, and even when they are brought to court, they may be tried under other, related legislation, such as laws on sexual exploitation and abuse, migration and asylum, or under labour legislation. When trafficking cases are not tried under the appropriate forms of legislation, these cases are not reflected in criminal statistics on trafficking, and victims risk being denied the legal protection and assistance to which they are entitled under relevant international standards.

20. Far too often trafficking victims, both children and adults, are treated as illegal migrants or as individuals who are criminally complicit in their own exploitation. A recent UNICEF study revealed that in more than half of the European countries, trafficked children are not yet sufficiently protected by law from criminal prosecution for offences committed while still in exploitative situations.

21. An UNICEF analyses of the flows and patterns of cross-border trafficking indicates that European countries are important destination countries in the trafficking chain, but are also places of origin and transit. There is no clear-cut distinction between European countries of origin and destination. The study found that two-thirds of countries are countries of origin, and more than three-quarters are countries of destination. In more than half of the countries, trafficking routes lead in both directions—they lead both into and out of the country. Internal trafficking is reported to occur in half of all countries in Europe, including in the UK. As countries of origin, transit and destination, the UK and other European countries have multiple responsibilities to prevent trafficking, to identify affected and at-risk populations, and to provide them with assistance and protection.

22. In anti-trafficking policy development, some sub-regional cooperation agreements have been of particular relevance, eg the Stability Pact Task Force on Trafficking in Human Beings for South Eastern Europe (2000-2004), but there are also a number of bilateral agreements. Very few bilateral agreements, however, include provisions for victim assistance and prevention. Instead, bilateral cooperation in Europe tends to focus on law enforcement, mutual legal assistance and the return of identified victims of trafficking to their country of origin. A notable exception and welcome development is an agreement of cooperation for the protection and assistance of child victims of trafficking, signed by Albania and Greece in 2006.

6 February 2008

References

ⁱ Joint Committee on Human Rights, Nationality, Immigration and Asylum Bill, Seventeenth Report of Session 2001–02, HL 132-HC 961, Appendices to the Report, No. 1, Memorandum from the Home Office, paragraph 28.

ⁱⁱ Joint Committee on Human Rights, The UN Convention on the Rights of the Child, Tenth report of Session 2002–03, HL 117-HC 81, p37-38

Memorandum submitted by the NSPCC

A EXECUTIVE SUMMARY

A.1 The NSPCC is concerned that trafficked children are not being identified and protected and in this response we have sought to highlight some of the key weaknesses of the current system.

A.2 Our concerns relate to the lack of awareness and identification of trafficked children, and the lack of support and care available to them. In general we have found that without specific advocacy children who have been trafficked do not trigger an appropriate child protection response.

A.3 Trafficked children will include those who are separated children, crudely defined as “unaccompanied minors”—many of whom may still be controlled by their traffickers as well as other trafficked children who are hidden in private fostering arrangements. The NSPCC considers that there is an urgent need to improve the immediate response to children who are identified as having potentially been trafficked to stop such high numbers of these children going missing. The NSPCC is also concerned that the long-term recovery of those children who have been identified is marred by an unsympathetic and punitive asylum process which discounts much of their evidence of trafficking when they turn 18. We have supported a number of trafficked children who have needed to claim asylum in order to remain in the UK and who have had their claims rejected.

A.4 The NSPCC recommends:

- The appointment of an independent guardian or advocate for any child who may have been trafficked as soon as possible in order to provide emotional, practical and legal support to the child.
- Full care status for trafficked children and the development of specific specialist services for child victims (including access to safe accommodation).
- The introduction of a system of renewable residence permits for children who have been the victim of trafficking and sufficient time to recover before having to make an asylum claim.
- Children have great difficulty establishing claims for asylum under the 1951 Refugee Convention and as such if a child has been trafficked or indeed experienced other child specific forms of persecution they should be given leave to remain. It may be appropriate to return a child to their country of origin but this should not be carried out unless the return is the child’s “best interests”.³⁶
- That in considering any return there should be a determination of the ‘best interests’ of the child in terms of finding a durable solution for that child. This “best interests” assessment should look carefully at issues of security, safety, and welfare and any NGO’s or advocates supporting the child should be fully involved.
- An improved system for referring information and tracking trafficked children and an improved operational police response to cases where children may have been trafficked and are likely to go missing
- The appointment of a “National Rapporteur”³⁷ to act as a central point of data collection for information about trafficked children and to provide independent scrutiny and review of progress on child trafficking
- While the NSPCC welcomes some of the government’s recent reforms aimed at identifying trafficked children we urge the Government to reconsider the changes in policy that will enable the BIA to consider forcibly removing children before they reach 18. We consider that this will undermine attempts to protect trafficked children. Children should not be forcibly returned under any circumstances.
- That the UK Government should integrate children’s rights within domestic legislation and promote it within EU legislation which impacts on trafficked children. The UK Government should also participate actively in measures at EU level which contribute to the protection of child victims of trafficking.

B INTRODUCTION

B.1 The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK’s leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

³⁶ Leave to remain in the UK for Children who are the victims of trafficking should not be conditional on their willingness to testify against their traffickers.

³⁷ The appointment of a National Rapporteur or other comparable mechanism was a recommendation of the European Commission’s Experts Group on Child Trafficking in Human Being and the Council of Europe Convention on Action in Human Beings which the UK Government intends to ratify. It would comprise of an independent institution that collects data and makes recommendations on the development of policy.

B.2 The NSPCC purpose is to end cruelty to children. In order to achieve this, it is vital that all children, whatever their needs, have a range of services that are flexible and offer them support and protection. The NSPCC has more than 180 services in the UK and the Channel Islands. These services aim to:

- Prevent children being abused by working with parents and carers in vulnerable families to improve their knowledge and skills in safeguarding, and giving children and young people someone to turn to through the provision of our Listening Services.
- Protect vulnerable children and young people from abuse by providing direct services in a number of settings, including schools and young people’s centres. We also protect them by providing Listening Services for adults to ensure they have someone to turn to with their concerns; by ensuring that abused children and young people are identified and effective action is taken to protect them, and by working with young people and adults who pose a risk to children and young people to reduce the risk of abuse.
- Help children and young people who have been abused overcome the effects of abuse and achieve their potential.

C THE NSPCC’S EXPERIENCE IN RELATION TO TRAFFICKING

C.1 The NSPCC’s experience and knowledge of trafficking comes both from policy work and the NSPCC’s services. The NSPCC’s Sexual Exploitation Service (SES) service, which is based in East London, works with children who have been sexually exploited and are separated or “unaccompanied” children. The NSPCC’s Special Investigation Service (SIS) (now known as the Independent Enquiry and Assessment Service IEAS) also works on issues related to child trafficking and has supported the police and other agencies in this area, most notably on Operation Paladin Child with the Metropolitan police in 2003.

C.2 Recently the NSPCC has launched a new Child Trafficking Advice and Information Line (CTAIL). The aim of CTAIL is to help immigration officers, the police, social workers, and others working or volunteering with children to identify and protect victims of trafficking. It is also hoped that the advice line will shed light on the scale of child trafficking in the UK. The service has been set up with funding from the Home Office and Comic Relief, and runs in partnership with the Child Exploitation and Online Protection Centre (CEOP) and End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK).

C.3 At a policy level the NSPCC is a member of ECPAT UK and has worked alone and collectively as an ECPAT UK³⁸ member on child trafficking at both national and European level for several years. Jointly with ECPAT, the NSPCC has also taken on the role of “National Advocate” to act as a first point of referral following the identification of children in the recent police Pentameter 2 operation.

D ESTIMATING THE SCALE AND TYPE OF ACTIVITY

D.1 It is still not possible to develop an overall picture of the scale and nature of child trafficking in the UK. There is a low level of awareness of trafficking among many practitioners and a failure to identify those who may have been trafficked. We have found that professionals are often not equipped to recognise child trafficking and may be unsure of how to act on any suspicions or concerns that they have in order to protect the child and they may also be unaware of how information can and should be passed on or to whom. There is also a lack of any systematic collection and analysis of data about trafficked children. The NSPCC recommends the appointment of a “National Rapporteur”³⁹ to act as a central point of data collection for information about trafficked children and to provide independent scrutiny and review of progress on child trafficking

D.2 The high numbers of known and suspected cases of trafficked children who go missing from care and the failure to protect these children makes it difficult to assess or track patterns of child trafficking.⁴⁰ The recent CEOP scoping report, based on information gathered from statutory agencies, identifies 330 known or suspected trafficked children.⁴¹ However, this report is a one-off “snapshot” of trafficking victims who have been identified at one particular point in time rather than an attempt to provide an overview of the nature and extent of child trafficking. The report found that 56% of these children had gone missing without proper efforts to try and locate them, and highlights the failure of social service and immigration teams to

³⁸ 3 ECPAT UK stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes. It is a coalition of nine leading charities in the UK.

³⁹ The appointment of a National Rapporteur or other comparable mechanism was a recommendation of the European Commission’s Experts Group on Child Trafficking in Human Being and the Council of Europe Convention on Action in Human Beings which the UK Government intends to ratify. It would comprise of an independent institution that collects data and makes recommendations on the development of policy

⁴⁰ The recent CEOP report (CEOP (2007) ‘A Scoping Project on Child Trafficking in the UK’) for example, identifies a need for greater awareness and an improved response, including for example better screening of children on entry and a more joined up child protection response from local authorities and the police.

⁴¹ CEOP (2007) “A Scoping Project on Child Trafficking in the UK”, June 2007, CEOP: London This report suggests that a large number of children arrive from African countries and China, that their methods of entry to the UK are varied as are purposes for which they are trafficked (although 57 % reported sexual exploitation). It also reports variation in terms of the level of organisation of the traffickers.

provide proper safeguards for these children: care provisions are poor and they are often placed in unsupervised Bed & Breakfast or hostel accommodation. This happens despite recommendations made as long ago as 2003.⁴²

D.3 A recent report by ECPAT UK offers a similar picture.⁴³ This study over three regions identified 80 reported cases of known or suspected child victims of trafficking. A similar proportion 60% (48) of these children went missing from social services care and have never been found. We consider that children and young people who may have been trafficked need direct support services and a key worker to be identified immediately who will give support to the young person and keep in contact with them. The NSPCC's involvement as a 'National Advocate' in Pentameter 2 was designed to ensure that children who have been identified were provided with support straight away. The challenges we have faced in this role reflect the difficulties of getting information and support through to trafficked children even when they have been clearly identified, suggesting again a lack of awareness and understanding of the specific needs of these children.

E THE DIFFICULTY OF FINDING THOSE WHO HAVE BEEN TRAFFICKED; AND THE ROLE OF NGOS IN HELPING TO IDENTIFY AND ASSIST VICTIMS;

E.1 Our experience is that it may take a long time for trafficked children to disclose their experiences and to come to a realisation of what has happened to them. In recent years our sexual exploitation service started to accept referrals of very vulnerable girls who had arrived in Britain from different parts of Africa and were susceptible to sexual exploitation because of their previous experiences and level of isolation. All were initially housed inappropriately, and given a lower level of support than most looked after children who are born in the UK. Over the last few years sustained work with these girls and young women has led to them sharing their histories with staff and what has emerged from all the histories are quite clear indicators of trafficking for sexual purposes and in one case for domestic work. Initially all of these girls were orphaned migrant children from Africa brought to the UK who had either been abandoned by their adult traffickers on arrival or they had managed to escape their traffickers at a later point. They were all trafficked following armed conflict and/or destitution⁴⁴ and were unaware that their experiences constitute "trafficking" until made aware of it by our project.

E.2 Most of the children involved were exploited in their countries of origin, and again here in the UK, due to their extreme vulnerability and inappropriate housing. Several have received social services support with housing, but little else, and all have looked to the NSPCC for emotional and practical support. The Sexual Exploitation Service was not designed to deal with trafficking and has had to develop knowledge and expertise rapidly. The group that was set up, "From There 2 Here", is still running, and now acts as an advisory group to the NSPCC's new Child Trafficking Advice and Information Line Service. The group also continues to accept new members. Currently the girls come from Angola, Kenya, Burundi, Rwanda, Guinea, Uganda, Eritrea, Sierra Leone and other African states as well as more recently from China and Romania.

E.3 We are greatly concerned by the lack of resources for the child victims of trafficking. The Government has yet to provide any specific services for child victims of trafficking and makes no reference to this in their UK Action Plan on Tackling Human Trafficking published in March 2007. The experience of the Sexual Exploitation Service over the past four years has been that even when young people who have been trafficked are accorded Social Services support under s20 of the Children Act 1989, this support is minimal. Support typically consists of low-quality, semi-independent accommodation where the young people have very little contact with the social worker.⁴⁵ Most of the young women known to the Sexual Exploitation Service have been placed in this kind of semi-independent accommodation from the age of 16. These placements have proved inadequate for these young people who have experienced trauma and abuse and who often do not have sufficient English language skills or understanding of how things work to cope in semi-independent living. The service has found that it is unusual for foster care to be considered as a placement option for trafficked children, despite their high level of vulnerability and need. The service reports that there is insufficient expertise, care and attention directed to children who have been the victims of trafficking due to the lack of capacity within front-line Children's Services teams. We reiterate that trafficked children should be accorded full care status under s20 of the Children Act 1989 and the support they are given must fully meet their needs. We also recommend that the government develop specialist services for child victims (including access to safe accommodation).

⁴² Local Authority Circular (2003) This specifies that a child who has no parent or guardian must be accorded a full care order under section 20 of the Children Act.

⁴³ ECPAT UK (2007) "Missing Out A study of Child Trafficking in the North-West, North East and West Midlands", January 2007, ECPAT UK: London.

⁴⁴ Research shows that these are common causes for movement of vulnerable children, see for example, Save the Children UK (2000) "Separated Children Coming to Western Europe—why they travel and how they arrive" Wendy Ayotte, Save the Children UK: London

⁴⁵ See for example, Save the Children UK (2005) Local Authority Support to Unaccompanied Asylum-Seeking Young People. Changes since the Hillingdon Judgement

E.4 Although the children in our Sexual Exploitation Service are at a stage where they are able to be supported by the NSPCC group, some trafficked children will still be being controlled by their traffickers and will be confused, isolated and frightened. As soon as trafficking is suspected, an independent guardian should immediately be identified who can advocate for the legal, practical and emotional needs of the child. This advocate needs to be independent of Government agencies. Our own experience of running a National Advocate scheme (jointly with ECPAT UK) in relation to the victims of Pentameter 2, has also met with considerable difficulties in arranging support and advocacy for individual children due to a confusion of responsibilities and a failure to share information and to make referrals. The Government also needs to provide resources for specialist support services that can provide immediate protection (including access to safe accommodation) to children and young people arriving in the UK who are at risk of trafficking.

F THE TREATMENT OF THOSE WHO HAVE BEEN TRAFFICKED BUT HAVE NO LEGAL RIGHT TO REMAIN IN THE UK, INCLUDING THE REQUIREMENTS IMPOSED BY THE COUNCIL OF EUROPE CONVENTION ON COMBATING HUMAN TRAFFICKING;

F.1 There continue to be tensions in the Government's approach to child trafficking between their acknowledgement of the need to protect child victims and their concerns about border control and immigration. This is clear in the ways the safety, security and welfare of trafficked children is routinely undermined by the asylum process. We welcome the Government's recent commitment to ratify the Council of Europe Convention on Action against Human Trafficking by the end of 2008 for victims of trafficking. We recommend that in ratifying the European Convention, the UK government introduce a system of renewable residence permits which would allow trafficked children space to recover from their experiences and we consider that these children should have a right to remain in the UK if it is in their best interests to do so.

F.2 We also welcome the Government's intention to review and consult on its reservation to the United Nations Convention on the Rights of the Child (UNCRC) Article 22 relating to immigration matters and we urge the Government to remove this reservation. We consider that unless and until the treatment of all separated children is improved, in line with the principles of the UNCRC, it will be difficult to identify and protect those among them who have been trafficked. Given the length of time and level of support it took for the children in our service to disclose their experiences of trafficking we think it is unlikely that the majority of separated children who have been trafficked will ever be identified as such. In this respect we have been particularly worried by the recent announcement that separated children's immigration decisions will be fast tracked in order to speed up these children's automatic return. We welcome the BIA's code of practice to safeguard children in the UK but we continue to be concerned that the Borders and Immigration Agency is excluded from the statutory duty to make arrangements to safeguard and promote the welfare of children, under Section 11 of the Children Act 2004.

F.3 Evidence from the NSPCC's Sexual Exploitation Service highlights that children who have been trafficked into the UK face an unsympathetic and punitive asylum process. The service has a number of young victims of trafficking who did not claim asylum for trafficking upon their immediate arrival (they did not identify themselves as having been trafficked, did not understand what had happened to them or use the word "trafficking"). This has complicated their applications for indefinite leave, and diluted the support available to them. It now appears likely that they will be deported and returned to countries where they will have no support or means of survival. These young women will therefore be vulnerable to re-trafficking and placed at risk of further sexual exploitation in the UK or elsewhere. We are also concerned that this situation could be further exacerbated by the recent reforms announced in relation to unaccompanied asylum seekers that state the intention to consider forcibly removing children even earlier than 18. The NSPCC urges the Government to reconsider the changes in policy that will enable the BIA to remove children before they reach 18. We consider that this will undermine attempts to protect trafficked children. Children should not be forcibly returned under any circumstances.

F.4 Some of the children on turning 18 have already been forced through the legal system three or four times while appealing Home Office decisions to return them to their countries of origin. The new reforms could mean that young people whose asylum claim fails will be forced to undergo the harrowing appeal process before they turn 18. Overall the legal advice offered to the young people we have worked with has been difficult to access and requires a complex and specialised response which is unlikely to be available to those without the extra support and knowledge offered by teams like the NSPCC's Sexual Exploitation Service'. Our advice line identifies a particular need for greater legal support for the more complex cases. We consider that trafficked children should be afforded specific legal protection and that children should be given leave to remain in the UK where there is evidence that they have been trafficked.

F.5 The NSPCC considers it essential that a guardian is appointed as soon as a child is identified as having been trafficked or there are concerns that a child may have been trafficked. In the current system these children may go unrepresented in their asylum application and may not understand the implications of their asylum application. We are aware that it is common for trafficked children to be advised by non-specialist immigration solicitors to claim asylum and that many fail to obtain protection. Children have great difficulty establishing claims for asylum under the 1951 Refugee Convention. The NSPCC recommends that if a child

has been trafficked or indeed experienced other child specific forms of persecution they should be given leave to remain. It may be appropriate to return a child to their country of origin but this should not be carried out unless the return is in the child's "best interests".

F.6 There are situations where it may be appropriate and right for children to be voluntarily returned to their country of origin. However, trafficked children must not be sent back to a situation that places them at risk of violence, abuse or re-trafficking. We recommend that in considering any return there should be a determination of the "best interests" of the child in terms of finding a durable solution for that child. This "best interests" assessment should look carefully at issues of security, safety, and welfare and any NGO's or advocates supporting the child should be fully involved. An assessment of the child's best interests should examine and balance a variety of factors including: safety, family reunification, age and maturity of the child, the child's level of integration in the host country, socio-economic conditions in the country of origin and the views of the legal guardian. We recommend following the Committee on the Rights of the Child's guidance on the treatment of unaccompanied and separated children outside their country of origin, including their guidance on the factors to consider when deciding whether to return a child.⁴⁶

F.7 The NSPCC has some experience of working with agencies in countries of origin in situations where returns have taken place. However, we are not currently confident that in the cases we are aware of proper assessments have been carried out and that these children are being properly safeguarded and will not be re-trafficked.

G CO-OPERATION WITHIN THE EU (INCLUDING EUROPOL)

G.1 The NSPCC considers that because of the cross border nature of the problem, EU action is essential in tackling child trafficking, as well as national and international action. As well as helping to prevent and combat the crime of child trafficking, the NSPCC emphasises the role the EU can play in helping to guarantee the protection of child victims of trafficking, for example by ensuring children's rights are fully taken into account within EU asylum legislation, or promoting high standards of protection of trafficked children.

G.2 The NSPCC notes the range of relevant EU legislation, plans, programmes and recommendations relevant to combating trafficking in human beings, including child trafficking.⁴⁷ It welcomes the commitments expressed at EU level to combating child trafficking, and an increasing recognition of the importance of specific measures relating to children who have been trafficked. In November 2007, the Justice and Home Affairs Council adopted conclusions on trafficking in human beings, which recognised "the need for special attention to be given to the situation of child victims of trafficking... taking into consideration that child victims are to be provided with appropriate assistance and protection and full account has to be taken of their special rights and needs."⁴⁸ However, in practice such commitments do not appear to have resulted in significant concrete action.

G.3 The NSPCC has for a number of years highlighted the importance of a child rights-based approach to trafficking at EU level, which recognises the specific rights and interests of trafficked children. In this light we welcome the "Recommendations on standards and best practices on national mechanisms for identification and assistance of victims of trafficking in human beings" which were presented by the European Commission at an Anti-Trafficking Day meeting held on 18 October 2007. This document recognises many of the specific considerations in relation to children who have been trafficked, which is welcome, although we regret that there were no separate guidelines on the identification and protection of trafficked children.

G.4 These guidelines have the potential to provide a framework within which Member State governments, including the UK and other stakeholders, can work to improve the way victims of trafficking are dealt with in their countries and to provide adequate protection. However, the low visibility of this document is of some concern and it is currently not clear how it will be used or publicised.

G.5 A specific concern in relation to the impact of EU policies on trafficked children is the failure to sufficiently integrate a children's rights-based approach in asylum and immigration legislation. Trafficked children often enter EU countries without proper documentation and are therefore seen as "illegal immigrants". They frequently seek asylum in destination countries. In order to provide adequate protection to child victims of trafficking it is essential that EU institutions ensure that the rights and needs of children are integrated within all EU activities relating to asylum and immigration. This includes for example the specific situation of trafficked children and the need to ensure children's rights to protection are reflected in the proposed "Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals" (COM/2005/0391 final). This is currently being debated in the Council.

⁴⁶ UNCRC (2005) Guidance on the treatment of unaccompanied and separated children outside their country of origin.

⁴⁷ These include, inter alia, Council Framework Decision 2002/629/JHA on combating trafficking in human beings; Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography; and Council Directive 2004/81/EC on the residence permit issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

⁴⁸ Council of the European Union, Press Release 14607/07 (Presse 253), 2827th Council meeting, Justice and Home Affairs, Brussels 8-9 November 2007

G.6 Another role for the EU is in supporting the development of much-needed data on trafficking in children, including through the DAPHNE programme which aims to combat violence against women, young people and children.

G.7 The NSPCC recommends that the UK Government consistently advocate the integration of children's rights within EU legislation which impacts on trafficked children; that it participate actively in exchanging best practice between EU Member States on protecting and identifying trafficked children; and that it help ensure the Recommendations referred to above are made visible and actively implement them in the UK.

H EFFECTIVENESS OF THE CO-ORDINATION BETWEEN PUBLIC AUTHORITIES IN THE UK (HOME OFFICE, FCO, POLICE FORCES, SERIOUS ORGANISED CRIME AGENCY, BORDER AND IMMIGRATION AGENCY, SOCIAL SERVICES).

H.1 There have been longstanding concerns expressed by NGOs and others about the co-ordination between public authorities in the UK. One reason for setting up the NSPCC's Child Trafficking Advice and Information Line was our awareness that various public authorities (as well as a wider constituency of voluntary organisations) did not know who to contact and which other agencies to work with when they became aware that a child may have been trafficked. One of the aims of the advice line is to help to ensure a common child protection response from different agencies. We are currently looking at ways in which the NSPCC can work more closely with Operation Paladin in relation to police and immigration services at borders.

H.2 We understand that it will take time both for new and existing agencies to become more aware of child trafficking and develop the right response and we are optimistic that the *Working Together Guidance on Safeguarding Children who may have been Trafficked* as well as our own advice line will help to develop improvements. We have also been encouraged by some extremely concerned and committed individuals who have contacted our service from agencies such as Borders and Immigration and Social Services in order to clarify the steps they should go through in order to adequately protect and safeguard a child.

H.3 However, we have been concerned that the respective roles of UK Human Trafficking Centre (UKHTC) and CEOP are unclear and this has been fed back to both agencies with the acknowledgement of a need to clarify the relationship between them. We are concerned that there is confusion on the ground about the role and remit of both and some continuing overlap in their areas of responsibility.

H.4 At the same time what is missing is a police agency equipped to provide operational support to retrieve individual children who have been trafficked. It seems to us unhelpful that operational responsibility is left with local police forces,⁴⁹ and Local Children's Safeguarding Boards, when trafficked children will go missing from an area and be moved by traffickers to other parts of the UK. We recommend an improved system for referring information and tracking trafficked children and an improved operational police response to cases where children may have been trafficked and are likely to go missing.

H.5 We have also experienced failures by the police to pass on information to the NSPCC in relation to the National Advocate role during the Pentameter 2 operation (and now to the advice line). We have found that this information about children is not shared with us within the timescales required by child protection procedures and we remain concerned that unless children are given the immediate support they need they will continue to go missing. The lack of effective information referral may also be a reflection of the failure to properly address the issue of children at a policy or planning level in either police anti trafficking operations Pentameter 1 or 2. We are concerned that this failure to respond appropriately to the needs of children may be a result of the UKHTC still being an essentially adult-focused unit. This experience also suggests that a great deal of work needs to be done to improve the system of referral before the UK is in a position to ratify the Council of Europe Convention.

APPENDIX 1 CASE STUDY FROM THE NSPCC CHILD TRAFFICKING ADVICE AND INFORMATION LINE

This is an ongoing case.

A local authority contacted the CTAIL saying that the Borders and Immigration Agency had referred a 14 year old young person to them whose address was in their area. This young person had gone to their BIA office wanting a passport as she wanted a cleaning job and had been advised that she needed a passport. She stated that she had been in the country since she was 4 months old living in different places and that she had never attended school. Immigration staff identified that she was vulnerable and made an appointment for her to return the next day. They then referred the case to the Local Authority. The young person did not turn up to her appointment the next day and when the Police went to check the address, the occupants of the address had never heard of her.

She is now a missing young person and there are ongoing multi-agency meetings involving CTAIL to attempt to locate her.

⁴⁹ It is also problematic that within the police the responsibility for child trafficking generally sits with officers who do not sit with the Child Protection Teams of those forces. The exception to this is Operation Paladin within the Met police which consists of child protection police working in a multi agency partnership

WHAT SHOULD BE DONE DIFFERENTLY IN THE FUTURE WITH THE HELP AND GUIDANCE OF THE ADVICE LINE?

Young people who come forward without official documents or safe and genuinely protective adult guardians are highly vulnerable and are at a high risk of going missing. The latter must be a key factor in decision-making about all children who have been trafficked or at risk of trafficking.

In the case above there were elements of good practice, with all of the professionals involved showing care and concern and working together to try protect the young person. However, this was not sufficient to safeguard this child. If immigration had accessed a social worker immediately the young person could have received a child in need interview which would have addressed questions of immediate safety and parental responsibility. Best practice would have dictated that a social worker would not have discharged the young person without contacting parents or carers, preferably by visiting the address. If after an interview the social worker remained concerned about the vulnerability and lack of adult care for this young person, the social worker could exercise his/her options of offering local authority care (eg foster care) or signposting the young person to direct access accommodation (there is very little of this) or even working with the police to remove the child into police protection. Following a social work interview there would also be more information available to piece this young person's story together to address her needs.

Borders and Immigration could also have contacted the CTAIL who would have advised immigration officers what questions to ask (eg Who is at home? Have you got somewhere safe to stay?). In this scenario the young person would hopefully have been assisted on the day. At the very least the NSPCC would have access to more details about the young person to follow up.

Statutory services should also be aware that if they have real concerns for a young person's welfare, the police are available to advise on urgent action. They must also always have cards for young people detailing services to contact for support.

6 February 2008

Memorandum submitted by Kalayaan

Summary: Although migrant domestic workers (MDWs) currently enter the UK on a specific visa which offers them some protection against abuse by employers Kalayaan still documents shockingly high levels of exploitation of migrant domestic workers. Sometimes the deception and coercion involved in bringing the worker to the UK makes it clear that they have been trafficked, despite entering on the domestic worker visa and so in theory able to access protection.

Much of the existing exploitation of MDWs occurs because the workers are unable to access information about their rights and entitlements in the UK and advice and support to implement these rights. Instead they are deliberately misinformed by their employers who use this together with other methods such as the confiscation of workers passports to control their employees and prevent them from leaving despite their mistreatment.

It is clear that MDWs existing rights need to be enforced and steps need to be taken to ensure that MDWs are informed of their rights, employers of their duties and authorities of the vulnerabilities of MDWs and enforcing these rights.

Instead, despite stated policies to protect victims of trafficking and to prevent trafficking, the Government is now proposing to end the existing visa with the introduction of the Points Based System for migration to the UK. Instead MDWs will be brought in as "business assistants" and will be tied to one employer giving them no option to escape abuse within the immigration rules. It is also uncertain whether they will be protected under UK employment law under the proposed changes.

To retain the existing migrant domestic worker visa and the protection it offers to workers is the single most important issue the government can do to prevent forced labour and trafficking of MDWs.

MAIN EVIDENCE

1. Kalayaan is a UK based charity which works with migrant domestic workers in the UK. Our response to this inquiry is therefore limited to our experience of working with this particular group of migrant workers who enter the UK on this specific visa. We have OISC exemption to give basic immigration advice and we also give basic employment advice as well as working closely with law centres and solicitors to refer on cases which we cannot cope with internally.

2. Kalayaan has been working with migrant domestic workers in the UK since 1987. As a workers rights and community organisation we have focused our work on this particular group of migrants as the vulnerability of their immigration status together with their dependence on a specific employer for their employment, their housing and all information about their rights in the UK makes them especially vulnerable to abuse and exploitation, which includes trafficking for forced labour and often involves sexual exploitation.

3. In 1998, following over ten years of campaigning the government decided that the documented levels of abuse and exploitation of migrant domestic workers (MDWs) who were entering the UK with their employers was unacceptable and that there needed to be protection in law for these workers.

4. Prior to 1998 there was no formal route for MDWs to enter the UK, instead they would be given leave to enter as either a visitor, a family member or given a “to work with.” stamp. This meant that these workers were not formally recognised as workers in the UK leaving them extremely vulnerable to exploitation by their employers and others. When they escaped an exploitative employer these workers would usually have to leave without their passports and their undocumented status would leave them with no recourse to any protection under UK law, leaving them open to further exploitation, or re- trafficking.

5. In an attempt to offer MDWs in the UK recognition as workers and protection under UK law since 1998 MDWs have entered on a specific visa, the migrant domestic worker visa. The first visa is usually valid for six months and if in full time employment the worker can apply to renew their visa for up to a year at a time. After five years working on this visa and passing a test to show knowledge of English and Citizenship MDWs can apply for Indefinite Leave to Remain, or settlement. The visa recognises that MDWs are workers who are “normally resident” in the UK. MDWs on this visa are allowed to change employers, but not sector; one condition of their visa is that they must be in full time employment in one job as a domestic worker in a private household. They have no recourse to public funds and pay all the costs of renewing their visa. This provides MDWs with a vital escape route from exploitation.

6. The isolation and dependence on their employer for all information about their rights in the UK as well as the constraints of needing to be in full time employment in one private household and having no recourse to public funds mean that MDWs continue to be exploited despite the additional rights the visa gives them. However they are able to leave an exploitative situation without jeopardising their immigration status, seek advice, and if they wish they can seek assistance from the police or go to an employment tribunal.

CASE STUDY

Kalayaan was contacted by the police who were looking for housing and support for an MDW who had been locked in the house and repeatedly raped by her employer. The police had nowhere to house her and were concerned about her vulnerability and that she receive ongoing support.

Kalayaan was able to find her accommodation with a religious organisation. During the day she would come regularly to Kalayaan where she learnt about her rights as a domestic worker in the UK, made friends with other workers and developed a support network in the UK. Eventually she felt ready to find a new job. She is now working in a good job as a domestic worker in a private household.

This case study shows how Kalayaan is able to work with statutory bodies like the police to protect and support MDWs. Without the migrant domestic worker visa which allowed her to leave her employer this worker would have been in breach of her immigration status and would have been liable to detention and deportation. However, it should be noted that not all police forces appear to be aware of the rules that apply to MDWs or of the dangers of trafficking and so some MDWs may simply be treated as illegal migrants.

7. Between April 2006 and March 2007 Kalayaan registered 340 new migrant domestic workers and gave 2,476 advice and support sessions to MDWs, of the workers we saw 84% were women. Of new registrations, 69% of workers reported psychological abuse and 24% reported physical abuse to us. 68% had no time off from their jobs, 61% were not allowed out of their employer’s house without their employer knowing exactly where they were and over half did not have their own room giving them no privacy or time to themselves. 32% of workers were not in possession of their passports when they arrived at Kalayaan as these had been taken from them by their employers. Many of these had no knowledge of their own immigration status and so of their position in the UK. It is common that employers lie to the domestic workers they employ, telling them that their visa has expired and that they are “illegal” so should not speak to anyone and cannot go to the police or other authority for help. While many migrant workers are vulnerable to exploitation, these levels of abuse and coercion, combined with deception as to what treatment they should expect as workers in the UK, mean that many of the MDWs who come to Kalayaan can be identified as having been trafficked. Levels of sexual abuse reported by MDWs registering at Kalayaan are relatively low at 9% during the April 06 to March 07 time period. However we believe that sexual abuse is under reported as workers are unlikely to speak about such a taboo subject when they first meet Kalayaan staff.

8. *Scale of activity*

UK visas have confirmed under the Freedom of Information Act that 18,206 visas were issued to migrant domestic workers to enter the UK between January and December 2006. Many of these workers would have entered and left the UK with their employers within the six month duration of their initial visa. We do not know how many stay in the UK nor how they are treated in the UK. Only a very small proportion of MDWs entering the UK make it to Kalayaan (340 new registrations between April 06 and March 07) and although we collect statistics on the treatment of these workers we do not know how representative this treatment is. Workers usually find us through word of mouth or by referral from another organisation and it may be that the most abused MDWs never get the opportunity to leave.

9. Identifying victims

In Kalayaan's experience victims of trafficking for labour exploitation are often seen as immigration offenders rather than victims of trafficking. As explained above, 32% of the workers who register at Kalayaan have had their passports kept from them by their employers. Some of these workers will have been trafficked in that they have been deceived, threatened and controlled by their employers. It is commonly recognised among experts in trafficking that keeping someone's documents is a way of controlling them and preventing them from leaving, particularly if that document contains their visa with proof of their right to work in the UK. The large number of workers arriving at Kalayaan without their passports means that this is an issue on which Kalayaan has to regularly work with the authorities to resolve. However, our general experience is that the worker is the one treated with suspicion by the police and is put under obligation to prove their immigration status, despite having gone to the police as the victim of a crime. Kalayaan has a procedure which we follow when passports have been taken by employers; we will first call the employer to ask that they return the passport either to the worker or to the worker's embassy. If they do not do so, we then write them a letter giving them seven days to return the passport. If they still do not return the passport, we then go to the police with clear evidence that the passport is being deliberately withheld by the employer. Despite this it is rare that the police will ever take any action against the employer. We have never had an experience where the police see this withholding of documents as an indicator of trafficking and decide to investigate further.

10. There needs to be specific training for authorities with whom victims of trafficking may come into contact on identification of victims. There needs a lot of work done on indicators of trafficking and there needs to be support which the authorities can offer victims. The current situation is that there is no housing or other help for victims of trafficking for labour. This lack of support combined with the likelihood of being treated as a criminal rather than a victim gives little incentive to victims to come forward. In consequence the chances of traffickers or abusers being prosecuted are low.

11. Any work done to look at support for victims of trafficking must also look at ways to prevent people from becoming victims in the first place. Currently MDWs are recognised as workers and can use existing legal structures to escape an abusive employer and go about rebuilding their lives. To remove this protection will dramatically change the power relationship between the worker and the employer making the worker entirely dependent upon the one employer with no legal protection and will clearly facilitate trafficking of this group of workers. In their 26th report of session 2005–06, the Joint Committee on Human Rights recommend under "Protection of victims" (point 32) that "proposed changes to the domestic worker regime would mean that domestic workers who are trying to flee a violent employer would be less likely to do, and less likely to approach public authorities for help". They urge that the Government "review these proposals and...ascertain their likely negative impact on victims of trafficking". The Government can do a large amount towards preventing forced labour by retaining the current protection in place for this group of workers and ensuring that other vulnerable workers and victims of trafficking can also take action without being treated as immigration offenders.

12. Treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human Trafficking; There clearly needs to be protection in place for workers (and others) who have been trafficked in order that they can seek assistance. Again however we return to the issue of identifying victims of trafficking and the fact that the fewer rights any worker has in the UK the more vulnerable they are to trafficking. Workers need to be able to defend their rights and access protection on the basis of being workers rather than victims. The MDW experience shows that the introduction of a formal migrant domestic worker visa has improved the treatment of MDWs in the UK. Baroness Scotland noted on 26 March 2007 that the Government is "conscious that the changes we brought in greatly benefited domestic workers in this situation." Without the visa MDWs were brought in as visitors or family members. This put the workers in a situation that despite having no direct involvement in the application for their visa or the arrangement for coming to the UK they were in breach of the immigration rules. This gave them cause to fear authorities and ammunition for employers to use as a threat. Since 1998 and the introduction of the migrant domestic worker visa workers are clearly identified as workers, have protection under UK employment law on this basis and can access such protection due to the current provision which allows them to leave an abusive employer.

13. Effectiveness of the co-ordination between public authorities in the UK; Kalayaan's experience of working with public authorities in the UK is that there is little effective co-ordination. This also applies within individual government departments. For example while the Home Office has a stated aim of both preventing and protecting victims of trafficking, the Border and Immigration Agency is proposing to remove a key protection from one of the most vulnerable categories of migrant workers many of whom are already trafficked. Similarly the BIA need to be far more proactive if they are to prevent trafficking in terms of informing employers of their duties as employers and workers of their rights as workers in the UK. Data collected from MDWs registering at Kalayaan shows that (contrary to current guidelines) the majority of MDWs are not interviewed separately to their employers when applying for their visas, are not informed about their rights and are not given any information prior to entry.

14. Similarly, as described above, Kalayaan frequently experiences difficulties making the police aware that MDWs who have had their passports stolen are the victims of crime and could well have been trafficked. Often when a worker runs away the employer reports them to the police and they get referred to the missing

persons unit. Kalayaan has asked that when MPUs have such reports made they take a proactive approach to see if the worker has been a victim of trafficking or other crime⁵⁰. For example that the police ask the whereabouts of the worker's passport, ask where the worker slept, what she or he was paid, the hours they worked etc. This is not happening. Conversely we find that the employer's account of events is taken at face value, and no questions are asked as to what could have driven the worker to have run away, leaving everything and knowing no one. We have had cases where, despite the employer having stolen the passport this is not investigated but the worker is arrested and called in to answer the employer's counter allegations, which often include theft of jewellery.

15. Kalayaan also experiences considerable difficulties establishing with employers (or their solicitors) something as basic as the fact that the worker's passport (and UK visa which it contains) is the property of the worker and not the employer. Many employers refuse to return the passport as the visa was issued on the basis of their employment of the worker and they therefore claim to believe that they are responsible for "cancelling" the visa if the worker leaves. We have considerable difficulty where workers passports are sent to the employer's embassy (despite the employer being from a different country to the worker), or to the Home Office or even back to the country from which the worker was recruited, leaving her in the UK without any papers. Although BIA have now included guidelines on their website which state that an employer should not keep a domestic worker's passport, the illegality of such actions⁵¹ needs to be highlighted as employers' actions clearly show that this is not something they take seriously.

16. Despite their current status as workers who are "normally resident" in the UK and protected by UK employment law Kalayaan has experience considerable difficulty with supporting MDWs to take National Minimum Wage claims. It is of great concern to us that on every case we have supported we have had to demonstrate to the Compliance Team that the worker is in fact a worker covered by the National Minimum Wage. We have been told that MDWs are exempt from the NMW and we have had to prove that this is not the case. As a government body enforcing the National Minimum Wage we would hope that the Compliance Team would be well aware of the vulnerability of migrant workers and would be proactive in investigating cases of migrant workers. Contacting the NMW Compliance team is one way in which workers trafficked for labour may contact the authorities and investigating these cases could well lead to the discovery of other abuses including trafficking. Vulnerable workers should not have to establish their eligibility to the NMW before the case will be looked at. To be told they are not covered by the NMW is unlikely to encourage vulnerable workers to think other authorities would be any more helpful.

17. It is clear that MDWs, including those who have been trafficked, can, with the right support and advice, escape from their situation and, without any recourse to state funding, rebuild their lives as well as meet a demand for their employment in the UK and send valuable remittances back to their families. There is a need to build on the existing protection by working with authorities and increasing the information and support available to workers to access their rights, as well as being serious about prosecuting employers who take advantage of a workers immigration status to exploit them. By retaining the existing protection in place for MDWs and continuing to work with organisations such as Kalayaan and MDWs themselves, so that MDWs can access their basic rights, the Government will be taking a simple yet important step to protect against and prevent trafficking.

8 February 2008

Supplementary memorandum submitted by Kalayaan

ISSUING OF ENTRY CLEARANCE TO THE UK AS A DOMESTIC WORKER IN A PRIVATE HOUSEHOLD.

Entry clearance to enter the UK as a domestic worker in a private household is issued by the British embassy or consulate in the country from which the worker is travelling. One of the requirements for entry clearance is that the worker has to have been previously employed by the family for a minimum period of twelve months before applying to come to the UK. The worker is then supposed to be given information as to their rights as a worker in the UK and interviewed in person, separately to the employer, in order to give them an opportunity to disclose any concerns they may have.

According to migrant domestic workers (MDWs) registering at Kalayaan, the above procedures are often not followed.

⁵⁰ Discussion at the Migrant Domestic Workers Awareness Day, 10 May 2007 at the Diversity and Citizen Focus Directorate

⁵¹ See Identity Cards act 2006, sections 25 and 26

Case Study:

Ravi (not his real name) entered the UK in the employ of a wealthy and influential family from the Middle East. His wages were so low that despite the very long hours he worked he was not able to send any money home to his family. This drove him to run away despite his employers having confiscated his passport.

When Kalayaan secured proof of Ravi's visa we discovered he had been issued a visit visa despite having clearly entered the UK to work in his employers' private household. Using the Data Protection Act we eventually secured Ravi's visa application form. The embassy confirmed that they were not able to provide interview notes as Ravi was not interviewed at the post. Ravi told us he had never seen the application form for his visa before and the signature on the form was clearly not his. Together with the form was a letter from Ravi's employers requesting he be issued "a visit visa" in order to travel to the UK as a "member of their service staff".

Having entered the UK on a visit visa Ravi was working in breach of the immigration rules. He has no employment rights or recourse against his employer.

The 89 new MDWs who registered at Kalayaan between 3rd January 2008 and 31st March 2008 when asked by Kalayaan about their visa application process reported the following:

Interviews when applying for visa:

- 52 were interviewed at an overseas British embassy
- 32 were not interviewed (but were issued a visa)
- 5 did not supply any data

Of those interviewed how many MDWs had their employer present during the interview?

- 41 told Kalayaan that their employer or a member of their employer's household was present during their interview
- 11 told us that they were interviewed alone

At which British posts overseas were these 89 visas issued and how many interviewed the MDWs to whom they issued visas?

<i>British embassy</i>	<i>Total MDW visas issued by this post</i>	<i>How many of these workers were interviewed?</i>
Didn't name embassy	8	5
India	30	19
Singapore	2	0
Jordan	1	1
Oman	3	2
Kuwait	6	3
Hong Kong	4	2
Brunei	4	1
UAE	8	3
Qatar	2	2
Saudi Arabia	5	1
Bahrain	3	3
Morocco	1	1
Russia	3	3
Cyprus	1	1
Israel	1	0
Nairobi, Kenya	1	0
Colombo, Sri Lanka	2	2
Lagos, Nigeria	2	1
Indonesia	1	1
Philippines	1	1
Total visas issued	89	52

Information given at overseas posts:

In the past the Home Office has produced an information booklet entitled “Information about domestic workers”. This was designed to be translated and given to (MDWs) as they applied for entry clearance⁵². Kalayaan distributes these booklets to workers that register at Kalayaan. We find these leaflets particularly useful as they provide written evidence to the MDWs who receive them of the rights they had been told they did not have (such as the right to change employers). These leaflets have also proved useful in persuading authorities of the rights and entitlements of MDWs.

When Kalayaan attempted to reorder supplies of the booklet last year we were told they were no longer being printed.

Also of concern are discrepancies in information being given to both workers and employers about the National Minimum Wage (NMW). As workers MDWs are covered by the NMW legislation, however the Immigration Directorates’ Instructions clearly state that non-payment of the NMW by an employer is not a reason to refuse a visa⁵³. This clearly facilitates confusion and encourages abuse. An employer can declare that they intend to pay a worker well below the NMW, in breach of UK employment law, and still be issued a visa to bring them to the UK.

Importance of maintaining the domestic worker visa and associated rights and protections.

Despite the shortcomings of the domestic worker visa it is important to remember how much worse conditions were for migrant domestic workers who were brought to the UK by employers before 1998. At that point there existed no specific route of entry for the domestic workers of families coming or returning to the UK. The lack of a specific immigration route via which to bring domestic workers did not prevent employers from bringing them. Instead they were brought as family members, visitors or simply had “to work with...” stamped in their passports. We still hear many instances of these types of visa being issued to domestic workers today. Removing the Migrant Domestic Worker visa will not stop employers bringing workers to this country it will only serve to make the workers less visible and thus more vulnerable.

This meant that domestic workers were not formally recognised as workers in the UK, they were working in breach of their immigration status and when they fled employers escaping sometimes horrific abuses they had no legal options or recourse to justice, and lived in fear of the authorities rather than approaching them for support. The government have acknowledged that conditions of MDWs in the UK have improved since the introduction of the visa in 1998⁵⁴ and Kalayaan works hard to support MDWs to access their existing rights. In order to ensure that individuals trafficking MDWs to the UK for the purpose of labour exploitation are punished, MDWs need to know that they can approach authorities without fear of detention and deportation.

How many MDWs are trafficked?

Kalayaan works with all MDWs whether or not they are trafficked. We firmly believe that if domestic workers are entering the UK with an employer for the purpose of work there must be sufficient legislation in place to prevent them being abused and put into forced labour. This is the only way to prevent the trafficking of MDWs. Migrant Domestic Workers are particularly vulnerable to exploitation and severe abuse due to their dependency on one employer for information about their rights in the UK, often for translation, for their immigration status, for their work and for their housing. It was in recognition of this vulnerability that the UK government introduced existing protections for MDWs in 1998.

The 312 MDWs who registered at Kalayaan during 2006 reported the following abuse:

Physical abuse 26%

Psychological abuse 72%

Sexual abuse 10%

No room or private space within the house within which they lived and worked 61%

Lack of food 41%

No time off at all 70%

Not allowed to leave the house 62%

Taboos and lack of trust upon first contact with Kalayaan mean that statistics such as sexual abuse are underreported.

⁵² Anderson, B. 1993 “Britain’s Secret Slaves” p. 64

⁵³ Immigration Directorates’ Instructions. Chapter 5, Section 12, Domestic Workers in Private Households. Dec 02. Paragraph 3.3 The National Minimum Wage

⁵⁴ Baroness Scotland noted on 26 March 2007 that the Government is “conscious that the changes we brought in greatly benefited domestic workers”.

Experts in trafficking such as Klara Skrivankova from ASI identified all the MDWs she met during a research visit to Kalayaan as having been trafficked⁵⁵.

Under the Palermo Protocol trafficking involves the movement of people across or within borders; threats or use of force, coercion and deception; and the abuse of power or a position of vulnerability for the purpose of exploitation. Exploitation including at the minimum forced labour or services and slavery or practices similar to slavery or servitude. Looking at the reported abuse above it is clear that many of the domestic workers who register at Kalayaan have been trafficked. 32% of MDWs who registered at Kalayaan during the financial year 2006–2007 were not in possession of their passports as these had been taken from them by their employers. Interviews with workers demonstrate that passports are withheld in order to control workers.

Protection for MDWs under the Council of Europe Convention on Action against Trafficking in Human Beings

As the statistics of abuse reported by MDWs to Kalayaan show, despite the progressive improvements made in 1998, many MDWs are still trafficked to the UK. Existing protections for MDWs need to be built on, for example by making MDWs and their employers aware of their rights and obligations when entry clearance is issued and again at the point of entry into the UK and ensuring that employers know that any abuse will result in prosecution.

Kalayaan applauds the UK government's commitment to ratify the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) but is concerned to point out that this should on no account be considered to be an alternative to the existing protections available to MDWs in the form of the existing visa with the provision to change employers and recognition as a worker in the UK.

Not only does it make no sense to remove existing protections in order to implement others but it is also clear that such a move would greatly increase the power discrepancies between vulnerable workers and abusive employers and so increase the numbers of MDWs trafficked for labour exploitation. It would be an extremely negative indictment of Home Office policy and practice if they were to increase the vulnerability of migrant domestic workers to trafficking and reduce the escape routes from situations of trafficking for these workers at the same time as the Government ratifies ECAT.

Kalayaan does not believe that ECAT will be able to adequately protect MDWs for the following reasons:

- *Identification:* MDWs who have been trafficked are not recognised as such by authorities, despite the often clear indicators including their employers being in possession of their passport, having received no wages and having no knowledge of their own immigration status. For instance a Kalayaan client who had been trafficked to the UK and experienced forced labour as well as extreme physical abuse had twice escaped to the police (separate stations) and tried to report the employer. In both cases she was returned the employer with no follow up or investigation.
- *Approaching authorities:* If MDWs lose the right to change employer without breaching the immigration rules, there will be some truth in the threats currently used by trafficker's of MDWs regarding workers treatment by authorities as immigration offenders, liability to deportation or removal by the authorities. Having escaped their trafficker, they will be terrified to approach authorities for fear of detention and deportation and instead will remain in the UK underground, undocumented and extremely vulnerable to re-trafficking or further exploitation.
- *Cost:* There is currently no official accommodation provided under ECAT for anyone trafficked for labour exploitation. Under the current provision for MDWs most escape abuse, find better employment as a domestic worker in a private household and are able to apply to remain in the UK. This happens at no cost to the government and workers are only able to remain if there is a demand for their work. To remove existing protections for MDWs would increase numbers trafficked all of whom would have to be provided for under ECAT.

Kalayaan recommendations

- To maintain the existing protections for MDWs in the UK which were introduced in 1998 which include the right to change employers and protection for MDWs in the UK under UK employment law.
- To ensure that protections for MDWs as workers are consistent in the UK and in British embassies overseas and that both workers and employers are aware of duties and protections under UK law.

8 May 2008

⁵⁵ Anti Slavery International, Trafficking for forced labour, UK Country Report 2006

Memorandum submitted by the Public and Commercial Services Union

INTRODUCTION AND SUMMARY

1. The Public and Commercial Services Union (PCS) is the largest civil service trade union representing over 315,000 members working in most government departments, non-departmental public bodies, agencies and privatised areas.

2. PCS represents over 8,500 members employed in the Border and Immigration Agency (BIA), 2,500 members in the Serious Organised Crime Agency (SOCA) and 4,100 members employed in both static and mobile detection teams for Revenue and Customs (HMRC) at the UK's ports and airports. We are therefore in a unique position to submit evidence as part of this inquiry as our members are dealing on a day-to-day basis with human trafficking, both its victims and perpetrators.

3. PCS welcome the committee's inquiry as an opportunity to further raise our concerns about the introduction of the UK Borders Agency (UKBA). We would also be happy to supplement this written submission with oral evidence or further written evidence.

4. This submission covers our concerns about:

- Social perspective of human trafficking.
- Scale and type of human trafficking activity.
- Co-ordination between public authorities, including some specific concerns about "uncanalised" ports and the Lille loophole.

SOCIAL CONCERNS

5. Our members who deal with the victims of human trafficking have made these observations about this terrible practice.

- Victims are often recruited as a result of coercion through abduction or kidnap:
 - (i) By deception (empty promises of legitimate employment).
 - (ii) Aware that they will work as a prostitute but unaware of the extent to which they will be indebted to their trafficker/controller and exploited or controlled.
- Women are often themselves forced to do the recruitment.
- During exploitation, victims are often exposed to various forms of violence/abuse which often includes forced drug consumption and drug related crime.

6. We are also concerned that consideration should be given to aspects of trafficking other than for sexual purposes—namely forced and bonded labour. We believe existing programmes are disproportionately focused on sex work.

7. Since successful detection and prosecution of the traffickers themselves will rely on intelligence and testimony from the victims, it follows that protection and support is needed to reassure those victims. PCS supports the Trades Union Congress response to the January 2006 Home Office consultation, in summary:

- undocumented workers should have enforceable employment rights;
- the British government should sign the European Convention on Action Against Trafficking in Human Beings; and
- trafficked workers are victims and should be treated as such and should receive appropriate support.

8. PCS welcomes the signing of the Convention on Action against Trafficking in Human Beings in March 2007, but is concerned that ratification is still not in sight.

SCALE AND TYPE OF HUMAN TRAFFICKING ACTIVITY

9. We believe for human trafficking to be effectively countered there has to be effective detection, enforcement and prosecution of those involved in its organisation. Crucial to detection and enforcement is provision of adequate resources for border controls as well as enforcement directed against the organisers of trafficking, which needs to take place other than at points of entry. Cost cutting measures as part of the government's public sector reforms, including the Gershon efficiency programme are producing:

- persistent pressure to reduce staffing numbers in the BIA and HMRC;
- restrictions on the amount and timing of enforcement activity. Restricting, for example, weekend working whilst the activities of the traffickers and those who have been trafficked continue on a 24/7 basis.

10. PCS feel that constantly changing political priorities, such as scandals over foreign prisoners and immigration status of security guards deflect resources from abiding issues such as trafficking to whatever is the passing preoccupation of the day. This means that the actual scale and type of activity is difficult to quantify, let alone tackle effectively. Care must therefore be taken over the acceptance of estimates of the scale of the problem.

11. Contestability in the Home Office means that key areas of detection and enforcement, for instance enforcement arrest teams, that are a key the front line resource to tackle trafficking are due to be privatised. Past experience with privatisation in the BIA have demonstrated these tasks are more effectively undertaken in the public sector and we would urge the government to re-think their future privatisation plans.

CO-ORDINATION BETWEEN PUBLIC AUTHORITIES

12. Effective co-ordination between public authorities at the border is recognised as vital in the fight against trafficking. For such co-ordination to be most productive, it has to draw together specific expertise in a complementary way.

13. PCS strongly believe that government policy on the creation of a unified border force militates against effective border security for two main reasons:

- at present, with three sequential control points there are three opportunities for detection and intelligence purposes, with passenger and vehicular traffic potentially subject to three checks by immigration, police and customs officers at points of entry. Currently these checks are separate and sequential, allowing each organisation the chance to display their skills and experience to tackle trafficking. Our experience has shown that each intervention has yielded intelligence and concrete results in dealing with human trafficking. The proposed reduction to a single primary line will reduce the barriers at the border to one and accordingly reduce the deterrent and interceptive effect of three separate controls. We expect to receive a report from management within the next week about how they propose the primary line will operate; and
- the complementary skills of three trained and experienced groups of specialists (immigration officers, customs officers and police) not likely to be matched by one officer attempting to fulfill a variety of roles.

14. Our view is that effective co-ordination of separate organisations presents a much tougher barrier to human trafficking than the reduced presence and deskilling inevitable as a result of a single border force.

15. We do have concerns about carriers sharing intelligence to support and direct efforts against trafficking; we think better co-operation could yield improved results. However our members in this area are currently constrained by the unwillingness of carriers to cooperate in the sharing of information.

16. Human trafficking is a world wide problem that needs a multi-pronged approach. Operation Pentameter (UKP2) seeks to protect and reassure victims of trafficking and sexual exploitation. The operation is taking place in conjunction with a G6 project on human trafficking being led by the UK and Poland, which includes enforcement work in a number of other EU countries at the same time as UKP2 is taking place. This approach demonstrates the level of co-ordination these issues need, to be tackled effectively. However, adequate resources must be provided to deal not only with the operations themselves, but the consequences—for example for the provision of support and housing for child victims by local authorities.

UNCANALISED POINTS OF ENTRY

17. Control authorities' coverage of the UK's myriad of small ports and other non-designated points of entry is haphazard and sporadic. A clear strategy, with appropriate resourcing, is absolutely necessary if efforts in other areas are not to be undermined by weaknesses in this respect.

18. PCS have been raising our concerns since 2006 about Revenue and Customs decision to disband the Maritime, Aviation and Intelligence Teams (MAIT). These teams focused on "uncanalised" work at the thousands of marinas, coves, ports and airstrips around the coastline of the UK, and across the mainland where members of the public are not channeled through security or Customs screening.

19. The MAIT team were the only dedicated intelligence group in any law enforcement agency to undertake this type of work and were seen as leaders in this field by other agencies; however they have now been specifically directed away from uncanalised work.

20. With no equivalent law enforcement unit in operation elsewhere there is effectively nobody proactively looking for intelligence or cultivating intelligence sources other than at the very major canalised ports and airports.

21. HMRC have been keen to make much of the value of "intelligence-led" mobile teams in terms of their efficiency and productivity, however PCS are still unclear why the team focusing on transport intelligence has been disbanded, particularly since as a transport team its members could be tasked to provide intelligence on smuggling of not just drugs, guns and tobacco, but also people.

22. Our figures indicate that intelligence gathered by the Falmouth MAIT team alone contributed to drug seizures from vessels worth around £55 million. Much of these seizures relied on cultivating intelligence sources, so it is disappointing to note that the two and half thousand maritime and aviation contacts previously cultivated over a period of two years of customs' officer visits are now being referred to the Customs confidential "hotline".

23. Experienced Customs officers, now specifically directed away from uncanalised work, are not optimistic these contacts will be persuaded to divulge information through a national hotline.

LILLE LOOPHOLE

24. PCS believes there is a problem with the juxtaposed controls, which is often referred to as the "Lille loophole".

25. All passengers boarding Eurostar services bound for the UK are checked by UK immigration, but the Eurostar services also have "domestic" stops. EU Schengen treaty countries allow free unchecked travel between themselves; however the UK is not a signatory to this agreement. France agreed to amend its laws to allow UK immigration to check all passengers and those going to Calais. However, Belgium would not. So non EU passengers who have residence in France or Belgium or a French or Belgian visa can dodge our immigration checks by buying a ticket for Lille and "forgetting" to get off the train there. Entrants may come illegally into the UK this way as there are no regular checks or any immigration presence at the arrivals in St Pancras (previously Waterloo).

26. We know that many non-EU passports and travel documents have their children on parent's documentation, but there is no photograph of the child. Therefore we suspect that children have been brought through using this loop-hole. We are also aware that some Chinese gangsters also use this route. We believe this route has been abused since 2004.

27. Prior to that, shortages of staff at Waterloo meant that on a regular basis the last train and sometimes last two were not check by UK immigration, this went on for some time and we calculate up to 200,000 passengers may have entered the UK unchecked. In 2003-04 we had a meeting with the immigration minister at the time The Rt Hon Des Browne MP; however we have heard nothing to address our concerns since.

CONCLUSION

28. Taking effective action to tackle human trafficking involves having secure borders, which we don't believe we currently have and have little reason to think this will change once the unified border force starts to operate, unless extra resources are provided. The force will effectively reduce the three checks to only one and reduce the skills and experience of officers operating that single check. We would strongly urge the government to rethink their plans, especially at this time of heightened security risks to our country.

29. We believe it is essential that human trafficking remain "core business" of organisations charged with the responsibility of combating such a global crime. It needs a sustainable, multi-agency approach to policing the problem and requires a co-ordinated attack involving the UK, G6 and Europe alike. The aim should be to make the UK the most hostile environment in the world for human traffickers to operate.

30. This requires not only well-trained and effective border checks, but a system of support and protection to reassure victims that they will not be penalised for their exploitation.

8 February 2008

Memorandum submitted by the British Red Cross

We welcome the opportunity to contribute to this inquiry on human trafficking. We have only responded to the question on which we have particular experience.

BACKGROUND ON THE BRITISH RED CROSS

1. The British Red Cross helps people in crisis, whoever and wherever they are. We are part of a global network that responds to conflicts, natural disasters and individual emergencies. We enable vulnerable people in the UK and abroad to prepare for and withstand emergencies in their own communities, and when the crisis is over we help them to recover and move on with their lives.

2. The British Red Cross is part of the International Red Cross and Red Crescent Movement, which comprises:

- 2.1 The International Committee of the Red Cross.
- 2.2 The International Federation of Red Cross and Red Crescent Societies.
- 2.3 183 National Red Cross and Red Crescent Societies worldwide.

3. As a member of the Red Cross and Red Crescent Movement, the British Red Cross is committed to, and bound by, its Fundamental Principles. These are: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

4. The British Red Cross helps vulnerable asylum seekers and refugees access essential services and adjust to life in a new country.

5. An increasing number of the people we assist are destitute. With no means to support themselves, many have nowhere else to turn for help. The Red Cross has provided emergency help, such as food parcels and vouchers, warm clothing and sleeping bags to destitute asylum seekers either directly or with partner agencies. We have a humanitarian duty to provide help impartially and according to need, regardless of nationality or immigration status, and to protect human life and dignity.

6. We estimate that last year, we helped refugees and asylum seekers on 90,000 occasions.

7. We are deeply concerned about the victims of human trafficking because we know that people who have been trafficked, are vulnerable to sexual and economic exploitation and abuse. Red Cross Societies across Europe have formed a network to find ways to assist the victims of trafficking and to publicise the risks to vulnerable communities.

RESPONSE OF THE BRITISH RED CROSS TO THE INQUIRY

8. The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims.

8.1 We understand trafficking in terms of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, namely ““Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”

8.2. To strengthen the work of the Red Cross Movement in response to trafficking, the Danish Red Cross in cooperation with the International Federation of the Red Cross and Red Crescent Societies (IFRC) has initiated a cooperation programme in the form of a network.

The purpose of the network is:

- to assist victims of trafficking in the countries they are trafficked to as well as their countries of origin;
- to prevent people, not least women and children, becoming victims of trafficking;
- to find ways for victims of trafficking to restore their livelihoods;
- to maintain close contact with authorities and other organizations to identify needs and possible ways of assistance including returning to their communities; and
- to advocate with government and authorities to ensure humane treatment of victims of trafficking.

8.3 The British Red Cross is committed to supporting the work of the European Red Cross/Red Crescent trafficking network, and to starting up activities in relevant areas as it is clear that victims of trafficking have a humanitarian need for assistance.

8.4 Currently the British Red Cross has no projects aimed specifically at trafficked victims. However our orientation, destitution and youth service across the UK occasionally assist people who have been victims of traffickers, and likely assist many others who do not identify themselves as victims.

8.5 Our experience has been that it is rare for people we help through our services to offer information to us if they have been trafficked. This is understandable given the undercover nature of trafficking and the violence and intimidation that often surrounds trafficking operations.

8.6 Given the complexities of the UK system it can be very difficult for victims of trafficking for labour to understand their entitlements and opportunities to get help. In some cases, much of the information about the UK will have been given to them by the traffickers themselves, which can lead to an extremely distorted understanding of their situation in this country.

8.7 We are currently investigating how we can better identify victims of trafficking, how we can help them directly, and how we can signpost them to other services and assistance from organisations and authorities.

8.8 We believe that our role is to offer support and guidance. The support that we provide refugees and asylum seekers is a confidential service. If a client who has been the victim of trafficking chooses to report the crime to the authorities we will support them in doing so, while recognising that this is a very difficult and frightening decision for some individuals.

- 8.9 We are also assessing the risks to Red Cross staff, volunteers and clients of developing projects for trafficked victims, and how we can develop systems to mitigate those risks. We believe that the Red Cross is uniquely placed to offer services to trafficked victims, as we are an internationally recognised movement that operates independently of government. We are also concerned at the relative lack of assistance available for victims of trafficking, and are keen to work with partners to develop effective services in this area.

Recent Cases of trafficked victims approaching the Red Cross for assistance:

L was trafficked to the UK from Kenya, and forced to work in a brothel in Leicester. After escaping she approached the British Red Cross for assistance. We were able to assist her with emergency supplies, emotional support and temporary accommodation while she accessed legal advice.

N was a 14 year old girl from the Cameroon, trafficked to do forced labour. She approached the Red Cross for assistance. We were able to assist by referring her to social services, and contacting the police to escort her there safely.

February 2008

Memorandum submitted by the Immigration Law Practitioners' Association (ILPA)

A. INTRODUCTION

1. ILPA is a professional association with around 1,000 members, who are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-government organisations and others working in this field are also members. ILPA exists to promote and improve the giving of advice on immigration and asylum, through training, disseminating information and providing evidence-based research and opinion. ILPA is represented on numerous government and other stakeholder groups including the NGO/Stakeholder Consultative Group on Human Trafficking and the Child Trafficking Advisory Group and has provided evidence to many parliamentary committees and in the course of debates on legislation on the subject of trafficking.

2. This response is of necessity brief; for a membership organisation such as ILPA the short timescale of this consultation presents a challenge. We have therefore focused on a few areas that may receive less attention from other participants. A selection of ILPA's broader work on this topic will be found in the previously submitted material annexed to this report. ILPA is happy for this submission to be made public.

B. EXECUTIVE SUMMARY

3. In this response we concentrate on the following terms of reference:

- The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims.
- Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services).

4. We deal with these in four specific contexts:

- Access to legal advice and representation.
- People who have been trafficked in the detained asylum fast track.
- Age disputes.
- Interface between the immigration and criminal justice systems.
- New penalties for working illegally.

5. We have dealt with a number of matters raised by other terms of reference in previously published submissions (annexed hereto) and the final part of the text explains where to find this information in the Annexes and highlights subsequent developments.

C. ILPA SUBMISSIONS

1. Identification

Terms of reference of the Enquiry: The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims;

1.A Access to legal advice and representation

6. While the terms of reference refer to the role of NGOs in helping to assist and identify victims, ILPA wishes to emphasise that legal representatives can play a very important role in ensuring that a person who has been trafficked is identified. Although not every trafficked person has an irregular immigration status (as for example when a person from a member State of the European Union is trafficked), many will have. At the time when they go and see a lawyer, it may be that no one is aware that they have been trafficked. The skills of the legal representative in identifying that the person has been trafficked will then play an important part in identification.

7. Many trafficked people do not come to attention of people working in NGOs or support groups. Most come through other routes such as via police, prisons or social services first. Legal representatives, whether immigration or criminal practitioners, have access to people in prisons and police stations.

8. Skill alone is not enough: the context in which skills are deployed is important. These cases may involve related criminal proceedings, and/or intelligence gathering to gain information about the traffickers. This should increase if government proposals to take action against trafficking in human beings, including ratifying the Council of Europe Convention are implemented⁵⁶. Clients may need to be accommodated in safe houses or shelters and in some cases open visits to representatives will not be possible. Clients may be suffering physical injuries and are likely to be extremely distressed. Cases will often involve obtaining medical or psychological evidence. People may need time to think about past traumatic events, and to establish a sufficient level of trust and confidence to reveal the painful and humiliating details of their experiences⁵⁷.

9. These cases are both evidentially and legally complex. If a person may become a witness in the criminal trial of a trafficker, then it is important that all evidence gathering, including by the Border and Immigration Agency and legal representatives, meets standards that do not call into question whether the evidence is sufficiently robust to be relied upon in a criminal trial. It takes time to build a solid relationship of trust and confidence.

10. The Legal Aid fixed fee regime allowing a fee of £450 for an asylum case and only £240 for an immigration case (and calculated based on hourly rates that have not been adjusted to take account of inflation since April 2001) does not provide the time necessary to deal with these cases.

11. The fixed fee is lifted, and the lawyer paid an hourly rate, if the hours worked exceed three times those allowed for under the fixed fee regime (the 'exceptional cases' threshold). However, a complex trafficking case does not always exceed this. ILPA has argued that the level of exceptionality is set too low. This can be demonstrated by looking at some cases that predate the fixed fee regime. For example, one very complex trafficking case, which went to a panel hearing at the Asylum and Immigration Tribunal with some three pre-hearing reviews, would not have reached the exceptional cases threshold under the fixed fee system. Because the calculation is based on the profit costs of the solicitor and the costs of representation at court are deducted from the total costs, although the case was a very expensive case in the end, it only reached the level of approximately 2.7 times the fixed fee. Had fixed fees been in force at the time the lawyer would have got only the fixed fee. In another case different representatives acted at the Legal Help and Controlled Legal Representation stages, necessitating a certain amount of extra work. There were two clients, an appeal before a panel of the Asylum and Immigration Tribunal, an adjournment for the Home Office to reconsider, which they did only when faced with evidence from the police on risk. Yet the case did not quite reach what is now the exceptional cases threshold. This was a case where related criminal proceedings resulted in the trafficker being jailed for 21 years.

12. The changes to the legal aid regime affect not only the time that is to be spent on a case but also the availability of lawyers doing this work. As a result of the legal aid changes in 2004 a significant number of immigration lawyers ceased to do immigration work, or reduced the proportion of their immigration work done on legal aid as opposed to privately. The new contracts in October 2007 are having the same effect, the full extent of which is unlikely to become apparent for many months. It can take a considerable time to find a legal representative with the capacity and skills to take on a legal aid trafficking case, and a person under surveillance by his/her traffickers may have limited time to make contact.

⁵⁶ See Tackling Human Trafficking—Consultation on proposals for a UK Action Plan, Home Office and Scottish Executive, January 2006 and ongoing work including the Home Secretary's announcement on 14 January 2008 that the UK would ratify the Council of Europe Convention on combating trafficking in human beings before the end of 2008.

⁵⁷ See "Impact of sexual violence on disclosure during Home Office interviews", Diana Bgner, Jane Herlihy, Chris R. Brewin, *The British Journal of Psychiatry* (2007) 191: 75-81.

13. Traffickers may make use of clandestine routes of entry and of false documents, whether to traffic people to the UK or to attempt to traffic them onwards to another country. If apprehended, the trafficked person themselves may face criminal prosecution, as discussed below. The person may be detained under immigration act powers. A three-hour cap on travel is now imposed on lawyers wishing to visit detained clients. Thus, if a lawyer travels more than three hours to a prison or detention centre, they can still only claim three hours travel time. There may be no legal aid representatives within three hours travel with the capacity to take on new detained cases, let alone the specialist experience. Then, unless lawyers are prepared to subsidise the payment of travel, no representative will be found.

14. The speed of procedures to decide a case also make up part of the context in which the lawyer's skills are deployed. At the moment the situation can be summarised as cases, in particular asylum or human rights cases, going through the system too fast or too slowly. Cases of those who claimed asylum or protection from violations of their human rights before approximately March 2007 and remain in the UK without leave, are dealt with by the Border and Immigration Agency's Case Resolution Directorate, which aims to resolve the cases by July 2011. New cases involving asylum or human rights processed through the New Asylum Model where the target is that the whole case is resolved by a grant of leave or removal within six months. While this may not sound unreasonable as an end-to-end procedure the stages are unevenly divided so that initial interviews can happen very rapidly, with little time for a lawyer to take instructions, and it is members' experience that is extremely difficult to obtain adjournments in these cases for the collection of medical or further other evidence.

1.B Cases of trafficking in the Detained Fast Track

15. Not all those who have been trafficked will claim asylum or claim that return will breach their human rights. Such claims must be founded on risk on return; past suffering and persecution may be part of the evidence of a risk on return but are not in themselves sufficient to found a claim. However, in many cases the circumstances that led the person to be vulnerable to trafficking in the first place, or a risk of being trafficked in the future, will mean that a person who has been trafficked claims that return would result in his/her persecution and/or a breach of human rights.

16. The detained fast track process is an accelerated procedure for dealing with asylum cases. People are detained for administrative convenience in processing their cases. On 29 January 2008, the Grand Chamber of the European Court of Human Rights issued a judgment in *Saadi v UK* (Application no. 13229/03) on accepting that detention as part of accelerated procedures can be lawful where it is part of a process to determine whether a person should be given leave to enter the UK, is not arbitrary and is proportionate. In January 2007, ILPA published *The Detained Fast Track Process: a best practice guide*, which will be launched in parliament on 25 February 2007.

17. The Border and Immigration Agency policy, set out in its 'Suitability List' is that claims:

"Where there is independent evidence from a recognised organisation, eg the Poppy Project, that that the claimant has been a victim of trafficking are unlikely to be accepted into the detained fast track process"⁵⁸.

18. ILPA's view is that cases of trafficking will never be suitable for detained fast track procedures.

19. The UN Recommended Principles and Guidelines on Human Rights and Human Trafficking⁵⁹ recommend ensuring that trafficked persons are not, in any circumstances, held in immigration detention or other forms of custody.

20. Cases are selected for inclusion in the detained fast track process at a very early 'screening' stage. At this stage there is likely to be little or no information about the substance of the claim. Thus the 'suitability list' functions as a tool for lawyers of those applicants who are legally represented to argue that the case should be lifted out of the detained fast track rather than a means to determine whether or not such cases end up in the detained fast track. While the Asylum Policy Instruction on Gender Issues (October 2006) states that:

"further guidance on handling claims where the applicant has or is believed to have been trafficked into the UK for sexual exploitation will soon be available in an Asylum Process Notice"

No such notice has been issued. This is particularly unsatisfactory when Article 10 of the Convention requires the adoption of such measures as may be necessary to identify victims. This requires an active approach to identification.

21. ILPA recommends that the Border and Immigration Agency change its 'Suitability' policy to provide that where there is evidence to suggest, or where circumstances lead the interviewing officer to identify that a person may be a victim of trafficking then the case should not be included in the fast track. The Border

⁵⁸ Border and Immigration Agency *Asylum Process Instruction Suitability for Detained Fast Track and Oakington processes* 28 July 2007

⁵⁹ The official Explanatory Report to the Convention states that this chapter of the Convention "is centred on protecting the rights of trafficking victims, taking the same stance as set out in the United Nations *Recommended Principles and Guidelines on Human Rights and Trafficking in human beings*".

and Immigration Agency should also change its instructions to staff on detention⁶⁰ to provide that where there is evidence to suggest, or where circumstances lead the interviewing officer to identify that a person may be a victim of trafficking that person should not be detained.

22. Once a case is in the fast track it is ILPA member's experience that the case will normally will remain in the fast track unless the person has been accepted for assessment at the Poppy Project, the Helen Bamber Foundation, or the Medical Foundation. The Poppy Project deals only with adult women who have been victims of trafficking for sexual exploitation. There is a real risk that people who have been trafficked will not be lifted out of fast track procedures.

23. In *The Detained Fast Track process: a best practice guide* there is an example of a case that predated the change in the 'Suitability List' that now makes express reference to the Poppy Project. The screening interview referred to the female client having been involved in opposition politics in Guinea, having been brought to the UK by an agent and having then been kept for some time in the house of the agent and not allowed to leave. An experienced and skilled representative was able to discern from this brief sketch that there was a possibility of trafficking. The right questions were asked and the client disclosed having been trafficked for prostitution. The case was immediately referred to the Poppy Project. The fast track asylum interview did not await the outcome of the refusal and the immigration service also refused to delay taking a decision on the case for the Poppy Project to make an assessment and for expert evidence to be obtained. The Poppy Project did indeed accept the referral, recorded physical and mental health problems arising and asked that the case be taken out of the fast track as a matter of urgency. This did not happen. The appeal was listed for four days time. The representative requested of the Asylum and Immigration Tribunal that the case be removed from the fast track and the appeal adjourned to give time to obtain expert evidence. The day before the appeal hearing the Asylum and Immigration Tribunal phoned the representative with the news that an immigration judge had decided that the case should be taken out of the fast track. This was done and the client was immediately transferred into the care of the Poppy Project. A successful outcome, but one that took considerable time to achieve.

24. Even under the amended procedures, the process is not delayed until such time it is unclear that the process would have been delayed until such time as the Poppy Project had made an assessment. On 3 October 2007, the Strategic Director for Asylum in the Border and Immigration Agency, wrote to Asylum Aid and the Anti-Trafficking Legal Project (AtLeP), who had requested that referrals to the Poppy Project be treated in the same way as referrals to the Medical Foundation for the Care of Victims of Torture, saying:

"In relation to your recommendation that upon receipt of a letter from the Poppy Project stating that they wish to assess a woman in the detained fast track, the case should be taken out of the fast track. I understand your concerns but I am afraid that it is not possible to release these individuals from the detained fast track until they have been interviewed/assessed. We will do all we can to work with the UKHTC [UK Human Trafficking Centre] and Poppy to try and ensure that the assessment is done within a reasonable time frame. If, following an interview/assessment, a representative from the Poppy Project or the UKHTC has reasonable grounds to believe that an individual has been trafficked, we already try to release them as quickly as possible, usually within 24 hours."

1.C Age Disputes

25. Special attempts to protect trafficked children will only benefit those children if they are recognised as children. Disputes over age are a huge barrier to such recognition. The ILPA Report *When is a child not a child?* Age disputes and the process of age assessment examined the question of disputes over age in great detail. The primary recommendation of the report is that the Home Office should follow its own policy and that age dispute procedures should only embarked upon when there is a real reason to do this, not simply because the young person could be a bit older than they say they are. The report provided a plethora of evidence that this is not what was happening in practice. Statistics available showed age disputes in almost 45% of cases. Statistics on the percentage of those resolved in the child's favour were not available but statistics collected for the research showed age disputes resolved in favour of the child running at between 49% and 80% of all disputed cases. On 31 January 2007 the Border and Immigration Agency published *Better Outcomes: the way forward*, improving the care of unaccompanied asylum seeking children in which it announced that one Key Reform would be:

"Putting in place better procedures to assess age in order to ensure children and adults are not accommodated together."

26. The welcome given to this was muted not only because of the long delay (the consultation closed on 31 May 2007) but also because the Home Office indicated that it would continue to investigate the use of ionising radiation (x-rays) to determine age, despite responses to the consultation from the Royal College of Radiologists, the British Dental Association, the Royal College of Paediatrics and Child Health, the Children's Commissioner for England and Wales and numerous others, voicing their opposition to the use of a non-therapeutic procedure that will not in any event determine age, as well as a learned legal opinion which described in detail the risks that such procedures would be unlawful. In his preface to the ILPA Report

⁶⁰ Operational Enforcement Manual Chapter 38

When is a child not a child the Children’s Commissioner for England and Wales had described some of the arguments deployed by the Border and Immigration Agency on the use of X-rays in their original consultation document⁶¹ as IA in their consultation document as “deceitful and duplicitous”.

2. *Effective coordination*

Term of reference of the enquiry: Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services).

2.A People who have been trafficked—interface between the immigration and criminal justice systems

27. ILPA members practice in immigration law, but some also practice criminal law and in addition immigration lawyers representing people who have been trafficked see some of their clients caught up in the criminal justice system. Article 16 of the European Convention on Combating Trafficking in Human Beings imposes an obligation upon states to make provision for people who have been trafficked and have been compelled to be involved in unlawful activities not to be penalised for so doing.

28. The Crown Prosecution service has issued, and revised, guidance on ‘Prosecution Of Defendants Charged With Immigration Offences Who Might Be Trafficked Victims’⁶². This guidance draws particular attention to cases where people who have been trafficked may face charges of

- using a false instrument under section 3 of the Forgery and Counterfeiting Act 1981;
- possession of a forged passport or documents under section 5 of the Forgery and Counterfeiting Act 1981;
- possession of a false identity document under section 25 Identity Cards Act 2006;
- failure to have a travel document at a leave or asylum interview under section 2 Asylum and Immigration (Treatment of Claimants) Act 2004.

29. It enjoins upon prosecutors to consider whether the public interest is best served in continuing the prosecution in cases where the person is considered to be a ‘credible’ trafficking victim on the basis of ‘information or evidence that has been obtained and submitted by a police officer or immigration officer for the immigration matter’. Information from other sources is to be submitted to the investigating officer.

30. The guidance also identifies that recent cases have highlighted the following offences as likely to be committed by child trafficked victims:

- theft (in organised “pickpocketing” gangs), under section 1 Theft Act 1968;
- cultivation of cannabis plants, under section 6 Misuse of Drugs Act 1971

31. Children are also being prosecuted for false document offences as illustrated by cases such as *R v Wang* [2005] 2 Cr App R (S) 492, *R v J* (Court of Appeal 20 July 2007 brought by the Howard League).

32. Despite this guidance, and the strong support for the principles it contains voiced by the Director of Prosecutions when he addressed the All Party Parliamentary Group on Trafficking in 2007, prosecutions of people who have been trafficked continue. Are prosecutors sufficiently trained to be able to spot where there are indications that a person has been trafficked? Are they taking a sufficiently proactive role in implementing the guidance and requiring cooperation of investigating officers? Are investigating officers doing enough to examine trafficking, whether in the first instance or when asked to do so by a prosecutor? These are matters that the Committee could usefully explore in the course of this Enquiry because the Crown Prosecution Service guidance will have no practical effect until investigating officers are given appropriate training and encouraged to take a pro-active role in investigating the possibility that a defendant may have been a victim of trafficking. Victims of trafficking should be recognised as such because they should be protected, but also because it is in the wider interests of the justice system; they are potential witnesses to serious organised crime. Unless they are identified as victims of trafficking it is unlikely that more widespread prosecutions of traffickers will be possible.

33. In July 2007 the first ever award of compensation was made by the Criminal Injuries Compensation Authority (CIJA) to EM, a victim of trafficking in the UK. MM was a young adult trafficked for sexual exploitation. MM gave evidence in the criminal prosecution of her trafficker. She was granted humanitarian protection in the UK. MM was awarded £66,000 for sexual abuse (£22,000 in accordance with the CIJA tariff) and £40,000 for loss of earnings. Her younger sister, EM, a minor when trafficked was awarded £36,500, £20,00 of that being for loss of opportunity.

⁶¹ *Planning better outcomes and support for asylum-seeking children: a consultation document*, 2007

⁶² December 2007

2.B Employer sanctions

34. The Immigration (Restrictions on Employment) Order 2007 (SI 2007/3290) will come into force on 29 February 2008. This will see the coming into force of the new regime for a combination of prosecutions and civil penalties for employers who employ people who do not have permission to work in the UK for which provision was made in the Immigration, Asylum and Nationality Act 2006. Not everyone trafficked to the UK will not have permission to work, but this will be the case for many. The March 2007 Border and Immigration Agency Enforcement Strategy which includes a statement that the Agency will:

“develop regional partnerships with workplace enforcement teams from HM Revenue and Customs (HMRC), Department for Work and Pensions (DWP) and Department of Trade and Industry, to track down and punish unscrupulous bosses who exploit the system;”

35. Paragraph 7.5 of the Strategy says that the Agency will:

“... create a network of Border and Immigration Agency compliance teams by April 2008, to help licensed employers and academic institutions operating under the Points-Based System comply with the requirements of the new system, whilst also capturing knowledge about abuse in their sector and feeding the information back into the system. An increased number of compliance officers will check on prospective sponsors”

36. The Home Office’s Illegal Working Taskforce Regulatory Impact Assessment for the Immigration, Asylum and Nationality Bill 2006, published 25 June 2005, records that since 1989 a total of 17 employers have successfully been prosecuted under the UK’s existing provision for employer sanctions, s.8 of the Asylum and Immigration Act 1998. In the two years for which figures were then available (2004 and 2005), a total of 5111 “illegal workers” had been detected. The Home Office’s stated intention⁶³ is to operate the current law more effectively,

37. Will new attempts to enforce employer sanctions result in more removals of trafficked people before there has been an opportunity for voice their fears of risks on return, or will it interrupt the activities of more traffickers?

38. On 20 June 2007 the UK published an Explanatory Memorandum⁶⁴ on the European Commission’s 16 May 2007 proposal for a directive⁶⁵ on illegal working⁶⁶. The UK Memorandum evinces little enthusiasm for measures that would enhance the protection of migrant workers. The UK will have the option of opting into the proposed Directive if it becomes law. The proposed Directive would allow foreign nationals to register complaints and have protection against exploitative working conditions⁶⁷. In its Explanatory Memorandum, the UK does not express a view on this proposal beyond references to the Gangmasters Licensing Act 2004 and to ‘existing UN and EU Conventions’ on trafficking.

39. Article 15 of the proposed Directive would require member States to inspect staff records at a minimum of 10% of companies in the country. Companies would be selected on the basis of a risk assessment. As to the matters on which the risk assessment will be based, breaches of health and safety law, breaches of tax or customs regulations, benefit fraud and general criminality are the examples given in the Home Office’s Explanatory Memorandum on the proposal, which observes that the UK has no central department responsible for workplace assessments⁶⁸.

40. The Committee could usefully devote resources in its enquiry to establishing the extent to which employer sanctions in the UK will be set within a wider framework of workplace inspections, with a view to protecting all workers from exploitation and abuse. Such an approach, carried through in careful joint working, could mean that enforcement work around employer sanctions had the potential to provide protection to people who have been trafficked, rather than increasing risk to them through a hasty removal.

3. Other matters

3.A Implementation of the Council of Europe Convention on Combating Human Trafficking and the Treatment of those with no legal right to remain.

Term of reference of the Enquiry: The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human trafficking;

41. We refer you to our submission at Annexes one and two, which treat of this topic in detail. The question of residence permits is of particular importance. The European Union Council Directive of 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of

⁶³ *Hansard*, HL, 15 May 2007, Col WS8.

⁶⁴ Submitted by the Home Office on 20 June 2007.

⁶⁵ *Proposal for a Directive of the European Parliament and of the Council providing sanctions against employers of illegally staying third country nationals* Council document 9871/07, Com (2007) 249 final, SEC (2007) 604.

⁶⁶ For a detailed discussion of the proposals, see Guild, E. & S. Carrera, *An EU Framework on Sanctions against Employers of Irregular Immigrants Some Reflections on the Scope, Features & Added Value*, CEAPS Policy Brief, No. 140, 2007 available at www.libertysecurity.org/IMG

⁶⁷ Article 14.

⁶⁸ *Op Cit.* para 37.

trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities” provides at 8(3) for a residence permit for a minimum period of six months.

3.B Cooperation within the European Union

Terms of reference: Co-operation within the EU (including Europol); and control of the EU’s external frontiers;

42. We refer you in particular to our submission at Annexe three, although the submissions at Annexes one and two also treat of this topic. On 5 December 2007 ILPA gave evidence to the House of Lords European Union Committee (Sub-Committee F—Home Affairs) Enquiry into FRONTEX⁶⁹, the latest in a number of presentations to the European Union Committee on matters of EU coordination.

3.C Coordination in the UK

Terms of reference Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services).

43. In addition to the comments made above we refer to the documents at Annexes one and two.

4. Material relevant to other terms of reference in previously published work

44. ILPA would like to take this opportunity to bring to the attention of the Committee our existing responses to consultations on trafficking, which are annexed hereto.

1. ILPA Submission to the Joint Committee on Human Rights Enquiry into Human Trafficking together with the Annexe, as submitted to the Committee, extract from ILPA’s Child first, migrant second: Ensuring that Every child matters—Chapter 6, Trafficked children and young people. (ILPA’s oral evidence to the Joint Committee is published as part of the Committees Report⁷⁰ see <http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/245/6060501.htm>)

2. ILPA April 2006 response to Tackling Human Trafficking—Consultation on proposals for a UK Action Plan, Home Office and Scottish Executive, January 2006 the Home Office consultation

3. ILPA January 2007 response to the European Commission Communication: Fighting trafficking in human beings—an integrated approach and proposals for an action plan COM(2005) 514 final

We should be pleased to make any of the ILPA reports and responses to which reference is made in this submission available to the Committee.

7 February 2008

Memorandum submitted by CARE

1. EXECUTIVE SUMMARY

1.1 In 2003 the Home Office estimated that there were 4000 women and girls in the UK at any one time that had been trafficked into forced prostitution. In light of this fact, CARE recommends that more resources are dedicated to increased safe housing provision for these victims.

1.2 A greater level of awareness of trafficking is needed amongst Border and Immigration Agency staff carrying out asylum screening interviews. The current lack of gender awareness and spirit of disbelief often displayed in such interviews is leading to cases of trafficking going undetected and victims being inappropriately placed on the Detainee Fast Track System.

2. INTRODUCTION

2.1 CARE is a well-established mainstream Christian charity providing resources and helping to bring insight and experience to matters of public policy and practical caring initiatives. CARE is represented in the UK Parliaments and Assemblies, at the EU in Brussels and the UN in Geneva and New York. We aim to work on behalf of the most needy and vulnerable.

⁶⁹ See <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldcom/999/euf051207ev10.pdf> for the corrected oral evidence.

⁷⁰ HL 245/HC 1127-I, Twenty Sixth Report of Session 2006–07

2.2 CARE has a network of over 180 crisis pregnancy centres across Europe, providing free pregnancy tests, confidential counselling and post-abortion counselling to women struggling with unplanned pregnancies. CARE has developed a resource entitled Evaluate—Informing choice, designed for sex and relationship education in schools and youth clubs.

2.3 CARE recently ran a series of conferences across the United Kingdom on the subject of internet pornography, aiming to help parents and children use the internet in a safe and responsible way, and continue to provide advice and support to those struggling with addictions to internet pornography. CARE sees a strong correlation between society's attitude towards sex, prostitution and pornography on the one hand and levels of violence against women, human trafficking and prostitution on the other.

3. TREATMENT OF THOSE TRAFFICKED INTO THE UNITED KINGDOM

3.1 While much has been done in regards to tightening borders and trying to stop traffickers from entering into the UK, there seems to be a great lack of attention paid and action being taken on the side of identifying victims of trafficking and ensuring their care and protection once they have been recognized as such. The only Government funded safe house for victims of trafficking is the POPPY Project which only accommodates for a mere 35 people. When compared with the government's estimation of 4000 people who have been trafficked into the UK for prostitution, this effort seems to fall massively short of the extent of the phenomenon.

3.2 One of the first instances in which a woman may have a chance to report her experiences of trafficking is during the asylum screening process. The screening interview involves an interviewer and interpreter who ask the individual questions regarding the reasons she is in the UK and how she traveled here. It may be decided after the screening interview alone that her case is "straight-forward" and it will immediately be paced on the Detainee Fast Track System. However, it has been reported that stories of trafficking rarely come out during this interview due to several factors:

3.3 *A Lack of Gender Awareness*

Many researchers and NGOs have raised concern at the lack of gender awareness in the interviews. The UNHCR reports of one particular interview which was assessed with a young female who was an alleged survivor of rape. Concern was raised that the "harsh tone of the questioning, coupled with the lack of gender appropriateness of the participants may have had a significant effect on the willingness of the applicant to disclose details of her case."⁷¹ Of the 20 female interviews assessed, the UNHCR only found three to be entirely gender appropriate. What is most concerning is that a number of the gender-inappropriate interviews were relating to cases where there was subject evidence prior to the interview indicating that they raised gender sensitive issues, such as rape.⁷²

3.4 *Spirit of disbelief*

In their report, *Hope Betrayed*, the POPPY Project found that all the cases included had been refused at the initial stage of the asylum process, but the women in the study appeared to have a marginally higher rate of refusals than all other female asylum seekers.⁷³ There seems to be a spirit of disbelief on the part of decision makers in dealing with cases of human trafficking as most of the rejected cases in the report were on the basis of credibility.⁷⁴

3.5 When individuals are successfully identified and confirmed as victims of human trafficking, the UK does not guarantee them protection. At present, there is no specific provision within immigration legislation to allow victims of human trafficking to remain purely on the basis of their status as victims.⁷⁵ All cases are dealt with individually and leave to remain is only granted where it is felt to be appropriate, otherwise victims are able to apply for asylum through regular procedures.

3.6 CARE recommends that gender sensitive interviewing is essential in the successful identification of victims of human trafficking in the UK. In order to obtain gender appropriate screening interviews the Border and Immigration Agency should seek to:

- Always provide female interviewers (when dealing with female interviewees), unless the applicant has been asked what her preference would be and she has shown no partiality to the gender of her interviewer.
- Improve the content of the current Gender Guidance to the standard of the IAA/UNHCR gender guidelines.
- Compulsory awareness and understanding of the Gender Guidance on part of all caseworkers through better training.

⁷¹ UNHCR Quality Initiative Project, Pg. 14

⁷² UNHCR Quality Initiative Project, Pg. 15

⁷³ *Hope Betrayed*, POPPY Project 2006, Pg. 9

⁷⁴ *Hope Betrayed*, POPPY Project 2006, Pg. 18

⁷⁵ *Tackling Human Trafficking—Consultation on Proposals for a UK Action Plan*, Home Office, January 2006, Pg. 16

3.7 In regards to the Detained Fast Track System CARE recommends the following:

- A review of the suitability list and gender guidelines to include a non-exhaustive list of types of women's cases which should be excluded from the DFT.
- That the DFT be brought in line with the Gender API.

8 February 2008

Memorandum submitted by the Salvation Army

Executive Summary

This response is made by The Salvation Army (UK and Ireland). It sets out our knowledge and experience of human trafficking and the efforts we have made internationally in order to reduce both supply and demand. Our answers to the specific questions posed are summarised below:

- Estimating the scale and type of activity—data on the scale of trafficking in the UK is highly unreliable and out of date. An extensive investigation into the nature and extent of this crime is now long overdue. Our experience suggests that the prevalence of human trafficking is significantly underestimated at present.
- The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims—greater protection for victims of trafficking is vital and NGOs must play a critical role in this.
- The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human trafficking—by virtue of their having being trafficked to the UK, the British government owes a duty of care to that person, whilst s/he is present in the UK.
- Co-operation within the EU (including Europol); and control of the EU's external frontiers—The Salvation Army (UK and Ireland) has no knowledge or experience of this area.
- Relations with transit and source countries, and the role of Interpol and the UN Office on Drugs and Crime—The Salvation Army (UK and Ireland) runs anti-trafficking projects in India, Sri Lanka, Malawi, China and the Philippines. At present the laws against trafficking are inadequate to prosecute traffickers effectively (the UK has introduced specific legislation only in the last decade too). Instead they are limited to prosecuting for other offences such as “employing” an under-age child and preventing children from going to school.
- Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services)—The establishment of the UKHTC has clearly done much to reduce the overlap in work between the different public authorities and the provision of such a focal point for trafficking and trafficking-related issues is most welcome. There does however appear to be tension between the aims and mandates of the various key stakeholders which can often result in confusion and mixed messages being sent to both the victims themselves and their care providers.
- Other Comments—Criminal Justice and Immigration Bill—In The Salvation Army's opinion, the UK should do more to address the demand side of the problem. As far as legalising prostitution is concerned. . . it doesn't work in our opinion.

Introduction

1. The Salvation Army (UK and Ireland) is pleased to make this response to the Home Affairs Committee inquiry into Human Trafficking. As one of only three providers of safe housing in the country we have developed expertise that informs our input.

2. The Salvation Army is a member of the Stop The Traffik Campaign. The campaign is driven by a coalition of organisations and individuals who are determined to stop the sale of people once and for all. We also belong to CHASTE—Churches Alert to Sex Trafficking across Europe.

3. 2007 was the 200th anniversary of the abolition of the transatlantic slave trade in the UK. The harsh reality is that the problem of modern-day slavery is even bigger today than it was all those years ago.

4. This response to the Home Affairs Committee consultation answers the questions set and indicates our knowledge and experience of the current position. Please do not hesitate to contact us should any comments or queries arise.

Estimating the scale and type of activity

5. As the UN definition (2000) makes evident, trafficking in persons is not limited to sexual exploitation but also includes domestic servitude, street crime, drug smuggling, forced marriage and labour exploitation.⁷⁶ As Malarek (2004) makes clear, the UK is now recognised as a major sex trafficking destination; men, women and children are trafficked into the UK every year to undertake all the above types of exploitation.⁷⁷ However, official estimates of the extent of trafficking into the UK remain woefully inadequate.

6. In terms of the scale of sex trafficking, the main point of reference is Kelly and Regan (2000), who suggest that between 142 and 1,420 women are trafficked for sexual exploitation in the UK every year—this study is based on figures from 1998 and is now ten years out of date.⁷⁸ The Home Office estimated that in 2003 the size of the UK market for trafficking for sexual exploitation was around £275 million and there were at least 4,000 trafficked women residing in the UK. This figure is believed to be a massive underestimation of the problem, yet no official police estimates currently exist or are available.

7. A commonly held belief is that the figures are more around the 25,000 mark (for trafficked women) at least. Other studies done by media have also suggested much higher numbers.⁷⁹

8. Certainly local figures in Croydon for example, where The Salvation Army has been a vital part of the Croydon Community Against Trafficking (CCAT) movement, suggest a much bigger problem than official estimates.⁸⁰

9. In 2006 there were over 100 advertising brothels in Croydon alone. Of these it is believed that 84% of women are highly likely to be trafficked and are from overseas.

10. This has been evidenced by recent brothel raids as well. Whilst this is a local example, this kind of scale is also echoed around the country in places like Peterborough for example.⁸¹

11. Knowledge of the scale of trafficking of minors into the UK is also extremely vague and there are no official statistics. In 2004, ECPAT UK found that 32 out of the 33 boroughs in London believed that they had a problem with trafficked children.⁸² A Home Office-commissioned survey in 2007 identified 330 cases of suspected or confirmed victims of trafficking over an 18 month period—most of them from China or from Africa—but warned of an “unknown quantity” that have not come to the attention of the authorities.⁸³ According to UNICEF, in 2003 at least 250 children had been identified as trafficked in the previous five years. However, it warns that the real numbers trafficked into the UK each year are more like “hundreds, if not thousands” (UNICEF, Stop the Traffic!).

12. There are no reliable statistics on domestic and labour exploitation. However research by the TUC and Anti-Slavery International found evidence of labour exploitation in the catering, construction, agricultural, cleaning and domestic work sectors.

13. Data on the scale of trafficking in the UK is highly unreliable and out of date. An extensive investigation into the nature and extent of this crime is now long overdue.

14. In terms of the type of activity—The Salvation Army’s CCAT experience is that the scope of the services on offer is wide and depraved. We have also noticed a drop (up to 30%) in prices for sexual services and have been offered sex without condom—a service the Prostitutes coalition adamantly assert would not be something that a woman who “chooses prostitution” would agree to.

15. This has been evidenced again by victim accounts which support that they were forced to have sex without condom after their enslavers were paid extra by punters for the experience. From as little as £30 oral sex and even full sex is offered, more is charged for other depraved services.

16. The type of activity is quite frankly unlimited, which again suggests women who are not in control of their own bodies. The offers from brothels are overt and explicit and many offer more than one girl at a time. On a recent undercover film done by ITN reporter they were offered nine underage Romanian trafficked girls in one brothel. Others we have contacted in East London for example have offered the choice of over 20 girls from all different nationalities.

⁷⁶ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.

⁷⁷ V. Malarek (2004), *The Natashas: The New Global Sex Trade*. London: Vision.

⁷⁸ L. Kelly and L. Regan (2000), *Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK*. London: Home Office.

⁷⁹ <http://news.bbc.co.uk/1/hi/england/6459369.stm>, <http://www.antislavery.org/homepage/antislavery/humantrafficking.pdf>, <http://www.antislavery.org/homepage/antislavery/humantrafficking.pdf>

⁸⁰ <http://www.theccat.com/formedia.htm>

⁸¹ http://www.timesonline.co.uk/tol/comment/columnists/graham_stewart/article2554127.ece (just one comment on it—but also widely reported)

⁸² End Child Prostitution and Trafficking UK, *Cause for Concern? London Social Services and Child Trafficking*, 2004.

⁸³ Child Exploitation and Online Protection Centre (CEOP) “Scoping Project on Child Trafficking in the UK”, published in June 2007.

The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims

17. In our experience among rescued women it is true they are traumatised on arrival at the safe house and only after intense and careful working with each person, is there any hope that they might share something of their ordeal that might help themselves or others. The Salvation Army's International network and profile is most useful in linking up with families in the sending nations.

18. In the insecure time after rescue the immigration process is felt to be threatening and certainly from a logistical viewpoint is burdensome and ties up staff members, thus necessitating a high staff resident ratio.

19. The Salvation Army provision and cost of the safe house is borne entirely by Salvation Army funds. We recognise the need is not diminishing and equally recognise the finite funding that exists. The need for and lack of funding is the major risk factor to the provision.

20. The situation that trafficking victims find themselves in once in the UK frequently means that they are too frightened to come forward to the authorities. Traffickers generally operate in organised gangs which have extensive networks across the globe. This tends to mean that victims are fearful of what will happen to their families if they come forward or speak out; or what may happen to them when they return home. Victims may also to live in an extreme fear of authority; as Kate Holt (2002) writes in the *Observer* "much of their experience of law enforcement has been tainted by corruption and they are reluctant to trust anyone".⁸⁴ This can be compounded by cultural and language barriers as well as a lack of any form of support network in this country. Due to such barriers, trafficked victims may have little understanding of their rights; "the complexity of the . . . migration system and the fact that such a wide range of departments and agencies are involved in different administrative procedures, makes it very difficult. . . to understand what their entitlements, obligations and possibilities of help are."⁸⁵

21. To such difficulties must be added the uncertain immigration status of the majority of trafficked victims; "UK efforts to combat trafficking have not been unified into an effective, comprehensive strategy that prevents, deters and punishes trafficking and has the rights and protection of trafficked persons as its centrepiece".⁸⁶ In October 2007, Home Secretary Jacqui Smith declined to give a guarantee that those rescued would not face deportation as illegal migrants; the UK has tended to take a migration control approach rather than a human rights or victim centred approach to issues associated with trafficking. It is hoped that the ratification of the European Convention against Trafficking will recognise the victims of trafficking as such, rather than as perpetrators of a crime. Vulnerability to deportation and the threat of being returned to their home country before having the chance to apply for asylum may compound the fear some victims have of presenting themselves to the authorities. As Mary Cunneen (2005), director of Anti-Slavery International, said: "We know from experience that . . . women will not identify themselves as trafficking victims and will say they want to return. They may have good reason from their experiences in their own countries to be distrustful of law enforcement. They may have been given very real threats either against themselves or their friends and families. They may simply be frightened."⁸⁷

22. The UK currently provides very limited support for women trafficked into sexual exploitation; the Home Office funds only one project, the London-based Poppy Project, which has a limited access criteria. There is currently no specialist provision for children who have been trafficked into the UK or other victims trafficked for forced labour. Greater protection for victims of trafficking is vital and NGOs must play a critical role in this. The Salvation Army and The Medaille Trust have successfully set up safe houses for trafficked women. Specialist organisations have a strong history of assisting vulnerable people and trafficking victims should be offered the best possible support by organisations that have experience in helping women who have undergone violence, both physical and psychological.

The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human trafficking

23. Article 13(1) of the Council of Europe Convention on Combating Human Trafficking and its stipulated minimum 30-day reflection period is welcome and has been long overdue. There could however be a strong and convincing argument made that a person who has been trafficked to the UK would have grounds for asylum if s/he so wishes under Article 1.(2) of the 1951 Geneva Convention:

24. [. . .] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

⁸⁴ K Holt "Once they were girls. Now they are slaves". *The Observer*, 3 February 2002.

⁸⁵ K Skřivánková, *Trafficking for Forced Labour UK Country Report*, Anti-Slavery International 2006.

⁸⁶ W Young and D Quick, "The Struggle Between Migration Control and Victim Protection: The UK Approach to Human Trafficking", 2005.

⁸⁷ M Cunneen, quoted in "Home Office defers expulsion of women held in brothel raid", *The Guardian*, 2005.

25. Notwithstanding the British government's obligations under the terms of that Convention, if the trafficked person wished to waive that right to asylum, The Salvation Army would argue that by virtue of having being trafficked to the UK, the British government owes a duty of care to that person, whilst s/he is present in the UK.

26. The current situation is deeply unsatisfactory where those without recourse to public funds are having to rely on, for example, a sympathetic GP in order to get access to the care and treatment they badly need. It is also not acceptable that front-line staff at both voluntary and statutory agencies are having to think of increasingly inventive ways of "getting around the system", in order to meet the needs of their clients. A systematic and integrated review of the current migration status of those who have been trafficked to the UK (and consequent legal rights), encompassing the evidence from the relevant NGOs and care providers is badly needed.

Co-operation within the EU (including Europol); and control of the EU's external frontiers

27. The Salvation Army (UK and Ireland) has no knowledge or experience of this area.

Relations with transit and source countries, and the role of Interpol and the UN Office on Drugs and Crime

28. The Salvation Army (UK and Ireland) runs anti-trafficking projects in India, Sri Lanka, Malawi, China and the Philippines.

29. The article below provides an insider view from Malawi. Although originally drafted for a different audience to the Home Affairs Committee inquiry, many salient points are made. This article is available online, in our Develop Magazine.⁸⁸³ There are many other similar stories to cite.

30. When there are over 300 children playing and singing at the tops of their voices it's hard to imagine that even one of them is dealing with trauma. A seemingly insatiable joy is spread across their faces, manifested in beaming, enthusiastic smiles. But behind some of these smiles lies a grim reality that is shocking to all of us. Behind some of these smiles lie lives that have been exploited and abused.

31. The border town of Mchinji in Malawi is best described as rural. Just over 100kms from Lilongwe and a short drive from the border with neighbouring Zambia, it is a town that represents the classic western view of African life. The fields of corn, tobacco and potatoes, interrupted by modest houses and dirt roads, form a beautiful and rugged landscape. The people of the area are equally beautiful. Always friendly, full of joy, always welcoming. Well, most of them.

32. There are a small number of people who have infiltrated this community and nearby areas who don't reflect this friendly norm. They are the traffickers. Many of them probably don't even see themselves as that. But that is nonetheless the reality. These people see others, especially children, as a means to an end, as necessary to their personal economy. Even just as "the way things are done". For them the shocking horror of slavery is not shocking at all. It is what sustains their lifestyle.

33. Many of the children trafficked to this area are trafficked to work as herd boys or on the tobacco farms. Tobacco is one of Malawi's biggest exports. But this industry brings a new depth of meaning to the "Smoking Kills" warning we see on the side of cigarette packets in our local corner stores. The cigarette doesn't even have to be lit to cause harm to lives in this part of the world. And this demand for tobacco has indeed killed. Children, boys and girls are being trafficked to work as slaves on the farms. They are lured with the promise of pay to their families after one year. A deposit is usually paid to the family to convince them of the promise—the average can be as little as 10 pence.

34. Once on the farm, the children are forced to live in horrible conditions with very little food to sustain them. They work long days, every day, and recent reports from local social services also tell us that some of these children, especially the girls, are then being prostituted out to local men at night. Children who have been rescued from raids and police crackdowns on this slave labour tell of horror stories of other children who have demanded their freedom or asked to be taken home. These children are often just dumped somewhere remote or in some cases have been killed. Smoking really does kill.

35. The police are seemingly powerless to stop the traffickers.

36. At present the laws against trafficking are inadequate to prosecute traffickers effectively (the UK has introduced specific legislation only in the last decade too). Instead they are limited to prosecuting for other offences such as "employing" an under-age child and preventing children from going to school.

37. Dumisani was trafficked for one of the major forms of trafficking in this area. Hundreds, possibly thousands, of boys are trafficked every year to work as herd boys. A herd boy's life is hard and dangerous. They are forced to work very long days and are usually confined to sleeping with the animals at night. If an animal goes missing whilst they are grazing them during the day, the child will have to go and look for it until it is found. The meagre ration of food the boys get is often withheld as punishment and goes alongside

⁸⁸ <http://www1.salvationarmy.org.uk/id>

beatings. Added to this is the danger of agricultural pirates. Gangs of men, often armed, raid the countryside to steal cattle and other animals. Herd boys are the least of their concerns and are frequently injured in these attacks.

38. Dumisani lived with his family in the south of Malawi. Traffickers came to his home offering a job to Dumisani. Although he was still in high school, the offer was accepted under the promise that Dumisani could return to them after a year with his pay. Dumisani doesn't know how much of a deposit the trafficker gave to his parents but even a small "deposit" would have been a lot for his large family who were struggling to survive. Never having heard of trafficking and vulnerably poor, the family thought the offer seemed an innocent and amazing opportunity. The reality was much different. Dumisani's hands and feet bear testament to the hardship he endured, scarred with deep lines and hardened skin. Dumisani still remembers the stench of the animals that he slept beside each night. He remembers the hunger he felt in his belly for a decent meal and he remembers vividly the fear he endured during his horrible experience. But Dumisani is making new memories now. Memories that involve freedom and happiness.

39. Whilst out grazing the animals one day, Dumisani met a social worker. The social worker asked him about his life and the conditions he lived in and why he wasn't at school. Hearing Dumisani's story, he then told him that he could help him. Bravely, Dumisani wanted to tell his enslaver he was leaving, and so he went with the social worker to confront the man who had treated him so badly. Dumisani was then taken to The Salvation Army's centre for trafficked children in Mchinji. Suddenly life became very different.

40. Now Dumisani is being cared for and supported through a range of programmes. He is being given psychosocial support to help him deal with the trauma he has experienced and is experiencing love again in the care he is given. He is also back at school. In most cases children will be reunited with their families. But importantly, education and awareness programmes need to be rolled out with local communities to ensure that children who return aren't re-trafficked and that others aren't lured by the same false promises. For now, Dumisani is dreaming of what he will be when he grows up. He says he wants to be a social worker so that he can help other children like himself and help them not to be fooled by the traffickers.

41. The home is a safe place and the children definitely feel loved. But the environment is basic. Services like this require ongoing funding and support and although the centre is still new, the future is uncertain without support.

42. It's hard to imagine how people can exhibit such blatant disregard for the lives of others. How a trafficker can purchase a life for less than what we pay for a bar of chocolate. It's hard to imagine how enduring and brave children like Dumisani are not only to survive but also to recover. It's hard to imagine how a child who has been traumatised in this way—how anyone treated this way—can still smile.

43. But Dumisani does.

44. And so do so many of the other children. Some are still trying to smile, but in time they will find an instinctive joy that comes with hope, freedom and the touch and interaction of being loved.

45. Turning our anger at oppression into supportive action is possibly one of the best ways for us to heal from an encounter like this. Certainly it has been for me. It is the smiles of healing children and the selflessness of committed staff that bring back beauty into this landscape and community that has been defiled by the slavery that has pervaded its tranquil existence. It is the knowledge that people are doing something to stop lives being bought and sold and to stop this sale from happening to so many others that brings a resolute peace to anybody that encounters this amazing context. And with support and sustained commitment, we will see an end to this trade and restoration to the victims of the injustice of trafficking in Mchinji. And then again in the next town. And the next. . .

46. People shouldn't be bought and sold. It's true for our neighbours in Malawi and their town in Mchinji. It's true for us.

Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services)

47. The establishment of the UKHTC has clearly done much to reduce the overlap in work between the different public authorities and the provision of such a focal point for trafficking and trafficking-related issues is most welcome. There does however appear to be tension between the aims and mandates of the various key stakeholders which can often result in confusion and mixed messages being sent to both the victims themselves and their care providers. For example, there is clear conflict of interest between the aims of the Border and Immigration agency and those whose prime objective is the health and social welfare of the trafficked person. It would appear that work still needs to be done on reconciling these differences in a way that the person at the centre of the problem—the trafficked person—receives the care and assistance they need, whilst simultaneously gathering any intelligence and/or evidence that the law enforcement agencies need to take steps against those responsible for their trafficking.

48. It is interesting to note that the FCO is named as one of the public authorities concerned with trafficking to the UK and any initial mapping of the field would inevitably include the FCO as a key stakeholder. However, when a researcher from The Salvation Army made a telephone call to the FCO recently to enquire about their anti-trafficking programmes, she was told "we don't have any member of

staff here who covers that” and it took several subsequent phone calls and persistence on the part of the researcher to talk to anyone within the FCO who works on trafficking issues. It could therefore be suggested that in addition to further co-ordination and co-operation between the different agencies, better and more effective communication within each agency itself might be a priority.

Other Comments—Criminal Justice and Immigration Bill

49. In The Salvation Army’s opinion, the UK should to more to address the demand side of the problem.

50. There are a number of studies out about this—one recently suggested that 53% of men access services through local papers for example. There is much evidence that suggests that the demand is fuelling the huge supply. Perhaps the UK could go stronger on this side of the argument and on the prosecution of punters rather than the criminalisation of the victims.

51. As far as legalising prostitution is concerned. . . it doesn’t work in our opinion. In Amsterdam for example, the same lobby group that lobbied to make prostitution legal all those years ago are now lobbying to make it illegal again. Our sources suggest that the Swedish model—whilst perhaps not as successful as their government suggests—has done a great deal to make trafficking a higher risk activity in Sweden.

8 February 2008

Memorandum submitted by Save the Children

1. Save the Children fights for vulnerable children in the UK and around the world who suffer from poverty, disease, injustice and violence. We work with them to find lifelong answers to the problems they face.

2. As a global organisation, we are uniquely placed to ensure that the rights of all asylum seeker, refugee and trafficked children in the UK are protected, promoted and respected in line with the UN Convention on the Rights of the Child (UNCRC), other international human rights instruments and relevant domestic legislation.

THE SCALE OF CHILD TRAFFICKING IN THE UK

3. The internationally recognised definition of trafficking (in the Palermo Protocol) defines child trafficking as children being transported for purposes of exploitation within or across national borders. This includes situations where children have voluntarily consented to travel but are exploited on arrival.

4. Many children who are trafficked are handled by highly organised criminal networks, but children are also trafficked through personal and family connections. Perpetrators are anyone along the trafficking chain—recruiters, middlemen, document providers, transporters, corrupt officials and employers.

5. Due to the illicit nature of trafficking there are few reliable estimates of the number of trafficked children in the UK. There is no single statutory agency within the UK that has a responsibility for gathering data and reporting annually on child trafficking, which means it is impossible to get a true picture of the scale of the problem.

6. Research carried out by ECPAT UK and Save the Children in 2006⁸⁹ uncovered 80 cases of known or highly suspected child trafficking across five local authorities in three regions in England. This is likely to be just the tip of the iceberg.

7. In 2006, the Home Office commissioned the Child Exploitation and Online Protection Centre (CEOP) to undertake an intelligence-gathering project to try and establish the level of existing information and understand of child trafficking. The research team gathered data from the police, law enforcement agencies, 20 Children’s Services teams, BIA and eight NGOs. From these referrals the research team identified 330 cases that fitted the profile of child trafficking.⁹⁰ Again this is unlikely to be an accurate figure.

8. Children are exploited in a wide variety of ways and not just through sexual exploitation, which may vary according to their age and gender and race. The ECPAT UK/ Save the Children research found examples of:

- Domestic Servitude.
- Restaurant/catering labour.
- Benefit fraud.
- Sexual exploitation.
- Underage forced marriages.

⁸⁹ ECPAT UK and Save the Children (2007) *Missing Out A Study of Child Trafficking in the North-West, North East and West Midlands*

⁹⁰ CEOP, BIA and Home Office, 2007: *A Scoping Project on Child Trafficking in the UK*, p8

- Manual labour.
- Cannabis factory labour.

9. Trafficking can have a devastating impact upon children. They are separated from families and in danger of losing all contact with them. They are at risk of losing their identity as traffickers often destroy their papers and change their names. During the journey, unsafe transportation places them at risk of death or injury.

10. On arrival they are likely to experience violence, abuse and dangerous working conditions that are harmful to their health and wellbeing. They are at risk of suffering long term damage, including HIV/AIDS.

11. The trafficking of children is not an illegal migration issue, driven by people's desire to come to the UK. It is a global human rights abuse that requires national, regional and international co-operation to protect children.

12. Children who have been trafficked should first and foremost be protected—their immigration case can then be considered after their protection needs have been met.

THE RIGHTS OF TRAFFICKED CHILDREN

Council of Europe Convention against Trafficking

13. The Government's announcement to ratify the Council of Europe Convention against trafficking in Human Beings by the end of 2008 is extremely welcome.

14. Ratifying the Convention would require the Government to take specific measures which would help to protect these vulnerable children, for example, reduce children's vulnerability to trafficking, notably by creating a protective environment for them (Article 5); ensuring that relevant authorities have trained and qualified professionals in identifying and helping victims, including children (article 10); and issuing child victims of trafficking temporary residence permits in order to ensure the child's best interests are safeguarded (article 14).

UN Convention on the Rights of the Child

15. Save the Children very much welcomes the Government's announcement on 14 January 2008⁹¹ to review its general reservation on immigration and citizenship as part of its consultation on a Code of Practice for the Border and Immigration agency.⁹²

16. The UN Committee on the Rights of the Child has twice called on the Government to remove the reservation, which they have described as "against the object and purpose" of the Convention.⁹³ The UK Government will be assessed on its implementation of the UNCRC in this autumn. The Parliamentary Joint Committee on Human Rights has also condemned the UK for maintaining this reservation, most recently in its report on the treatment of asylum seekers.⁹⁴

17. The Government has made assurances that it honours the spirit of the UNCRC in relation to children subject to immigration control but in practice the effect of the general reservation has been to create a lower standard of care for children from abroad, which undermines efforts to combat child trafficking.

18. A key example of this is the omission of immigration agencies from the duty to "safeguard and promote the welfare of children" introduced by Section 11 of Children Act 2004—immigration agencies are the only significant statutory body to be excluded. While Save the Children welcomes the proposed Code of Practice⁹⁵ through which the Home Office acknowledges the need to offer children subject to immigration control protection to ensure their safety, we do not believe that this goes far enough as the proposed Code will be weaker than a statutory duty.

Departmental responsibility for separated children

19. Save the Children is concerned by the increasing development of dual systems of care and support—one for citizen children and one for trafficked children and other children who are subject to immigration controls (see below).

20. Wider child protection and children's policy sits within the Department for Children, Schools and Families (DCSF). With the Ministry of Justice now holding joint responsibility with the DCSF for juvenile justice issues, it is an anomaly that the responsibility of separated children remains with the Home Office.

⁹¹ Home Office Press Release 14 January 2008 "Home Secretary Moves to Ratify the Council of Europe Convention Against Trafficking in 2008"

⁹² Border and Immigration Agency (2008) Code of Practice for Keeping Children Safe from Harm pro forma for responses question 16

⁹³ UN Committee on the Rights of the Child (2002) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland. Paragraph 6

⁹⁴ House of Lords House of Commons Joint Committee on Human Rights (2007) The Treatment of Asylum Seekers: Tenth report of Session 2006–07.

⁹⁵ Border and Immigration Agency (2008) Code of Practice for Keeping Children Safe from Harm

When challenged on whether policy affecting separated children should be a dual responsibility area between the Home Office and the DCSF, Ed Balls told the Children Schools and Families Select Committee, "I should be very happy to listen to the views of the Committee on that."⁹⁶

21. Save the Children is calling for:

- The Government to ensure that the Convention is ratified by the end of 2008 and that it fully implements obligations set out in the Convention as soon as possible.
- The Government to remove its general reservation on immigration and citizenship to the UN Convention on the Rights of the child. The Government must ensure that its review of the Reservation is comprehensive and fully involves stakeholders, in order to be credible.
- Section 11 of the Children Act 2004 to be amended so that immigration agencies are included in the duty to safeguard and promote the welfare of children.
- The Department for Children, Schools and Families to take the lead in safeguarding these vulnerable children or at the very least a joint unit must be established between the Department for Children, Schools and Families and the Home Office.

TRAFFICKED CHILDREN GOING MISSING FROM CARE

22. Of particular concern to Save the Children is that research has found that a significant number of non-citizen children are going missing from care. These cases first came to Government attention over ten years ago when in 1996 West Sussex police investigations revealed that children from West Africa were going missing soon after arrival. Similarly, Scotland Yard investigations found that over just a two month period, between July and September 2001, 300 black boys between the ages of four and seven had gone missing from school.⁹⁷ Of these boys, 299 came from Africa and one from the Caribbean. An international police search was only able to locate two of the 300 boys who had gone missing.⁹⁸

23. More recently, Save the Children asked local authorities in England, Scotland and Wales a series of questions under the Freedom of Information Act about children from abroad going missing from their care.⁹⁹

24. Of the 109 local authorities who responded to the request, detailed information was provided in 94 (86%) of the responses¹⁰⁰ and of these cases 238 cases of children had gone missing from care. Of these cases 132 (55%) children remain missing and have not been located since; 66 (27.7%) have since been found and information was not provided in the remaining 40 cases.

25. 35 of the children who had gone missing were suspected cases of child trafficking. However, in many cases local authorities reported a lack of understanding of what was meant by the term trafficking, and others reported "no cases of trafficking to their knowledge" so it is likely that a higher proportion may well have been victims of trafficking. However, even if child trafficking was not evident Save the Children does not believe that these cases represent any less of a child protection concern.

26. Of the 238 missing children, information as to their gender was provided in 150 (63%) of these cases. Of these, 43 (28.6%) children were female, and 107 (71%) were male.

27. Detail concerning the age at which the children had gone missing from care was provided in 123 (51.7%) cases. Of these 123 cases:

- 12 (9.8%) were under the age of 14. Two of these cases were 11 year old boys from Afghanistan, and one was a 12 year old boy from Kenya.
- 61 (49.6%) were between the ages of 15 and 16 years old.
- 49 (39.85) were 17–18 years old.
- One was over the age of 18.

28. Information about the country of origin of the missing children was provided in 149 cases. Of these, 37 (24.8%) came from Afghanistan, 15 (10%) came from Eritrea, 14 (9.4%) came from Vietnam, 13 (8.7%) from Romania and 12 (8%) from Nigeria. The full list of country of origin information can be found in annex A.

29. Research carried out by the Child Exploitation and Online Protection Centre (CEOP) and ECPAT UK and Save the Children research have also revealed that significant numbers of children are going missing from local authority care.

⁹⁶ Uncorrected transcript of oral evidence to be published as HC213i: House of Commons Children, Schools and Families Committee, Wednesday 9 January 2008.

⁹⁷ This investigation was carried out as part of the "Adam" case in which the torso of an unidentified young African boy was found in the River Thames.

⁹⁸ BBC News online, Friday 13 May 2005 Hundreds of Children "vanishing" <http://news.bbc.co.uk/1/hi/uk/4541603>

⁹⁹ Please note this submission includes interim findings only. The full research findings will be available shortly.

¹⁰⁰ 15 (14%) local authorities responded that they were not able or willing to provide the information. In 5% of these cases the information was not provided because the local authority did not hold records with this type of information. Some of the local authorities who were not able to provide this type of information have high populations of non-citizen children in their care.

30. The CEOP research identified 330 cases that fitted the profile of child trafficking and of this number 183—or 55%—were found to have gone missing.¹⁰¹ Similarly, the research carried out by ECPAT UK and Save the Children in five local authorities in England, found 80 reported cases of known or suspected child victims of trafficking, 52 (64%) of which had gone missing. Only four of these children had since been located.¹⁰²

In September 2005, six Chinese girls aged between 16 and 17 were stopped at Birmingham airport boarding a plane for Toronto. It is understood they had been in England for up to two years but they had previously not been detected by any government agency. Immigration services identified that one of the adults with whom they were travelling was wanted for human trafficking in Singapore. The girls were separated and placed in the care of two different authorities. Three of the girls went missing within 72 hours. Of the remaining three, one was suffering mental health problems and appropriate foster care could not be located. Shortly after being placed in residential housing, she went missing.

The other two girls remained in foster care for a further nine months until the younger one went missing. She has subsequently returned to foster care although has not disclosed where she has been in the interim. No information about the missing four girls has come forward.

From *Missing Out: A study of Child Trafficking in the North-West, North East and West Midland*.

31. As the majority of children who have gone missing have never been traced, there is little information available to explain why they went missing. However, information from the small numbers of missing children who have later been found in the ECPA UK/Save the Children research indicates that in some cases, while children are registered with social services, the trafficker maintains control over the child and seeks to remove the child as soon as possible or that children run away from care in attempt to escape the trafficker.¹⁰³ In addition to actions taken by the traffickers and the child themselves, gaps within care planning and service provisions also contributed to children being at risk of going missing.

32. It is clear from the limited research that is available that significant numbers of children from abroad are going missing from care. While we welcome the recent Government proposals to establish arrangements to monitor and take appropriate action when children go missing from care,¹⁰⁴ we also see an urgent need for an independent inquiry to be held into cases of children from abroad going missing. Such an inquiry would further evidence why this is happening and help to build up a picture of emerging trends across the UK so this highly concerning issue can be fully.

Lack of practical guidance

33. Extremely concerning is the fact that children who have been identified as victims of trafficking are still going missing from care. Many of the suspected cases of child trafficking from the ECPAT and Save the Children study had not been investigated or recorded as such by social services at the time that the children went missing.¹⁰⁵ Concerns have been raised that this is due to a lack of awareness among professionals of child trafficking—something that the Government has pledged to tackle.¹⁰⁶

34. While Save the Children welcomes and acknowledge the Home Office and DCSF guidance “Safeguarding Children” who may have been trafficked¹⁰⁷ we see it only as a much needed first step in addressing some of the failures in the care and protection of trafficked children. We are concerned by the lack of practical guidance to support local authorities and social services to plan, protect and care for trafficked children in their care on a day to day basis.

35. We hope that the proposed staff training in the Code of Practice consultation¹⁰⁸ and the proposals to develop identification and referral mechanisms for child victims of trafficking in *Better Outcomes: The Way Forward* will help address this deficit.¹⁰⁹

36. As noted by CEOP, children who have been trafficked and exploited need specialise aftercare and support—trafficked children have experienced abuse and exploitation and might also have suffered sexually transmitted diseases, pregnancies and miscarriages, trauma, depression, drug addiction and psychological instability.¹¹⁰ Any guidance on safeguarding trafficked children must include protocols on victim care that can be incorporated into existing local authority pathway planning procedures.

¹⁰¹ CEOP, BIA and Home Office (2007) *A Scoping Project on Child Trafficking in the UK*

¹⁰² ECPAT UK and Save the Children (2007) *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*

¹⁰³ ECPAT UK and Save the Children (2007) *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*

¹⁰⁴ Border and Immigration Agency (2008) *Better Outcomes: The Way Forward Improving the Care of Unaccompanied Children*. Section 3

¹⁰⁵ ECPAT UK and Save the Children (2007) *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*

¹⁰⁶ See for example Border and Immigration Agency (2008) *Better Outcomes : The Way Forward, Improving the care of asylum seeking children*

¹⁰⁷ Home Office and Department for Children, Schools and Families (2008) *Working Together to Safeguard Children: Safeguarding Children who may have been Trafficked*

¹⁰⁸ Border and Immigration Agency (2008) *Code of Practice for Keeping Children Safe from Harm Section 3*

¹⁰⁹ Border and Immigration Agency (2008) *Better Outcomes: The Way Forward Improving the Care of Unaccompanied Children*. Section 3

¹¹⁰ CEOP, (2007) *A Scoping Project on Child Trafficking in the UK*

37. The lack of safe and appropriate accommodation provision is particularly concerning, especially given the evidence that some children in care who had already been found to have been trafficked and exploited, subsequently went missing again.¹¹¹ Following the identification of girls being trafficked in West Sussex, West Sussex Social Services established a safe house for child victims of trafficking. This safe house was subsequently closed after a lack of government funding.

38. The ECPAT UK/Save the Children research found that children went missing from a range of support arrangements—the majority from emergency accommodation, but also from foster care and from a housing provider who was supposed to be providing 24-hour surveillance.¹¹²

39. Save the Children therefore welcomes the recent proposal to provide “safe accommodation arrangements for foster placements in order to protect them from the people who bought them into the United Kingdom.”¹¹³ The Government must take forward this proposal as soon as possible in consultation with stakeholders, including trafficked children and young people.

40. Save the children is calling for:

- An independent inquiry to be held into the cases of children from abroad going missing from care.
- More practical guidance and resources for the development of a multi-tiered response child trafficking including 24 hour supervised and safe accommodation and carefully selected and trained foster placements with the accommodation provided based on the level of support and protection needed by the individual child.
- Detailed guidance and training for professionals on the identification and management of cases of child trafficking.

GAPS IN SERVICES FOR ALL SEPARATED CHILDREN

41. While training and more sophisticated information about indicators of trafficking should help increase the number of children who are identified as potential victims of trafficking, it will still be the case that some children will not initially display any signs of having been trafficked.

42. Trafficked children arrive and are looked after as separated children, and research and evidence¹¹⁴ shows that in many cases there is a dearth of resources and a lack of adherence to legislation, regulation and statutory guidance which has led to the failures of services to meet the specific care and protection needs of separated children in the UK. A Save the Children study found that some local authorities were not able to allocate a social worker to all children and young people from abroad and that the quality of accommodation and support, provided by some private semi-independent accommodation service deliverers, was not always adequate.¹¹⁵

43. Save the Children does not believe that the care and protection of potentially trafficked children can be separated from the care and protection of the broader population of separated children. Both are vulnerable groups and as has already been suggested, it can take time for a separated child to display an indication that he or she might have been, or is vulnerable to being trafficked.

44. We welcome the positive statements about trafficked children in *Better Outcomes: The Way Forward*. However, we remain concerned that some of the proposals will have a significantly negative impact on child victims of trafficking as well as separated children generally:

- A key concern is the proposals to enforce the removal of under-18s whose asylum claim have failed back to their country of origin. We are not against the return of separated children in all circumstances but the return of a separated child must only take place if it is in the child’s best interests and if appropriate reception arrangements and safeguards are in place. We are particularly concerned about the significant risks of return in relation to trafficked children, where without adequate safeguards in place the child is very likely to be at risk of further exploitation.

¹¹¹ CEOP, (2007) A Scoping Project on Child Trafficking in the UK

¹¹² ECPAT UK and Save the Children (2007) *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*

¹¹³ Border and Immigration Agency (2008) *Better Outcomes: The Way Forward Improving the Care of Unaccompanied Children*. Section 3

¹¹⁴ See for example, save the Children (2001) *Cold Comfort*

¹¹⁵ Save the Children UK (2005) *Local Authority Support to Unaccompanied Asylum-Seeking Young People. Changes since the Hillingdon Judgement*

- Despite opposition from children’s organisations, the Refugee Children’s Consortium (RCC), the Children’s Commissioner for England and the Royal College of Paediatrics and Child Health,¹¹⁶ the proposal to introduce x-rays to determine age has not been ruled out. Save the Children have serious concerns over the use of x-rays in age assessment procedures: They are unethical as it is an invasive practice which will expose children to unnecessary radiation and inaccurate due to the two-year margin of error for this procedure. If this proposal is implemented there is a real risk that vulnerable separated children, including trafficked children, will be treated as adults. A more accurate and holistic approach to age assessment is needed.
 - We do not object in principle to the establishment of new “specialist authorities” to address the uneven spread of specialist local authority provision for separated children and welcome the Government’s acknowledgement that “any move towards placing children outside London and the South-East of England clearly requires careful management.” However, we are aware of the risks that improper management and insufficient funding of dispersal could bring about especially for trafficked children.
45. Save the Children is calling for:
- The proposals in *Better Outcomes: The Way Forward* to be assessed against the principles and provisions of the UNCRC.
 - Matters regarding all separated children to be wholly contextualised within a child protection environment.
 - The return of separated children to their country or origin to only take place if there are satisfactory structures and mechanisms to adjudicate on the “best interests” principle, including a system of guardianship (see below).
 - The Government to explore the establishment of independent, multi-agency age assessment panels as recommended by the Separated Children in Europe Programme.¹¹⁷
 - The development of Specialist Authorities to incorporate the positive learning from the Safe Case Transfer project.

A GUARDIAN FOR ALL SEPARATED CHILDREN

46. There is no systematic provision of independent oversight on matters involving separated children from abroad—trafficked as well as asylum-seeking children. As noted above, separated children may be placed in inappropriate accommodation with inadequate support, and can also go unrepresented in asylum claims. In particular the long term durable solutions for each child may not be fully explored.¹¹⁸

47. Based on this evidence, UNICEF UK has recommended that a guardian is appointed for trafficked children as soon as a child victim is identified, or there are reasonable grounds to believe that the child is a victim.¹¹⁹ We agree.

48. Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings states that; “As soon as an unaccompanied child is identified as a victim [of trafficking] . . . each Party shall provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child.”

49. In addition, the UN Committee on the Rights of the Child (CRC) has clearly outlined the responsibility of States to provide guardians for unaccompanied and separated children:

“States are required to create the underlying legal framework and to take necessary measures to secure proper representation of an unaccompanied or separated child’s best interests. Therefore States should appoint a guardian or adviser as soon as the unaccompanied or separated child is identified and maintain such guardianship arrangements until the child has either reached the age of majority or has permanently left the territory, in compliance with the Convention and other international instruments.”¹²⁰

50. It is crucial that a system of guardianship set up for separated children in the UK follows international standards. The functions of the guardian are set out in the UNCRC General Comment number 6, which sets out that, inter alia:

“The guardian should be consulted and informed regarding all actions taken in relation to the child. The guardian should have the authority to be present in all planning and decision-making processes, including immigration and appeal hearings, care arrangements and all efforts to search for a durable solution. . . .”¹²¹

¹¹⁶ Press statement March 1 2007 Children’s Commissioners respond to Home Office Proposals for unaccompanied asylum seeking children

¹¹⁷ Separated Children in Europe Programme. Statement of Good Practice

¹¹⁸ See for example Crawley H (2006) *Child First Migrant Second*, ILPA

¹¹⁹ Unicef UK & ECPAT UK, 2007, *Rights here, rights now: Recommendations for protecting trafficked children*

¹²⁰ *General Comment No.6 (2005) on Treatment of Unaccompanied and Separated Children outside their Country of Origin*; articles 18 (2) and 20 (1) paragraph 33

¹²¹ <http://www.ohchr.org/english/bodies/crc/comments.htm> articles 18 (2) and 20 (1) paragraph 33

51. The Separated Children in Europe Programme (SCEP) Statement of Good Practice¹²² also recommends that as soon as a separated child is identified, a guardian or adviser should be appointed—in a long-term perspective—to advise and protect the separated child. The Statement sets out the role and function of a guardian as follows, based on the experiences of member countries:¹²³

- To ensure that all decisions taken are in the child’s best interests.
- To ensure that the child has suitable care, accommodation, education, language support and health care provision.
- To ensure that the child has suitable legal representation to deal with his/her immigration status or asylum claim.
- To consult with and advise the child.
- To contribute to a durable solution in the child’s best interests.
- To provide a link between the child and various organisations who may provide services to the child.
- To advocate on the child’s behalf where necessary.
- To explore the possibility of family tracing and reunification with the child.

52. The Government has responded to calls for guardians by stating that:

“We consider that the children already receive sufficient assistance from the local authority social workers assigned to their care. The children are also referred to the Refugee Council Children’s Panel, which provides additional advice and signposts the individuals to appropriate services. Legal assistance is of course available to assist with asylum applications.”¹²⁴

53. The local authority is not adequately resourced to fulfil the effective functions of a guardian as set out by UNHCR¹²⁵ and the UNCRC. The UNCRC guidance states that, “agencies or individuals whose interest could potentially be in conflict with those of the child’s should not be eligible for guardianship.”¹²⁶ The RCC believes that local authority children’s services are such an agency. For example, recent research from RCC member ILPA, highlights the potential conflict of interest for local authorities in carrying out age determinations of young people, because of the resource implications of determining that someone is a child.¹²⁷

54. The Refugee Council’s Children’s Panel is often quoted as providing a guardianship role for unaccompanied children in the UK. However, this has been refuted by the Refugee Council.¹²⁸ The role of the Panel is not a statutory one although it is funded by the Home Office. There is no obligation on children’s services to work together with the Panel of Advisers or vice versa and it has no mandate to report, make recommendations or ascertain the feelings of a child. Valuable NGO agencies such as the Refugee Council Children’s Panel are no substitute for statutory guardianship.

55. Save the Children is calling for:

- Every separated child who arrives in the UK to be appointed a guardian who has powers to represent the child’s best interest.

Annex A

Save the Children Freedom of Information Act Research: Children who have gone missing from care by country of origin

Afghanistan	37	Liberia	1
Albania	3	Moldova	3
Algeria	5	Morocco	1
British Virgin Islands	2	Nigeria (11 cases provided info on gender, of which seven cases female)	12
Bulgaria	1	Pakistan	1
China	7	Palestine	1
Eritrea	15	Poland	1
Ethiopia	1	Portugal	1
Ghana	1	Romania	13
India	4	Saudi Arabia	1

¹²² Separated Children in Europe Programme, Statement of Good Practice 2004 see appendix

¹²³ *Ibid*

¹²⁴ House of Lords Hansard, 14 November 2007, Col No. XXX. Our emphasis in bold.

¹²⁵ UNHCR, Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, Geneva, February 1997, p.7.

¹²⁶ <http://www.ohchr.org/english/bodies/crc/comments.htm> articles 18 (2) and 20 (1) paragraph 3

¹²⁷ Crawley, H, 2007, *When is a Child not a Child?* ILPA

¹²⁸ Refugee Council Response to UK Implementation of Council Directive 2005/85/EC of 1 December 2005, laying down minimum standards on procedures in Member States for granting and withdrawing refugee status

Iran	7	Sierra Leone	1
Iraq	2	Somalia	7
Jamaica	1	Trinidad and Tobago	1
Kenya	1	United Kingdom	2
Kosovo	2	Vietnam	14

8 February 2008

Memorandum submitted by the Local Government Association

The Local Government Association (LGA) promotes better local government. It works with and for member authorities to realise a shared vision of local government that enables local people to shape a distinctive and better future for their locality and its communities. The LGA aims to put councils at the heart of the drive to improve public services and to work with government to ensure that the policy, legislative and financial context in which they operate, supports that objective.

It is estimated that globally each year around 1.2 million children are victims of human trafficking, although the secretive nature of child trafficking makes it difficult to place accurate figures against the scale of the problem. Data that is available is based on evidence gathered about those children who are known to the authorities (usually Unaccompanied Asylum Seeking Children, some of whom will have been the victims of trafficking) and do not include those who remain hidden from view. Sadly, the research is therefore indicative rather than conclusive.

In the UK, rising awareness of the issue is driving up the intelligence and expertise among those agencies tasked with stopping this type of exploitation and abuse of children and caring for them once rescued. However, there remains much progress to be made.

There is no single explanation for how and why children might be abused and exploited; statistics demonstrate that both the country from which children are taken and the reason for being brought to the UK vary widely. The tell-tale signs of a trafficked child in need of safeguarding protection will not necessarily match those of other children in need of safeguarding; there will in the majority of instances be a concerted effort to conceal any and all signs that the child is being exploited. The Safeguarding Children who may have been Trafficked Guidance produced last year is clear on this matter and presents a model of high quality multi-agency approaches to supporting children. The Guidance also acknowledges the challenging nature of detecting trafficking.

Each LA should, through its Local Safeguarding Children Board (LSCB), put in place policies and protocols that recognise that where child trafficking is a concern, situations will often appear different to other abusive relationships between children and adults and practitioners should be open to a wide range of possibilities and signs of exploitation when looking into a situation where trafficking is suspected; different combinations of factors come into play in different situations.

The legislative framework and powers exist locally to support local authorities and their partners on LSCBs to take the necessary steps to safeguard children who have been trafficked once those children have been identified and removed from a position of exploitation. However, there remains some learning to do around identifying those at risk.

Given the highly secretive nature of trafficking, there are significant challenges to ensuring that policies and protocols pick up the varying signs of, and required responses to child trafficking. In areas where the LSCB feels that policies and protocols specific to safeguarding trafficked children are necessary, then it is right that those are put in place and agreed by all relevant agencies. But, effective policies and protocols will stand or fall on the effectiveness of our collective understanding of the signs of a child having been trafficked and in that respect Government has a role in enabling the sharing of locally developed intelligence and changing patterns trafficking behaviour.

The final stage of human trafficking is played out at the local level and it is therefore at this level that a multi-agency response to victims of trafficking can more easily be provided. Any new national anti-trafficking programmes and strategies, such as the current Code of Practice for Keeping Children Safe from the BIA, should be drawn up and then implemented in close co-operation with local agencies.

Our concern is that there is no exhaustive list of signs of trafficking. The risk factors that have been identified in some cases they may not all be applicable in others and there may well be others, especially given that children are trafficked for a variety of different purposes. We must all, including Government, be sure to avoid a muddle of general abuse signs and symptoms and more specific exploitation signs and symptoms of trafficking.

There is a need for greater clarity about how many children enter the UK, for example, through what routes, to differentiate between children who are smuggled in with no ulterior motives and those who are trafficked in with the intention of exploitation. The Home Office need to be in a position to track children who are returned to ensure they do not re-enter the trafficked cycle once again, either within the UK or elsewhere: Home Office sources of information and intelligence need to be improved in order to identify children should they try to re-enter the UK.

Given the planned move by the Home Office to set up a number of “specialist authorities” providing support to UASC, care must be taken not to lose current professional expertise and knowledge around issues like trafficking and missing children. All LSCBs will need to build expertise around this so they can make links to the new specialist authorities.

All children being cared for by a local authority should be entitled to equal treatment, and councils are committed to offering consistent standards of support and care for all children in their care, whether trafficked or not. This equality must extend to arrangements around transitions. Government policy and funding arrangements need to be similarly consistent. At the present time children under the age of eighteen, who are victims of trafficking, are safeguarded under Children’s legislation. Many adult victims have no recourse to public funds, due to their immigration status, and there is a lack of specific legislation to protect them. The financial burden of supporting those without recourse to public funds with care needs is falling on local authorities and is having an increasing impact on their budgets.

We have therefore welcomed the European and international Conventions regarding different types of human trafficking (like the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) and its protocol (1999) and the Council of Europe’s Convention on Cybercrime (2001), which deals with child pornography on the Internet. We particularly welcome the Council of Europe’s Convention on Action against Trafficking in Human Beings and are happy with the UK Government’s decision to finally sign the Convention. We would like to remind the Home Affairs Committee of the extensive work that has been done by the Congress of local and regional authorities of the Council of Europe, in which UK local authorities play an active role.

11 February 2008

Supplementary memorandum from Anti-Slavery International

1. MIGRANT DOMESTIC WORKERS IN THE UK

1.1 The Committee requested further information about the number of migrant domestic workers who are subjected to trafficking, forced labour and exploitation and what the impact of the Government’s proposed change to immigration rules would be on their vulnerability to trafficking.

1.2 Anti-Slavery International’s 2006 research on trafficking for forced labour in the UK found that migrant domestic workers in the UK are regularly subjected to abuse, exploitation and forced labour. Anti-Slavery International estimates that hundreds of migrant domestic workers are trafficked into forced labour in the UK each year.

1.3 Evidence from Kalayaan, a charity which works with migrant domestic workers in the UK, shows that of the 340 migrant domestic workers registered with them in the period between April 2006 and March 2007, just under a quarter reported instances of physical abuse (eg beating them, slapping them, throwing things at them, spitting in their face, pulling their hair), and 9% reported sexual abuse. The figure rises to 69% for those reporting psychological abuse (eg shouting, insults, threats to throw them out or have them deported). Over 60% of domestic workers reported that they were not allowed out of the house without the permission of their employer, and nearly one third had their passports taken from them and retained by their employer. Two thirds reported working 16 or more hours per day, seven days a week with no meal breaks.

1.4 Under a 1998 immigration rule introduced by the Labour Government, migrant domestic workers are issued with one year renewable visas and can seek work with another employer if they wish. Under the terms of their visa, migrant domestic workers do not have recourse to public funds and can only have their visa extended if they are in full time employment.

1.5 These rights have been extremely important in facilitating the escape of migrant domestic workers from exploitative and abusive situations. This is because they can come forward and receive support and assistance knowing that they can still seek work with another employer and thereby will not put their livelihood at risk. This also facilitates cooperation with the authorities. The Government recently acknowledged that the 1998 rule has been positive in reducing abuse and exploitation: Baroness Scotland noted on 26 March 2007 that the Government is “conscious that the changes we brought in greatly benefited domestic workers in this situation.”

1.6 Despite the positive impact of the 1998 immigration rule, the Home Office is now proposing to change this rule and give migrant domestic workers only a six month non-renewable visa and not to allow them to change employers even if they are subject to abusive practices. Furthermore, migrant domestic workers would not be recognised as workers, but rather as domestic “assistants” and consequently would not enjoy protection under employment laws.

1.7 If the Government does remove the protections currently provided to migrant domestic workers under the 1998 immigration rule Anti-Slavery International believes that it would increase the number of these workers who are exposed to trafficking, forced labour and exploitation and reduce the number who are able to come forward for assistance and protection. It would, in short, seriously undermine the Government's counter-trafficking policy.

2. EXAMPLES OF COUNTRIES WHICH HAVE GOOD AND BAD PRACTICES IN RELATION TO TRAFFICKING IN PEOPLE

2.1 The Romanian Government has a good record in relation to ensuring cooperation with governments in other countries on individual trafficking cases and within the region on trafficking issues more generally. A regional centre called SECI is based in Bucharest with liaison officers from all the South-Eastern European countries represented, as well as liaison officers from some other European countries.

2.2 An example of how the Romanian authorities have effectively cooperated with other governments can be seen in the response that was put together with the Austrian Government to tackle the problem of Romanian children who were being trafficked to Vienna over a couple of years for the purpose of begging. The two governments agreed that a Romanian police officer would be deployed in the streets of Vienna to work alongside Austrian police officers in order to identify and assist trafficked children.

2.3 In general, there is a good cooperation between countries within the European Union as well as with some countries from the former Soviet Union, such as Ukraine and Moldova. However, there are several European countries which have not taken sufficient steps to protect and support trafficked people.

2.4 For example, Estonia, Lithuania and Russia are all countries from which people are trafficked, but none of these States have signed the Council of Europe Convention on Action Against Trafficking in Human Beings. Cases of individuals being trafficked from these countries have been recorded in the UK, particularly from Lithuania, and it is important that these States sign up to the standards outlined in the Council of Europe Convention and cooperate with other European countries in trying to tackle this issue (the other seven states which not signed the Convention are Azerbaijan, Czech Republic, Liechtenstein, Monaco, Spain, Switzerland and Turkey).

2.5 Nigeria is one of the countries outside Europe from which significant numbers of people are trafficked to the UK. However, assisting these women and trying to ensure their safe repatriation to Nigeria—where they wish to return home—is made extremely difficult when the Nigerian Embassy does not facilitate the issuing of a replacement passport.

2.6 In a large number of cases, the trafficked person's passport will have been taken away by the trafficker, but the authorities are reluctant to issue new documents. This may force Nigerians to return home without a passport on some sort of temporary travel document. This draws attention to them and may lead to their being ostracised as it is often assumed that Nigerian women returning without passports have been involved in prostitution in Europe. Cases involving the harassment and detention of young women being returned from Europe by immigration personnel in Nigerian airports are not uncommon.

2.7 Furthermore, returning without a passport can also directly result in re-trafficking. Corruption is a problem in the country and there have been instances where women returning from Europe were targeted by trafficking gangs immediately on their arrival in Nigerian airports which has led to suspicions of involvement of airport personnel in trafficking gangs.

2.8 Similar issues have arisen in cases relating to the identification of nationals from Vietnam and the re-issuing of passports to these individuals in the UK and elsewhere. Where the Vietnamese authorities do not accept the identity of an individual and refuse to issue them with new passports or other identification documents, these individuals are effectively left stateless.

11 February 2008

Memorandum submitted by STOP THE TRAFFIK

Executive Summary

Stop The Traffik welcomes the Home Affairs Committee Inquiry into Human Trafficking, and the work of the government to date. However, there are several measures that should be taken to improve effectiveness in this area, including establishing a Royal Commission to investigate the modern-day slave trade; Monitoring Teams at all points of entry to rescue victims; a systematic nationwide network of support services for victims; a Europe-wide single number helpline for victims that routes to national assistance; the mainstreaming of anti-trafficking into poverty reduction programmes; the establishment of a National Rapporteur to Tackle Human Trafficking; and a Traffik Free Guarantee on products sold in the UK.

Introduction

1. Stop The Traffik is a growing global coalition of over 1000 member organisations working in over 50 countries to prevent the traffic in people, prosecute the traffickers, and protect the victims, through raising awareness, advocacy, and resources. For more information, please see www.stophetraffik.org

2. Stop The Traffik welcomes the Home Affairs Committee Inquiry into Human Trafficking, and urges the Committee to take into account submissions by various parties to other similar inquiries eg Joint Committee on Human Rights.

Estimating the scale and type of activity

3. The scale and scope of human trafficking in both the UK and globally is uncertain. The UK government is currently making insufficient progress towards Action Point 2 of the UK Action Plan on Tackling Human Trafficking (Home Office, March 2007), which aims to “identify knowledge gaps and undertake targeted research”.

4. A first step would be to support suggested initiatives such as Baroness Caroline Cox’s Royal Commission (Slavery) Bill, which aims “to enquire into the subject of slavery. . .and report on possible means for its global abolition”. To date the government has not yet done so.

The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims

5. The reason many victims are too frightened to approach the authorities is often due to bad experiences with officials in source and transit countries. This does not seem to have been recognised by the UK government when establishing the police-led UK Human Trafficking Centre, which aims to coordinate national anti-trafficking work (www.ukhtc.org).

6. NGOs should therefore be integral to authorities’ attempts to identify and assist victims. NGO experts should form part of Monitoring Teams that are present at all points of entry into the UK. They would help identify, rescue, protect, and support potential and actual victims of trafficking. This would be a nationwide and permanent extension of Heathrow Airport’s Operation Paladin in 2006.

The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human Trafficking

7. The treatment of victims of trafficking in the UK leaves much to be desired. Whilst the Poppy and Tara projects continue to be the only government-supported services specifically for victims of trafficking, their funding is short-term and their criteria leaves many referrals without aid. Article 13 of the Council of Europe Convention requires a “30 day recovery and reflection period” for identified victims, who will be provided holistic assistance (Article 12). To date the UK government is in no position to implement this.

8. The UK government can move to fulfil Action Point 32 of the UK Action Plan in “providing support provisions on a national level” by resourcing NGO support services for victims to a standardised and long-term level. Enforcement agencies must also adopt a victim-centred human rights approach in practice as well as in rhetoric.

Cooperation with the EU (including Europol); and control of the EU’s external frontiers

9. Cooperation with the EU appears to be improving, as evidenced by the UK hosting of European seminars on the subject. However, the piecemeal approach to such avenues for action as victims’ helplines is unhelpful and confusing to all concerned, be they victims, professionals, NGOs, or members of the public.

10. The UK government should support moves to establish a single number helpline for victims. This would be the same number across Europe, but would route to existing national services in each country. Victims who do not know which country they are in would then be able to access local support from a single number. Government concerns over management and language difficulties are without merit.

Relations with transit and source countries, and the role of Interpol and the UN Office on Drugs and Crime

11. Relations with transit and source countries on tackling trafficking are tentative. Whilst progress is being made with such countries as Romania and Bulgaria, the UK government is putting very little emphasis on tackling the problem at its roots—the inequality and poverty in source countries that lead many victims into being trafficked.

12. Action Point 5 of the UK Action Plan aims to “support anti-trafficking projects which address...the root causes of trafficking”. Yet the government has yet to make the connection between human trafficking and issues identified by the UN’s Millennium Development Goals (MDGs), such as lack of education, gender disparity, and the spread of HIV/AIDS. It is only by mainstreaming anti-trafficking into bilateral and multilateral poverty reduction programmes, through identifying and assisting those most vulnerable to trafficking, that both the MDGs and a reduction in the modern-day slave trade will be achieved.

Effectiveness of the coordination between public authorities in the UK

13. Coordination between public authorities on tackling trafficking remains in its infant stages. Police and law enforcement agencies continue to approach victims with an agenda to tackle irregular migration, the results of which are incompatible with the requirements of the Council of Europe Convention.

14. The current Inter-Departmental Ministerial Group (IDMG) tasked with coordinating the UK’s anti-trafficking work meets irregularly and devotes insufficient time to the issue. The government should establish a National Rapporteur to Tackle Human Trafficking, a post that has already been successfully established in other countries and agencies. This person would have more time, resources, profile, and power than the IDMG, and be better placed to coordinate the public authorities in a victim-centred human rights approach.

Conclusion

15. As well as the terms of reference addressed above, the Home Affairs Committee would do well to examine the existence of human trafficking in corporate supply chains that produce goods for this country. Companies based in the UK are currently profiting from the proceeds of the modern-day slave trade.

16. For example, over 12,000 children are trafficked into slavery on cocoa plantations in the Cote d’Ivoire in West Africa, to farm the chocolate that is sold in the UK. Chocolate companies do not deny this but have failed to effectively address child trafficking in their supply chains. The Committee and the government should ensure that these companies and others can guarantee that their goods have not been produced using trafficked labour.

18 February 2008

Memorandum submitted by the POPPY Project

THE POPPY PROJECT—BACKGROUND

The POPPY Project provides supported accommodation and holistic services to women who are trafficked into the UK for the purposes of sexual exploitation. POPPY also functions as a London-based research and development unit, specialising in counter-trafficking and exiting prostitution work. The project is the sole UK government-funded dedicated service for women trafficked into sexual exploitation. Key stakeholders include the Border and Immigration Agency, UK Human Trafficking Centre (UKHTC), the Metropolitan Police Service Human Trafficking Team and the CPS.

POPPY is run by Eaves Housing for Women, a registered charity which has been working for 30 years to provide homeless women across London with housing and support. Eaves is a feminist organisation committed to lobbying for the abolition of prostitution: exploitation caused by male demand for commercial sex acts, which increases trafficking.

The Project was funded by the Home Office (Victims and Confidence Unit) until March 2006 when funding transferred to the Office for Criminal Justice Reform (reporting to the Ministry of Justice). In order to receive housing and support from POPPY, women need to meet the following criteria:

- That she is over 18.
- That she has been trafficked into the UK.
- That she has been involved in prostitution and/or sexually exploited in the last three months.
- That she is willing to cooperate with the authorities.

Since its inception, the POPPY Project has received a total of 820 referrals from a range of actors, including statutory agencies (police, immigration services, health and social services), as well as NGOs, solicitors and individuals (self-referrals, punters, members of the public).¹²⁹ 168 women have received full support, whilst 111 have been assisted through our Outreach Service.

¹²⁹ Based on referrals to the POPPY Project between March 2003 and December 2007.

Set up in 2006 and tasked with identifying and approaching women involved in the sex industry who may be victims of trafficking. The Outreach Service does not provide accommodation so is not bound by the same limited criteria as the Accommodation & Support service. Women do not have to have been trafficked to the UK or have been in prostitution for the past three months.

Women referred to the Outreach Service must be:

- over 18,
- have been trafficked, and,
- forcibly exploited in prostitution,
- or have been in a situation of sexual exploitation.

The POPPY Outreach Service also provides training to law enforcement agencies, statutory and voluntary sector organisations that come into contact with women who have been trafficked. This involves awareness raising, training on identification of women who have been trafficked and advice on ongoing practice.

THE SCALE OF TRAFFICKING IN WOMEN FOR SEXUAL EXPLOITATION IN THE UK

1. *Estimating the scale and type of activity*

1.1 There is currently no agreed estimate of the scale of trafficking for sexual exploitation in the UK. Despite this, such information is a crucial component of anti-trafficking activities. Information relating to the scale and type of trafficking activity operating within the UK is needed in order to understand the circumstances in which women are trafficked and the causal factors which can be addressed by prevention initiatives outlined in the UK Action Plan on Tackling Human Trafficking¹³⁰ [hereinafter UK Action Plan]. Information is also needed to understand what impact anti-trafficking measures are having.

1.2 Estimating the number of women trafficked for sexual exploitation to the UK is difficult for three main reasons. Firstly, trafficking is illegal and therefore may occur undetected. Secondly, victims of trafficking may be unwilling to disclose that they have been trafficked because they fear retribution from traffickers or are too traumatised by the experience. Thirdly, there has been a lack of cooperation between key agencies that hold relevant data that could be used to calculate the number of women trafficked to the UK.

1.3 POPPY therefore welcomes the inclusion of three Action Points in the UK Action Plan that specifically relate to improving government knowledge of the scale and nature of trafficking in human beings in the UK. It is to be noted, however, that more still needs to be done harmonise data collection.

The UK Action Plan identifies how the UK Human Trafficking Centre (UKHTC) together with the Serious Organised Crime Agency (SOCA) “will become a central point” for data. It remains to be seen how this is being implemented in practice however.

1.4 There are a number of ways, in addition to the central collation of data, that the scale of trafficking in women for prostitution/sexual exploitation can be measured. For example, a study published by the Home Office in 2000 identified 71 women who were known to have been trafficked into the UK in 1998. The report also argued that the hidden problem was “several times greater than we can currently document with certainty”. Using various data, it estimated that between 142 and 1420 women had been trafficked into the UK in 1998.¹³¹ More recent Home Office research has suggested that as many as 4,000 women were trafficked into the UK for the purposes of sexual exploitation in 2003.¹³²

1.5 In addition, estimates can be made based on a range of other information, including statistics from the Immigration Appeals Tribunals, Border & Immigration Agency (BIA) removal statistics, and the on and off-street sex industry. Research carried out by the POPPY Project during the summer of 2004 found that out of approximately 8,000 women involved in off-street prostitution in the capital, 80% were foreign nationals. The Project believes that a large proportion of foreign national women are likely to have been trafficked into the country.¹³³ The survey also found that only 19% of women working in prostitution in flats, parlours and saunas were originally from the UK.

1.6 In addition to collecting information about the extent and scale of trafficking in the UK, the Government should also collect and analyse information about all the national activities (governmental and non-governmental) that are being carried out to combat trafficking and assist trafficking victims. Once such data has been collated, anonymous data should be published regularly. This would require identifying a central national agency where information from different sources could be brought together and analysed. This could be an independent National Rapporteur (on trafficking in human beings) or a comparable independent mechanism with a similar mandate and expertise.

¹³⁰ Home Office, UK Action Plan on Tackling Human Trafficking, March 2007

¹³¹ Liz Kelly and Linda Regan, Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK, Police Research Series Paper 125 (London: Home Office, 2000). Downloaded on 30 January 2008 from www.homeoffice.gov.uk/rds/prgpdfs/fprs125.pdf

¹³² supra n.2 above, p14.

¹³³ Dickson, Sandra: “Sex in the City—Mapping commercial sex across London”, 2004, available from www.eaves4women.co.uk

1.7 The POPPY Project is concerned that there has been little attempt by the UK Government to quantify the number of victims of all forms of human trafficking in the UK. This is due in part to a lack of appropriate procedures for victim identification and protection that clearly delineates who will carry out such work and how such information will be accessed and centralised.

IDENTIFYING VICTIMS OF TRAFFICKING

2. *The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims*

2.1 The identification of a woman or girl as a trafficking victim can be complex and requires appropriate interviewing and treatment. However, the experience of women supported by the POPPY Project indicates that identification and subsequent referral is highly dependent on the knowledge, experience and commitment of individual officers or units within the police and immigration services. Some good practice has developed, particularly within the specialist police units dealing with trafficking, and should be welcomed and shared. However, much more training is required on the identification and referral of victims if the authorities are to avoid repeating past mistakes.

2.2 Identifying women who have been trafficked is a crucial first step to protecting and assisting victims of trafficking. However, doing so is difficult, particularly as victims of trafficking share many characteristics with other categories of migrants and people experiencing abuse. Further, many are intimidated and traumatised at the time that law enforcement agencies first come into contact with them. They may not perceive themselves to have been “trafficked” and are unlikely to provide law enforcement agencies with accurate information that can be used to bring a prosecution. In these circumstances it is all too easy for law enforcement or immigration officials to wrongly label a victim of trafficking as an “illegal immigrant” prior to their being removed from the UK (deportation is a specific legal category—most people are removed rather than deported).

2.3 Consequently, establishing formal procedures to identify trafficking victims is a key part of any anti-trafficking strategy. However, such procedures are not simply about identifying potential victims. An integral part of such procedures is a referral mechanism to ensure that victims are referred promptly to appropriate services for protection and assistance. Another integral element is a procedure to allow presumed victims of trafficking to recover from possible trauma and reflect on the options available to them before they are asked to provide information to law enforcement officers.

2.4 Recent research into the health consequences of trafficked women¹³⁴ recommended that women who have been trafficked need time (up to several months) to recover from their trauma after they have escaped from their trafficking situation before they are able to provide accurate information to law enforcement officials or to make informed decisions about whether they want to risk cooperating with a criminal investigation or not.

2.5 At present, there are no automatic rights for victims of trafficking to remain in the UK even if they provide substantial information and/or agree to testify in court proceedings against their traffickers and perpetrators. The threshold to qualify for leave to remain under Asylum and Humanitarian Protection legislation remains very high, with the burden of proof falling to individual victims to show that they are at risk of persecution if returned to country of origin. As a result, victims of trafficking are asked to make the decision to co-operate with the authorities without knowing whether this may potentially put them at further risk, should any pending application for leave to remain in the UK be refused.

2.6 The system involving identification, referral and reflection is known in some EU Member States as a National Referral Mechanism. The UK Action Plan refers to the need to develop a national referral mechanism with a clear point of contact for initial identification and onward referral into support services and a robust system for the formal identification of victims. Such a mechanism is currently being trialled within Pentameter 2 and this is welcome. However, the POPPY Project remains concerned that in its current format, the mechanism is incompatible with the provisions in the Council of Europe Convention on Action Against Trafficking in Human Beings.

2.7 For this reason, the POPPY Project considers that the UK should adopt a system of reflection delay and temporary or permanent residence for all presumed trafficking victims who would not otherwise be entitled to reside in the country in which they have been identified. POPPY believes that the UK should also implement a reflection period of no less than three months to enable victims to recover sufficiently to make an informed decision about whether to cooperate with a criminal investigation.

2.8 Experienced NGOs, such as the POPPY Project, Anti-Slavery International, ECPAT and Amnesty International, currently play no formal role in victim identification in the UK. The POPPY Project believes that the expertise and knowledge available in the NGO sector should be formally recognised through the National Referral Mechanism, developed under the UK Action Plan.

¹³⁴ Cathy Zimmerman et al, *Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe*, The London School of Hygiene and Tropical Medicine, 2006.

2.9 In recent years there has been growing awareness amongst police and immigration services of the problem of trafficking from Eastern Europe to Western Europe. However, there appears to be less awareness that black African and Asian women are also trafficked. The way that traffickers from different parts of the world transport and treat women varies widely; the way that African or Asian women are trafficked is usually very different to that of Eastern European women, for example.

2.10 The POPPY Project has found that black African women are more likely to be trafficked to private establishments where they are less visible to police and sexual health outreach services. This may go some way to explaining why so many black African women are not immediately identified as having been trafficked and are therefore taken to detention centres or prisons rather than being immediately referred to the POPPY Project.¹³⁵

3. *The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human trafficking*

3.1 The UK has made small but significant measures in providing protection and assistance for victims of trafficking since the POPPY Project was piloted in March 2003.¹³⁶ The absence of specific legislative measures, such as residence permits, access to statutory services and support to trafficking victims in the UK,¹³⁷ means that the protection afforded by the Refugee Convention and the Human Rights Act is currently the only means by which women can ensure that they will not be returned to their country of origin once any police proceedings against their traffickers are at an end.

3.2 Research recently published by the POPPY Project in conjunction with the Refugee Women's Resource Centre at Asylum Aid highlighted the need for the government to put more of its energies into supporting women who have been trafficked into this country by improving their access to the protection available through the asylum determination process.

3.3 The report analyzed the asylum claims of women who were trafficked into the UK for sexual exploitation. "Hope Betrayed: an analysis of women victims of trafficking and their claims for asylum" considered the asylum claims made by women who were supported by the POPPY Project from its inception in March 2003 until August 2005. Of the 32 women who claimed asylum during this period, only one was granted asylum prior to appeal. Of those whose appeal had been determined at the time of the analysis, 80% were granted either refugee status or humanitarian protection. This is six times higher than the acceptance rate of asylum appeals overall.

3.4 However, despite the high success rate at appeal, very few cases where trafficked victims have been accepted as falling under a Convention reason (for example "membership of a particular social group") or meeting the Convention threshold in terms of "persecution" or "insufficiency of protection", has been reported. As a result, there is very little established case law to support fresh asylum claims. The POPPY Project believes that the Border and Immigration Agency should review its policy guidance and country guidance for dealing with victims' asylum claims.

3.5 In addition, some victims of trafficking may have been intercepted by law enforcement en-route and/or may have been coerced into making false asylum claims in other countries in Europe. Often this is a strategy employed by traffickers to avoid detention and ensure the continued exploitation of women. The unique nature of trafficking means that it is often only on arrival in another country that the danger becomes apparent. Trafficked women will therefore almost always need protection within their country of destination, to ensure that they are safe from the traffickers. As a result, the POPPY Project believes that it is not appropriate for the Dublin Convention to be reinforced when it comes to victims of trafficking.

3.6 Overall, victims of trafficking will need time to come to terms with the reality of their situation and the levels of trauma they have experienced. In countries with more established protection mechanisms in place for trafficked women, this is called a reflection period. The POPPY Project currently operates a reflection delay of 30 days which is the minimum period allowed under the Council of Europe Convention.

3.7 While it remains to be seen what, if any, changes the Government will introduce prior to ratifying the Convention, it is certain that given a reflection delay, victims will be in a better position to make decisions regarding their future. Historically, the Government was apprehensive about the introduction of a longer reflection period and/or renewable residence permit in case it acted as a "pull factor" and lead to women falsely claiming they had been a victim of trafficking. Even if more extensive victim protection provisions were introduced, the UK would still be able to remove anyone who the "competent authority" under the Convention had agreed was not a victim of trafficking but only after they have been offered sufficient time to consider the possibilities open to them.

¹³⁵ Sachrajda, A, "POPPY Project Outreach Service: A review of work to date, January–September 2007", forthcoming.

¹³⁶ Initially, the scheme criteria for admission specifically excluded women who intended to claim asylum. But campaigning by both POPPY and allied organisations resulted in a swift review and change to the criteria.

¹³⁷ Such as exists in Belgium, Italy and the Netherlands.

3.8 Current policies that lead to the removal/deportation of trafficking victims without their having been identified are a failure. Such policies fail to adequately protect those who are in most need of protection. These same policies fail to help bring traffickers to account for their actions. And such policies also fail to break the chain of trafficking, whereby the early deportee is at greatest risk of re-trafficking, feeding the trafficking network with another displaced, marginalised, and vulnerable woman.

3.9 Many victims of trafficking know, as do many law enforcement officers working in the field, that deportation invariably leads to re-trafficking. Recent statistics from the POPPY Project estimate that as many as 21% of all women supported by the Project since March 2003 have been re-trafficked at least once.¹³⁸

3.10 The same research has shown that women are trafficked in the first instance owing to a range of factors that make her vulnerable to being trafficked. Sending a trafficked victim back to the same situation does nothing to address those vulnerability factors. Some would even argue that it is criminally irresponsible in itself to remove/deport someone in such circumstances knowing that the act makes them still more vulnerable to trafficking and potentially in breach of the UK's obligations under the Council of Europe Convention.

4. *Co-operation within the EU (including Europol); and control of the EU's external frontiers*

4.1 In order to detect cases of trafficking, gather evidence against the criminals concerned and respond to trafficking victims appropriately it is essential for co-operation within the EU to be increased. One means of achieving this is through the signing of bi-lateral or multi-lateral agreements involving law enforcement agencies in the UK and their counter-parts in one or more other Member States. Once such agreements are in place, law enforcement officials will be able to obtain assistance from other Member States in obtaining evidence to assist in the bringing of trafficking-related prosecutions.

4.2 Several such agreements are already in place between the UK and the US, Canada, Ireland, Nigeria, Poland, Holland and France. The UK has also recently launched an initiative to share intelligence relating to trafficking in human beings and organised immigration crime through the G8 Roma Lyon sub-group. This cooperation is further enhanced through the Serious and Organised Crime Agency (SOCA) network of 110 Liaison Officers in 40 countries worldwide. Relations with foreign law enforcement agencies are also evolving.

4.3 However, in any such agreement it is essential that the rights of the victim is always respected and that any requests for co-operation is risk assessed by the appropriate agency prior to any action being taken. This is particularly the case when a victim reports corruption and/or community complicity in her trafficking experiences and to ensure that any children and/or other family members continue to be safe from reprisals.

5. *Relations with transit and source countries, and the role of Interpol and the UN Office on Drugs and Crime*

5.1 Trafficking can be prevented in source and transit countries by addressing the causes of emigration, warning potential migrants of the potential dangers and offering technical assistance to governments to help prevent organised crime. The UK Action Plan on Tackling Human Trafficking¹³⁹ published in 2007 acknowledged this and a trafficking prevention campaign in source countries was introduced.

5.2 Whilst the POPPY Project welcomes the introduction of such campaigns, more should be done to raise awareness among potential victims of trafficking. In addition to supporting projects in source countries aimed at raising awareness among vulnerable groups, POPPY calls for the government to introduce in-depth prevention campaigns targeted at industries dominated by women, such as the restaurant industry; domestic work/child-minding; offered education or "opportunities".¹⁴⁰ The government should also take steps to ensure there is better monitoring of both public and private employment agencies working in these particular industries.

5.3 This is particularly relevant given that the majority of women supported by the Project were actively seeking employment overseas when they were trafficked.¹⁴¹ Of these, eight believed they would be working in the restaurant industry (21%); seven believed they would be doing domestic work/child-minding (18%); six believed they were being offered education or "opportunities" (16%); and one woman believed she was coming to work in accountancy (3%).

5.4 Prevention efforts appear to be expanding, with the proposal outlining plans to offer technical assistance to governments in source countries and transit countries to enable them to tackle organised crime more effectively. This again is a welcome development as is the proposal to publicise successful prosecutions of traffickers. POPPY has reservations about the effectiveness of such efforts, however, when no action is planned addressing the causes of emigration.

¹³⁸ Stephen-Smith, S and Sachrajda, A "Who Are Trafficked and Why?: Quantifying the Gendered Experience of Trafficking in the UK", the POPPY Project forthcoming.

¹³⁹ Home Office, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (2002) Home Office: London

¹⁴⁰ This phrase is used by many women and appears to refer to an expectation women have that travelling will allow them to have access to a wider range of experiences, educational and employment opportunities.

¹⁴¹ Dickson, Sandra: "When women are trafficked", 2004, available from www.eaves4women.co.uk

5.5 POPPY recognises that for many potential victims, no amount of negative publicity, education or awareness-raising, will deter them from seeking a life abroad when the prospects in their own country remain so dire. A key way for the government to prevent trafficking is to actively address the causes of emigration by developing poverty alleviation programmes in countries of origin.

6. *Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services)*

6.1 The government White Paper on immigration *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (February 2002), contained recommendations for victim support. The strategy focused on how victims of trafficking could be afforded better protection. It also highlighted the need for multi-agency partnership to tackle trafficking. Five years on, the UK Action Plan also highlighted the need for the Government to “work together in a collaborative way with partners across central, regional and local government, law enforcement and the voluntary sector.” The explicit recognition of the need for a multi-agency approach to tackling human trafficking is welcome.

6.2 Trafficking in human beings is a multi-dimensional problem. In the three key areas of anti-trafficking operations (prevention, protection and prosecution), a multi-agency team of professionals from several different fields—police, social services, specialised service providers and NGOs—is likely to prove more effective than a team from only one background. Developing systems which ensure an integrated approach by professionals from different backgrounds is therefore essential.

6.3 To enable professionals from different agencies to work together, all the stakeholders involved need to adopt standard terminology and a commonly agreed methodology to assess cases to collect and record data on cases of trafficking. This would require the implementation of policies and strategies that identify and connect all the actors in different agencies who can play a useful role in the response to trafficking in human beings. For example, by setting up a national coordination structure to ensure that governmental and non-governmental agencies work together effectively against traffickers and to support people who have been trafficked.

Comments by women on the project

“A was taken by her traffickers to be re-sold. She jumped out of the moving car and hurled herself onto the ground. A police officer nearby noticed that she was injured—when traffickers realised this they drove off. A was taken to hospital and later referred to the POPPY Project via her solicitor.”

“G jumped out of the window on the 2nd floor brothel where she was held against her will. She broke her foot in the fall and got lots of cuts and bruises. A passer-by saw her and called for an ambulance. She was referred to the POPPY Project via the hospital social worker.”

“D did not speak very much English. She was allowed to go to the sexual health clinic on her own as she had syphilis and needed repeat treatment. With her she brought a note written by another trafficked woman. On the note it said that she had been trafficked and needed help, and that her friend (who had written the note) was still in the brothel and also needed help. The staff at the clinic phoned the police and D was taken to the POPPY Project. When police later returned to the address where the other woman was kept, and where D had previously been staying, the flat was empty and the woman was gone.”

“J told one of her regular clients what had happened to her. He agreed to try and help her. Without her knowledge, he approached her traffickers to try and buy her. The traffickers agreed, and the client collected J and said that she should come with him now. He had rented a flat, and locked J in the flat. He visited J after work a couple of times per week bringing food and toiletries. He did not stay long, as he had a wife and family to go home to. He still wanted J to have sex with him, but told her that now she did not need to worry about all the other clients or the traffickers. J ran away one day when the client forgot to lock the front door, and told police her story.”

Katerina's story

Katerina was a student in Romania. She built up a friendship with a friend of a friend named Alex, who invited her to the UK and told her that she could stay at his house; he would even help her with the air fare.

When she arrived in the UK, Katerina was held prisoner in a flat where she was repeatedly beaten and raped. Alex told her that she could have her freedom, but she would have to work as a prostitute to pay back the money that he had paid to bring her here. Katerina eventually gave in and began work, paying all of the money she made to Alex.

When she missed one payment she was dragged from the street into the boot of a waiting car. Once again Alex held Katerina prisoner, and once again she was repeatedly raped and beaten. Katerina was forced to return to work in the sex industry for over a year until Alex decided that he would sell her on to some other men. While trying to carry out the transaction Alex was arrested.

Katerina was introduced to the Poppy Project and after providing secure accommodation we referred her to a counselling service. She was given lots of support around coping with her fear of leaving the house and also assisted with access to legal advice and interpreting among many other services. She was supported and guided to enrol in classes and also explored voluntary work.

This was not the end of the ordeal for Katerina. Alex made threats to have her family killed if she cooperated with the police investigation, in addition there were, at that time, no laws to prosecute traffickers and Alex walked free.

Although Katerina is happy in Britain she fears for the safety of her family back home as Alex has many connections. She misses her family and would like to go home but believes that she will never be able to return. Her parents have received many anonymous phone calls and she is concerned for the safety of her siblings.

Loanna's story

Loanna was born in Africa. Her mother disappeared when she was very young and so she lived with an elderly woman, who treated her as her own child. Loanna did not attend school, but spent her early childhood looking after the woman. When Loanna was 13 the woman died. Loanna spent the next few years staying with various friends and sleeping rough.

Some of these "friends" beat Loanna and forced her to work for them. She was raped by a number of men. She could not go to the Police because she knew they would not help as they only helped rich people.

One day an English man called Stuart stopped to talk to her. He said he could help her and asked if she would like to do domestic work for him in England. Loanna travelled to England with Stuart. He had all the paperwork for this trip and did all the talking with Immigration officials when they arrived in England.

When she arrived at Stuart's house, Loanna was told that she would be working as a masseuse. She was shocked at this and refused. She was beaten and threatened that she would be arrested if she did not do as she was told. Loanna was locked in the house and was forced to have sex with up to seven men every day.

After six months the house was raided by the police. Loanna was held and sent to a Detention Centre. Stuart visited Loanna in there, threatening her not to tell the truth, or she would be sent back to Africa and killed there by his friends. Loanna was told by friends she made that if she returned to Africa, it was very likely these threats would be carried out, as it was known to have happened to other women who had reported their traffickers and been sent back. The visits were stopped after Loanna revealed the truth, but she still received threatening phone calls, often from people she had never met.

Loanna was eventually released from the Detention Centre and was assisted by the Poppy project. She received counselling for her anxiety and depression and was provided with secure accommodation and support services. She is still scared to go out alone and worries that she will be found and punished by her traffickers.

Angela, Nigeria

When I was 17 I was trafficked to Italy for prostitution.

My parents were separated from an early age. I spent most of my teenage years trying to escape from my father's house, going to my mother's house and then my father bringing me back to his house by force. My father has always been very abusive. He was second in command to the Juju priest and he would force me to practice juju. I was really scared of juju. On one occasion I was whipped in the juju house and then my father and other people made cuts all over my body. My paternal uncle was also sexually abusive towards me.

One of the times I escaped to my mother's house my father came again and suggested he could send me to my aunt in Italy to work in a hair salon and do babysitting. I was pleased with this opportunity and didn't question my father at the time. I was shown pictures of good-looking Nigerian girls working in hair salons in Italy and looking really happy. My father gave me to someone who I called "uncle". He would take me to my aunt in Italy. First he took me to a shrine where I had to swear that I would give the money back spent for my journey to Italy. I said I would do it. He then took me to have my pictures taken and after a few days I travelled with him to Italy. He was holding two passports. One of them had my picture but a different name.

I was taken to a "Madame" in Italy and forced to prostitution. She would beat me and physically force me out in the streets to work. I was repeatedly raped. Other times when I resisted she poured hot water on me and burnt me with a hot iron. I still have the scars. I was there for almost three years.

I tried to escape but the "Madame" tracked me down. She then told me to call my mother in Nigeria. I did and I found out that people connected to the "Madame's" network had beaten my mother up.

I had a friend who had paid off her debt and had moved to another city to do prostitution. I went to find her and asked for help. I was in a terrible state. She introduced me to this agent who could take me to the UK. The agent travelled with me by boat and coach. My friend must have paid him because she knew how desperate I was. The agent gave me a false passport with a different name and picture. Officials checked this passport on various occasions during the trip. When we reached Victoria Station he left me there and told me to find my way to the Home Office. I was completely

hopeless. I was in yet another strange country with no money knowing nobody. I asked for help but nobody paid attention. I slept rough for one night. I saw no other way and I decided to go back to Italy as I had a return ticket. I was caught by immigration officials trying to leave the country.

I was charged for attempting to use a false document and I was imprisoned for three months in HMP Holloway. I am constantly in fear of deportation as my asylum claim is pending. I suffer from severe depression and I tried to commit suicide on various occasions after my escape.

Ola, Ugandan

Ola was referred to The POPPY Project by a Civil Claims solicitor after Yarlswood Detainee Befrienders Group had contacted them on Ola's behalf following an alleged assault on her by staff at Yarlswood. Whilst taking instruction regarding the alleged assault the solicitor became concerned that Ola may have been a victim of trafficking. The POPPY Project then arranged to travel to Yarlswood to assess Ola.

Ola reported that she was experiencing symptoms associated with sexually transmitted infections and sexual assault, including pelvic pain, pain on urination, painful, heavy bleeding during menstruation, vaginal discharge, pain around the vaginal area, & pain and bleeding from her anus. Ola said that she had been subjected to repeated sexual assaults since early childhood and that she was a child prostitute in Uganda before coming to the UK. On arrival in the UK she was held against her will for approximately three weeks and subjected to repeated rapes including anal rape. She was frequently asked by customers to not use condoms whilst working as a prostitute. Ola had not been offered a sexual health screening since her arrival at Yarlswood five months earlier. The POPPY Project advocated on behalf of Ola to Yarlswood Healthcare Team that she be given access to appropriate sexual health services as a matter of priority. Ola also reported frequent headaches, loss of appetite, significant weight loss and back pain.

Ola also reported a number of symptoms commonly associated with Post Traumatic Stress Disorder, including recurrent thoughts of past events, poor sleep, recurrent nightmares, poor concentration, hyper arousal and mood swings. She also experiences feelings of worthlessness and shame and suicidal ideation. She reported that sometimes she "felt someone was talking to her but she could not see them" and other times she believed her mother, who is deceased, was "telling Ola to come with her, that she could take her away from there".

Ola's real date of birth is unknown. Ola said she doesn't know her real name, Ola was the name used on her visa application. She was told that her parents died when she was around three months old. She was brought up by a friend of her mothers who used to mistreat her. When she was approximately ten years old she met a man in the local market who kidnapped her. Ola was held captive and sexually abused by this man.

She managed to escape and met another Ugandan woman and her friends, who were working as prostitutes in Kampala. They allowed her to stay with them and encouraged her to work as a prostitute as well to earn money for food. It was during this time that Ola was trafficked to the UK by the "madam" of the house where she lived.

Ola initially found it very difficult to trust the professionals involved in her care after being released from detention.

All of the professionals involved in Ola's care expressed concern that she may have been younger than she believed, based on her physical appearance, information she gave regarding her sexual development and her child like behaviour. We estimated that she may be between 15 to 18 years old. Ola's legal representative arranged for her age to be assessed by a paediatrician. The paediatrician has confirmed that Ola has a chronological age of 16 and it is possible that she is either 15 or 17 years old but highly unlikely that she is either younger than 15 or older than 18. This information has been forwarded to the Home Office & Ola is waiting for a decision on her fresh asylum claim.

7 February 2008

Memorandum submitted by The Children's Society

1. INTRODUCTION

1.1 The Children's Society is a leading national charity, driven by the belief that every child deserves a good childhood. We provide vital help and understanding for those forgotten children who face the greatest danger, discrimination or disadvantage in their daily lives; children who are unable to find the support they need anywhere else. Our network of projects helps over 50,000 children and their families each year. Through our pioneering research and influential campaigning, we defend, safeguard and protect the childhood of all children.

1.2 Our direct action supports children in trouble with the law, guiding them away from a cycle of crime and custody. We work with children who are forced to run away from home or care, protecting them from abuse, crime and prostitution on the streets. We ensure that disabled children are protected and are given the choices that other children enjoy. We help refugee children rebuild their lives in new communities, surrounded and supported by friends. And we are expanding our work with young carers, children whose parents misuse alcohol or drugs and with traveller children.

1.3 Through our work with refugee children and children at risk on the streets we have increasingly recognised that we are working with trafficked children. We do not believe this is necessarily a result of an increase in the numbers of trafficked children we come into contact with. It may reflect both our, and other agencies', increasing expertise in identifying trafficked children.

2. SCALE AND TYPE OF ACTIVITY

2.1 We work with children and young people who have been moved for the purposes of the following types of exploitation (in no particular order):

- Illegal working (eg in cannabis factories, nail bars and garages).
- Domestic slavery.
- Begging.
- Sexual slavery (including domestic abuse and commercial prostitution).
- Benefit fraud.

2.2 Sometimes the children we work with are subjected to multiple forms of exploitation. Commonly they will experience a combination of violence and sexual exploitation, at a minimum. There are particular vulnerabilities around children from abroad (including children seeking asylum, Roma children and those from the EU) but we are also aware that both they and British born children are moved around the UK to be exploited.

3. DIFFICULTY OF IDENTIFYING THOSE WHO HAVE BEEN TRAFFICKED

3.1 We come into contact with trafficked children in a whole range of ways including:

- referrals from local authority children's services departments,
- referrals from education professionals,
- concerns raised by other young people who we are already working with,
- exploited children who come to us after hearing about us from peers,
- being approached for assistance by the young person's exploiters, and
- referrals from the Police.

3.2 Typically we will not know a child has been trafficked when they come to us. It is our strong belief that it is only through a relationship of trust that a child will feel able to disclose abuse. Typically the children we work with will have come into contact with a whole range of agencies including the Border and Immigration Agency, Police, children's services, legal representatives, health professionals and education professionals. When they come to us is often the first time they have had the space to build a trusting relationship.

3.3 We believe the following factors are amongst those that prevent children from disclosing that they are being exploited:

- An adult, adversarial asylum process which forces them to defend their account, does not fully investigate their protection needs and prevents them from building any kind of relationship with the professionals in those systems.¹⁴²
- The process of challenging age when children go to claim asylum. A large number of young people who claim to be children are age disputed each year, which can lead to them being placed in adult systems incorrectly, and therefore at risk of exploitation. We support children who are told by their traffickers to say they are adults, despite sometimes being clearly under 18, but their age is not challenged.
- Difficulties NGO staff face being listened to. We have identified children who we believe have been exploited but have struggled to have those concerns taken seriously by all of those agencies involved.

¹⁴² For more information please see, *Going It Alone: Children In the Asylum Process*, The Children's Society, 2007.

- We have worked with several children who were arrested and prosecuted for illegal working and immigration offences (particularly documentation offences under Section 2 of the Asylum and Immigration Act 2004, and the Fraud and Counterfeiting Act 1981) when they were discovered. It is very difficult for children to feel safe enough to disclose with the threat of prosecution hanging over them.
- The difficulty disclosing abuse for fear of being returned to an exploitative situation. This is particularly problematic in light of insecure immigration status. We have discussed this further in the next section.

4. TREATMENT OF THOSE WHO HAVE BEEN TRAFFICKED BUT HAVE NO LEGAL RIGHT TO REMAIN

4.1 One of our major concerns centres on the difficulty of obtaining immigration status for trafficked children. A discovery that a child has been trafficked can cause their asylum claim to fail because of the limitations of the 1951 Refugee Convention and the way it is interpreted. Some of the children we work with are desperate to go home, having experienced abuse and loneliness, and may not be able to believe they have been betrayed by someone they trusted. We believe there is a serious risk that children will choose to return to their exploiters, and will subsequently be re-trafficked.

4.2 This creates a barrier to successful prosecutions as there is no guarantee of security for the child, and so we are unable to reassure them about the consequences of giving evidence. There is also a human cost, as it makes already frightened children more afraid and leaves them in limbo with no certainty about the future.

4.3 We believe the immigration reservation to the UN Convention on the Rights of the Child creates a two-tier system both in principle and in practice. In relation to trafficked children it means they are often treated as immigrants first, and their needs as children are overlooked. The most effective remedy would be to remove the reservation in its entirety. Simply removing trafficked children from the reservation would have little beneficial impact, as we suspect the vast majority of trafficked children are never identified.

5. EFFECTIVENESS OF CO-ORDINATION

5.1 We believe joined up working, though greatly improved at a strategic level, is still very far from reality in practice, resulting in cases of prosecutions of trafficked children and young people.

5.2 We believe the culture of the Border and Immigration Agency is very problematic in this context. We have long argued that the asylum system is designed to root out those who are suspected of cheating the system, and consequently does not have the sensitivity, compassion and flexibility to identify those who have suffered abuse, or to help those who do not fit the very narrow 1951 Convention terms on which someone can be considered a genuine asylum applicant. We would welcome a lead for trafficked and unaccompanied asylum seeking children from the Department for Children, Schools and Families to ensure that protection needs are at the centre of their treatment.

5.3 We have been very concerned by the Border and Immigration Agency's proposal to try to keep children safe by introducing tighter immigration controls. A recent example of this is Section 16 of the UK Borders Act 2007 which gives the Secretary of State the power to impose open-ended reporting and residence requirements on people with limited leave to remain in the UK. The Minister has indicated this is primarily targeted at unaccompanied asylum seeking children, who will have to report regularly to the immigration service. We believe this is detrimental to the progress being made to tackle trafficking as it is another measure that we know frightens children and young people who fear being picked up and detained when they report, and does not consider the role that children's services are supposed to play in keeping children safe.

6. FURTHER INFORMATION

6.1 We are a member of the ECPAT UK coalition and support the evidence provided in ECPAT's submission.

12 February 2008

Memorandum submitted by the Church of Scotland Guild

INTRODUCTION

The Church of Scotland Guild is a component part of the Church of Scotland and, as such, reports to the General Assembly of that Church. For almost a decade the Guild has been bringing the issue of human trafficking before the Assembly and trying to raise awareness of this international crime and human rights abuse within and beyond the church.

In 2007 the bicentenary commemoration of the Abolition of the Slave Trade Act, together with pressure from our partner churches in Africa, Asia and Europe, gave fresh impetus to these efforts and a resource pack for use by local Church groups was produced under the title “To be silent is to be unfaithful”.

Our efforts therefore, have largely been in terms of awareness raising and campaigning for government action and resourcing of measures to address this evil trade. We have done this alongside others, notably Amnesty, the Ecumenical Forum of European Christian Women, Churches Alert to Sex Trafficking Across Europe (CHASTE) and others.

We wish to make the following comments:

- Estimating scale and type of activity.

The first difficulty this presents is arriving at agreement on a definition of human trafficking—the UN definition is comprehensive and, while including instances less common in the UK, eg exploitation of people for the removal of organs, is a helpful one.

Understanding what trafficking is then leads to the difficulty of identifying it in a context which is, by its nature, clandestine, and where victims collude, through fear of reprisals for themselves and their families, in the secrecy and silence.

We are left with estimates and with stories from those who have been involved—these may include escaped victims, clients who suspect sex workers have been trafficked, reformed perpetrators. Personal stories have to be checked out, but they should not be dismissed as anecdotal and therefore suspect.

Key factors to be taken into account are:

- UN estimates of global numbers involved and the resulting financial turnover (700,000 trafficked annually for a turnover of £4 billion).
- Poppy project’s research into the origins of women in the off-street sex industry in UK cities (79% of those working in London not from UK).
- Frequency of use reflecting extent of abuse—Glasgow’s multi-agency, Trafficking Awareness Raising Alliance (TARA) suggests one trafficked woman “earns” £104,000 in 18 months through enforced prostitution.
- The difficulty of finding those who have been trafficked but have no right to remain in UK, including requirements imposed by Council of Europe Convention on Combating Human trafficking.

The requirements imposed by the Council of Europe’s Convention should be welcomed. These place victims of trafficking firmly in the area of human rights as opposed to the area of immigration legislation. Fears were expressed that ratification of the Convention would lead to “pull factors” encouraging people to seek admission to UK by presenting themselves as victims of trafficking. The Joint House of Commons and House of Lords Committee on Human Rights considered this at length and concluded in October 2006 that there was little realistic likelihood of this becoming the case. The Convention’s requirements with regard to the period of reflection and recovery do present a challenge in terms of identifying and funding provision of suitable accommodation and support services. This is a challenge which must be met, nevertheless. Voluntary sector provision of safe accommodation (Salvation Army, Medaille Trust) must be matched by an extension of govt funding for projects (eg Poppy). Support from other organisations, eg churches, should be sought, particularly in terms of redundant buildings which might be of use as places of safety. Other groups may have skills, eg in counselling and recovery which might be channelled to this work.

- Co-operation within the EU and control of EU’s external frontiers.

We have no real experience here, but do know that non-governmental agencies have a contribution to make. For example, the OSCE advises member states on trafficking legislation and engages with a range of agencies in any given country. NGOs are often the first point of contact for people seeking help—they enjoy a level of trust not given to “the authorities”. They will also have no direct obligation to involve victims in legal proceedings. Organisations like AIDRom (Romania) have established a network across Eastern Europe for the gathering and sharing of information across borders.

- Relations with transit and source countries, and the role of Interpol and the UN Office on drugs and crime.

When the Church of Scotland held a consultation with all its partner churches worldwide in May 2005, the single most frequently mentioned challenge facing them in their own countries was human trafficking. Their plea was that we, as a receiving country, play our part in addressing the problem which they experienced largely as countries of origin or transit.

Partner churches in Africa, India, the Caribbean all shared stories of the trafficking industry and signalled the crucial factor of poverty as a driver of the trade. Whether it is people deceived into responding to false promises of a better economic lifestyle elsewhere, or parents knowingly

handing over one child in order to lessen the burden of feeding the remainder, poverty is the significant factor. Desperate people will be driven to take risks, and do things, they would never otherwise consider.

- Effectiveness of the co-ordination between public authorities in the UK (Home Office FCO, police forces, SOCA, Border and Immigration Agency, social services).

The setting up of the UK Human Trafficking Centre has been very welcome, as has the dedication of resources to enable initiatives such as the Pentameter and Pentameter 2 police actions. The identifying of a dedicated officer in every force for trafficking issues is also welcome, but the existence of such posts should be more widely communicated. The national co-operation and co-ordination of police and immigration officials is vital. In Scotland the need to ensure that those aspects of the anti-trafficking effort which are devolved, and those which remain reserved to Westminster, are complementary and effective is crucial.

CONCLUDING REMARKS

The 2007 General Assembly of the Church of Scotland passed a motion urging the Guild “to work as far as possible with appropriate Councils and Presbyteries to investigate methods of alerting brothel clients to the evils of human trafficking and to communicate these widely through their networks.”

In our attempts to fulfil this duty, it has emerged that a key issue for exploration and debate is the link between prostitution and trafficking of people for the purposes of the sex industry. It is our view that these must be tackled together. The whole culture of “pay as you go” sex needs to be challenged if the government is serious about addressing the climate in which abuse is able to flourish. Wherever UK legislation settles on the spectrum between the Swedish and the Dutch approaches, the debate needs to take account of the demand for sex and the presumed right to its availability.

13 February 2008

Memorandum submitted by ADCS/ADASS Asylum Task Force

ACRONYMS

- ADASS—Association of Directors Adult Social Services
- ADCS—Association of Directors Children’s Services
- BIA—Borders and Immigration Agency
- DASS—Director Adult Social Services
- DCS—Director Children’s Services
- LSCBs—Local Safeguarding Children’s Boards
- UASC—Unaccompanied Asylum Seeking Children

EXECUTIVE SUMMARY

- The associations welcome the recent initiatives from central government but have asked for clarity around the “accountability” of some of these within statutory safeguarding procedures for children, to ensure there is no “blurring” of roles. The ADCS is very clear that trafficking is a LSCB responsibility—child trafficking is child abuse and therefore requires all the existing multi agency policies and procedures around child protection.
- It is acknowledged that research, around numbers of victims of child trafficking, is indicative rather than conclusive.
- Issues that have concerned the associations are being addressed through recent initiatives. However, ADCS/ADASS acknowledge there is a lot more to do if we are to work together to recognise and protect trafficking victims who are hidden or those who go missing after being recognised.
- The BIA plan to reform services and support for UASC is welcomed but issues around the trafficking of children must be considered throughout.
- All Directors are concerned about the high number of suspected victims of trafficking who go “missing”. Early intervention from multi- agency experts is essential to combat the hold the traffickers have over these individuals.
- There are also issues around the fact that it can be unclear where some victims of trafficking should be referred within existing structures.

1. Introduction

1.1 ADCS and ADASS are pleased to submit this formal response to the Committee's inquiry into Human Trafficking.

1.2 ADCS is the national leadership organisation in England for directors of children's services appointed under the provisions of the Children Act 2004 and for other children's services professional in leadership roles. The Association provides a national voice as a champion for children, with local and central government, and with the public.

1.3 ADASS represents all the directors of adult social services in England. It evolved from the former ADSS (Association of Directors of Social Services) when responsibilities for adults and children's services within top tier local authorities were split between two new departments—the one for adults and the other for children.

1.4 The ADCS/ADASS Asylum Taskforce works across the two associations, as it recognises that issues around immigration move across the two services and work must link especially around victims of trafficking.

2. Working across Children's and Adults Services

2.1 At the present time children under the age of eighteen, who are victims of trafficking, are safeguarded under Children's legislation. Many adult victims have no recourse to public funds, due to their immigration status, and there is a lack of specific legislation to protect them.

2.2 The ADCS has already addressed the All Party Parliamentary Group on Trafficking and raised concerns about support for:

- Trafficked children who reach the age of 18.
- Age disputed individuals.
- Those children who are parents with children of their own.

2.3 The ADCS has reservations on the view that "secure accommodation" is the solution for children who have been trafficked. DCSs recognise that these children have a range of needs and would like to see the provision of special placements eg foster carers who have had extra training so they are able to create a safe environment for children. Access to specialist expertise via support and advice for professionals may mean that the child does not need to move around the country.

2.4 There is only one "Poppy project" and although it provides outreach support across the country the ADCS/ADASS Taskforce would like to see more centres that can support adult victims of trafficking outside of London and provide advice and guidance to other agencies. There also needs to be a consideration of all types of trafficking and not just that of "sexual exploitation", and consideration of gender, as it is not just women who are trafficked.

2.5 Under the European Convention the UK will have to provide a reflection period of at least 30 days as well as the possibility of a residence order. The Home Office will, in the longer term, seek legislative changes to mainstream adult victims of trafficking and allow access to benefits. This is welcomed and there will need to be safe accommodation and appropriate support from all agencies for adult victims. At the present times a lot of victims of trafficking, whom are subject to immigration control, have "no recourse to public funds" which has implications on Local Authorities.

3. National Initiatives

3.1 The revised central government guidance "Working Together to Safeguard Children—Safeguarding Children who may have been Trafficked" is welcomed. The ADCS feel this must be firmly tied into other safeguarding procedures and guidance, so that all agencies are clear that they must be alert to the signs of trafficking.

3.2 The Borders Bill received Royal Assent in November 07. It introduces a statutory duty on the Border and Immigration Agency to keep children safe through a "Code of Practice". ADCS has been consulted on this and although this is not a section 11 CA 1989 it is welcomed.

3.3 The NSPCC Child Trafficking telephone Helpline Advice service is now victims of suspected trafficking, through the Pentameter 2 operation. This has led to some confusion around their roles and responsibilities and their accountability within statutory safeguarding responsibilities.

3.4 The ADCS/ADASS Taskforce welcome the Home Secretary's' announcement that she intends to accelerate plans to ratify the Council of Europe Convention against trafficking of adults and children. Progress towards ratification includes the agreement of a provisional implementation plan by the Inter-departmental Ministerial Group on Trafficking in July, the development of models of victim support and the piloting of a victim identification process under the police-led, multi-agency anti-trafficking operation, Pentameter 2. We understand that the government is to make the necessary legislative and procedural changes before the end of this year as part of the wider strategy to combat trafficking.

3.5 ADCS (through the ADCS/ADASS asylum taskforce) is now represented on the:

- United Kingdom Human Trafficking Centre (UKHTC)—Overview and Advisory Group.
- Association Chief Police Officers (ACPO)—Child Exploitation Online Protection Centre (CEOP) Child trafficking steering group.
- NSPCC Child Trafficking helpline advisory group.

3.6 These initiatives are tackling some of the issues the ADCS/ADASS Taskforce have previously expressed:

- Trafficking is covert and hidden, accurate data and joining up of intelligence is needed.
- Working across boundaries, both borders and those within agencies must be achieved.
- Consideration of support for those victims who are aged eighteen years and over.
- Acknowledgement that work needs to be done in the country of origin through education to parents, of the potential situations that they are sending their children into.

4. *Research*

4.1 It is acknowledged that accurate research is difficult, due to the covert and hidden nature of trafficking. Most of the intelligence comes from the individuals we are aware of and many children will be referred to Children Services as Unaccompanied Asylum Seeking Children. (UASC) It is acknowledged that many victims of trafficking are not known to the authorities. Improvements on data collection and intelligence will help.

5. *BIA Better Outcomes : The Way Forward*

5.1 Awareness and expertise has developed in those Local Authorities where UASC are supported. With the BIA reform of services and support for UASC and the plan to move to a smaller number of Local Authorities who will specialise in support of UASC, it is essential that all LSCBs have an awareness through training, that will enable them to identify victims of trafficking.

5.2 The proposal by BIA to return UASC to their country of origin as early as possible if their asylum application is not granted, concerns ADCS. BIA must carefully consider the possibility of trafficking.

6. *Missing Children*

6.1 It is suspected that many child victims of trafficking will not come to the attention of Children's Services. Those who are supported usually present as UASC and are supported under Children Act legislation. An unacceptable number of those suspected of being trafficked are going missing, often within a few days of arrival. This is a major concern to DCSs.

6.2 LSCBs are working on profiling and recognising those children they suspect of being trafficked, and how social workers can give very early messages to these children, of the safety within Children's services. We are aware of the hold the traffickers have over the children and how difficult it is to break this.

6.3 More initiatives such as "Paladin" which had professionals based at port of entry, may help to identify victims of trafficking and lead to intervention at the earliest possible stage.

7. *Difficulties with Existing Structures*

7.1 Trafficking of adults and children is not always a priority to agencies, as it is not always a measurable target that they are being judged on. Work maybe concentrated on issues within performance indicators.

7.2 There have been improvements but trafficking does not always fit into recognised structures of work within some agencies and it can be difficult for Adults and Children's services to find the right department to make referrals. Eg, when the trafficking is for the sex trade then there are recognised teams dealing with this, but when the trafficking is for other types of exploitation it can be unclear who the referral should go to.

7.3 There are difficulties of involving all the appropriate agencies when trafficking has occurred outside of the UK, if it is suspected without clear evidence, or if it has not occurred but there is suspicion that it will or would have done without intervention.

Memorandum submitted by The Trafficking Law and Policy Forum

1. INTRODUCTION

1.1 The Trafficking Law and Policy Forum was set up in early 2007 by three trafficking specialists based in the UK, Klara Skrivankova of Anti-Slavery International and two barristers, Parosha Chandran of 1 Pump Court and Nadine Finch of Garden Court Chambers, in recognition of a need to bring together individuals from NGOs working in the field of human trafficking together with individuals working on trafficking issues in other sectors of society. Through its regular meetings the Trafficking Law and Policy Forum has created a platform for dialogue and knowledge-sharing, information and expertise and the Forum continues to foster understanding amongst professionals whose work includes matters related to trafficking. The Forum has currently over 30 members, including individuals from domestic and overseas NGOs, the UK judiciary, the legal and medical professions, social services and academics.

1.2 Members of the Forum have been working on cases of trafficking (both trafficking for forced labour and sexual exploitation) for a several years in different professional capacities, and they hold a wide range of experience, particularly from the NGO field and the legal profession.

2. WHAT WE KNOW ABOUT TRAFFICKING IN THE UK

2.1 We expect that the Committee will have received a number of separate submissions from several of the Forum members and the organisations they represent. For this reason the Forum has decided to focus its evidence to Committee on two specific themes within the terms of reference in order to utilise the evidence and experience of several Forum members.

3. THE HOME OFFICE INQUIRY'S TERMS OF REFERENCE

3.1 The two themes under the terms of reference which are covered by the Forum's submission, and the sub-headings under which submissions are made, are as follows:

- (1) The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Action against Trafficking in Human Beings (hereafter Council of Europe Convention):
 - (i) Disclosure of trafficking experiences.
 - (ii) Risk of uninformed and ad hoc AIT decision-making.
 - (iii) The absence of regular reporting of AIT decisions.
 - (iv) Judicial training.
 - (v) Developments and gaps in protection: asylum.
- (2) The effectiveness of the co-ordination between public authorities in the UK (Home Office, Foreign and Commonwealth Office, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services).
 - (i) Lack of co-ordination leading to gaps in protection.
 - (ii) Victim Protection under current structures.
 - (iii) A Proposal for a Victims and Witnesses Unit for victims of trafficking.

SUMMARY OF RECOMMENDATIONS

The Trafficking Law and Policy Forum recommends the following:

- The Forum recommends that the NAM caseworkers are provided with information and training on the mental health consequences of human trafficking on victims of trafficking (para 4.8).
- The Forum recommends that a system of reporting AIT trafficking-related determinations is introduced in order to provide consistency in judicial decision-making (para 4.17).
- The Forum recommends that an intensive programme in judicial training on trafficking is developed and introduced without further delay. (para 4.19)
- The Forum recommends that the Home Office gives serious consideration to advising the AIT to take due account of the current procedural and protection-related recommendations in the IAA Gender Guidelines, both when assessing child and adult claims for asylum or human rights protection (para 4.21).
- The Forum recommends that guidance be swiftly produced to ensure communication and co-operation between the Police, CPS and the Home Office. The circumstances faced by MM, EM and SB must serve as clear examples of the worst practice in terms of communication between such groups and must serve as bench marks for future better practice (para 5.6).

- The Forum recommends that the CPS must ensure that victim witnesses are provided with comprehensive protection safeguards when giving evidence during the criminal process: there must be no short cuts when the protection of victims of trafficking is one of the “paramount” concerns as stated by the Council of Europe in the preamble to its Convention of Action against Trafficking in Human beings (para 5.8).
- The Forum encourages the Home Office to consider whether the protection schemes of the ICTY and ICTR can serve as a useful model for the establishment of a “Victims and Witnesses of Trafficking Protection Unit” in the UK (para 5.10).

SUBMISSIONS ON THE TERMS OF REFERENCE

4. *Terms of reference (1): The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention (and the protection of trafficked persons through the asylum procedure)*

4.1 According to the UNHCR Trafficking Guidelines¹⁴³, Article 1 A (2) of the Refugee Convention 1951 and/or 1967 Protocol Relating to the Status of Refugees applies to both victims of trafficking and to persons at risk of being trafficked.

4.2 While some trafficked persons do not qualify for asylum, in a number of cases the trafficked persons require international protection after they have escaped from the trafficking situation. Often, they may be at risk of reprisals from the traffickers or their criminal accomplices, severe discrimination by their original communities or at risk of re-trafficking should they be returned to their countries of origin.

4.3 According to the research the Poppy Project carried in 2003–05 amongst women they have supported there was only one instance in which a trafficked woman was granted asylum in the first instance¹⁴⁴. However, 80% of the applications were later allowed on appeal. This statistic is indicative of the problems within the asylum application procedure in terms of a lack of understanding and knowledge by Home Office caseworkers regarding trafficking in human being and its impact on trafficked persons. Moreover, there are more systematic flaws in the asylum system, examples of which are illustrated further.

Disclosure of trafficking experiences

4.4 Trafficked persons are often unable to communicate effectively with the authorities and recall coherently their story. This is due to the trauma and coercion suffered. Traffickers also threaten their victims that if they disclose to the authorities, they will harm them or their families.

4.5 The Home Office Policy Instructions “Gender Issues in the Asylum Claim”, published in October 2006, accept that there might be reasons for women who have suffered abuse not to disclose information as a result of abuse. It is also recognised that traumatic experiences lead to dissociation, ie inability of a person recall the details of their abuse. These factors affect both adult and child victims of trafficking. Although these facts are known, the credibility of trafficked persons vis-à-vis the asylum system is often doubted precisely for the reason of not being able to describe in detail from the outset what happened to them and when.

4.6 A case example of this: a woman was encouraged by a “friend” to leave Nigeria for the UK where she hoped to attend college. This “friend” later threatened to kill her if she did not repay the £40,000, the cost of her travel arrangement to the UK. She was forced to prostitution and managed to escape after 18 months. She obtained legal advice and a psychological report was submitted with her asylum claim. The Home Office refusal letter stated:

“It is noted that at your asylum interview you were unsure of dates, which, if you claim were true . . . should have been firmly impressed in your memory. Failure to recollect dates integral to your asylum claim seriously undermines credibility and veracity of your account.”

4.7 The reasons for refusal stated in the quote above show absolute ignorance as to the impact of trauma on person’s memory and demonstrate lack of understanding of effects of trafficking.

4.8 The Forum recommends that the NAM caseworkers are provided with information and training on the mental health consequences of human trafficking on victims of human trafficking. A starting point for such awareness is to be found in the study “Stolen Smiles” by Cathy Zimmerman of the London School of Hygiene and Tropical Medicine and others¹⁴⁵.

¹⁴³ “Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked” published by the UNHCR, April 2006

¹⁴⁴ *Hope Betrayed: Eaves Housing for Women*, London, 2006

¹⁴⁵ *Stolen Smiles: the physical and psychological health consequences of women and adolescents trafficked in Europe*, 2006

 Risk of uninformed and ad hoc AIT decision-making

4.9 A concerning trend in both Home Office refusal letters and Appeal determinations from the Asylum and Immigration Tribunal is the appearance of uninformed and ad hoc decision making about whether a person is a victim of trafficking. The impact of this on victims of trafficking cannot be underestimated. There appears also to be little understanding as to how the issue of consent is to be dealt with, both in claims brought by minors and adults. For example, in relation to the case of a 12 year old African female who was sexually exploited in prostitution in her own country before being trafficked at the age of 15 to the UK, The AIT stated in its Determination in 2007 that:

“We do not accept that she was ‘driven’ into prostitution; she clearly was not trafficked and went into it of her own free will; her attempts to obtaining other employment seemed to have been very superficial and there seemed to be no serious attempt to obtain other employment.”

4.10 The AIT’s finding, above, which related to the repeated sexual abuse in her own country at age 12 to 15, shows no cognisance of either British or international legal frameworks related to the protection of children from sexual exploitation which underscore that children cannot consent to their own abuse¹⁴⁶. It reduces to nil the abuse suffered by blaming the young person for not attempting to get other employment. Even worse for this young person is that the finding outright rejected that she was a victim of trafficking based on the presumption that she did not try hard enough “not” to be raped and exploited. As with this case, other Home Office asylum rejections for victims of trafficking have been grounded in a “culture of disbelief”. This is a concept that simply cannot be tolerated yet it is increasingly present in the arguments put forward by the Home Office and by immigration judges to reject the protection claims of victims of trafficking, despite the Government’s signature to the Council of Europe Convention and the announcement of its intention to ratify the treaty by the end of 2008.

4.11 The impact of these refusal letters and determinations on victims of trafficking can be devastating. Not only because of the implications for access to care, protection or asylum but because this may be the first time the victim of trafficking has had their traumatic experiences laid out before representatives of the Home Office, legal professionals and the judiciary to be discussed in minute detail. To be requested to give so much information and then to be disbelieved can have catastrophic impact on victims, especially on children. The same AIT determination stated:

“We accept the evidence of the appellant, specifically that her parents died. . . , she shared a room with her cousin and both worked as prostitutes, we accept she was arrested by [police] and was raped in their custody”

“ . . . it must not be forgotten that the reason she was raped was because she was working as a prostitute. . . if she desists working as a prostitute there is no objective evidence that she will be picked up by the authorities and raped as before. . . ”

4.12 After receiving this letter the young person, at age 17, who had been orphaned with no family support and who had been sexually exploited since she was 12 both in Africa and the United Kingdom, withdrew from support services.

4.13 This exercise of judicial decision-making by the AIT must be contrasted by the findings reached by more experienced judges in the higher courts of England and Wales. For example, in the recent Court of Appeal case of PO (Nigeria) [2007] EWCA Civ 1183 Lord Justice Sedley was charged with the duty of deciding whether to allow permission to appeal to the Court of Appeal in a case involving an eighteen year-old victim of trafficking from Nigeria. Introducing the case Sedley LJ stated as follows:

“1. The applicant. . . is a young Nigerian woman who was brought into this country by a man who I think can be briefly and accurately described as a Nigerian gangster, for the purposes of enforced prostitution. After months of repeated rape she escaped and, with the help of the Poppy Project, sought refuge and protection here. Her reward has been a decision of the Home Office to send her back to Nigeria.”

4.14 Having granted permission on the basis of arguable legal errors operated by the immigration judge in the AIT, Sedley LJ concluded:

“9. There is, however, in my judgment, another reason for granting permission to appeal. This woman was brought to this country by a criminal who should not have been allowed in, and was compelled by force to provide sexual services to men living here. Her reward, now that she has finally escaped, is to be returned to a country where she will certainly be without social or familial support, will be expected to move to a strange region and try to find work there and might still be at risk from the same predator. Some might think she is owed better than this. This court is not a court of morals, but it is a court which, in my view, will want to look with great care at an outcome

¹⁴⁶ See, for example, the Explanatory Report to the Council of Europe Convention on Action against the Trafficking of Human Beings at para 98: “Under sub-paragraphs b. and c. of Article 4 taken together, recruitment, transportation, transfer, harbouring and receipt of a child for the purpose of exploitation are regarded as trafficking in human beings. It is immaterial whether the means refers to in sub paragraph a. have been used. It is also immaterial whether or not the child consents to be exploited.”

such as was arrived at here by a single immigration judge in sharp contradiction to that of another immigration judge and at a hearing which it appears was intended to be conducted by a two-judge panel, one of them senior in status.

10. I would add this: The test applied by the second immigration judge was the test of exceptionality which is now known to be an incorrect application of article 8(2) . . .it may be that the moral case which I have mentioned would have been accorded rather more weight if the correct exercise of assessing not exceptionality but proportionality had in fact been gone through.”

4.15 The Court of Appeal ruling in PO introduces into UK law the concept of “the moral case” that may be necessary for the AIT to assess in deciding trafficking-related protection claims. This is a rational legal development in the field of trafficking law as it recognises both the absence of will and consent of the victim to the trafficking scenario and it also addresses the fact that the victim of trafficking is a victim of crime. Had the AIT, when assessing the other claim of the young African girl whose asylum appeal was rejected, causing her to abandon social services, correctly understood that she was an innocent victim of severe abuse and that in fact she was incapable of consenting to the exploitation, the outcome may have been different: the African girl might have succeeded in her appeal before the AIT and she would have then been granted the legal protection of “leave to remain in the UK” that was so severely wanting in her case.

The absence of regular reporting of AIT decisions

4.16 A serious deficiency in the current system of asylum appeals is also therefore the absence of the regular reporting of trafficking-related asylum and human rights decisions of the AIT. Where an appeal is well-prepared by the legal representatives, and for example where expert country evidence is provided to the AIT which refers directly to the risks on return for a victim of trafficking, the AIT’s determinations on the country conditions ought to be reported. In fact reporting of trafficking-related AIT determinations takes place only rarely at present. This absence of reporting impacts heavily upon the fairness of the asylum appeals system, with the result that individual immigration judges have reached inconsistent decisions on similar-fact and similar-evidence trafficking cases. Again, an example of this is the case of PO, above, where the first immigration judge had allowed the asylum appeal only for a second judge to refuse it on the almost the same country evidence, but the second judge did this, in Sedley LJ’s view, arguably in error of law.

4.17 The Forum recommends that a system of reporting the trafficking appeals that are heard in the AIT is introduced in order to provide consistency in decision-making.

Judicial training on trafficking

4.18 In the Forum’s view the inconsistency in decision-making also highlights the current weaknesses in judicial training on the assessment of trafficking-related asylum and human rights claims. Indeed, two of the Forum’s co-founders, when speaking at the annual conference of the UK Association of Women Judges (President: Baroness Hale) in February 2007 were made aware of the need for such judicial training by many members of the Association who sit as judges in the family law, immigration law and criminal law courts. It is recalled that trafficking-related cases are increasingly heard in the criminal courts in addition to the immigration courts, both in cases where victims of trafficking are prosecuted for immigration/passport offences and where victims of trafficking appear as witnesses in the criminal prosecutions of the traffickers. In the experience of the Forum members, it appears that Crown Court judges also require assistance in understanding the many complexities involved in dealing with both types of trafficking-victim related cases, including cases where a decision is to be made whether to recommend a victim of trafficking for deportation following conviction.

4.19 The Forum recommends that an intensive programme in judicial training on trafficking-related legal issues is developed and introduced without further delay.

Developments and gaps in protection: asylum

4.20 The recently reported AIT panel decision in *SB (PSG-Protection Regulations-Art 6) Moldova CG* [2008] UKAIT 00002 has established that “former victims of trafficking” and “former victims of trafficking for sex exploitation” are capable of constituting a particular social group for the purposes of the Refugee Convention 1951 and that asylum claims by trafficked persons may be able to succeed in the UK. In so finding the AIT has overturned previous Tribunal findings which held that such a particular social group could not exist. Whilst this decision, which is binding on the AIT when assessing particular social group cases, is an encouraging and important development in the field of trafficking and asylum law both in this country and overseas, a gap remains in the AIT’s treatment of victims of trafficking whilst giving their evidence during asylum appeals. The former IAA’s Gender Guidelines are no longer applied by the AIT in the course of appeal hearings and yet there remain special needs for vulnerable child and adult victims of trafficking during the appeal process which currently go unmet. There is no regular operative guidance to provide inter alia anonymised determinations, in camera hearings or child-friendly and victim-friendly informal arrangements in court. Nor is there regular operative guidance which takes into account the impact of fear or trauma in the disclosure of evidence and the giving of testimony under examination in court. It is

understood that the IAA Gender Guidelines are in the process of being updated. The Forum, through its Legal Sub-Committee, is currently involved in consultations to produce “Recommended Guidelines” for the AIT when assessing claims made by victims of human trafficking and these will be available shortly.

4.21 Until such time as the Forum’s Recommended Guidelines are available for publication the Forum recommends that the Home Office gives serious consideration to advising the AIT to take due account of the procedural and protection recommendations in the existing IAA Gender Guidelines, both when assessing child and adult claims for asylum or human rights protection.

5. Terms of reference (2): Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services)

5.1 The Forum would like to comment upon its experience on the lack of co-ordination between the Police, the CPS and the Home Office in the setting of two concrete cases.

Lack of co-ordination leading to gaps in protection:

Case 1

5.2 The first case involved an asylum claim by two Romanian sisters, MM and EM, who were trafficked into the UK as minors and who were subjected to years of sexual abuse, exploitation and violence at the hands of their trafficker and his accomplices. Once they escaped from their trafficker they were referred to the Poppy Project under whose care they remain to date. Having claimed asylum and having, over many months, assisted the police in their criminal investigations the two sisters gave chief prosecution evidence at Snaresbrook Crown Court which led to the successful conviction and sentence of the trafficker to 21 years imprisonment in November 2006. Despite the fact the sisters gave their evidence unshielded and without witness protection measures and their identities were disclosed during the trial proceedings (all leading to the Crown Court Judge to issue a note to the SSHD and the AIT that he was “in no doubt” as the serious safety risks that would befall the sisters on return to Romania), no apparent communication of the Judge’s comments and the reality of such risks to the sisters took place between the Police (or the CPS) and the Home Office, which continued to refuse the sisters’ claims for protection. Eventually, following a hearing at the AIT, the Home Office granted the sisters Humanitarian Protection in the UK. No doubt the length of the criminal investigation together with the trial proceedings and the intensification of the sister’s fears, following the trafficker’s conviction, as to the fate that might befall them at the hands of his criminal accomplices on return to Romania may have caused the sisters, in their unprotected position in the UK, lasting mental injury and damage.

5.3 Subsequently, in the summer of 2007, the sisters were the first successful trafficking survivors in the UK to be granted awards of compensation by the Criminal Injuries Compensation Authority (CICA) for the injuries they sustained as a result of the sexual abuse they suffered and for the loss of opportunity as enslaved victims of trafficking in the UK.

Case 2

5.4 The second example involves SB, the Moldovan female whose asylum claim was allowed by the AIT in its recently reported decision on particular social group, previously referred to above¹⁴⁷. In her case, having escaped her trafficker she also applied for asylum and helped the police with their criminal investigations, eventually giving chief prosecution evidence against her trafficker which directly lead to her trafficker (a female) being convicted and sentenced of seven years’ imprisonment. Despite this and the intensification of the risks to SB on return to Moldova, owing to her successful involvement in the trafficker’s conviction, her asylum claim and all other protection claims were rejected by the Home Office. The absence of any communication between the Police (or the CPS) and the Home Office meant in her case that over two and a half years passed before she was granted any protection. In October 2006, just one month before her trafficker was released from prison the Home Office granted SB humanitarian protection following a hearing in court, but refused her asylum on the basis that inter alia “former victims of trafficking” were not entitled to asylum in the UK. This refusal was successfully appealed, as the reported AIT determination in SB demonstrates.

5.5 Again, one cannot underestimate the fear that SB must have felt as an unprotected person (ie without any legal status in the UK) as a consequence of having assisted in securing the Government’s conviction of her trafficker. In terms of delay, as stated above, her fear of being returned to Moldova and facing the risk of reprisals from her trafficker’s criminal accomplices endured until just before her trafficker was released from prison after the trafficker’s sentence was served. SB was, it could be said, a prisoner of the asylum system, unprotected for years until so very late in the day. The lack of communication in her case between the CPS, the Police and the Home Office arguably amounts to an example of severe neglect by the relevant public authorities in the UK.

¹⁴⁷ SB (PSG-Protection Regulations-Art 6) Moldova CG [2008] UKAIT 00002

5.6 The Forum recommends that guidance be swiftly produced to ensure communication and co-operation between the Police, CPS and the Home Office. The circumstances faced by MM, EM and SB must serve as clear examples of the worst practice in terms of communication between such public authorities and must serve as bench marks for better practice.

Victim Protection under current structures

5.7 As the two case examples, above, demonstrate it is clear that victims of trafficking in the UK may be at greater risk of reprisals and re-trafficking in their home countries if they assist the UK authorities in investigations and prosecutions of their traffickers. If victims of trafficking are unprotected they might be unwilling to provide such assistance and evidence to the authorities as was provided by MM, EM and SB, all of whom demonstrated exceptional courage. It is vital that the protection needs of trafficking victims are addressed as soon as the police become involved in seeking the assistance of the individual and that such protection needs are swiftly communicated to the Home Office so such matters can be acted upon. Again, once the trial process is under way, the CPS must re-assess the risk factors relevant to the trafficked persons and communicate these effectively to the Home Office so as to ensure that the protection needs of the victim are properly addressed. Moreover, prior to the trial of the trafficker taking place, the Police and CPS must act effectively together to ensure that appropriate victim and witness protection measures are both applied for and operated in crown court proceedings so as to reduce the obvious and heightened risks to the trafficked persons whilst giving evidence.

5.8 The Forum recommends that the CPS must ensure that victim witnesses are provided with comprehensive protection safeguards during the criminal process: there must be no short cuts when the protection of victims of trafficking is one of the “paramount” concerns of the Council of Europe Convention.

A Proposal for a Victims and Witness Unit for victims of trafficking

5.9 It is recalled that the UN International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague established the world’s first comprehensive Victims and Witnesses Unit (VWU) which included a protection unit. This was closely followed by the establishment of VWU by the UN’s tribunal for Rwanda (ICTR). Had there been no protection system it is unlikely that many of the witnesses who gave evidence against the criminals charged by the ICTY and ICTR of, for example, war crimes and crimes against humanity would have been persuaded to, or felt able, to do so safely. The establishment of a Victims and Witnesses Unit is currently underway at the International Criminal Court (ICC) in The Hague. In the Forum’s view, the experiences learned by the ICTY and ICTR concerning the operation of their VWUs and the protection schemes within such units may lend support for the establishment of a “Victims and Witnesses of Trafficking Protection Unit” in the UK. Human Trafficking is a crime which demands the most stringent safety precautions to be adopted for the victims and witnesses. It is well-documented that there is a direct correlation between the lack of many successful prosecutions for trafficking and the absence of adequate victim protection mechanisms in many countries, including the UK.

5.10 The Forum encourages the Home Office to consider whether the protection schemes of the ICTY and ICTR can serve as a useful model for the establishment of a ‘Victims and Witnesses of Trafficking Protection Unit’ in the UK.

5.11 In conclusion, we suggest the Committee enquires of the Government as to what is being done to ensure that the malpractice in the treatment of trafficked persons in the asylum system as set out in the various case scenarios described above¹⁴⁸, is discontinued in the light of the obligations under the Council of Europe Convention and in accordance with the Government’s commitments as stated in the UK Action Plan to Tackle Trafficking in Human Beings.

21 February 2008

Memorandum submitted by Anti-Trafficking Legal Project

INTRODUCTION

1. The Anti-Trafficking Legal Project (ATLeP) is an informal network of practitioners who advise, represent and support victims of trafficking and other vulnerable people.

2. ATLeP was set up in September 2006 by a number of barristers and solicitors experienced in representing victims of trafficking and other vulnerable women and child victim cases. The project was set up in order to share our expertise, to exchange and make available useful resource materials and help develop good practice within the legal sector in dealing with vulnerable clients. The founding members were

¹⁴⁸ All the case examples referred to in this document are cases in which Forum members have been involved.

responding to concerns raised by voluntary sector organisations about the difficulties which these traumatised clients experienced in finding and receiving appropriate legal advice and representation. ATLeP members were very conscious of the working context in which trafficking cases are adjudicated—the severe legal funding constraints, the loss of experienced practitioners who were no longer prepared to continue doing unprofitable, publicly funded immigration legal work and the need to ensure that younger or less experienced practitioners were helped and supported to undertake this demanding representation work.

3. As part of its activities, ATLeP has run training classes for immigration practitioners on legal and medical issues affecting victims of trafficking. We have also designed courses for voluntary sector practitioners (non-lawyers) who work with or come into to contact with victims of trafficking. ATLeP has produced research guides for immigration practitioners representing victims of trafficking, comprising relevant country information, medical literature and expert contacts. ATLeP has also undertaken research and made submissions on policy matters: on legal funding and costs and on the inappropriate use of Super Fast Track procedures and detention procedures for victims of trafficking. The members of ATLeP have considerable and extended experience representing trafficked and vulnerable immigration clients. As part of our representation we develop a close working knowledge of the recruitment, experiences, emotional traumas, sense of shame and the skill base of our clients. We are well placed to assist the Committee on certain of the issues identified for this inquiry.

4. ATLeP also submits evidence on the trafficking of EEA nationals in collaboration with the AIRE centre (Advice on Individual Rights in Europe, 17 Red Lion Square, London WC1R 4QH, tel: 020 7831 4276). The AIRE Centre is a legal charity founded in 1993 to ensure that vulnerable and marginalised individuals are able to exercise in practice the rights they have in theory under European law. The AIRE centre specialises in providing free legal assistance under all aspects of European law, including the European Convention on Human Rights, the European Social Charter, the European Convention Against Trafficking Human Beings, the EU treaties, and European Union legislation governing the free movement rights of European Economic Area citizens and their family members. The Centre works with all groups, with a focus on the special needs of migrants, women, children, ethnic minorities, and LGBT people.

EXECUTIVE SUMMARY

5. ATLeP has read and fully endorses the submissions to the enquiry made by the Immigration Law Practitioners Association (ILPA) and ECPAT. In this submission, we develop some of the issues raised in those submissions. For the assistance of the Committee we have included case studies from our specialist practice and provide additional information based on our casework.

6. In collaboration with the AIRE centre we also comment on the trafficking of EEA nationals in the UK.

7. Our submission is relevant to the following terms of reference:

- The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities.
- The treatment of those who have been trafficked but have no legal right to remain in the UK including the requirements imposed by the Council of Europe Convention on Combating Human trafficking.
- Co-operation within the EU (including Europol).
- Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services).

CASE STUDIES

8. We outline here typical case studies of clients represented in their immigration appeal in the UK by ATLeP practitioners. These cases are illustrative of the issues arising in casework undertaken by specialist ATLeP practitioners.

Case Study A

9. A was a young woman trafficked to the UK from East Asia and forced to work in a brothel which was later raided by the police. She was detained at Oakington detention centre for 10 days until released for the purpose of obtaining a medical report. She was recovered by her “pimp” on release and forced back into prostitution. She was apprehended in a brothel again by the police and again was detained in Oakington for 10 days. A’s asylum claim was refused without reference to any of the trafficking issues raised in her case. Her lawyer encouraged A to report her abuser to the police. No interpreter was provided and no ongoing investigation was conducted by the police.

10. A’s asylum appeal was dismissed. The Immigration Judge hearing the case shouted at A during the appeal hearing and held that A came to the UK willingly. This finding was made notwithstanding contrary evidence in four medical reports and one expert country report submitted in her case. Following this decision, A attempted suicide and was hospitalised. Her lawyer lodged a permission application for

reconsideration of the appeal which was granted. A disclosed to her lawyer, prior to the reconsideration hearing that she was still subject to abuse and still being forced into prostitution. The case was again referred to the police who did not investigate the matter further. A again attempted suicide. At the reconsideration hearing A's credibility was accepted, the expert and country evidence was considered and accepted and her asylum appeal was allowed.

11. A's experiences of the appeal system compounded the trauma of her sex trafficking. She was repeatedly interviewed by police and her account discounted or disbelieved. She was twice detained and had at least three interviews with Home Office officials in detention; gave evidence and was cross-examined at length at two appeal hearings. She had interviews with her lawyer, three doctors, repeat examinations and consultations concerning her suicide attempts. She was not provided with protection against her traffickers and pimp. On each and every occasion and with each and all professional she was required to retell and relive her story. The scepticism she encountered from certain professionals left her profoundly depressed and suicidal. Her case experiences are common.

Case study B

12. B was a victim of childhood abuse; she ran away from her home and as a street child was picked up by traffickers and trafficked into forced prostitution in two European countries before escaping the traffickers with the help of a client who assisted her to enter the UK. It is relatively common for younger trafficked women to be assisted to escape in this way by sympathetic clients.

13. B was stopped at the airport and admitted that the passport that she was carrying was fraudulent. She explained that she had been forced into prostitution in Europe. B indicated that she was fearful of return to her home country. Notwithstanding her statements indicating a desire for refugee protection B was arrested, detained and charged with passport offences. She was advised by a duty criminal solicitor to plead guilty and was held on remand in a prison for approximately three months. With the help of other inmates she wrote a letter to the Judge explaining her experiences as a victim of trafficking. The judge made an order for her unconditional discharge. B was then transferred to Oakington Immigration Removals Centre where she was detained as an immigration offender.

14. B was hospitalised in Oakington owing to her poor physical and mental health. Her asylum claim was refused and certified as clearly unfounded. This decision carried no in-country right of appeal. The decision to certify her case as clearly unfounded was challenged by her lawyer by way of judicial review in the High Court. The Home Office withdrew the certificate and issued a new refusal decision which gave her an in-country appeal right. B appealed against the refusal of asylum and her appeal was allowed on the grounds that her removal would breach article 3 of the European Convention on Human Rights.

15. Again this case has many typical features which we see in trafficking cases. ATLeP members have all had clients subjected to prosecutions arising from their trafficking offences, including the case of a child trafficking victim sentenced to a term in a youth offender centre for her use of false travel documentation to escape from her traffickers. We frequently have to bring or threaten judicial review to ensure they have in-country appeal rights. Many of our clients serve terms in prison or immigration detention. All of them are seriously adversely affected by such experiences. In this case, but for the intervention of her lawyer, this young woman in need of humanitarian protection would have been returned to her home country. With the diminished availability of experienced immigration lawyers to deal with these cases, we expect many similar young women will be returned summarily in like fashion in future.

Case Study C

16. C was a young Nigerian woman. She was apprehended by Police during a raid on a brothel. She claimed asylum. She was immediately detained within the Fast Track system at Yarl's Wood Immigration Detention Centre and was appointed a solicitor through the duty scheme. The solicitor suspected that C had been trafficked and arranged for a case worker from the Poppy Project to attend the detention centre. The case worker was unable to attend before her scheduled asylum appeal.

17. At the Fast Track hearing C disclosed to her barrister that she had been trafficked and was forced to work in the brothel. She became very distressed when speaking of her case and in view of her severe distress the barrister considered it inappropriate to take further instructions. The barrister applied for the case to be taken out of the fast track system or for the case to be adjourned for the Poppy Project worker to assess whether C presented as a trafficked victim. The Immigration Judge refused the applications stating that C "chose to be a prostitute". On advice from her barrister, C did not give evidence; her asylum claim was dismissed. The following day the Poppy Project worker interviewed C at Yarl's Wood and gave her opinion that C was a trafficking victim. The case was appealed; the Home Office withdrew their initial decision letter, and is re-considering the matter. C was released from detention.

18. We would note that our trafficking clients frequently encounter prejudice, hostility and occasional direct abuse from immigration judges. ATLeP lawyers have recorded an immigration judge who dismissed an appeal with the comments that "this country has more than enough prostitutes"; another who held that

the sex trafficking of a 14 year old Vietnamese girl could not constitute persecution. Trafficking victims are frequently held to have “chosen” their prostitution. Their risk of re-trafficking on return is discounted on the endlessly recited assumption that the young women will be more alert to traffickers in the future.

CASE STUDY OBSERVATIONS

19. These examples refer to young women trafficked to the UK for sex work. While these are the most common trafficking case types, it is important to identify the case issues arising with other trafficking profiles.

20. ATLeP is particularly concerned to highlight the problems for children trafficked to the UK—on occasion for domestic work (akin to slavery), for sex work, cannabis cultivation or begging. The first difficulty for such applicants is to be accepted as children. As noted above, all of our trafficking clients undergo repeat, stressful interviews concerning their experiences. For children these interviews are compounded by repeat age assessment interviews. It is not unusual for our child clients to have some 20 interviews with different professionals—many of them insisting on a repetition of the same case history. Few of the professionals acknowledge or work to minimise the stress of such procedures. Clients frequently confide that they were sick after their interviews; they experience a return of depression, relive their traumas and often self-harm. These abusive processes are particularly inappropriate for children. It is in this context that our clients react so strongly to (and frequently self-harm) as a response to scepticism and disbelief from police, social workers, immigration officers and judges.

21. Domestic labour trafficking cases are often overlooked and the abuse suffered by such victims discounted. In our experience these (often young) clients are severely traumatised. They have frequently been forced to work very long hours, have been hired out to other employers, frequently sleep on a floor, are given insufficient food, beaten and abused. As this abuse is a daily experience often over several years and can be experienced by children from about nine or 10 years of age, they emerge frightened, compliant and devoid of self-confidence. We know of no case in which social services or the Home Office directed an investigation of their employers. The ECHR found in a French case of child domestic servitude (*Siliadin v France*, Application no. 73316/01, 26 July 2005), in which the employers had been prosecuted for abusive work practices, that notwithstanding such prosecution, the French authorities were in breach of their obligations pursuant to Article 4 of the ECHR to establish a criminal-law machinery which penalised effectively those guilty of enforcing the servitude of such children and deterred others. Our case experiences would indicate that the UK is not complying with this obligation.

IDENTIFICATION AND TREATMENT OF VICTIMS OF TRAFFICKING IN THE UK

22. The BIA has produced an excellent guidance note on trafficking, somewhat hidden in its Operational Enforcement Manual (OEM) at Chapter 42 entitled “Identifying Victims of Trafficking for Sexual Exploitation”. Amongst other guidance the note advises immigration officers:

“During Operations enquiries into whether a person is a victim of trafficking should take precedence over enquiries into the individual’s immigration status. Officers should be aware that victims of trafficking for sexual exploitation are likely to be classified as vulnerable persons and detention will not normally be appropriate. Officers should refer to 38.10 of the OEM when considering detention. . . .

Officers are advised to deal with such individuals in a professional and sensitive manner and should be aware that the individuals concerned may be extremely vulnerable. . . .

It is likely that individuals will have been isolated from their family circle/friends and living in an unfamiliar country/area. As a result, in addition to possible feelings of fear and intimidation they may feel dependant upon their controllers. Individuals may on initial contact exhibit an unwillingness to cooperate with authorities, especially if they are in the presence of their controllers or around other victims. In addition many victims may not understand the concept or think that they are victims of trafficking. . . .

Be aware that victims of trafficking may suffer a wide range of health, mental health, psychological and physical problems. Look out for signs of distress or physical injury and watch for signs of drug/alcohol abuse and associated unusual behaviours.

Victim’s participation in any future proceedings will often depend on their psychological, emotional, physical and mental health. It is important to ensure that the appropriate physical healthcare and psychological support is provided to these individuals. . . .”

23. Some years ago, the Home Office with ECPAT, and with West Sussex Social Services and others developed trafficking profiles to assist them to spot and refer possible child trafficking victims on their arrival at ports. Numbers of child trafficking victims are still identified in this way and properly referred to social services. Some adult trafficking victims are also identified at port or screening and referred by the BIA to the Poppy project. These cases are supported and the victims protected. Our submissions are directed to the cases which are missed or which are identified but not referred to any protective service. In our experience the monitoring of potential trafficking victims at port appears to be less vigilant than five years ago and the

victims, even if identified, are less likely to be referred to protective services. As our examples of recent cases reveal, these applicants are too often detained, prosecuted or simply left to struggle in NASS accommodation where they remain vulnerable to their pimp or trafficker.

24. We support the approach outlined above in the OEM. The difficulty is that the OEM is not followed in practice. It is certainly not followed by all enforcement officers. It should also be reproduced and given greater prominence as guidance/training for case officers and adopted by immigration judges. Our experience representing victims of trafficking in their legal cases for protection indicates that despite the government's stated commitments to this vulnerable group, the identification and treatment of victims of trafficking in the UK continues to fall far short of the guidance in practice, placing victims in danger of further exploitation, abuse and re-trafficking.

25. We highlight particularly the treatment of victims of trafficking who have recourse to the asylum system for protection under the Refugee Convention and European Convention on Human Rights, currently the only forms of protection available to victims of trafficking in the UK.

26. We believe that such claims should never be part of the Fast Track system as in Case Study C. Following this case, the Home Office amended their suitability criteria to exclude from the Fast Track those cases where there is evidence from a credible source such as the Poppy Project showing the appellant to be a trafficking victim.¹⁴⁹ We believe that this does not go far enough.

27. Recently, and in a case post-dating this amendment to the Fast Track suitability criteria, an ATLeP practitioner represented a 17+ year old in the fast track system where there was credible evidence that she may have been trafficked to the UK as a child. At this point, she was identified as an unaccompanied child asylum seeker although not as a victim of trafficking. Social services had suspicions that D may have been trafficked and sent D for sexual health screening as they identified her as a victim of child sexual abuse. Despite this, on turning 18 years old, D was detained within the Fast Track system at Yarl's Wood. On the day of the appeal, D disclosed further detail of physical and sexual abuse. The immigration judge refused to release D when these instructions were related by the lawyer, instead insisting that a psychiatrist examine D to ascertain if she was truly a victim of child sexual abuse. The judge refused to accept a letter from a doctor confirming the STD health screening arranged by social services, stating that this did not prove matters. Whilst in detention awaiting the appointment with a psychiatrist, D collapsed and required medical treatment. Following submission of the psychiatric report, D was released from detention by the Home Office.

28. The Fast Track system is deemed by the Home Office to apply to "straightforward" cases. This sets a suitably low threshold to exclude complex cases, such as these cases where the applicant is a trauma victim and manifesting symptoms of distress consistent with such trauma. It is a matter of concern to ATLeP that trauma and trafficking cases are still referred to the Fast Track system and that we must battle so hard to have such cases removed from this appeal track. The Fast Track system is incompatible with the Council of Europe Convention on Action Against Trafficking in Human Beings which creates a reflection period where no enforcement should be taken against a victim¹⁵⁰. This time scale is inconsistent with both the Fast Track timetable (decisions to be taken within a week) and the New Asylum Model (initial decision between 11 and 20 days). The UK Action Plan on Tackling Human Trafficking¹⁵¹ fails to recognise this in relation to implementation of the Convention.

29. We also strongly submit that claims involving issues of trafficking should never be certified as clearly unfounded as in Case Study B. Such certification denies them an in-country appeal and proper, independent adjudication of their risks on return. We further submit that the certification of cases on the basis of nationality, which leads to fast track determination procedures, detention and summary removal, also denies victims from these countries the opportunity to be identified as victims of trafficking and for these issues to be adjudicated. We note that the list of countries of origin from which asylum claims must be refused and certified as clearly unfounded unless the Secretary of State is satisfied otherwise include Albania, Moldova and Ukraine, all of which are significant source countries for sex and labour trafficking in persons¹⁵².

30. ATLeP members are currently dealing with a the case of a 14 year old African child whose asylum and human rights claims have been certified as clearly unfounded and who is set for summary removal to her home country. The Home Office deem the case unfounded as the trafficker bringing her into the UK was detained and prosecuted and is said to be no threat. This discounts the network involved in her trafficking. The Home Office also state that there are "suitable arrangements" for her care in her home state from a government agency set up as an anti-trafficking unit. This assertion is maintained despite credible country and expert reports that the home government has made only "modest efforts" to give protection and rehabilitation to victims; that their shelters for returning trafficking victims are inadequate and at best available for the briefest possible period, that the government agency's 'expressed priorities' are to return trafficked women to their families (this child was trafficked via her family) and that there is a high rate of re-trafficking for victims who are returned. This case is not atypical; ATLeP members report other instances of child trafficking victims whom the HO has tried to summarily remove. This and other cases show clearly

¹⁴⁹ Border and Immigration Agency, *Asylum Process Instruction Suitability for Detained Fast Track and Oakington processes*, 28 July 2007.

¹⁵⁰ Article 13, Council of Europe Convention on Action Against Trafficking in Human Beings.

¹⁵¹ Home Office, UK Action Plan on Tackling Human Trafficking, March 2007.

¹⁵² Border and Immigration Agency, *Asylum Policy Instruction Certification under Section 94 of the NIA Act 2002*, August 2006.

the low priority afforded to protection and the culture of denial and summary processing and removal that operates for too many trafficking victims in BIA. ATLeP members are all too conscious that we intervene in only a small proportion of cases and that our case examples should be taken to show others are not defended and are removed into risk.

31. We are also deeply concerned about the failure to afford appropriate protection and grant leave under the Refugee Convention and Human Rights Act at the first decision stage of the asylum process. As illustrated above, many victims of trafficking are only granted leave to remain following a first appeal or further appeals against the initial refusal of asylum in protracted processes before the asylum courts. The impact of these protection failures on this extremely vulnerable group of clients should be recognised: self harm, suicide attempts and hospitalisation including sectioning on mental health grounds are all too common in our experience. And the fear and insecurity provoked during the process may increase the control exerted by a trafficker or abuser with the risk of further exploitation and re-trafficking.

32. We stress that particular care should be taken in decisions on trafficking cases and that improvements to the quality of initial decision-making are required to ensure that victims of trafficking are protected from further abuse. ATLeP members are regularly involved in cases where decisions are made which are clearly wrong in law. The delay in rectifying these mistakes leads to further traumatisation for these vulnerable victims. The system of decision-making and adjudication can and does operate as abusive itself. Lawyers deal with the culture of denial by seeking medical and expert evidence to corroborate the client's case but each layer of inquiry is experienced by the client as a further occasion when he/she must retell and relive their traumas. This becomes abusive. Social science literature refers to it as "systems abuse".

ACCESS TO LEGAL ADVICE

33. We are extremely concerned by the difficulties in accessing legal advice, particularly in light of the protection failures outlined above. We are regularly contacted by victim support organisations who are unable to access good quality specialist legal advice for their clients because, despite making sometimes a dozen telephone calls, they are told that the solicitor firms involved have no capacity.

34. We are also regularly contacted by support organisations who are concerned that their clients are being incorrectly advised. Even without delving into the full facts of the cases involved, we often identify that these clients are receiving incorrect advice.

35. This highlights to us the need for specialist experienced legal advice. Although ATLeP is providing training and case resources for lawyers, we are concerned that there are still major gaps in service provision.

36. One of the biggest problems relates to the introduction by the Legal Services Commission of a fixed fee system for funding immigration and asylum advice, which sets a fixed fee for representation in a case regardless of the type of case or work involved. ATLeP practitioners find that work on cases involving trafficking victims exceeds the fixed fee level set. We believe that solicitors are not taking on many of these cases because they are so labour intensive and their work will not be remunerated. Although the fixed fee regime has an "exceptional" category where cases are taken out of the fixed fee system if they meet the required threshold, the exceptionality assessment is made at the end of the case; solicitors must carry the risk that the threshold is not met, in which case their additional work is unpaid. To reach the "exceptional" threshold requires casework costs of three times the total fixed fee level for both first stage (legal help) and appeal (controlled legal representation) which will be reached in a minority of cases despite the level of work involved in the preparation of trafficking cases.

37. Trafficking cases involving vulnerable trauma victims are a particular case type which lose from the fixed fee funding model. Solicitors do not want to take them on as they will always involve work that will not be remunerated. Many of them, on our analysis, will cost $2\frac{1}{2}$ times the fixed fee, but not the three times limit. The $2\frac{1}{2}$ times excess will be undertaken gratis by solicitor and barrister. There are no firms, no matter how dedicated to this work, who can continue to take on such clients and continue to be viable.

38. The funding regime as current from October 2007 has at present excluded the following categories from the graduated fee scheme:

- Where an asylum claim was made before 01/10/2007.
- Fresh claims for asylum made after 01/10/2007 where the original asylum claim was made before 01/10/2007.
- Non-asylum cases not made before 01/10/2007.
- Advice on the merits of an appeal under s103A, 103B or 103E Nationality and Immigration and Asylum Act 2002.
- Review and Reconsideration Applications.
- Bail applications.
- Advice solely in relation to form filling.
- Applications for legal aid certificates and pre-action work before the issue of the certificate (including compliance with the pre-action protocol).

- Advice prior to attendance to the ASU where the case does not extend beyond the ASU.
- Unaccompanied asylum-seeking children.
- Exceptional cases.¹⁵³

39. In the consultation paper, “Reviewing the responses to ‘Legal Aid: a sustainable future’”,¹⁵⁴ trafficking victims were flagged up as vulnerable group of claimants meriting an individual category in their own right outside the graduated fee scheme. This suggestion was not adopted by the LSC. The Legal Service Commission’s rationale for identifying the separate category of unaccompanied asylum-seeking children, rather than absorbing these individuals into the “exceptional cases” category, is a rationale that should in ATLeP’s view be applied to trafficking claimants.

40. This rationale is set out in paragraph 8.64 of the LSC’s consultation paper, “*Legal Aid: A sustainable Future*” (13/07/06):

“8.64 We are concerned that despite being eligible for representation at the screening interview, many clients in this group fail to secure representation and that this leaves them more vulnerable to abuse, eg Trafficking. We are also concerned about whether all the appropriate legal remedies are being considered both during the asylum process and afterwards. For example there will be occasions where it would be more appropriate for a case to be dealt with by a child care specialist than an immigration practitioner. Similarly we are concerned that other social welfare issues, such as community care, are not considered”.

41. We support the LSC’s recognition that there is a need to protect vulnerable individuals against further trafficking in the UK, hence the categorisation of unaccompanied minors outside of the graduated fee scheme. However, this does not go far enough in safeguarding the interests of trafficking claimants per se. Trafficking claimants are an extremely vulnerable sub-group to be equated with unaccompanied minors. They also require specialist care and have additional social welfare and community care issues and legal remedies which require to be addressed. Many of our trafficking clients are young adult women with children and have high support needs.

42. The BIA Operational Enforcement Manual¹⁵⁵ notes for example the care and time that can be required for interviewing trafficking victims who may be under the sway of their traffickers or too traumatised or ashamed to immediately disclose all relevant facts. In our experience these clients frequently have extended dealings with police as witnesses; many of them have children and need social work assistance and without exception they suffer from trauma and depression. All of these factors require experienced legal representation and extended time from the legal practitioner. Interviews are often interrupted due to client’s distress; we often refer the clients to psychiatrists or psychologists so that their accounts can be elicited by experts in a therapeutic setting. This involves time and costs and the fixed fee does not allow for this.

43. In ATLeP’s opinion trafficking claimants should be identified as a separate funding category outside of the fixed fee scheme. Unlike other asylum claimants, trafficking victims are usually not only fleeing their persecutors in their country of origin but are seeking protection from ongoing persecution and trafficking from within the UK. It is well recognised that trafficking has close links with international organised crime. The reality of this particular persecution is that the claimant’s persecutors are more often than not located in the UK or have close links to UK-based criminal gangs. There are therefore additional and immediate protection needs within the UK which must be addressed, which may involve various agencies.

44. The provision of immediate protection requires liaison outside the immigration jurisdiction. Often these cases require the input of the British police, Interpol, Police authorities in countries of origin or en route to the UK, Crime Prosecution Service, Social Services, medical and country experts. Addressing the immediate protection needs of victims of trafficking requires detailed liaison with these other agencies. This process cannot be managed under the fixed fee scheme.

45. The following case study E illustrates the need for early identification of trafficking victims, legal representation by competent specialists in this field, and active liaison between the police, social services, the Home Office and immigration practitioners to address the immediate protection needs of victims to avoid further exploitation of victims. The support, oversight, liaison and representation are not going to be provided under the fixed fee limit and cannot realistically be expected to be borne as a fee risk in the uncertain search for exceptionality.

46. Case E was trafficked from Albania to Italy aged 14 and forced to work as a prostitute for a year. She was arrested in Italy, removed to Albania and re-trafficked back to Italy. She was trafficked to the UK for sex work when she was 15. She managed to escape from her traffickers and claimed asylum. She was refused asylum but granted 12 months discretionary leave as a minor.

47. Placed in social services care and living in a shared house rather than foster care, she was traced by her trafficker who forced her back into prostitution. E was arrested at the age of 16 for prostitution but was warned by the police and released rather than identified as a minor being abused. Social services became aware of the situation months later. E was moved to different accommodation. Social services intervention

¹⁵³ Legal Services Commission, *Legal Aid Reform: Final Immigration and Asylum Fee Schemes*, March 2007.

¹⁵⁴ Legal Services Commission, *Reviewing the responses to “Legal Aid: a Sustainable Future”*, November 2006, p 47, paragraph 8.3.

¹⁵⁵ BIA, *Operational Enforcement Manual: Identifying Victims of Trafficking for Sexual Exploitation*, Chapter 42.

resulted in the identification of her Albanian trafficker, his arrest and removal from the UK. E's trafficker returned illegally to the UK; social services were alerted and E was placed in the POPPY Project for her safety.

48. Despite representations from legal representatives and the POPPY Project, E was not interviewed about her asylum claim for almost a year. Having entered at 15, her immigration case was resolved when aged 20 she was granted indefinite leave outside the rules through the Casework Resolution Directorate. E who has been in the UK for four years cannot read and write any English and remains severely traumatised.

49. A further consideration is the impact that contributing to the criminal prosecution of a victim's traffickers will have on her/his asylum case. Our experience shows that firstly the asylum application is often delayed or the appeal adjourned while the prosecution is completed, thereby adding casework and representation costs. Secondly, the process of the prosecution often changes or increases the basis of the victim's need for international protection, for example where police have travelled to the victims' home country to gather evidence, or associates of those prosecuted have been removed or have returned to the home country. The legal representatives assisting with the immigration application will then require additional funding to take further instructions and present additional evidence in support of their clients' claim for international protection. The case of SB (PSG, Protection Regulations, Reg 6) Moldova CG [2008] UKAIT 00002 (26 November 2007) whose asylum claim was dealt with following the criminal prosecution of her traffickers, required additional evidence from the police describing the interviewing of prosecution witnesses in Moldova to indicate the level and type of risk she would face if returned. The casework costs would not have met the exceptionality test.

50. It is clear that all of the above factors set these cases apart from mainstream asylum cases. These cases cannot be accommodated simply as "exceptional". Such a residue categorisation does not deal with the issues in these cases. As the exceptional payment is not assured and the debt may be carried by the firm, practitioners will be deterred and may be prevented by the firms from undertaking these cases. The residue category does not provide the specialist legal representatives which these clients require. The LSC has a commitment to protect particularly vulnerable applicants, is required to enhance the quality of legal skill and ensure that appropriately qualified and experienced practitioners are allocated to such clients. These responsibilities are not met if these particular applicants are not identified as specialists for a distinctive funding client base.

51. Lawyers are always open to the criticism that their claims for improved funding are self-serving. This first instance immigration and asylum casework undertaken conscientiously is not done by lawyers concerned to make money but a committed core of experienced practitioners whose dedication and expertise should not be lightly jettisoned. The assistance given to trafficking victims has a direct effect on our own society. This is a trade which cannot be discounted as an overseas problem. Trafficking victims are brought here because the market is here. They are the commodities in that market. Their traffickers are vigilant in recovering them because they represent money, an investment or "debt". Trafficking victims require experienced lawyers who can identify these victims, encourage their confidence, know the communication ropes to secure the cooperation of other agencies and advocate for appropriate protection here. If the client is to be removed or wants to return home, immigration lawyers frequently assist to find safer arrangements for a client's return. Our submissions on this funding issue are directed not to our own remuneration but to the survival of a cohort of practitioners, whose loss would be keenly felt.

EEA NATIONALS AND TRAFFICKING

This part of this evidence is the product of a collaboration between ATLeP and the AIRE Centre (Advice on Individual Rights in Europe, 17 Red Lion Square, London WC1R 4QH, 0207 831 4276)

52. Certain categories of foreigners, particularly EEA nationals have the unconditional right to enter the United Kingdom and to reside for three months¹⁵⁶ and the right to reside here for longer if they meet certain conditions.¹⁵⁷ Some EEA nationals have become the victims of trafficking. As a consequence of their unconditional legal right to enter the UK on simple production of a passport identifying them as EEA nationals, there is very little chance of them being identified as trafficking victims at the border. ATLeP and the AIRE Centre are particularly concerned about the situation of low-income EEA nationals—particularly nationals of the new Central and Eastern European EU states—who are victims of trafficking in the UK. Indeed, ATLeP and the AIRE Centre believe that the mechanism which the UK has chosen to implement the EU legal framework governing the situation of nationals of the of new Member States may be instrumental in facilitating the trafficking of vulnerable Central and Eastern European citizens, particularly young women and children. This part of this evidence elaborates those concerns.

¹⁵⁶ Directive 2004/38/EC, Article 6.

¹⁵⁷ Directive 2004/38/EC, Article 7.

A. A8 Nationals and Worker Registration

53. On 1 May 2004, all nationals of the eight Central and Eastern European countries (“A8 nationals”¹⁵⁸) became EU citizens. Since that date, they enjoy the same right to move and reside across the member States of the EEA that other EEA nationals enjoy. A8 nationals therefore enjoy the same rights as all other EEA nationals to reside in the UK as students, self-sufficient individuals, or self-employed individuals.

54. However, the Accession Agreements permitted Member States to restrict A8 nationals’ access to their labour markets during an interim period. Most of the original fifteen EU countries (“EU15”) barred A8 nationals from accessing the labour market. The United Kingdom, under the Immigration (Accession and Worker Registration) Regulations 2004, permitted A8 nationals to move to the United Kingdom to take up employment. However, the Regulations imposed a registration requirement under the Workers Registration Scheme (WRS). With the cooperation of their employers (in the form of a letter proving the employment relationship), A8 national workers must apply within one month of beginning work to be registered under the scheme. The stated purpose of the scheme was to monitor the number of A8 nationals taking up this opportunity and also to attempt to place restrictions on their access to welfare benefits since the tabloid press had been greatly exercised by the prospect of the drain they might create on the benefit system.

55. The 2004 Regulations however provide only for employer sanctions (fines) for employing unregistered A8 workers; there are no formal sanctions foreseen in the Regulations for A8 workers who fail to register. The AIRE Centre made a Freedom of Information request in December 2007 to the Home Office to enquire about statistics for the prosecution of employers under the 2006 Regulations.

56. There have been no prosecutions and no investigations under the employer sanctions provisions. When unregistered A8 nationals are found during routine enforcement operations, the employers and workers are simply encouraged to sign up to the scheme.

57. Enforcement of the sanctions provided for in the scheme is so lax that the AIRE Centre recently dealt with a client who had been working for a local government agency since May 2004, but her employer had not drawn her attention to the need to register until January 2008. In its response to the Freedom of Information request, the Home Office made it clear that while no enforcement scheme exists to penalise workers who fail to register, those who fail to register suffer in certain key respects.

58. Those workers who fail to register lose out, because they are not then entitled to the same protections under UK employment law as registered and indigenous workers, and do not accrue time towards the 12 month qualifying period for a residence document.

59. A8 nationals pay the same tax and national insurance contributions as other employees but are denied the same access to benefits when their needs arise.

60. The scheme therefore is enforced *de facto* only against the workers, who have no employment rights and in many instances cannot access the benefits to which similarly situated EEA and UK nationals would be entitled.

61. A8 workers require their employer’s co-operation to register under the scheme, in the form of an employer’s letter. But this co-operation is not always forthcoming, even if the employer is duly paying the tax and NI required by law. The workers themselves can do nothing to register themselves within one month of beginning work, as required by the Regulations, absent the co-operation of the employer.

62. ATLeP and the AIRE Centre are concerned that the WRS, with its one-sided approach to enforcement, has created significant opportunities for abusive labour practices and thus encourages the trafficking of A8 nationals for purposes of forced labour in the United Kingdom. Unscrupulous individuals can easily trick A8 nationals into believing that legitimate work awaits them in the UK without fear of their victims’ encountering problems at the border, and then fail to register their workers and engage in unacceptable and frequently illegal labour practices without fear of legal action. The AIRE Centre has been involved in cases where A8 nationals have not been able to take legal action to challenge egregious violations of the minimum wage and working time legislation. We have also seen cases that appear to involve trafficking of A8 nationals. Because the A8 workers we have dealt with fear of physical violence from their employers and/or erroneously believe they will be removed from the UK, it is difficult to take instruction and bring cases forward. For example, the AIRE Centre in January advised in a case involving a Lithuanian national in Northern Ireland who was promised legitimate work there and instead was subjected to exploitative labour, but who was afraid to take legal action. Many A8 clients have also reported being threatened with deportation by their employers, even though such action is highly unlikely to be realistic given the procedural safeguards which exist against the expulsion of EEA nationals.

¹⁵⁸ The A8 countries are: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia.

B. A2 Nationals and Worker Authorisation

63. When Bulgaria and Romania joined the European Union on 1 January 2007, like the A8 nationals they acquired all the general rights of movement and residence of other EEA nationals; however, EU Member States were given a similar opportunity to restrict Bulgarian and Romanian citizens' access to the labour market. The UK implemented a system of Worker Authorisation, as opposed to Worker Registration. This system put in place a set of complex criteria that made it possible only for certain Romanians and Bulgarians to access the labour market. Certain highly-skilled Bulgarian and Romanian workers may take up employment in the UK, and certain sector-based work permit schemes for low-skilled labour (agriculture and food processing) have been reserved for Bulgarians and Romanians. However Bulgarians and Romanians still enjoy the unconditional right of all EEA national to enter and reside for three months and can still exercise a right of longer residence in the UK as self-sufficient individuals or students, or to be self-employed. While the requirements for self-employment under EU law are not particularly strict, BIA personnel have informally indicated that they will strictly scrutinise all applications by Bulgarians and Romanians who claim to be self-employed.

64. ATLeP and the AIRE Centre are concerned that the operation of EU law in itself creates a risk of trafficking. As Bulgarians and Romanians can enter the United Kingdom for legitimate purposes, traffickers would have an easy time ensuring their victims cross the border. As the rights of Bulgarians and Romanians to work in the UK are not easily understood, it is easy to deceive Bulgarians and Romanians into believing there is legitimate work in the UK for them. While this is an EU-wide problem, ATLeP and the AIRE Centre believe the Immigration (Accession and Worker Authorisation) Regulations 2006 have exacerbated the situation by leaving open some legitimate routes of migration at either end of the skill spectrum while shutting out the majority of workers. The fact that the 2006 Regulations, unlike the 2004 Regulations, provide for criminal penalties against unauthorised A2 workers as well as those who employ them encourages those who traffic A2 nationals for purposes of forced or otherwise abusive labour to maintain their victims in a situation of servitude from which they are too frightened to escape.

65. ATLeP members and the AIRE Centre have received queries regarding Bulgarians and Romanians who appear to be victims of trafficking and forced labour, but have been unable to take instruction because of the fears of retribution and deportation discussed earlier. However, one well publicised example of Bulgarians in the agricultural industry, we believe, is symptomatic of the kind of situations the present legal framework facilitates.¹⁵⁹

C. Recommendations

66. A recent crackdown on exploitative labour practices involving A8 and A2 nationals in the flower-picking industry in Cornwall¹⁶⁰ demonstrates the need for closer scrutiny of the way UK implementation of EU law facilitates the trafficking Central and Eastern European EU citizens.

67. ATLeP and the AIRE Centre recommend the following measures are taken to identify and protect low-income EEA nationals who are victims of trafficking and abusive labour practices in the UK:

- Enforcement of the employer sanctions in Workers Registration Scheme under the terms of the 2006 Regulations, with special attention in enforcement operations to identify A8 nationals who may have been victims of trafficking, and to ensure that they have the support they need (including the full rights accorded to A15 nationals in the labour market).
- Development of an enforcement programme for the Worker Authorisation Scheme that takes into account the possibilities of A2 trafficking victims.
- Consultation with EU partners to ensure a legal framework for future accessions that does not create opportunities for trafficking low-income accession state nationals.

22 February 2008

Supplementary memorandum submitted by the Anti-Trafficking Legal Project

As stated in our original submission the Anti-Trafficking Legal Project (ATLeP) is an informal network of practitioners who advise, represent and support victims of trafficking and other vulnerable people.

On 17 June 2008, four members of ATLeP gave oral evidence before the Home Affairs Committee. In their evidence they raised the importance of ensuring appropriate Social Services support for child victims of trafficking and agreed at the request of the Committee to prepare a note discussing this issue in more detail.

As a preliminary point, we would note that Home Office, ECPAT and international research shows that many trafficked victims are orphans, stranded children or sold by their families/carers. They are trafficked because of these vulnerabilities. Their experience of sex grooming, sexual assault and/or enforced sex or domestic labour work compounds their vulnerability. It is in that context that social services care becomes

¹⁵⁹ <http://www.guardian.co.uk/uk/2007/aug/14/humanrights.immigration>

¹⁶⁰ http://www.gla.gov.uk/embedded_object.asp?id=1013331

important. The children we represent are often accepted as refugees. At the very least they will often have been given discretionary leave until they turn 17½/18—that is: they have formal, legal immigration status and an expectation of continuing residence in the UK. Alternatively they are receiving social services support while their immigration status is resolved. Section 20 of the Children Act 1989 (provision of accommodation for children in need in a given local authority area) makes no distinction between children whose immigration status is certain or uncertain.

Notwithstanding that numbers of such children have or quickly acquire formal immigration/refugee status; such trafficked and unaccompanied children are treated as if they were temporary entrants whose treatment and care is determined solely by their immigrant identity, rather than their actual immigration status or their real vulnerability and needs. Our recommendation is directed to deal with the problems this creates for these children.

ATLeP, for reasons set out in full below, strongly recommends that the following measures be put in place in order to meet the needs of trafficked children in the UK:

- (i) Social Services departments should be required to conduct a full individual assessment of the needs of trafficked children for whom they are responsible under the Children's Act 1989. This requirement for a full needs assessment should displace the present assumption that local authorities owe only a duty to accommodate such children.
- (ii) Social Services departments should pay particular regard to the need such children may manifest for a safe, secure home in a foster family. Where such foster family is provided and is working well for such children, social services should seek wherever possible to maintain that placement for the child until he/she reaches her majority (18 years old). This explicit guidance is required because of the real vulnerability of such children and the risk that as adolescents or young adults they will fall prey to traffickers in the UK without such family supervision and care. While social services have the power under s20 to continue to provide accommodation to children over 16 and under 21 whose welfare is likely to be seriously prejudiced if accommodation is not provided, experience suggests that if accommodation is provided, it is provided in hostels for the homeless and not foster homes.
- (iii) As part of the full needs assessment undertaken for such children, Social Services departments should, if required, put in place individual plans for the immediate and long term needs of trafficked children in their care, ensuring they are linked into educational, social care and health provision, therapeutic support and counselling, and appropriate resources in the community.
- (iv) All trafficked children accommodated by social services should be allocated an independent legal guardian. Such guardian should continue to be the mentor and guardian for young adults who continue to receive assistance from Social Services under the leaving care arrangements.
- (v) The Director of Public Prosecutions should be urged to refrain from prosecuting trafficked children for immigration/criminal offences relating to their trafficking (eg. document offences).

The Home Office People Trafficking Crime Reduction Toolkit¹⁶¹ provides guidance on the role of Social Services and other agencies in providing protection and support to trafficked children. The guidance states that:

“Trafficked children must always be dealt with within mainstream child care policies and procedures, including child protection where necessary but in addition they may require specialist accommodation and casework by skilled specialist staff.”

And that:

“All child care agencies—social services, health, education and the police—and ACPCs need to consider what would provide the best protection for children in the specific cases presented. This should include plans for their immediate and their longer term needs.”

ATLeP is aware however that at present there is no uniform practice within the Social Services and that most trafficked children whom we have represented are not dealt with within mainstream child care policies and procedures. In the first instance they are rarely provided with a full needs assessment, although such assessment is a core part of mainstream practice and would be provided to other “home” children in need. It is also our experience that most young unaccompanied/trafficked children are routinely placed in hostels rather than foster care placements, even where the young child is severely traumatised and at risk. It is of particular concern to note that even where a foster placement is arranged, Social Services departments frequently remove trafficked children from stable foster placements when the children become 16 years old and place them in hostels. To our knowledge such adolescent children have then fallen in with traffickers or otherwise become involved in inappropriate employment or relationships. These risks arise because many of these trafficking victims have very low self-esteem, feel shame at their earlier activities and have no family or support base to rely upon. We have had young trafficked clients who have done extremely well at their studies during their terms in foster placement who, when moved to hostel accommodation have left school, and begun working in industries such as “Nail Bars” which are known to be targeted by organised crime and where they are in consequence vulnerable to further sexual exploitation and trafficking. From our extended

¹⁶¹ Home Office (2003) *People Trafficking Crime Reduction Toolkit* (London: Home Office), available at: <http://www.crimereduction.homeoffice.gov.uk/toolkits/tp00.htm>

knowledge of such adolescent women we are clear they would have remained in school and safe from protection if the required “parental”/foster carer supervision had been maintained. It is possible to compare the experiences of two young women from West Africa placed with the same local authority. Both were initially placed with the same foster carer. The first was then moved to a different placement where she thrived. She is completing her “A” levels at college and having now turned 18, has recently moved into a supported hostel. The second was moved to a hostel when she was 16 years old. She was raped while living in the hostel and has required considerable support from an NSPCC project to come to terms with her experiences in her home country and the UK and to persevere with their education.

A further example concerns a young woman trafficked to the UK aged 15 and placed in hostel accommodation and then in shared housing with other young women, none of whom had a common language. The child was swiftly traced by her trafficker who forced her back into prostitution and prevented her from attending college or finding a normal job. Eventually social services and the police intervened, having been aware of the situation for some time. The victim now has the right to remain permanently in the UK but having spent five years in the country, is still illiterate in English.

The Home Office Trafficking Toolkit¹⁶² states that trafficked children should be placed in a trusting and safe environment with carers who understand their needs, and states clearly that no young person aged under 18 should be placed in unassisted accommodation such as bed and breakfast. In our experience this guidance is not being followed. The removal of trafficked children from stable foster placements at the age of 16 appears even more inappropriate in the light of the announcement by the government of a pilot programme to provide for young people in care to remain in their foster placements beyond the existing age limit of 18 years to ensure stable family placements and supported transition to adulthood¹⁶³. Trafficked children, as with all unaccompanied children are simply provided with care arrangements reflecting their immigration status rather than their individual care needs. These criticisms are borne out in the detailed research by ILPA into the age assessment processes for unaccompanied children.

Trafficked children have a particular need for consistent care and protection. Such an approach would be supported by the Home Office People Trafficking Crime Reduction Toolkit. ATLeP believes that the provision of consistent emotional support in foster placements until the age of eighteen is essential to ensuring the ongoing safety and protection of trafficked children. Linking children into protective networks such as education and health services has also been identified as a protective factor¹⁶⁴ and in our view should form part of a package of support to trafficked children to meet their immediate and long term protection needs.

It is ATLeP’s view that promoting the recovery of these children is not only key to their integration into British society but it is also a necessary component if these children are to be returned to their country of origin in order to prevent their exploitation and re-trafficking on return. We should note that a fair proportion of our clients are re-trafficked to the UK, and each of the core source counties for trafficking victims is shown to have high re-trafficking rates.

FIXED FEES

In the summer of 2007, ATLeP conducted research among suppliers of immigration advice under legal services commission franchises about their average case costs in conducting asylum and human rights applications cases for victims of human trafficking. Thirteen suppliers took part in the survey. The number of firms was not large but they were a representative sample of all firms working in this field in that they represented firms within and outside London and firms which had a nationwide presence, firms with an LSC solicitor’s contract and those with a not-for-profit contract. The trafficking case loads of those that took part were generally well above average and we were confident that we would receive an accurate indication of the preparation times required for trafficking cases. The data was then analysed and compared to provide mean times and costs for preparation of the case at both application and appeal stages and to compare disbursement costs. We are very confident that our data is representative and accurate. The reason for undertaking this research was to assess the impact of the introduction of the fixed fee regime on suppliers and to ascertain whether it would limit the availability of legal advice and representation for this client group.

The Graduated fees scheme was introduced on 1 October 2007. After this date, in cases where the fixed fee applied, suppliers would be paid only £450 profit costs at the initial Legal Help stage of a case and £600 profit costs at the CLR appeal stage of a case. There are limits on disbursements of £400 at the Legal Help stage and £600 at the CLR stage and fixed amounts for representation by counsel at the appeal and any pre-hearing review. The disbursement amounts cover all costs incurred for interpreting, medical reports and country expert reports. An extension of the disbursement limit may be requested from the Legal Services Commission but there is no possible extension to the GFF paid to solicitors.

¹⁶² *ibid*

¹⁶³ Department for Children, Schools and Families “Young people allowed to stay in foster families beyond the age of 18”, Press Release 16 June 2008, available at: http://www.dfes.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0115

¹⁶⁴ Harper and Scott (2005) *Meeting the needs of sexually exploited young people* (London: Barnardo’s), p.104

Not all cases are covered by the GFF, and a full list of the work excluded from the GFF can be supplied. In broad terms any new asylum or immigration application made after 1/10/07 will be subject to the fixed fee, although asylum claims made by minors are not. Fresh asylum claims made after 1/10/07 by applicants who first applied for asylum prior to 1/10/07 are also outside the fixed fee regime.

Cases which are not subject to the fixed fee will be paid according to the hourly rates regime which is similar to the scheme which existed prior to 1/10/07. Under the hourly rates regime, there are limits of £800 for Legal Help and £1600 for CLR. There are again limits on disbursements but extensions of all elements including profit costs may be granted by the LSC.

Prior to October 2007, LSC franchise holders either worked under a solicitors contract in which the financial limits were as described in the new hourly rates regime or under a Not for Profit contract where suppliers were allowed a certain number of hours per claim (eg 10 hours at £50 an hour). Under both schemes extensions of amounts/ hours could be granted on application to the LSC.

THE IMPACT OF GFF

Where a case is subject to a fixed fee, the amounts paid by the LSC will equate to under eight hours' work by a caseworker for the Legal Help stage (hourly rate £57.35) and just over nine hours' work at the CLR stage. (Hourly rate £61.20).

The research conducted by ATLeP showed that on average caseworkers required between 10 and 20 hours to take instructions from a victim of trafficking—to take a statement, prepare the client for interview etc—at the legal help stage. The consequences of this shortfall between the hours needed and the hours paid for are clear—either this essential work in eliciting the client's painful account is not undertaken (and may not then be disclosed on appeal) or the firms undertake this work without being paid for it. As all publicly funded legal work now has a very slim profit margin, this largesse might be expended as an exception but not routinely on trafficking cases. Our expectation is that many firms will cease to take on trafficking work because it is a financial drain rather than a contribution to firms' resources.

The Legal Services Commission has introduced an exceptional cases category, for GFF cases in which the profit costs of a case at both legal help and CLR stages of the claim exceed three times the combined fixed fee. This means that the profit costs of a case must exceed three times the total of £450 and £600 ie must exceed £3150. Where the exceptional cases threshold is reached, the LSC will assess whether they will pay for the work at hourly rates. While this arrangement provides some relief from the fixed fee regime, it is a difficult option for most firms. It means that firms carry the costs for the case without any guarantee of recouping those costs. From our experience very few firms are willing to carry many such cases.

In any event ATLeP's research shows that although routinely (ie in every case) trafficking asylum applications would incur costs exceeding the fixed fees, usually costing double the fixed fees, they would not reach the exceptional threshold of three times the costs. The supplier of the legal advice under the franchise would then have to consider whether they had other means of subsidising the work or whether they simply cease to act in all but the most straightforward cases. We anticipate that the fee arrangements will impact disproportionately on young women applicants as many suppliers will decline to take their cases on the working assumption that if the case involves sexual trauma there is too much preparation time needed for the fee paid.

ATLeP has made representations to the LSC that cases involving victims of trafficking should be taken out of the fixed fee regime. As stated this is already done for unaccompanied asylum seeking children. As a group, victims of trafficking display extreme vulnerability, may require specialist reports from several sources and take time to build trust with their legal representatives. Our statistical research and our own extended experience have shown that the legal work on an asylum claim by a victim of trafficking cannot be completed within eight hours.

Our research analysed the costs and outcomes of 70 cases. Of those that had finally been decided by the end of the research period, 70% had received a positive decision (and subsequent grant of protection in the UK) as a result of the first appeal and 10% had been decided positively by the Home Office at first application. This evidence challenges the suggestion that unnecessary costs are incurred by suppliers lodging numerous appeals. It suggests on the contrary that the provision of adequate competent legal advice at an early stage will result in the resolution of a case at an earlier stage, thereby saving costs.

Faced with the introduction of fixed fees, several suppliers of immigration advice ceased to operate under the franchise and suppliers anticipate that other firms will follow.

Memorandum submitted by Amnesty International UK

1. Amnesty International (AI) is a world-wide membership movement. Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. In pursuit of this vision, Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of these rights.

2. The United Kingdom national section of Amnesty International (AIUK) has prepared this submission. AIUK welcomes the decision of the Home Affairs Select Committee to undertake an inquiry into trafficking.

3. AI has been working on the issue of trafficking for a number of years and has produced several reports on trafficking in Russia, Israel, Kosovo and Indonesia. It was also involved in the development of the Council of Europe Convention Against Trafficking in Human Beings. AIUK has been working on trafficking in the UK since 2004. AIUK has been a member of the NGO Stakeholder Group on Human Trafficking since the end of 2005 and sits on an advisory group to the UK Human Trafficking Centre.

4. Trafficking in persons is a worldwide phenomenon. It affects men and boys, as well as women and girls, and victims can be trafficked for a range of exploitative purposes. As most of the work that AIUK has done on trafficking has been in the context of our Stop Violence Against Women Campaign the scope of this submission is largely limited to the treatment and protection of women and girls who are trafficked into the UK for the purpose of sexual exploitation and domestic servitude. However many of the problems and needs identified and recommendations made in this submission are relevant to all trafficked persons. Trafficked children are particularly vulnerable and will require additional safeguards in relation to their identification, support and protection which we do not address in this submission.

5. The findings in this submission are based on research and interviews conducted with legal practitioners, service providers and NGOs from December 2006 to March 2007 and have been updated in January 2008. A list of case summaries is annexed to the submission illustrating our findings.

6. AIUK welcomed the signature of Council of Europe Convention on Action against Trafficking in Human Beings (henceforth referred to as ECAT) in March 2007 and recognises the efforts of the UK Government to prepare for ratification of ECAT by the end of 2008 including the development of the UK Action Plan on Tackling Human Trafficking (March 2007). This submission will review Government measures relating to the treatment of victims (identification, support and accommodation, immigration and asylum protection and non punishment) and to what degree these meet the standards of protection required under ECAT.

THE SCALE AND TYPE OF ACTIVITY

7. As other organisations will provide the Committee with an overview of current statistics on trafficking in the UK we do not intend to duplicate that information here. We refer the Committee to AIUK's 2006 submission to the Joint Committee of Human Rights Inquiry into Trafficking of Human Beings in which we set out detailed information on the profile of women and girls trafficked into sexual exploitation, the methods that traffickers use to control victims and the impact of trafficking on the physical and mental health of victims.

8. AIUK is concerned about the continuing paucity of reliable statistics across all forms of trafficking particularly forced labour and domestic servitude and the disproportionate focus on trafficking as a form of organised immigration crime. AIUK believes that the appointment of a National Rapporteur would lead to an improvement in data collection and research across all forms of trafficking. A National Rapporteur should have powers to request information from public bodies, review the impact of anti-trafficking plans on victims and make policy recommendations. A similar model has been used in the Netherlands and Sweden.

IDENTIFICATION

9. Correct identification and referral of victims to appropriate support services lies at the heart of any system to protect trafficked persons. Under ECAT identification by competent authorities acts as the passport to a range of rights intended to help a trafficked person escape from the influence of traffickers and begin a process of recovery through access to healthcare, support and accommodation and access to legal advice. Conversely a failure to be identified will lead to a denial of basic support and in the case of those with irregular immigration status could also lead to immigration detention, criminalisation and removal back to the country of origin without any risk assessment as to the risk of harm or re-trafficking on return.

10. AIUK recognizes that both the police and immigration authorities have made considerable efforts to improve identification rates through the training of staff, the development of guidance on indicators and the creation of specialist anti-trafficking units. However, practitioners AIUK has interviewed continue to raise concerns about the failure of a wide range of authorities including immigration, police and social services to identify trafficked persons. Some of the failures have been by officials with expertise on trafficking.

11. Past research has shown that immigration officials and to a lesser degree police officers are less likely to make positive identifications of trafficked persons than NGOs and front line practitioners.¹⁶⁵ This is because of problems trafficked persons face in disclosing what has happened to them but also problems with the capacity and willingness of the police and immigration officers to make identifications. For trafficked persons difficulties including physical and mental health problems, shame, fear of removal from the UK, fear of being criminalized, fear of traffickers and of the authorities may prevent victims from recognizing they have been trafficked or from disclosing that they are trafficked especially to the police and immigration. In case information that AIUK has received trafficked persons have explicitly stated that they would not approach the police as they do not believe that they will help them and also fear being arrested.

12. On the part of the authorities there are several factors that make it more difficult for police and immigration officers to make positive identifications. Failures are often rooted in a lack of awareness about diagnostic indicators, especially those relating to non—sexual exploitation. For example Kalayaan, the leading NGO that supports migrant domestic workers, has found that when workers report the theft of their passports by employers (a key indicator of forced labour/trafficking) police are more interested in the immigration status of the victim rather than investigation the theft of the passport. However the failure to identify can also be rooted in a culture of disbelief where officials are less likely to believe that persons with illegal or irregular immigration status are credible. In these cases officials are more likely to identify the victim as an illegal entrant, worker or prostitute rather than as a trafficked person, even if they have knowledge on trafficking. Police may also be reluctant to refer on potential trafficked persons to support services for fearing of losing intelligence or a possible prosecution witness. When these factors are combined with the pressures that police and immigration officials face to meet targets for intelligence, prosecutions and removals the signs that a person is trafficked may be overlooked or disregarded.¹⁶⁶ (see Cases 1 and 2).

13. AIUK welcomes the intention of the UK Government to exceed the standards on identification in ECAT through its commitment to develop a nationwide system of identification and referrals based on the OSCE National Referral Mechanism (NRM) model.¹⁶⁷ Currently the Home Office is piloting an NRM within the anti trafficking police operation, Pentameter 2. The NRM model requires the designation of a Competent Authority which is responsible for making preliminary identifications that enable the grants of reflection periods and access to support services and definitive identifications which may enable trafficked persons to qualify for residence permits. Under the pilot the role of the Competent Authority has been split between the UK Human Trafficking Centre (UKHTC) and the Border and Immigration Agency (BIA) along geographical lines. The UK Government is yet to make a final decision on which agency will take on the role of the Competent Authority in the future. AIUK believes that whilst both the law enforcement and immigration authorities have a key role to play in identification, for the reasons set out above the role of the Competent Authority should not be left solely to either agency and that front line professionals (such as medical professionals) and NGOs with a track record of working with trafficked persons such as the POPPY Project and Kalayaan should have a formal role to play in the identification of trafficked persons.

14. AIUK recommends that:

- The UK Government devises and implements a National Referral Mechanism in line with its commitment in the UK Action Plan. The UK Government should ensure key tasks in relation to identification and referrals are undertaken by trained and qualified persons within all the relevant agencies.
- That the operation of the Competent Authority should be based on a multi-agency model, where law enforcement and immigration officials share the function of identification with other relevant agencies, professionals and NGOs with expertise across all forms of trafficking in order to reduce the risk of missed identifications.
- When trafficked persons who are reasonably suspected of having been subjected to sexual violence or sexual exploitation are interviewed to establish identification they should be entitled to the same “best practice” procedures from the police as other victims of rape and sexual violence in the UK, for example female victims should only be interviewed by female officers.
- The Competent Authority must refer on presumed or identified victims to appropriate support services without undue delay.

15. Although police raids provide a useful function in disrupting the control of traffickers over persons and enabling prosecutions of traffickers such an approach is not always the most appropriate for the purpose of identifying and protecting victims. For example raids will be inappropriate for identifying victims of child and domestic labour who are more likely to have been trafficked by individuals into family homes or victims of forced labour that work alone or in care settings such as care homes. Raids may also be frightening for the victims rescued. AIUK notes the success of Government funded outreach services in identifying and supporting trafficked women. Since 2004 the Scottish Executive has funded the TARA project which

¹⁶⁵ For example of the 387 referrals received by the POPPY Project between March 2003 and March 2006 only 16 were from immigration officials.

¹⁶⁶ See, *Evaluation of the Victims of Trafficking Pilot Project—POPPY*, Gina Taylor, September 2005. The Evaluation found that the repatriation of immigration offenders remained a primary issue for the Immigration Service when working with POPPY and that they were adamant that women who had been on the scheme needed to be returned to their country of origin, p 54.

¹⁶⁷ *National Referral Mechanism, Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook*, OSCE, ODIHR, 2004.

provides a range of direct support and assistance to meet the needs of women who are trafficked. Since 2007 the Home Office has funded the POPPY Project to deliver outreach services, and victims have been identified and supported through the service in a number of locations including prisons and detention centres. AIUK welcomes the funding of these outreach services and recommends that the Government continue the funding of POPPY and look at how the outreach service can be expanded or in the context of domestic servitude and forced labour replicated.

ACCESS TO HEALTHCARE, SUPPORT AND ACCOMMODATION

16. The physical and psychological health needs and safety requirements of trafficked victims are extensive. A study conducted by researchers at the London School of Hygiene & Tropical Medicine¹⁶⁸ on the physical and psychological health of women trafficked into forced prostitution or sexual exploitation in the context of forced domestic work found that they suffered numerous physical and mental health problems which required urgent, as well as longer-term care. The study found that physical health problems were prevalent and concurrent within the first 14 days after a trafficking experience. Over 63% of women experienced more than 11 physical symptoms that caused them pain or discomfort. Psychological reactions were severe and prevalent, and compared to or surpassed symptoms recorded for torture victims. It is only after almost three months that women's mental health showed signs of significant improvement, although this is improvement that is relative to past symptom status, which does not indicate that they regained a healthy psychological state compared to the average female population.

17. AIUK has also received enquiries relating to male and female victims of forced labour and domestic servitude where the victims have suffered physical injuries due to overwork and breaches in health and safety regulations. Medical practitioners who have spoken with AIUK are sure that they have seen patients with injuries from forced labour but are unaware how to act upon this information.

18. Due to their illegal status in the UK, trafficked persons who are not within the asylum process have no recourse to medical care other than that which is for an “*immediately necessary and life threatening problem*” for which they will be treated and then charged. Those trafficked persons within the asylum process may also experience significant difficulty in obtaining access to appropriate healthcare.¹⁶⁹ AIUK recommends that the UK Government provide immediate, dedicated and ongoing support services for victims of trafficking that include comprehensive physical and psychological health care for the duration of a reflection delay period in order to give victims sufficient time to recover, and to gain an improved level of physical and psychological health.

19. In addition the majority of adults trafficked into the UK do not have recourse to public funds.¹⁷⁰ This is not only the case for those with irregular status but also for many who are lawfully in the UK including A8 nationals and workers with valid work permits. Persons subject to the restriction on public funds are not entitled to benefits (which are needed to fund spaces in domestic violence refuges) or local authority emergency accommodation for homeless persons. As a result most victims who have escaped their traffickers are vulnerable to destitution, further abuse and exploitation. (see Case 3).

20. It is due to this physical, psychological and material vulnerability that Article 12 of ECAT requires member states to provide such measures as may be necessary “to assist victims in their physical, psychological and social recovery” and as a minimum to provide standards of living necessary for subsistence including appropriate and secure accommodation, psychological and material assistance, access to emergency medical treatment and information on rights and legal advice. In the explanatory report to ECAT the Council of Europe notes that protected shelters are especially suitable for trafficking victims as they provide 24 hour care, stability and security particularly in cases where traffickers may try and gain control. The report states that detention centres are not suitable for children.¹⁷¹

21. The only project in the UK that currently meets this criteria is the Home Office funded POPPY Project which is run by Eaves Housing for Women. The Home Office entered into a two year funding agreement with POPPY in 2006 for £2.4 million. The UK Government has expanded services through a combination of funding existing domestic violence refuges and relying on free support and accommodation provided by voluntary faith based organisations.¹⁷² The UKHTC operates a working group on victim care which has a sub group for service providers. In 2007 the POPPY Project developed minimum standards for organisations

¹⁶⁸ *Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe. Preliminary findings on the prevalence of physical and mental health consequences* (2006) Cathy Zimmerman, Mazedra Hossain, Kate Yun, Brenda Roche, Linda Morison, Rosa Angela Ciarrocchi, Vasil Gajdadziev, Jana Genunchi, Viorel Gorceag, Natalia Guzun, Silva Hove, Anna Johansson, Anna Kefurtova, Katarina Kukic, Irina Lysenko, Olga Milinchuk, Sally Montier, Stefania Scodanibbio, Simonne Sergeant, Jo Smith, Maria Tchomarova and Anne Vauthier and Charlotte Watts. LSHTM/IOM/EU Daphne Programme.

¹⁶⁹ See *Making Women Visible: Strategies for a more woman-centred asylum & refugee support system*, British Refugee Council, 2005, page 12 and *Briefing Paper: Proposals to exclude “overseas visitors” from access to free NHS primary care services*, Dr. Paul Williams, Jan 2005: www.medact.org

¹⁷⁰ Amnesty International UK will be publishing a report on the impact of the no recourse to public funds rule on victims of gender based violence in the UK in March 2008 and has submitted evidence to the Home Affairs Select Committee enquiry to assess the implementation of the Domestic Crime and Victims Act 2004.

¹⁷¹ *Council of Europe Convention on Action Against Trafficking in Human Beings, Explanatory Report*, paragraph 155.

¹⁷² The Home Office has provided the POPPY Project with funds which it can allocate to domestic violence refuges to provide accommodation for trafficked women.

providing support and accommodation to trafficked victims but it is not mandatory for organisations to comply with these standards. Currently there is no support and accommodation for victims of non commercial sexual exploitation.

22. Whilst AIUK acknowledges the efforts to expand support services the practitioners we interviewed are concerned that many women and girls are being detained, dispersed or placed by the authorities in inappropriate and/or unsafe accommodation, often without access to support services either because they have not been identified as trafficked or due to the lack of sufficient specialist accommodation and support services for trafficked persons in the UK. This can result in the deterioration of the health and well-being of victims, who have already had their physical and psychological health severely compromised. It also leaves them vulnerable to reprisals from traffickers. Examples of inappropriate or unsafe accommodation include:

- **The incarceration of trafficked victims in immigration detention or prisons:** For victims of trafficking, detention or imprisonment can be extremely traumatic. Detention is likely to be detrimental to the physical and mental health of trafficked victims, especially those suffering from post traumatic stress disorder as a result of being trafficked. A forthcoming report¹⁷³ by the POPPY Project on the treatment of trafficked women in detention found that the whilst all the women displayed varying degrees of mental distress including depression, suicidal ideation and insomnia only 15% received medical treatment in the inadequate form of painkillers or sleeping pills. Other problems victims may face in detention include a heightened fear of others from their country, feeling unable to communicate with those who share their language and perceived or real intimidation by traffickers or informers for traffickers who they believe are detained along with them. Victims who are transferred from captivity at the hands of a trafficker to confinement by the UK authorities will find it even more difficult to recover from their experience, to fully disclose their situation or to find the trust necessary to identify others who can help them. The motivation for co-operation on prosecutions is also lost through lack of identification and the detention environment. AIUK believes that victims who have been trafficked into the UK should never be detained, or suffer imprisonment for any reason which is a direct or indirect result of their situation as a victim of trafficking.
- **Provision of NASS accommodation and dispersal of adult victims of trafficking who have claimed asylum:** Adult victims of trafficking who are able to claim asylum and who are not transferred into immigration detention may qualify for support and accommodation from the National Asylum Support Service (NASS). However, NASS accommodation is basic and does not meet any standard of safe housing for victims of trafficking. The policy of dispersing asylum applicants to different parts of the country can put victims at risk from traffickers who operate in the UK. It also isolates vulnerable women and can remove them from essential contact with their solicitor and specialist medical and/or other services. The Home Office are in the process of setting up a pilot for tailored accommodation for trafficked victims with BIA procurement. AIUK does not have sufficient information about the pilot to assess whether accommodation and support provided under the pilot will meet the safety and support needs of trafficked victims. Until the results of this pilot are known AIUK recommends that trafficked persons should be entitled to NASS funded spaces in refuges in accordance with the precedent whereby NASS are able to fund places in domestic violence refuges for asylum applicants or their dependants who are fleeing abuse (see NASS Policy Bulletin 70 for this guidance)
- **Short-term provision through voluntary sector and charitable sector organisations:** AIUK recognises that any support that enables women to leave their traffickers is important, and that the POPPY Project has developed guidance on the minimum standards that service providers should comply with if they accommodate trafficked victims. However these standards are not binding and organisations do not need to sign up to the standards in order to receive referrals from the authorities to accommodate trafficked victims. AIUK believes that all trafficked victims of sexual violence should be entitled to the same standards of security, support and care that are available to UK nationals and residents who experience domestic and/or sexual violence. Further AIUK recommends that the Home Office should continue its current policy of only funding organisations that have proven long-term experience in sheltering and assisting women who are victims of gender based violence including domestic violence, sexual violence and trafficking/enforced prostitution.

IMMIGRATION PROTECTION

23. Under Article 13 of ECAT the UK Government will be required to provide a minimum of 30 days for reflection and recovery where there are “reasonable grounds” to believe that the person is a victim. In its explanatory report the Council of Europe states that the purpose of the reflection period is to enable victims to physically and psychologically recover and escape from the influence of traffickers and to also enable them to make an informed decision about whether they wish to co-operate with the authorities. It is recommended that the duration of the reflection period must be compatible with this purpose.

¹⁷³ The report provides information on 55 women who were detained between March 2003 and October 2007 in the UK under the Immigration Act or by custodial powers between 2001 and 2007.

24. There is persuasive evidence to show that the trafficking victims who have been subjected to sexual exploitation or sexual violence within forced prostitution or domestic labour can require up to 3 months to recover from physical and mental trauma to reach a stage where they are able to make informed decisions about their future and whether to co-operate with the authorities. AIUK recommends that the UK Government should provide trafficking victims with a 90-day reflection period in line with the recommendations of the Joint Committee of Human Rights, research on the medical needs of victims of trafficking and best practice.¹⁷⁴

25. Under Article 14 of ECAT the UK Government will be required to issue renewable residence permits to trafficked persons where the stay is necessary either due to their personal circumstances or for them to co-operate with a criminal investigation or prosecution. Some may never be in a position to co-operate with the authorities due to trauma and fear of reprisals. Trafficked persons should be treated primarily as victims of crime and the UK Government should have the option of granting residence permits where the physical, mental health and security needs of the victim require an extended stay in the UK beyond the reflection period. AIUK calls for the use of flexible residence permits after the 90-day reflection period that takes into account the trafficked persons' circumstances or their involvement in continuing investigations.

26. AIUK is concerned about Government proposals to remove immigration protection from a vulnerable group of migrant workers that will make them vulnerable to trafficking. Prior to 1998 migrant domestic workers entered the UK on visas that tied them to their employers and they were not formally recognised as workers. Many of these workers, the majority of whom are women, were being subjected to forced labour conditions. Those who escaped their abusive employers became illegal entrants without recourse to any rights, and vulnerable to further exploitation. In recognition of this in 1998 the current government introduced one year renewable visas that enable migrant domestic workers to change employers.

27. In spite of the protection migrant domestic workers still face abuse and exploitation. For example research from Kalayaan between April 2006 and March 2007 found that almost 70% of workers reported psychological abuse, 24% reported physical abuse, 68% were not given any time off from their jobs and 32% had had their passports withheld by their employers. The 1998 immigration rule is critical in helping domestic workers to leave these types of abusive situations as they can leave knowing that their immigration status is not irregular. Instead of retaining the current protection the Home Office is proposing that migrant domestic workers will only be allowed to enter the UK on six month renewable visas and will not be allowed to change employers even if subjected to abusive practices. Furthermore they will no longer be recognised as workers but as "domestic assistants" depriving them of rights under employment legislation. AIUK calls upon the Government to retain the 1998 rule and the protections it provides to migrant domestic workers in line with its commitment to not only protect trafficked persons but to prevent trafficking.

ASYLUM PROTECTION

28. The UK asylum system is currently the only legal mechanism which provides long term protection to victims of trafficking who are able to show that they face the risk of persecution/re-trafficking on return to their country of origin. The concerns we raise in this section are relevant to all asylum applicants in the UK but are outlined here in the context of their significance for trafficked persons:

29. **Problems in accessing legal advice and representation:** Trafficking cases are intrinsically complex, and the lack of specialist services for trafficked women and girls in the UK often means that the solicitor will be the only "support person" who can liaise with other services on a client's behalf. Access to quality legal advice and representation is essential to enable asylum applicants to negotiate the complex UK asylum system. However, the impact of the 2004 legal aid restrictions has resulted in many reputable lawyers reducing or stopping the provision of legally aided services. In practice this means that many asylum applicants are unable to secure good quality legal advice and representation. AIUK is concerned that the introduction in October 2007 of a fixed fee system will mean that even fewer practitioners will be prepared to take on vulnerable clients or those with complex cases.

30. **Poor quality decisions:** In 2004 the AIUK report, *Get it Right: How Home Office Decision-Making Fails Refugees* found that Home Office refusal decisions demonstrated the use of inaccurate country information, unreasonable assertions about individual credibility and inappropriate consideration of torture and medical evidence.¹⁷⁵ Since March 2007 all new asylum applications are dealt with under the New Asylum Model which intends to address the history of poor quality decision making on asylum claims by giving cases owners responsibility for management of cases from the beginning to the end of the asylum

¹⁷⁴ Italy is an example of best practice where trafficked persons are granted renewable 6-month residence permits instead of reflection periods.

¹⁷⁵ *Get it Right: How Home Office Decision-Making Fails Refugees*, Amnesty International, Feb 2004. Available at: www.amnesty.org.uk/action/camp/refugees/getitright.shtml

process. Practitioners have told AIUK that whilst the new model is an improvement in terms of providing better communications with the Home Office case-workers, there does not appear to be any overall improvement in decision making.¹⁷⁶

31. **Asylum decision-making at appeals:** Appeals provide an independent review of flawed Home Office refusal decisions and, according to lawyers who have spoken to AIUK, usually represent the only realistic opportunity for trafficked persons to secure refugee status in the UK. Practitioners have reported examples of many cases where judges have arrived at negative decisions based on a lack of understanding about the impact of trafficking on victims, a lack of knowledge about the problems that victims of sexual violence face in disclosing that violence (see Case 4), incorrect information about the support and protection available in country of origin and a disregard for the particular vulnerability of female trafficked victims to future harm and/or re-trafficking (see Case 5).

32. Flawed decisions at any stage within asylum procedures can result in the removal of asylum applicants to countries where they face human rights violations, and in the case of trafficked persons, the risk of re-trafficking. For individuals, losing their case and being informed by the UK authorities, in some cases, that they are calculatedly lying about their experiences is extremely distressing. Medical and other professionals who work with victims of trafficking have told AIUK that the rehabilitation and recovery process for women and girls may be set back or even halted.

33. **Country information:** Home Office country reports are relied upon as authoritative evidence throughout the asylum process by the BIA, but also at the appeal stage. AIUK has received trafficking asylum cases of applicants from a range of countries¹⁷⁷ and do not agree that the Home Office “country reports” provide accurate information that can be used to make decisions on claims for trafficked persons. Whilst some reports outline the extent of trafficking and the dangers to women, the same reports overstate the intentions or the ability of governments to provide protection and support to trafficked victims. Caseworkers and judges then use this incorrect information as evidence that it is safe to return trafficked women to the country in question.

34. **“Safe” countries:** The “white list” of countries from which asylum claims are presumed to be “clearly unfounded” undermines the principle that every asylum claim should be considered on its individual merits. It is wrong to presume that any country from which a woman has been trafficked for sexual exploitation will be safe for her to return to. Moldova and Albania are on the list, both of which are major source and transit countries for traffickers and suffer corruption to the extent that individual police officers are known to have been involved in trafficking activities. This demonstrates a failure to conduct a gender-based evaluation of “safety” in terms of future risk and protection for trafficked women. AIUK believes that many trafficked women who are forced to return to these countries will face a serious risk of being re-trafficked on their arrival.

35. **Non-Suspensive Appeals Procedures:** Cases from so-called “safe-list” countries are usually certified under non-suspensive appeals procedures. Applicants whose cases are certified on refusal by the Home Office will not have access to an appeal hearing from within the UK but are expected to return to their country of origin and lodge an appeal from there. The expectation that a person who fears persecution in their country of origin should return there to appeal is, in many cases, both dangerous and impractical.

36. **The prohibitive time limits in the fast-track and super-fast track systems:** These are inappropriate for the preparation and consideration of asylum cases, especially those which are particularly complex and involve extremely vulnerable applicants. The Home Office Detained Fast-Track Suitability List makes no exemption for victims of trafficking and the Home Office Victims of Trafficking Guidance makes provision only for those adult women who fall within the restrictive criteria for the POPPY Project. Although all victims of trafficking for sexual exploitation should be classed as vulnerable, the Home Office policy not to detain vulnerable persons has failed to prevent the fast-tracking of trafficked women’s asylum cases.¹⁷⁸

37. The very restrictive time limits both within and without fast-track asylum procedures can obstruct access to legal representation and lead to gaps in the preparation of asylum cases. It is essential that victims of trafficking are given time to build up a relationship of trust with lawyers, interpreters and medical and other professionals. There is no adequate provision for allowing additional time to victims of trafficking for this purpose at any stage within the asylum process.

¹⁷⁶ See, *Overview and implications of the Government’s new asylum model*, British Refugee Council [March 2007]: We are concerned that to date, there has been little evidence of substantial improvements in the quality of decision making, or of any profound change in the underlying “culture of disbelief” that has permeated Home Office decision making for many years. Feedback from voluntary agencies involved in NAM implementation to date indicates that Case Owners appear to be more concerned with adhering to rigid timetables, than with exercising flexibility in the interests of reaching an appropriate decision on an individual’s asylum claim.

¹⁷⁷ Including China, Albania, Nigeria, Sierra Leone, Liberia, DRC, Russian Federation, Ukraine, Kosovo, Vietnam, Cameroon and Romania.

¹⁷⁸ A report by the NAM Quality Team looking at compliance with the Gender API found that of the intake of cases at Yarlswood in February 2006 22 out of 45 cases referred were unsuitable for fast track. *Yarlswood Detained Fast Track Compliance with the Gender Asylum Policy Instructions*, NAM Quality Team, Home Office, August 2006.

38. AIUK believes that the asylum system is an essential legal safeguard for victims of trafficking who are able to make a claim. The problems that all asylum applicants face with regard to access to procedures and decision-making must be addressed in order to ensure a full and fair hearing of each claim on its individual merits.

PROSECUTIONS OF TRAFFICKED PERSONS

39. Under Article 16 of the ECAT the UK Government is required to provide for the possibility of non-punishment of victims that have been involved in unlawful activities arising out of their situation as a trafficked person. Due to their uncertain immigration status many trafficked persons may have inadvertently broken the law either at the time of entry into the UK, by working illegally, through being in possession of false documentation or no documentation or through forced participation in criminal activity. Such victims will be liable to prosecution and detention either in police and/ or immigration custody. The threat of criminalisation increases the coercive power of traffickers who are known to deter victims from contacting the authorities by telling them that they will be treated as criminals and risk facing imprisonment if they go to the police to seek help.

40. In December 2007 the Crown Prosecution Service (CPS) issued revised guidance¹⁷⁹ for prosecutors on how and when charges against trafficked persons may be discontinued if a prosecution is not deemed to be in the public interest. The guidance applies to adults charged with a range of passport and identity documentation offences, and offences relating to the criminal exploitation of children such as theft and cultivation of cannabis. Prosecutors are advised to decide whether or not a suspect/ defendant is considered to be a credible trafficking victim on the basis of information or evidence from the investigating immigration or police officer.

41. AIUK is aware of cases in which the CPS has had ample opportunity to consider discontinuing prosecution of a victim of trafficking on public interest grounds but refused to do so or were advised not to do so by immigration or police officials. The POPPY Project reports having to battle on a case by case basis to convince prosecutors to discontinue prosecutions. The POPPY Project are particularly concerned that the credibility of victims is assessed not by specialists in trafficking but by whoever the police or immigration officer is dealing with the trafficked person's immigration or criminal case. In one case the prosecution was discontinued not because the CPS accepted that the woman was a victim of trafficking but because of evidence from three different psychiatric reports that found that she was not fit to plead. In a second case from the POPPY Project the competent authority team at BIA had found that there was a reasonable likelihood that the woman who had entered the UK on a false document had been trafficked. However the UKHTC pushed for the continuation of a prosecution because she had not been a victim of trafficking in the UK.

42. Whilst AIUK welcomes the introduction of the guidance from the CPS there are concerns at the inconsistencies between the capacity and manner with which the authorities deal with prosecutions of trafficked persons and the victim centred approach that will be required under ECAT. AIUK recommends that where there are grounds for suspecting that a suspect or defendant has been trafficked in accordance with the definition of a trafficked person under ECAT, a preliminary identification by the Competent Authority should be sufficient grounds to discontinue a prosecution. Decisions on credibility should not be made by officials who do not have a track record of working with victims of trafficking.

CASE SUMMARIES

Failure of identification by immigration officials

Case 1: An immigration lawyer told AIUK about a Ugandan woman who was six months pregnant and HIV- positive who was in UK fast track system and removed from the UK. She had not fully disclosed trafficking but had disclosed that she had been raped by her agent and his associates. There was no further investigation as to whether she had been trafficked, and medical advice that she was not fit to travel was ignored.

Police attitudes to trafficked victims

Case 2: AIUK received three cases of child domestic servitude who had worked in homes and were severely abused in one particular community in London. In addition to carrying out arduous housework the children were also required to as part of their work serve food in a local church. There are indications that other members of the community were aware of their existence and situation. However these cases were approached with cynicism by the police because although the victims were willing to disclose their experiences in full, they were unwilling to act as prosecution witnesses due to fear of reprisals and their own

¹⁷⁹ "Prosecution of Defendants Charged with Immigration Offences Who Might be Trafficked Victims". Crown Prosecution Service, December 2007.

lack of immigration protection. This reluctance was taken by the police to mean that their cases lack credibility. To AIUK's knowledge no community wide investigations into the allegations of trafficking resulted from these victims coming forward.

Access to Support and Accommodation

Case 3: AIUK was contacted about the case of a woman who was twenty weeks pregnant. The woman had escaped forced domestic work only to end up in forced prostitution because of destitution. The woman had to be treated in hospital and once she was treated the plan was to release her back on the streets. It was only because of the covert actions of one medical staff member—who had been instructed not to get involved—that she was accommodated by a religious charity. However this charity was unable to offer appropriate accommodation for a woman in her situation.

Asylum Protection—ignorance about the behaviour and motivations of traffickers and victims

Case 4: Extract from an Asylum & Immigration Tribunal (AIT) determination, October 2006:

If this appellant were genuinely trafficked to the UK for prostitution, it is not credible that the trafficker would wait a week before putting her to work. She stated that he and his partner raped her regularly after her arrival in the UK. At the hearing she advised that he had never acted improperly towards her in Lagos. I do not find it credible that he would act properly towards her in Nigeria but rape her in the UK where there are laws against rape which are enforced. I find that she was not trafficked for prostitution to the UK. . . . If this appellant had genuinely been trafficked to the UK, held prisoner for a number of months and forced to work as a prostitute, it is not credible that she would fail to report her plight to the police in the UK immediately after her escape simply because she did not know the address where she was held captive.

Asylum Protection—ignorance about the vulnerability of victims of trafficking and disregard for medical evidence

Case 5: In an asylum case received by AIUK the Asylum & Immigration Tribunal (AIT) reviewed specialist medical reports which described a trafficked woman as having suffered a brutal childhood and advised that returning her to Russia and removing her from her support services in the UK would have a catastrophic impact on her psychologically, making her extremely vulnerable to being re-trafficked. The AIT found that because this woman was deceived into being trafficked originally, "it was inconceivable that she could be duped in the same way again" and dismissed her appeal.

25 February 2008

Memorandum submitted by the Home Office

The Committee have indicated that the primary focus of the inquiry will be on the response by public authorities in the UK and the effectiveness of international co-operation in addressing the problem. In particular, the Committee will consider:

- Estimating the scale and type of activity.
- The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims.
- The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human trafficking.
- Co-operation within the EU (including Europol); and control of the EU's external frontiers.
- Relations with transit and source countries, and the role of Interpol and the UN Office on Drugs and Crime.
- Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services).

INTRODUCTION

1. The Government affords a high priority to combating human trafficking. The UK Action Plan (<http://www.homeoffice.gov.uk/documents/human-traffick-action-plan>) published on the 23rd March 2007 sets out the Government's end to end strategy on tackling human trafficking. It includes a range of measures in the four key areas of prevention/investigation, law enforcement and prosecution/protection and assistance to

victims/and child trafficking. The information set out in the Action Plan is not repeated here but read alongside this memorandum provides a comprehensive overview of current structures in place and action targeted at tackling human trafficking.

2. The UK Action Plan is a “living” document which will be updated regularly to ensure that our response remains targeted as our knowledge and understanding of this area grows. The implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Council of Europe Convention”) signed by the UK on 23 March 2007 impacts on a number of different areas in the UK Action Plan. Implementing the Council of Europe Convention is action point 1 of the Plan and a dedicated project team was set up within the Border and Immigration Agency (BIA) at the beginning of May 2007 to lead on implementation. The team report to a Project Board (made up of senior officials from across government including representatives from the devolved administrations) and through that to the Inter-Departmental Ministerial Group on Human Trafficking.

3. The Convention implementation project has a number of work streams. In spring 2008 a pilot will be undertaken to test victim identification and support processes for trafficking for forced labour in a number of areas. Alongside intelligence gathered under Pentameter 2 this will help to broaden our understanding and develop our response to a lesser known form of human trafficking. An evaluation of the National Referral Mechanism being tested under Pentameter 2 will be conducted in early summer. A provisional victim support model has been agreed. It is expected that we will reach compliance with the Convention through a limited number of changes to primary legislation and wider changes to existing secondary legislation and procedures. It is intended that as far as possible proposals for these changes will be introduced before the summer recess with a view to ratification by the end of the year.

4. We are conscious that we need to see the implementation of the Convention as part of our wider anti-trafficking activity. Ratification is not an end in itself and we are already compliant with much of the Convention. There has already been a significant amount of good work under the UK Action plan and developments in the four key areas are set out briefly below.

PREVENTION

5. Work under the prevention strand of the Action Plan has been taken forward through a number of different initiatives. In order to develop a firm evidence basis the UK Human Trafficking Centre (UKHTC) has been established as the central repository of all data and intelligence on human trafficking. Awareness raising initiatives have been undertaken overseas as well as at home. A Foreign and Commonwealth Office (FCO) funded awareness raising campaign amongst potential victims in Bulgaria and Romania, ahead of EU Accession, about the risks of migration as they relate to human trafficking was implemented through the UKHTC and International Organisation for Migration. The UKHTC’s blue blindfold campaign is in the process of being rolled out across the UK. It is aimed at raising awareness amongst a number of different groups including the general public about all forms of human trafficking with the slogan “Don’t close your eyes to human trafficking”. The Home Secretary announced at the end of November 2007 a short term review on what more can be done to tackle the demand for prostitution and the impact this has on human trafficking. The review will consider approaches adopted in other jurisdictions, the development of additional measures and will involve further consultation with stakeholders.

6. Work to build capacity in source and transit countries continues and the UK have recently part-funded the secondment to the UK of two Romanian police officers into a Metropolitan Police joint unit to exchange experience, skills and knowledge in the fight against the criminal exploitation and trafficking of Romanian children to the UK. This was of particular assistance in relation to the recent operation which took place in Slough. The Department for International Development continues to support projects which address the factors that make individuals vulnerable to trafficking via their support for nationally developed poverty reduction programmes.

INVESTIGATION/LAW ENFORCEMENT/PROSECUTION

7. A number of measures have been undertaken over the last year to reinforce the strong enforcement response to human trafficking. The current police led, multi-agency operation, Pentameter 2, provides another opportunity to increase expertise amongst law enforcement and to encourage the proactive policing of human trafficking beyond the lifetime of the operation. The operation is ongoing but has made good progress thus far; over 300 arrests have taken place and more than 600 premises have been visited. A number of money laundering investigations are underway and a number of restraint orders have been put in place; with in excess of £400,000 seized to date. The continued funding and expansion of the UKHTC will also assist in the development of the policing response to this crime by upskilling front line officers through targeted training, awareness raising and the provision of 24/7 specialist tactical, immigration, victim and legal advice. We recognised in the UK Action Plan that performance indicators could have a role in ensuring that human trafficking is core police business alongside other measures and a performance measure on organised crime (which includes human trafficking) will be introduced in the new APACS (Assessments of Policing and Community Safety) system from 1 April 2008.

8. We have also kept the legislation on trafficking under review, to ensure it continues to provide an effective framework for the prosecution of trafficking offences. The number of successful cases prosecuted is increasing year on year and there have been 70 convictions for trafficking offences under the Sexual Offences Act 2003.¹⁸⁰ In January 2008 amendments made to the trafficking and facilitation legislation in the UK Borders Act 2007 came into force which will enable the more effective prosecution of those cases where the trafficking has been arranged by someone who is outside the UK and who is not a British citizen. It is important to note that traffickers may not necessarily be charged with offences under the trafficking legislation, depending on the facts of the case and alternative offences such as kidnap, rape and facilitation under the immigration legislation may also be charged. In preparation for Pentameter 2 the Crown Prosecution Service (CPS) issued further guidance to prosecutors to raise awareness about trafficking cases and a briefing/ training day was held for specialist prosecutors in each CPS area and Organised Crime Division.

PROVIDING PROTECTION AND ASSISTANCE TO ADULT VICTIMS OF TRAFFICKING

9. The Government has a comprehensive strategy to protect and support all victims of crime. This includes: a statutory Code of Practice for Victims of Crime; special measures to assist with giving evidence; a Criminal Injuries Compensation Scheme for victims of violent crime; and statutory protection for witnesses subject to intimidation. Significant progress has been made on the additional targeted measures in the UK Action Plan on the protection and support of adult victims of trafficking. The UK's decision to accelerate the implementation of the Council of Europe Convention to enable ratification by the end of 2008 will help us to enhance our existing provisions. It will provide the formal basis for many of our already established or piloted initiatives including: the development of a formal identification and referral process; a reflection period; minimum levels of support; and access to temporary residence permits in certain circumstances.

10. To help with capacity building and extending expertise on a national level we invested additional resources into the Poppy project during Operation Pentameter 2. As a result, service level agreements are now in place with seventeen third-sector organisations, a number of which are Women's Aid service providers. The UK Action Plan highlights the importance of developing a consistent approach in the quality of services for victims of trafficking. The Government is working with the interpersonal violence specialist Third Sector to develop national guidance and service standards for providers working with victims of domestic violence, trafficking for sexual exploitation, sexual violence and childhood sexual abuse. It is expected that the standards will be ready by the middle of the year.

11. As part of the Victims Strategy for Operation Pentameter 2 the Government wrote to all Local Authorities to inform them of the campaign and to highlight the complex needs of trafficking victims. Pentameter 2 provides an opportunity to help develop local expertise and responses to victims. The Senior Investigative Officers toolkit for Pentameter 2 includes advice on: engaging with local stakeholders including specialist services for victims; appropriate victim sensitive behaviour during operations; special measures for victims of crime; procedures for referring victims to support arrangements and contact details for 24 hour advice.

CHILD VICTIMS OF TRAFFICKING

12. Some good progress has also been made on action directed at child trafficking. Together with Comic Relief and part funded by the Home Office, the NSPCC launched the Child Trafficking Advice and Information Line (CTAIL) on 7 October 2007. This is proving an invaluable resource to practitioners who suspect a child to have been trafficked. The service is also testing an e-learning package developed by ECPAT (End Child Prostitution and Trafficking) with Home Office funding which is tailored to train practitioners to improve their skills in identifying and taking appropriate action to safeguard trafficked children.

13. In December 2007 the Home Office and Department of Children, Schools and Families (DCSF) published multi agency guidance on child trafficking. The guidance is supplementary to the Statutory Guidance "Working Together to Safeguard Children" published in April 2006. The Guidance is called "*Working Together to Safeguard Children Who May Have Been Trafficked*" and alerts practitioners to the risk indicators of trafficking and actively guides them to taking appropriate safeguarding action.

14. The Border and Immigration Agency announced on 31 January 2008 a consultation on the Code of Practice for Keeping Children Safe from Harm. The Code of Practice is a clear statement of the requirement for BIA staff members, the immigration service, and contractors who support immigration functions to be responsive to the needs of all children and ensure they are kept safe from harm. This includes staff members being vigilant for signs that children are at risk of harm and acting on those indicators. This includes awareness of indicators that children may have been trafficked to safeguard children entering the immigration system. On the same day BIA also announced its strategy for delivering improved support to unaccompanied asylum seeking children. The programme—*Better Outcomes : The Way Forward* includes

¹⁸⁰ as at 8 February 2008.

plans for better identifying and supporting unaccompanied asylum seeking children (UASCs) and includes measures for those who are potential and identified victims of trafficking. We are working to establish contractual arrangements with specialist local authorities to ensure their needs are met.

15. Frontline staff at ports are receiving up-dated training to ensure they are fully equipped to identify potential victims of child trafficking. Immigration Officers are receiving one of 3 tiers of training. Tiers 1 and 2 are being implemented across the country and tier 3, designed for staff who will have regular contact with children, will role out in the spring.

16. Although progress has been made we are aware of the continuing challenge presented by children who go missing from care who may have been trafficked. If a looked after child, who may have been trafficked, goes missing from their care placement, then the local authority responsible for the child's care and the provider of the care placement must follow the arrangements agreed with the police for managing missing from care incidents.

17. The Government takes this issue very seriously. The practice guidance published in December and outlined above is intended to help agencies and their staff safeguard and promote the welfare of children who may have been trafficked. The BIA UASC Reform plans include safe arrangements for trafficked children who claim asylum and later go missing from care. In addition, the draft Code of Practice emphasises the need to identify trafficked children at risk of going missing and the appropriate action to safeguard them.

18. We are also looking at additional measures to address children trafficked into domestic servitude from Africa and how to continue to develop our strategy for safeguarding children who are trafficked for criminal exploitation.

Estimating the scale and type of activity

Scale

19. The UK is primarily a destination country for human trafficking. The majority of our knowledge regarding the situation in the UK centres on trafficking for the purposes of sexual exploitation and although the extent of the problem is unclear evidence suggests that it is not reducing in scale or reach. Home Office analysis estimates the size of the UK market for sexual exploitation was up to £275 million in 2003. The analysis also estimates that in 2003 there were up to 4,000 women in the UK that had been trafficked for sexual exploitation.

20. The problem of making an accurate assessment of the scale of human trafficking within national borders is not one which is unique to the UK. The covert nature of the criminal activity means that it is difficult to accurately size the problem. At the recent UN Global Forum on Trafficking which took place in Vienna from 13–15 February 2008 there was a great deal of discussion on the need to improve knowledge throughout the world in this area through the targeted collection of intelligence, data and research.

21. The UK is using the national Pentameter operations to develop the strategic intelligence picture on trafficking across the UK. During the four months of operational activity under Pentameter 1 in 2006 88 potential victims from 23 different countries were recovered, predominantly from Eastern Europe (including EU Member States), the Balkans, China/South-East Asia or Africa. This largely reflects what are considered to be the most common nationalities of victims trafficked for sexual exploitation and also reflects the nationalities of traffickers involved. Operation Pentameter 2 is still ongoing but one of the promising aspects to emerge from the current operation has been the increase in intelligence provided by forces on human trafficking from across the UK. A bespoke database and business process has been developed to support the submission of intelligence which has assisted with the flow of information. This intelligence will assist the UK Human Trafficking Centre in co-ordinating an assessment of the number of victims recovered by police and in producing an up to date strategic picture of the nature and scale of trafficking for sexual exploitation. Strategic and tactical intelligence has also been sought on other forms of trafficking such as trafficking for forced labour.

22. Knowledge of the scale and nature of trafficking of minors (aged under 18) for the UK vice trade is limited, and the extent of serious organised criminal involvement is also unclear. Traffickers of children appear to vary between those highly organised and linked to other organised crime, particularly organised immigration crime and vice, and those that are individually opportunistic. More informal trafficking lends itself to domestic servitude, although instances of sexual exploitation have also been uncovered.

23. The extent to which the UK is a destination country for adult victims of trafficking for forced labour is not known. It is assessed that the majority of the illegal migrant workers in the UK, including those that have been "debt-bonded" as part of their facilitation costs, accept they will not receive the same treatment as their legal counterparts. Some legal migrant workers also suffer exploitation by unscrupulous employers due to a lack of understanding regarding their rights. However, the extent to which cases occur where the deception, exploitation and curtailment of freedom is sufficient to constitute trafficking is unclear. The following applies mainly to trafficking for sexual exploitation.

Victims

24. Whilst intelligence may help us develop common profiles of victims, it is important to recognise that there is no “typical victim” of trafficking and their circumstances will differ. Some women come to the UK with the intention of working in prostitution and may be subsequently trafficked within the UK. Others are duped or coerced by traffickers from the outset. There is no evidence to suggest that there is a specific demand for trafficked victims amongst those who use the off street sex market in the UK ; the demand appears to come from “pimps” who can generate a far higher profit from trafficking victims than from others.

25. The factors that make the UK attractive to migrants generally make it easier for traffickers to recruit victims for sexual exploitation; however, it is not clear why some countries are more significant source countries than others. There are certain factors that may make individuals more easily susceptible to becoming a victim of trafficking. For example previous experience of violence (include sexual violence), poverty and unemployment can all influence vulnerability. Victims recovered through operational activity throughout 2006 were between the ages of 14 and 45, with most aged between 18 and 30. This is thought to be representative of women trafficked for sexual exploitation across the board.

Recruitment and Transportation

26. Traffickers use a variety of techniques to recruit and control victims, most commonly deception or misrepresentation. To recruit Eastern European victims, traffickers often use advertisements on the Internet or in newspapers for au pairs, bar-staff, nannies and models; or direct recruitment by traffickers posing as friends who present them with job opportunities. Women often act as facilitators, increasing plausibility, including previously trafficked women recruiting new victims, either by returning to source countries or by telephone contact. Additionally, there have been isolated cases of women being abducted and then forced into prostitution.

27. The methods used to recruit Chinese and South-East Asian victims are more complex. Commonly, a Chinese trafficking victim will have borrowed money and sought to be smuggled into the UK; this trade is organised by Snakehead groups. Once in the UK, they find work and begin repaying their debt. Some turn to prostitution to do this, whilst others end up in prostitution after responding to offers of other work.

Profits and Costs

28. Traffickers make money from their victims either by selling them or by taking a large share of the money they earn as prostitutes. It is not known how the price paid by traffickers for their victims is determined, but it is likely to be largely based on the victim’s earning potential. The buyer of a trafficked female can expect to recover his costs quickly. Typically, a trafficker controlling two victims of trafficking is likely to make in the region of £1,000 to £2,000 per week.

The difficulty of finding those who have been trafficked when they are normally too frightened to complain to the authorities; and the role of NGOs in helping to identify and assist victims

Identification

29. We recognise that victims of trafficking are often reluctant to come forward to the authorities and that the self-reporting of these crimes is low. There are possibly many reasons for this; some do not self-identify as a “victim of a crime” (this may be particularly pertinent in incidents of trafficking for forced labour where victims, although exploited, might consider their situation as still superior than that offered in their country of origin) whilst others may develop a psychological and emotional dependency on their exploiter (sometimes referred to as the Stockholm syndrome). Significantly traffickers will often use fear, intimidation and deceit as a method of controlling the behaviour of others and some victims are too afraid of the possible repercussions from the exploiters or authorities. For foreign nationals there are additional obstacles like isolation, communication barriers, cultural differences, lack of knowledge of the destination countries including the criminal justice and immigration processes, and possible irregular immigration status.

30. The issues relating to the identification of child victims of trafficking are complex and different. As with adults, many victims may come willingly to the UK often with their parents blessing who have been deceived into believing the trafficker is a benevolent agent who will smuggle their child into the UK so that they will enjoy a better life and be able to send money home. The children are groomed by the trafficker on what to say at our ports of entry. Many claim asylum on arrival at the behest of the trafficker and become Unaccompanied Asylum Seeking Children (UASC). It is particularly difficult to identify these children at ports of entry as many, if not most, have experienced no abuse or exploitation at this stage. It is for this reason, on referral to Local Authorities who are tasked to assess and provide for their care needs that some go missing willingly back to the traffickers before a thorough assessment has taken place. Other children and young people are coerced or intimidated by traffickers.

31. Emerging intelligence from police operations suggests that despite the provision of support, information and protection some victims remain reluctant to come forward. The Poppy project has recently produced discreet pocket-sized cards with the organisation's number on a tear-off strip, in a range of languages. These can be usefully disseminated to victims in a number of ways, including by the police during operations. This will hopefully encourage initially reluctant victims to contact the project at a later date.

32. A comprehensive victim's strategy was developed in advance of Pentameter 2 which produced detailed guidance to police on victim identification, treatment and referral. Special arrangements and instruction for the police were developed for children including a model protocol for Local Safeguarding Children's Boards and their equivalents in Scotland and Northern Ireland. The newly established Child Trafficking Advice and Information Line (CTAIL) was engaged together with ECPAT UK to provide an "advocacy service" to support local authorities children's social care in ensuring appropriate assessment and safeguarding procedures were employed. As the operation progresses one of the areas subject to further analysis is the reason why victims drop out of the criminal justice process or lose contact with the police or authorities. The results of this analysis will be considered by the UKHTC Victim Care Sub-Group who will explore what further measures may be required to help address this issue.

33. There are different stages in the identification process for victims of trafficking. The first stage requires front-line responders to be sensitised to the indicators that suggest that an individual may have been trafficked. This will enable them to sensitively make further enquires and facilitate an environment where the individual can feel more confident about disclosure. A multi-agency human trafficking toolkit has been produced to help in the identification of victims. It can be viewed at www.crimereduction.co.uk/toolkits. This will be updated following Operation Pentameter 2 to reflect the latest intelligence picture and cover a wider range of agencies.

34. The recently published *Working together to safeguard children who may have been trafficked* guidance has been widely welcomed by NGOs and statutory agencies. It provides comprehensive advice and methodology as to how to identify trafficked children and what action each agency should take. The guidance includes the contact details of the NSPCC Child Trafficking Advice and Information Line (CTAIL) which provides to those professionals with little experience of working with trafficking cases, expert advice from qualified and experienced child protection social workers.

35. The UKHTC, in consultation with stakeholders has developed an aide memoir for police on indicators for trafficking for sexual exploitation and forced labour. This forms part of the comprehensive Senior Investigative Officers (SIO) toolkit developed for Pentameter 2 and has been circulated to all forces. The UKHTC has also developed a comprehensive four-day SIO training programme which covers the issues around trafficking indicators, victim identification and victim care. This has been rolled out in all but three police forces.

36. There are a number of opportunities within the Border and Immigration Agency's business where staff could encounter victims prior to leaving their country of origin, on entry to the UK, within the UK, and on leaving the UK. Beyond the UK's borders all new Risk Assessment Officers and Managers based within UK visas have received training on trafficking from the UKHTC. BIA Airline Liaison Officers in over 30 countries have been working with airlines to raise their awareness of vulnerable children travelling to the UK. On entry to the UK there are 600 border control officers, located at 22 ports of entry into the UK who are trained in identifying children who may be at risk. Teams of social workers have been set up at three of the UK's busiest ports and at two asylum screening units to help strengthen arrangements for keeping children safe and forging closer partnerships with the police.

37. Additionally, within the UK all asylum Case Owners receive training in conducting interviews which cover gender sensitive issues and interviewing victims of trauma. We have commissioned Poppy to provide some innovative awareness raising and training on trafficking to some London asylum case owners. Claims from asylum seeking children are only considered by Case Owners who have received special training. Furthermore to help combat child trafficking, an E-Learning training package "Keeping Children Safe" has been developed and is available online for all immigration staff to complete. Within our enforcement offices the UKHTC has provided awareness-raising sessions for 850 enforcement staff.

38. NGOs can play an important role in helping to identify and engage with potential victims. In 2006 the Government agreed to fund the extension of the Poppy project to include an outreach service, which went live in January 2007. Some of the outreach clients were initially reluctant to come forward but with the help of an independent outreach worker felt able to disclose. The outreach service is continuing to raise awareness amongst other agencies, including NGOs working with vulnerable women to help with early identification. In relation to child victims and in addition to the role fulfilled by NSPCC in managing CTAIL, ECPAT is supporting the service by providing training and development opportunities for organisations and teams at a local level.

39. We recognise that the general public have a role to play in identifying victims; encouraging them to seek support and protection or to report suspicious incidents to the police. Between March 2003 and December 2007 the Poppy project received 50 referrals from third-party individuals and 16 from "punters". The various awareness campaigns, including the Government funded Poppy project poster campaign with Transport for London and the UKHTC Blue Blindfold campaign are aimed at sensitising the wider public to trafficking.

40. The second stage in the victim identification procedure involves a more formal process. This is necessary to ensure the protection of real victims by having appropriate safeguards in place to try and prevent against abuse and possible infiltration by organised criminal networks. The Council of Europe Convention describes this process as the “competent authority” assessing whether there are “reasonable grounds” to believe that an individual has been trafficked. Pentameter 2 is being used to pilot this formal process.

The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Combating Human trafficking

41. Some victims of trafficking are subject to immigration control and may enter the UK on genuine documents in the belief that legitimate work or study opportunities await them. Others enter the country illegally. The Council of Europe Convention obligates signatories to provide a minimum 30 day reflection period to those who are illegally present and who the competent authority identify as having reasonable grounds to believe are victims. This period is to ensure the individual can recover and escape the influence of traffickers and can take an informed decision on cooperating with the law-enforcement authorities in an investigation. During this period the individual will not be removed from the UK.

42. It is accepted that immediate return of a victim to their country of origin is sometimes unsatisfactory both for the victim and for efforts in investigating and securing convictions against the traffickers. The Convention requires signatories to consider two options for granting residence permits: on the basis either that the victim’s stay is necessary owing to their personal situation and/or that it is necessary for the purpose of their cooperation with the competent authorities in an investigation or with criminal proceedings. The Convention recommends a minimum period of 6 months.

43. Work on setting up provisions for both reflection periods and residence permits is on-going under plans to implement the Convention. A minimum 30 day reflection period has been provided for all illegally present identified victims under Pentameter 2 and has been in place for those accepted on the Poppy scheme for some time. A reflection period will also be provided under the trafficking for forced labour pilot undertaken this spring. A decision on the length of the reflection period will be taken after Pentameter 2. It is expected that necessary changes to immigration rules and procedures on both reflection periods and residence permits will be introduced before the summer recess.

44. It is accepted that these measures are necessary to provide some foundation of security and support to victims. We are clear that the response to trafficking should be primarily about protecting victims of crime and bringing those who exploit them to justice. But many victims of trafficking are foreign nationals. For those that are, giving some security to their immigration status is central to our aim but our policy on protecting trafficking victims must be consistent with wider immigration policies too.

45. We acknowledge that there may be situations when it is more appropriate for victims to remain in the United Kingdom. In the longer term, under implementation plans for the Convention we will introduce temporary residence permits for victims eligible on certain grounds. In the interim the Poppy project includes a resettlement service to help individuals in their long-term recovery. It is also open to victims to apply for protection through normal immigration routes and asylum case owners in the New Asylum model have received specific awareness raising training which will be rolled out across the country. There is also now greater engagement between asylum caseworkers and Non-Governmental Organisations (NGOs) like the Poppy project to ensure that the applicant is supported throughout the claim.

46. There is no reason in principle why a victim of trafficking should not qualify for asylum. However it should be noted that the fact that a person has been trafficked is not in itself a ground for refugee status. Some individuals who are at risk of being trafficked may be able to establish a reason (such as membership of a particular social group) under the 1951 UN Refugee Convention and have valid claims to refugee status. Alternatively, trafficking may well constitute inhuman or degrading treatment, in which case a person at risk will be granted Humanitarian Protection (HP) (for 5 years with the possibility of settlement at the end of the period).

47. For children or young people whose asylum and/or humanitarian protection claim is unsuccessful, Discretionary Leave (DL) is granted until they are 17 and a half years of age or for three years whichever is the shorter period.

48. The Convention does not place an obligation on signature states to allow all those who are identified as victims of trafficking to remain permanently in the particular member state and this is consistent with UK immigration policy. We are aware that most victims of trafficking want to return to their home countries. We recognise the importance of supporting victims of trafficking who wish to return home. The Government currently works in partnership with the International Organisation for Migration (IOM) to support irregular migrants in their voluntary return. The IOM Assisted Voluntary Returns Programme for Irregular Migrants (AVRIM) is in many ways targeted at vulnerable groups such as victims of trafficking. We are utilising opportunities like Operation Pentameter and awareness raising sessions for front-line staff to promote the use of the programme, so that victims can utilise the opportunities that are available to them.

Co-operation within the EU (including Europol); and control of the EU's external frontiers

49. The policy framework for action at an EU level to combat human trafficking is set out in the EU Plan on best practices, standards and mechanisms to prevent and combat trafficking in persons which was adopted in December 2005 during the UK presidency of the EU. Responsibility is placed on EU institutions, the Commission, member states and rotating presidencies of the EU to take forward action. Successive EU presidencies have prioritised different aspects of the Plan. The EU Anti-Trafficking Day held in Brussels on the 18 October 2007 focused on two recent initiatives by the Commission—the production of “recommendations” for member states on national mechanisms for victim identification and assistance and on indicators to monitor and evaluate national anti-trafficking policies.

50. The G6 has also been a driver for the development of more dynamic and concrete operational co-ordination on human trafficking. The UK is currently leading (with Poland) an initiative on human trafficking which came out of an agreement amongst G6 interior ministers to undertake more practical co-operation. The project is running from July 2007—July 2008 and participants include the UK, Poland, Italy, the Netherlands and Ireland along with the support of Europol, Interpol and Eurojust.

51. The project has a number of strategic aims (including enhancing international co-operation in human trafficking as well as the knowledge and specialist capability of participating states). One of the work-strands included in the project is consideration of how tax and revenue powers can be used more effectively to disrupt and target organised criminal gangs engaged in trafficking. The Irish are also leading a work-strand looking at the merits of joint awareness raising initiatives whilst the Netherlands are leading on how tools for front line responders can assist in identifying trafficking for forced labour situations more effectively. Collaboration across borders with partners in this project is also yielding operational results. SOCA responded to a request for mutual legal assistance from the Netherlands in the joint investigation of an individual engaged in trafficking Nigerian females to the EU and the UK for exploitation in the sex industry. This was enforced in late October 2007 under the auspices of this project and led by the Dutch. The main subject was arrested and extradited to the Netherlands, where he is now in custody awaiting trial. The Irish were also involved in assisting with the case.

52. The early indications from the G6 initiative suggest that multilateral projects on a sub-regional level such as this are an effective mechanism for achieving practical operational co-ordination.

Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE)

53. Organisations like the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) also work at a political level with their member states to develop the EU response to human trafficking. The UK has worked closely with the Council of Europe following UK signature of the Convention. On the 10–11 December 2007 we jointly hosted with them a successful regional seminar on trafficking in human beings in London. The UK invited eight member states to share expertise and best practice on issues such as victim identification, reflection and residence permits and support for victims of forced labour. A great deal of useful comparative material was obtained which we can draw upon as we move forward with ratification this year.

54. The OSCE also assists member states, including the UK in implementing the Ministerial commitments and recommendations contained in the OSCE Action Plan to Combat Trafficking in Human Beings, including the establishment of an effective National Referral Mechanism. In practical terms, the OSCE concentrates on enhancing awareness and understanding of human trafficking across the OSCE region; policy, planning and advocacy especially in the area of emerging trends and effective approaches to combating human trafficking; and direct assistance to member states in practical and technical areas, at their request.

55. The OSCE are currently conducting an assessment of the UK's National Referral Mechanism. This forms part of a wider study into how a number of destination countries in Western Europe approach identification and referral of trafficked persons, protect their rights and ensure their access to justice. The original timetable for publication of the assessment has been delayed to take account of the recent pace of developments in the UK and the OSCE are due to visit the UK this summer to continue their analysis.

56. At an operational level, co-operation on human trafficking within the EU is facilitated by a number of EU institutions such as Europol, Eurojust and Frontex.

Europol

57. Europol provides an intelligence structure for EU-wide analysis, as well as analytical support and coordination for joint operations between EU Member States. The UK Liaison Bureau at Europol is the largest of any member state and consists of seven liaison officers and two support staff drawn from SOCA as well as other agencies. These liaison officers link both to Europol to its analytical and support activities but mainly with their bi-lateral colleagues from the other countries represented at Europol.

58. Europol has a number of tools which are of assistance in developing cross border investigations into human trafficking. The Europol Information System is the main area of growth at present. It is a relatively new system which allows member states to insert current intelligence “objects” eg names, addresses, vehicles, firearms etc into the system to allow cross checking/cross matching against other law enforcement activities /interest.

59. In addition, Europol’s Analytical Work Files (AWFs) provide another assistance mechanism. Member states contribute intelligence to Europol who analyse the whole and provide added value in terms of intelligence products or operational opportunities. Europol currently has two AWFs that deal specifically with people smuggling and human trafficking. AWF Checkpoint deals with organised people smuggling and AWF Phoenix on human trafficking for both labour and sexual exploitation. The UK is a member of both work files and is working with member states on specific operations and projects.

60. One example of support given to the UK was around Operation Greensea, an investigation into Chinese and Turkish smuggling networks that culminated in the arrest of 23 people in France and the UK in January 2008. Intelligence from this operation was fed into AWF Checkpoint with Europol providing analytical support and co-ordination with three other Member States.

Eurojust

61. Eurojust is the EU’s judicial co-operation unit, created in 2002, tasked with promoting and facilitating co-operation in the investigation of serious cross-border crime, particularly organised crime. It is made up of senior prosecutors and judges from all 27 member states. Each of these representatives (known as National Members) is appointed by his/her own country. Eurojust exists to stimulate and improve judicial cooperation between the member states (and third countries) in cases of serious, transnational crime, particularly when it is organised. In the UK context “judicial cooperation” means cooperation by the investigating and prosecuting authorities. In continental Europe, it often means cooperation by the investigating authorities and the investigating magistrates or judges who direct them.

62. Eurojust’s function is to plan and oversee coordinated actions across the member states and to ensure cooperation in supporting transnational enforcement and prosecution actions. In the context of trafficking in human beings this provides the means by which entire pan-European trafficking networks can be taken out rather than the partial disruption of these networks as a domestic response in those countries for whom human trafficking is a priority. In general, though not exclusively, Eurojust aims to be involved in cases requiring multilateral cooperation rather than those requiring purely bilateral cooperation.

63. Following on from these multilateral investigations Eurojust assists in ensuring that the best possible evidence is available to support ensuing prosecutions. Also based in The Hague, Europol is a key partner for Eurojust. Europol’s receipt, analysis and dissemination of intelligence allows the prosecuting and investigating authorities to build a clear picture of criminal activity in operational cases and in real time. This can be invaluable when planning the coordinated actions at a judicial level. Eurojust were also involved in the successful Operation Greensea, mentioned above, working alongside Europol.

64. The Government is a firm believer in the important role that Eurojust plays in the increasingly complex, cross-border nature of serious and organised crime, which can be fought more effectively through improved judicial co-operation and coordination of cases across the EU. Eurojust is helping to break down the barriers to effective judicial co-operation by promoting greater understanding and trust between the different legal systems across Member States and facilitating co-operation between jurisdictions on specific cases. One example is “Operation Pachtou”, where Eurojust co-ordination between UK, Greek, French, Italian and Turkish authorities helped dismantle a criminal network involved in human trafficking, resulting in 82 arrests across Europe on 14 December 2006.

Frontex

65. Frontex’s remit focuses on improving operational cooperation between EU member states and facilitating integrated border management at the EU’s external borders, aimed at identifying and preventing threats including illegal migration flows to the EU.

66. The UK participated in a number of Frontex joint operations/ activities in the course of 2007, which included operations in the Mediterranean as well as on the Eastern land borders. The practical co-operation co-ordinated by Frontex brings additional security in terms of stronger borders, combating illegal immigration, and immigration crime such as human trafficking.

67. In addition, e-Borders is a key component of the Government’s border transformation programme which aims to deliver a modernised border control that is fundamentally more effective, efficient and secure to meet the future operating needs of the border agencies. The main purpose of the e-Borders programme is to collect and analyse passenger, service and crew data provided by carriers (air, sea and rail), in respect of all journeys to and from the United Kingdom in advance of their travel, supporting an intelligence-led approach to operating border controls. These data will be checked against watch-lists, analysed, risk assessed and shared between UK border agencies.

68. Whilst improving border security more generally, the provision of a modern border control will assist in the fight against organised crime. Such a flow of information which informs on an individual's movement to the UK and any claim to immigration status whilst within the UK will assist in identifying deception which is a key tool used by traffickers. This information will allow us to pick up on suspicious movement of both victim and trafficker and contribute to combating and preventing this crime.

69. To help meet the increased challenge from organised crime and terrorism the Prime Minister announced in November 2007 the creation of the United Kingdom Border Agency which will bring together into a single organisation the work of UK visas, the Border and Immigration Agency and the border work of HM Revenue & Customs. The UK Border Agency will give officers the power to detain people not just on suspicion of immigration offences or for customs crime but also for other criminal activity. Powers are also being given to airline liaison officers to cancel visas where justified.

Relations with transit and source countries, and the role of Interpol and the UN Office on Drugs and Crime

70. The UK works with transit and source countries in a number of different ways. At a diplomatic level work is undertaken through the overseas network of the Foreign and Commonwealth Office (FCO). Investment in trafficking related projects is made via the development programme of the Department for International Development. Law enforcement co-operation is facilitated by the network of SOCA overseas liaison officers and co-ordinated through the programmes of activity that form the UK Serious Organised Crime Control Strategy. Border and related issues are also addressed through BIA's airline liaison officers and projects. The UK also works through membership of international organisations such as the UN Office of Drugs and Crime and Interpol as well as through partner organisations such as the International Labour Organisation. Chapter 2 of the UK Action Plan on tackling human trafficking sets out in detail the range of work that is currently undertaken.

71. The FCO's main role in tackling organised immigration crime networks is focussed on co-ordination and liaison with law enforcement and implementation agencies, as well as with overseas missions on awareness raising and lobbying issues. The FCO also allocates money from the Global Opportunities Fund (GOF) through the Drugs and Crime Programme (DCP) to build capacity of law enforcement agencies within countries globally. This contribution has been welcomed by those governments involved, and has helped with broader crosscutting cooperation at operational level. The FCO also uses its overseas network to raise awareness of the dangers of trafficking and to lobby host governments in order to help partners across government at all levels. Recently, the FCO has encouraged its overseas Missions to publicise UK prosecutions and convictions of traffickers' via media outlets in source and transit countries.

Serious Organised Crime Agency (SOCA)

72. Internationally, SOCA manages a global network of approximately 140 liaison officers based in some 40 different countries, who work against all SOCA priorities including organised immigration crime. SOCA is also engaged in projects managed by other government departments or with EU partners.

73. SOCA co-ordinates multi agency programmes of activity directed at organised immigration crime, as part of the UK Serious Organised Crime Control Strategy. One of which is Organized Immigration Crime: Source and Transit Countries (Nexus Points). The objectives of the programme include the development of knowledge and understanding of organised immigration crime in the key source and transit countries which impact on the UK as well as the development of bilateral and multilateral operational strategies and plans with agencies in source and transit countries and with EU partners. The ultimate goal is to reduce the harm caused by organised immigration crime into the UK and deter and prevent organised immigration crime in major source and transit countries.

74. One example of work in this area is the SOCA coordinated response to maritime organised immigration crime and the movement of illegal immigrants from source countries into Western Europe. Since the project inception in October 2006, SOCA—together with its UK based and international partners, have made 9 maritime interdictions resulting in the detention of 765 illegal immigrants and 17 arrests.

Border and Immigration Agency

75. The UK has a network of 34 Airline Liaison Officers (ALOs) in 32 locations overseas which have been identified as major source or transit locations for inadequately documented passengers arriving in the UK. Their role is to offer advice and expertise to airlines with a view to preventing or disrupting the carriage of such passengers. In the normal course of their liaison activities with airlines ALOs seek to raise awareness of trafficking. They deliver a comprehensive programme of formal training for carriers in UK passport and visa requirements and forgery awareness, and incorporate within this a session which includes the drivers behind the trafficking of children and adults, and means of identifying vulnerable passengers and their traffickers by their demeanour and the travel documents they may present. In Southern Africa ALOs are working with the IOM on a regional project aimed at developing the capacity of both border authorities and the carrier community to recognise trafficking and to take action to address it.

76. In 2007–2008, the Risk Assessment Unit (RAU) network of UKvisas expanded from 27 to 35 units. All new Risk Assessment Officers and Risk Assessment Managers have received training in trafficking from the UKHTC. Training material on trafficking issues has been developed by the Risk Assessment Operations Centre (RAOC) in London. The RAOC will ensure this material is shared across the network and used to educate staff in visa sections globally. The first presentations took place in Moscow and St Petersburg in October 2007, Nairobi in November and Hong Kong in January 2008. RAUs overseas are developing post specific awareness material to complement the overarching presentation. The RAOC and the network continue to work closely with stakeholders such as UKHTC, SOC A and the Child Exploitation and Online Protection Centre (CEOP) in an effort to tackle human trafficking and feed in to their intelligence requirements as appropriate.

International Organisations—Interpol

77. Interpol's I-24/7 global police communications system connects law enforcement officials in all of its 186 member countries, providing them with the means to share crucial information on criminals and criminal activities 24 hours a day, seven days a week. Using I-24/7, National Central Bureaus (NCBs) can search and cross-check data in a matter of seconds, with direct access to databases of information on suspects, wanted persons, fingerprints, DNA profiles, lost or stolen travel documents and other data which can be useful for trafficking in human beings investigations. One of Interpol's most important functions is to help police in member countries share critical crime-related information using the organization's system of international notices.

78. A specialist working group addressing the issue of trafficking in women for sexual exploitation was established by Interpol in 2001. This has now been extended to include all forms of trafficking. Member countries include the UK and the UKHTC sit on the Steering Committee which meets annually and focuses on a variety of issues including: the practicalities of investigation, sharing of new techniques and best practices and the promotion of the Human Trafficking Message for information reporting and sharing. Interpol has also developed a best practice guide for investigators which is currently being revised.

79. Interpol also does analytical work on the information received from member countries on trends in human trafficking. Red Routes is an analytical project that has been running since 2004 focusing on Eastern European women being trafficked for sexual exploitation. A team specialising in crimes against children also operates within Interpol's human trafficking unit. The team focuses on the sexual exploitation of children, often linked with trafficking, and serves as a hub for cooperation with and among member states. The team works in cooperation with the UK's CEOP on matters of victim identification.

United Nations Office of Drugs and Crime

80. The UK is active in co-operation with the UN Office of Drugs and Crime (UNODC), with nearly US\$ 5 million dispersed in 2006–07. Our contribution, in addition to our standard UN share of the regular budget (5.3%), was about 9% of the UNODC's support and programme budget. The UK has lead responsibility internationally for counter-narcotics efforts in Afghanistan; therefore, much of the work we currently do with the UNODC is focussed on co-operation in this area. The UNODC's work on human trafficking is mostly focused on ensuring implementation and ratification of the UN Palermo Protocol to prevent, suppress and punish trafficking in persons which the UK has fully implemented.

81. The UK has supported the UN's recent Global Initiative to Fight Human Trafficking from the outset with the official launch taking place in London on 26 March 2007. A high level UK delegation also attended the Forum in Vienna from the 13–15 February 2008 designed to bring together representatives from member states, the United Nations, international organisations, the business community, academia and non-governmental organisations with the objective of raising awareness and facilitating the co-operation between stakeholders.

Effectiveness of the co-ordination between public authorities in the UK (Home Office, FCO, police forces, Serious Organised Crime Agency, Border and Immigration Agency, social services)

82. The Inter-Departmental Ministerial Group on Human Trafficking was established in 2005 to co-ordinate and direct government policy on human trafficking. It has recently been expanded to include representation from the devolved administrations. This Group, which is currently chaired by Vernon Coaker, includes the Solicitor General, the Deputy Minister for Women, alongside ministers from the Foreign and Commonwealth Office, the Department for International Development, Department of Health, Department for Children, Schools and Families, the Ministry of Justice, the Department for Work and Pensions, Department for Business, Enterprise and Regulatory Reform, Department of Communities and Local Government, Scottish Executive and the Northern Ireland Office.

83. This Group has responsibility for monitoring both the implementation of the UK Action Plan on tackling human trafficking and the Council of Europe Convention on Action against Trafficking in Human Beings. It is supported by the Non-Governmental Organisations (NGO) Ministerial Advisory Group which meets regularly and brings together a range of UK stakeholders with expertise in human trafficking.

84. Combating human trafficking requires a complex multi-faceted response. The UK has a number of multi-agency forums which attempt to bring together different organisations to work effectively towards common goals whilst minimising unnecessary duplication of effort.

85. Activity on human trafficking by UK law enforcement has been characterised in recent years by partnership working and multi-agency collaboration and co-operation. The establishment of the UK Human Trafficking Centre in October 2006 has been central to this strategy as it embodies a multi-agency approach. It brings together a number of organisations under police leadership and demonstrates through the auspices of its sub-groups that civil society and voluntary organisations have a role to play.

86. The UKHTC provides a central point for the development of expertise and the strategic and operational coordination in respect of all forms of trafficking of human beings. The centre has embedded staff and officers from BIA, CPS, Police Service, SOCA and Social Services. The UKHTC offers law enforcement a 24/7 support line for tactical, immigration, victim and legal advice and has sought to raise awareness amongst police forces about human trafficking in a number of ways, including through the production of an awareness raising DVD to be distributed to front line officers. It has also developed good working relationships with forces and designed and delivered specialist training courses.

87. The operational activity of the UKHTC is focused around five core work groups in the areas of victim care, prevention, research, learning and development and operations and intelligence. It has already played a key role in delivering many of the commitments in the UK Action Plan. The model of working presented by the UKHTC is already being presented in international forums as an example of best practice. Although only in existence a short time it has established a good reputation both nationally and internationally.

88. The work of the UKHTC has been complemented by that undertaken by SOCA which co-ordinates the overall assessment of the threats posed to the UK by serious organised criminals, producing the UK Threat Assessment (UKTA). In response to the UKTA, the UK Serious Organised Crime Control Strategy is developed which sets out how UK agencies, working with overseas partners, plan to tackle serious organised crime affecting the UK.

89. The Control Strategy consists of a series of linked inter-agency programmes of activity, which are aligned to the threats set out in the UKTA. The Organised Immigration Crime programmes are “Organised Immigration Crime Source and Transit Countries (Nexus Points)” and “Organised Immigration Crime into and in the UK, including exploitation of migrants in the UK”. Together, the UKTA and Control Strategy deliver a shared understanding of the problem—in this case human trafficking—and a framework for co-ordinated and concerted action by the relevant UK and overseas agencies. SOCA works closely with the UKHTC and domestic partners such as ACPO, ACPOS, HMRC, BIA, CEOP, Identify and Passport Service, UK Visas, Gangmasters Licensing Authority, as well as international partners within the EU and beyond.

90. Like the other agencies involved in the UK Control Strategy, SOCA takes a lead or supporting role in particular pieces of activity within the programmes that underpin the Control Strategy. Since its inception on 1 April 2006, SOCA has undertaken 121 pieces of activity against Organised Immigration Crime, of which 42 have focused primarily on human trafficking.¹⁸¹ An example includes a response by the Metropolitan Police Service, supported by SOCA, against the activities of a Turkish immigration network based throughout Europe. The operation resulted in the arrest of thirteen people on suspicion of facilitating illegal immigration into the UK in January 2008. This operation dismantled two organised criminal networks, believed to be two of the largest human trafficking rings in London, and demonstrated interesting linkage between both EU and Chinese nationality traffickers and the convergence of upstream and near continent networks. SOCA also seeks to use non-traditional interventions against serious and organised criminals to disrupt their criminal activity. For example, SOCA worked closely with BIA to impose Exclusion orders on a key trafficker and two associates, who are all now formally excluded from the UK. Exclusion orders against four further associates are being pursued.

91. In addition to ongoing co-ordination under the SOCA work programmes and UKHTC sub-groups the model of partnership working has also been further developed by nationwide operations on human trafficking such as Operation Pentameter 1 and 2. The inclusion in the ACPO led steering and planning group for the operations of non governmental organisations alongside law enforcement, the CPS, BIA as well as other partners underlines the innovative and comprehensive approach which is being adopted for operations such as these. One example of partnership working under Pentameter 2 has been the tasking of CEOP by the UKHTC Victim Care Group to develop the victim care strategy for children for the operation. The strategy is particularly innovative, providing Local Safeguarding Children’s Boards with a model protocol for and guidance on interviewing child victims. It also has an advocacy service to assist the police and children’s services unfamiliar with safeguarding child trafficking victims linked to the 24/7 new NSPCC advice and information line. The advocacy service also ensures that the cases are tracked and the children’s individual situations are recorded.

¹⁸¹ Activity focused primarily on other sectoral threats may also have had elements relevant to human trafficking.

92. The Border and Immigration Agency's approach to combating trafficking provides a clear example of collaborative working and the establishment of strategic partnerships. In addition to the staff seconded to the UKHTC, BIA has also seconded staff to CEOP. Social workers have been set up at three of the busiest ports and at two asylum screening units (ASU) to help strengthen arrangements for keeping children safe. The Paladin Team is part of the Metropolitan Police Child Abuse Command. It is a joint BIA and police team working together to identify victims/and or potential victims of trafficking. The Paladin Team has a permanent presence at the Asylum Screening Unit in Croydon and also at Heathrow Airport. At these locations Paladin works closely with Croydon and Hillingdon Social Services. It also participates in the Local Safeguarding Children's Board Trafficking Sub Group chaired by Hillingdon Social Services. In cases where children/young people present themselves either as unaccompanied or accompanied but with unsuitable guardians, the Paladin team work with the dedicated social worker teams at Heathrow and Croydon to ensure suitable care and accommodation arrangements are put in place.

93. The preparation of the Government's practice guidance—*Working Together to safeguard children who may have been Trafficked*—involved close collaboration between DCSF and the Home Office. We consulted widely with practitioners from across public bodies and children's charities to improve the practical usefulness of the guidance. The guidance stresses the key role of Local Safeguarding Children Boards (Child Protection Committees in Scotland) to address and record the needs of child victims of trafficking. This will ensure greater collaboration between local authority Children's Services, Police, BIA, Health Services, schools and children's charities in ensuring that known trafficked children are safeguarded.

94. We know that young UK-born girls are being groomed and trafficked within the UK for sexual exploitation by men who are British Citizens. We are working to tackle this criminal activity in a number of ways. The UKHTC's Operation Glover has secured the conviction of a trafficking gang, rescuing 33 female victims aged between 12–15 years who are believed to have been trafficked internally. This operation demonstrated the effectiveness of multi agency work and the effective use of intelligence to secure convictions. The UKHTC multi agency internal trafficking working group aims to raise awareness amongst police, professional, statutory agencies and NGOs of this problem. Police forces are working collaboratively with voluntary and community groups and adding to their intelligence on internal trafficking, to improve case building and evidence gathering in such cases.

95. Inter-agency working is integral to the UK's strategy to combat trafficking and providing victims with a coherent high quality service. A Memorandum of Understanding (MOU) that sets out clearly the various agencies roles and responsibilities in respect of victims has been agreed between ACPO, the UKHTC, CPS and Eaves Housing for Women. Similar MoU's have now been developed with other NGOs. This partnership approach is also evident on the ground, for example Poppy project outreach workers have been seconded to the UKHTC to help with identification and support issues during Pentameter 2.

96. The UK has developed a strong institutional and strategic framework on human trafficking in recent years. Implementation of that strategy on the ground will be a key objective going forward. The challenge will be how to harness all the goodwill, passion and endeavour to work with partners in the public, private and voluntary sector to maximum effectiveness.

26 February 2008

Memorandum submitted by the Refugee Council

INTRODUCTION

1.1 The Refugee Council welcomes the present Inquiry of the Home Affairs Committee into human trafficking. The Refugee Council is the largest charity in the UK providing help and advice to asylum seekers and refugees. We campaign for their rights and help them rebuild their lives in safety. We work with those seeking international protection at all stages of the process.

1.2 The Refugee Council welcomes the progress made by the UK thus far in the area of trafficking, in particular the UK's accession to the Council of Europe Convention on Action Against Trafficking in Human Beings. Our interest in this Inquiry concerns trafficked people with whom we have contact due to their seeking international protection on human rights grounds and/or under the 1951 Convention Relating to the Status of Refugees. Whilst we note that the vast majority of irregular migrants coming to the UK are smuggled rather than trafficked and that not all trafficked persons are refugees, the serious nature of trafficking has a particular and often severe impact on individuals which can lead to a need for international protection.

1.3 The Refugee Council will comment on the primary focus of this Inquiry, namely the response to trafficking by public authorities in the UK. Our comments and recommendations are focused on children and young persons since this is the area in which we have most experience in relation to trafficking. We will also draw on our ongoing policy work in the area of separated children.¹⁸²

EXECUTIVE SUMMARY

- The Refugee Council works face-to-face with trafficked children and young people and has developed expertise through our Specialist Adviser on Young Women.
- Victims of trafficking need time in order to talk about their experiences of trafficking with professionals. This should be provided for when victims are seeking international protection and welfare services.
- Victims of trafficking who claim to be children should be offered safe accommodation as a priority. If necessary, age assessment can be conducted once the individual is safe.
- The Refugee Council recommends that the UK sets up a system of independent support advocates who are specialists in trafficking to ensure multi-agency working on behalf of victims.
- The Border and Immigration Agency and local authorities should remedy the “culture of disbelief” around the experience of trafficking, for example by affording time to victims through a three month reflection period.
- The UK’s reservation on the Convention on the Rights of the Child leads to unequal treatment for children subject to immigration control, including trafficked children. The Refugee Council hopes that the UK’s current consultation will result in the withdrawal of the reservation.¹⁸³
- Good quality legal representation is vital for trafficked people; training should be offered to increase the number of specialist legal representatives.
- Local authorities should offer safe accommodation in order to prevent children and young people going missing from their care.
- The risk of re-trafficking as well as exploitation, including where people are being returned to another EU country, should be examined by the Home Office in any assessment of whether return is safe.
- The UK must ensure that anti-trafficking measures do not restrict access to processes which allow people to claim international protection.
- Officials responsible for immigration control- including consular staff—should be given guidance on the identification of trafficking victims in particular where they may be in need of international protection.

BACKGROUND

2.1 The Refugee Council has developed expertise through face-to-face contact with victims of trafficking. Of particular relevance is Refugee Council’s Children’s Section which has 34 frontline advisors, including a Specialist Adviser on Young Women.¹⁸⁴ Through close work for lengthy periods, the team has gained an in-depth insight into the issues faced by children and young people who have experienced trafficking.¹⁸⁵

2.2 In general, it is our experience that the level of support needed by trafficked children and young people is greater than other separated children due to their complex needs. Case workers find that considerable one-to-one support, encouragement and emotional support is required, entailing increased amounts of time per case. The fear experienced by these clients, particularly those who have been sexually exploited, is very real and generally described as higher than the level of fear experienced by other young people seen by the Children’s Section, even those who had escaped from civil or political unrest. The reason for this seems to be that trafficked young people fear that the perpetrators remain in the same area of the UK in which they live. Overall, it seems that victims of trafficking have been responsive to the support received from the Refugee Council, and in many cases, we have been able to ensure that the young person is linked into appropriate services to help them re-establish their lives and reassert their confidence.

¹⁸² The Refugee Council has a Policy Advisor on Unaccompanied Children; we are a member of the Separated Children in Europe Programme and chair the NSPCC Child Trafficking Advice and Information Line Advisory Group.

¹⁸³ Q16, The Border and Immigration Agency Code of Practice For Keeping Children Safe From Harm, Consultation, 31 January 2008.

¹⁸⁴ Funded by the Home Office and charitable agencies- Big Lottery Fund, Camelot, Colyer Fergusson.

¹⁸⁵ The trafficking of children (those under 18 years or age) is distinct from that of adults (those over 18 years of age) in that it is not based on coercion, deception or any illicit influence. By this definition, if a person under 18 years of age is moved for purposes of exploitation that person is a victim of trafficking.

ESTIMATING THE SCALE AND TYPE OF ACTIVITY

3.1 For reasons that are well-documented, estimating the scale and type of trafficking activity is extremely difficult. Most trafficked young people seen by our Children's Section are referred by community organisations, solicitors, social services, other children and health professionals. Whilst each case that the Refugee Council has seen is unique, some themes emerge:

3.2 Many of the young people identified as trafficked by the Children's Section over the past two years have been females trafficked for sexual exploitation and domestic servitude. We have also seen young men being trafficked into the country for cannabis cultivation. In some cases the purposes of trafficking is not clear-cut, for example, some who came as domestic servants also indicated that there were attempts to sexually exploit them.

3.3 While physical and sexual violence is a common occurrence for children who are trafficked, the level of sexual violence specifically experienced by some of the young women seen by the Refugee Council's Children's Section trafficked for purposes of sexual exploitation was extremely high.

3.4 The accounts heard by the Children's Section of children entering into domestic servitude seem in line with those heard by other agencies. These include being orphaned or living in poverty and being promised the chance to go to school. Once in the UK they are put to work in a house and not allowed out. Many of these children have suffered both verbal and physical abuse; some managed to escape, either on their own or with the help of others, when an opportunity presented itself.

3.5 While it appears to be a general trend that trafficked victims are going missing from care, a very low percentage of Children's Section cases appear to have gone missing. This may indicate that the Children's Section provides valuable advocacy to ensure to victims are in safe accommodation as well as providing them with the logistical and emotional support they need and the belief that they are being looked after, thus decreasing their level of fear and the possibilities of them leaving care.

RESPONSE TO TRAFFICKING BY PUBLIC AUTHORITIES IN THE UK

The effect of age assessment as a priority in service delivery to children

4.1 Children who have been victims of trafficking tend to be vulnerable and in need of specialised care and support. Many trafficked children have come from a history of abuse which started long before their trafficking took place. The majority of the young women seen by Refugee Council were either orphaned, had escaped violence or were living on the streets prior to being trafficked.

4.2 The Refugee Council notes that the current approach that appears to be taken with trafficked young people is to offer limited support and then increase this as need is indicated, instead of beginning with a complete child protection plan ensuring maximum support and then reducing this support, if appropriate, once the child protection needs are thoroughly assessed and met. We believe that trafficking should be approached with the urgency and gravity of a child protection issue.

4.3 A significant proportion of individuals, including victims of trafficking, who state their age to be under 18 years are not believed by the Border and Immigration Agency and subsequently have their age assessed by the local authority. Some may be provided with adult accommodation until the dispute is resolved which can be a long and extremely stressful process. For victims of trafficking, the Refugee Council has found that the effects of age disputes can be detrimental to the individual as well as counter productive in terms of gaining information and building trust. More worryingly, there is a risk of victims going missing or being housed in accommodation that is not safe for them. Accessing services at the earliest stage possible is vital to the safety of trafficking victims and the Refugee Council believes that where there is even a suspicion that an individual has been trafficked, a place of safety should be provided immediately until age can be determined.

4.4 Refugee Council would further stress that the very experience of being trafficked has an impact on the issue of the age at which a child appears to present him/herself. A trafficked child is often told by the trafficker to dress and behave as well as say they are older than their actual age. This is particularly so in the case of females trafficked for sexual exploitation and domestic servitude. Similarly, visa applications may contain false information including the portrayal of children as being older than 18. This information must be analysed in the context of trafficking to increase the accuracy of age assessment.

Independent Support Advocate for trafficking victims

5.1 In our experience of working with young people who have been trafficked, the care package that needs to be put in place encompasses a range of agencies, not all of which have expertise in dealing with trafficking victims. To ensure the trafficked person can turn to an agency that is independent from the arbiter of their request to remain in the UK and likewise of their request for service provision, the Refugee Council urges the government to put in place a system of independent advocates for trafficking victims, including children and young people.

5.2 The independent nature of such a position would increase the likelihood of a relationship of trust and therefore increase the trafficked person's confidence to impart information on their trafficking experience. The advocate could serve the vital function of ensuring multi-agency co-operation as well as ensuring the trafficking victim is fully apprised of their rights and responsibilities. Overall, it would reduce the risk of the individual "falling through the gap" in service provision and expedite the resolution of any age disputes that may arise. It would further allow one-to-one time to be spent with a victim of trafficking for support from an advocate with experience and specialised knowledge that is not currently available. The Refugee Council's Specialist Adviser for Young Women, a qualified Social Worker, could provide a model for such an independent scheme to support child victims, or suspected victims of trafficking.

"Evidencing trafficking" as part of a human rights and/or asylum claim

6.1 The Refugee Council believes that a major difficulty experienced by individuals who have alleged trafficking is the demands made on them by the Border and Immigration Agency—at the screening unit or by Case Owners—for *evidence* of trafficking. The effect of not being believed has a detrimental effect on victims as well as potentially damaging their credibility in an asylum claim and/or limiting access to services. As a clandestine illegal activity, trafficking does not lend itself to substantiating objective evidence. In any event, most victims of trafficking are extremely reluctant (through fear) and/or unable to provide such evidence.

6.2 Many young women are not self identifying as "trafficked". Building up the trust of is of paramount importance if appropriate support is to be provided. A person working with a trafficking victim can build trust in a number of ways, but a starting point is to believe the young person's story and age as well as give primacy to their "best interests". In our experience, here remains a "culture of disbelief" in the Home Office in relation to both age and experience of trafficking that the Refugee Council believes needs to be urgently addressed.

6.3 Whilst most children are generally protected against return (via grants of Discretionary Leave), it is worth noting that protection needs may continue once the child has reached 18. The assumption that turning 18 signals a green light for return may have grave consequences for trafficking victims and claims should be carefully examined on an individual basis. We are also concerned that the new package of measures announced recently for unaccompanied children includes an intention to enforce returns prior to children turning 18.¹⁸⁶

REFLECTION PERIOD: OPPORTUNITY FOR A "PROTECTION PACKAGE"

7.1 The Refugee Council believes that the best way to improve the understanding of trafficking is to gain the trust of the victims through building into the system both time and advocates to establish trust. In this context, the Refugee Council urges the UK to ratify the European Convention Against Trafficking as a priority and in particular to implement the provision relating to the three month "reflection period" afforded to victims. In the light of the severe nature of the experiences of trafficking victims, the Refugee Council views the possibility of a reflection period as a valuable opportunity to offer specialised support to victims.

THE EFFECT ON TRAFFICKING VICTIMS OF THE UK'S RESERVATION ON THE UN CONVENTION ON THE RIGHTS OF THE CHILD¹⁸⁷

8.1 Once trafficked victims reach the UK they need to be protected according to the law. Under the 1989 Children Act, the Government has a duty to take care of all children in need, regardless of their status in the UK. However, because of the UK's reservation on the CRC, some social workers and other child care professionals assume that the provisions in the Children Act 1989 and 2004 do not apply to children subject to immigration control.¹⁸⁸ The Joint Committee on Human Rights in 2004 stated "The UK's Reservation to the CRC concerning immigration and nationality appears to legitimize unequal treatment of these vulnerable children by both the central government and local service providers". The CRC reservation is indicative of the tension that seems to exist in the UK between immigration law and child protection issues. When applied to trafficking cases, this can result in the most vulnerable being denied help. The Refugee Council hopes that the UK's current consultation¹⁸⁹ results in the withdrawal of its reservation to the CRC as a step towards reducing the differential treatment received by refugee children.

¹⁸⁶ See BIA "Better Outcomes: the way forward, improving the care of unaccompanied asylum seeking children", 31/1/08 at <http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/uasc/betteroutcomes.pdf> and Refugee Council response at: <http://www.refugeecouncil.org.uk/news/press/2008/January/20080131.htm>

¹⁸⁷ The Reservation states: "The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time".

¹⁸⁸ See Crawley, Heaven (2006) "Children First. Migrant Second: Ensuring that Every Child Matters", ILPA Policy Paper.

¹⁸⁹ Q16, The Border and Immigration Agency Code of Practice For Keeping Children Safe From Harm, Consultation, 31 January 2008.

IDENTIFYING VICTIMS OF TRAFFICKING

9.1 The Refugee Council believes the identification of victims of trafficking to be extremely difficult to the nature of trafficking. We would caution against any suggestion that the social services conduct a one-off assessment interview to ascertain whether a person is a victim of trafficking. We would view such an approach as wholly inadequate and highly unlikely to result in the correct identification of trafficking victims in order to protect them. In the experience of the Refugee Council's Specialist Adviser on Young Women, victims of trafficking rarely trust adults immediately and it can take many sessions for information to come to light pertaining to the experience of trafficking. As a result, we would again highlight the need for trust to be established in order to trafficking victims to feel able to disclose their experience of trafficking. This usually takes cumulative one-to-one sessions.

LEGAL REPRESENTATION

10.1 The availability of good quality legal representatives with expertise in trafficking is vital to ensure trafficked victims gains the protection they need. The Refugee Council would urge for specialised training to cover the particular skills needed to identify and advise victims of trafficking. In adult cases, we urge the government to ensure legal aid provision covers the increased time needed to take instruction from this client group due to their unique circumstances.

PLACEMENT OF TRAFFICKED CHILDREN

11.1 There appears to be no consistency around housing for trafficked children and many are placed in potentially unsafe and insecure environments. The Refugee Council would urge the government and local authorities to address this issue in order to minimise children going missing from their care. We would recommend foster carers of children under 16 be supported and trained in issues affecting trafficking victims and high support accommodation—possibly foster care—for 16 and 17 year olds.

“RETURNABILITY” OF TRAFFICKED VICTIMS

12.1 The Refugee Council urges the government to consider the risk of re-trafficking in any assessment of return. The speed at which asylum and human rights applications, particularly in the detained fast track process, are currently decided mitigate against the proper assessment of this risk. For example, victims of trafficking may take a longer amount of time to feel safe enough to talk about their experience of trafficking for which there is no allowance in the current system.

12.2 In children's cases, any assessment of returnability should be focussed on the best interests of the child since it cannot be assumed that the child's best interests are to return to their family in all cases. This is relevant to cases where families may have been involved in trafficking due to a range of circumstances, including poverty.

12.3 In the context of return under the Dublin II Regulation, the Refugee Council has come across examples of exploitation upon return to another EU state, and urges the government to take this risk into account when considering return (in particular that of children).

TRAFFICKING AND SMUGGLING PREVENTION AS AN INTERCEPTION MEASURE

13.1 In response to this Inquiry's examination of international co-operation on trafficking, the Refugee Council would urge the UK to recognise that an increasing number of refugees are being forced to use the services of smugglers or traffickers as a result of the lack of legal routes to enter the UK to claim asylum. As a result, border guards and officials need to take into account that persons who are smuggled, trafficked, or are potential victims of trafficking may also be in need of international protection. Officials tasked with immigration control should be provided with guidance on the identification of persons who may be victims of trafficking which should also include guidance on asylum law. This also applies in circumstances where the UK provides funds for the training of border guards in other countries in order to reduce the supply side of trafficking.

13.2 When screening visa applications to identify persons who may or are about to be trafficked, consular staff should also be directed to assess whether the applicant may be in need of international protection or belong to a group which may have fear of persecution in their country of origin to better judge if the person should be granted a visa.¹⁹⁰

7 March 2008

¹⁹⁰ The Refugee Council is currently running a research and advocacy project on access to asylum called the Protection Sensitive Borders Project.

Memorandum submitted by the Child Exploitation and Online Protection Centre

The Child Exploitation and Online Protection (CEOP) Centre is the UK's dedicated response to tackling the sexual abuse and exploitation of children. It is part of the UK policing community and as such applies the full powers of the law in tracking and bringing to account offenders either within the UK or overseas. It applies a combination of the latest policing techniques with the power of technology to identify, locate and safeguard the victims of abuse. But the CEOP Centre is very different in its make up to traditional police forces, delivering as it does a holistic approach that combines police officers with specialists from children's charities, industry, government and the wider child protection community with initiatives that look to empower children—through its Thinkuknow programme, work with industry to advise on safer by design strategies and specialist units to better understand how to combat the sexual abuse and exploitation of children. Find out more at ceop.gov.uk

Following the publication of *A Scoping Project on Child Trafficking in the UK* in June 2007, CEOP established a Child Trafficking Unit (CTU) to provide a child protection focused and strategic support to work being undertaken by agencies combating the problem of Human Trafficking, such as the UK Human Trafficking (UKHTC) and police forces across the UK. In essence this means that CEOP is largely working with two parallel and integrated aims:

- (i) building knowledge on child trafficking through the gathering of strategic intelligence and research development, as opposed to operational and tactical information; and
- (ii) feeding into policy, guidance and awareness raising on child trafficking to ensure a child protection approach is adopted by those who work with the child victims and potential child victims of this horrendous trade.

Furthermore, Jim Gamble, the CEO of CEOP, holds the ACPO portfolio on Child Trafficking, as well as several other child related portfolios including Child Protection, Combating Child Abuse on the Internet, and Travelling Sex Offenders.

The outputs of CEOP's Child Trafficking Unit (CTU) feed, via the UKHTC into the overarching response to Human Trafficking—as laid out by the UK Action Plan on Human Trafficking. The work of the CEOP's CTU ensures that work undertaken against child trafficking evolves within a child protection context.

This submission to the Home Affairs Committee Inquiry on Human Trafficking is limited to child trafficking, namely all trafficking of those persons under the age of 18 years, into, within and out of the UK for all types of trafficking exploitation. In order to ensure the submission's relevance to the queries is ensured, it is structured to reflect the areas set out by the Committee.

1. ESTIMATING THE SCALE AND TYPE OF CHILD TRAFFICKING

1.1 Currently there is no reliable estimate of the scale of child trafficking in the UK. To further one of its major objectives, CEOP has begun a step by step process to build knowledge on the scale and nature of child trafficking. The covert and complex nature of human trafficking, added with the relative lack of awareness in identifying this type child abuse at front line level means that the only reliable method of estimating the scale and nature of child trafficking is through a properly planned iterative process undertaken in the medium to long term context.

1.2 CEOP aims to deliver annual reports on Child Trafficking, bringing together all intelligence and information on child trafficking cases in the previous year. The first of this series was published in June 2007 as a baseline scoping assessment. A risk profile listing indicators in identifying children who had been trafficked or at risk to trafficking was disseminated. Data on cases between March 2005 and January 2007 were received from 41 Police Forces, 20 Children's Services, 21 departments within the BIA and eight NGOs. The CEOP Scoping Report (2007) highlighted 330 children that fell into this risk profile. The Scoping Report (2007) also found that a general lack of awareness of front line workers in the statutory sector meant that most cases of child trafficking were going unidentified. Given these conclusions, it is estimated that the figure of 330 children falling into the child trafficking risk profile is just the tip of the iceberg.

1.3 The CEOP Scoping Report (2007) gave a thorough analysis of the current cumulative case data on child trafficking and presented a more detailed picture of the UK child trafficking situation to date. The findings concluded that children from over 44 different countries are being exploited or are suspected of being exploited in the UK. Children are being brought into the country through all types of entry ports and in a variety of ways. The two most urgent headlines resulting from the research were:

1.3.1 the significantly concerning trend of young people identified as "at risk" who were arriving through airports, claiming asylum, being accommodated and going missing from care; and

1.3.2 the dearth of information about the type of exploitation and abuse of children suspected to have been trafficked. This was due to both the trend of young people going missing as well as the lack of capacity that allows front line workers to find out more information from those victims located. For further information about the nature of child trafficking, the Committee is respectfully referred to the Scoping Report itself.

1.4 As previously mentioned, the most reliable method of building more accurate statistics and understanding of the scale of child trafficking is through an iterative process of regular case data collection whilst an ongoing communications programme aimed at raising awareness of the problem and development of procedures is put into place. Given this need CEOP has specifically planned its outputs in delivering an annual report on Child Trafficking in tandem with a UK wide programme of communications and awareness raising.

1.5 Through the UKHTC remit as the central repository on all human trafficking intelligence, CEOP has already begun gathering child-related data to be used for a variety of purposes, including CEOP's overall Strategic Threat Assessment on Trafficking in Human Beings, as well as a bespoke report on child trafficking itself.

2. THE DIFFICULTY OF FINDING THOSE WHO HAVE BEEN TRAFFICKED WHEN THEY ARE NORMALLY TOO FRIGHTENED TO COMPLAIN TO THE AUTHORITIES; AND THE ROLE OF NGOs IN HELPING TO IDENTIFY AND ASSIST VICTIMS

2.2 Identifying child victims of trafficking is the most crucial and urgent requirement in the overall response to child trafficking. It is only when a victim is identified that s/he can be appropriately treated, the perpetrators investigated and trafficking activity per se uncovered. Without the consistent identification of children as trafficked, exploited or at risk of trafficking, it is almost impossible to build a response to child trafficking in terms of developing the "4 Ps approach": Protection, Prosecution, Policy and Prevention.

2.3 In order to identify victims of trafficking, better understanding of trafficking in its various and dynamic forms is needed. First and foremost trafficking and exploitation of children must be seen as another form of child abuse and therefore must inevitably be responded to within a child protection context. The UK's child protection system has the infrastructure to provide appropriate care for children and young people trafficked. Presently, however, key workers are in need of greater support and clarity as to how children victimised by trafficking are to be cared for. The recently Guidance on Safeguarding Children who may have been trafficking released in England and Wales and forthcoming in Scotland significantly draws out a standard model for agencies to follow in regard to child protection and safeguarding regarding trafficking.

2.4 Currently the identification of child victims of trafficking is occurring most often in NGOs, children's services and community groups. This is due to the caring environment within which children are able to disclose information, or where key workers are able to recognise symptoms of this abuse. The expertise from social workers, both from the statutory and non statutory sectors, is vital if better understanding is to be shared. Currently CEOP has partnered with the NSPCC and ECPAT UK to establish the NSPCC Child Trafficking Advice and Information Line (CTAIL). This service is aimed at persons working with children who would like to access support in identifying children—who may have been trafficked—and to plan the appropriate aftercare and response needed. CEOP will shortly be seconding a police officer to CTAIL. It is recommended that information about the CTAIL service is disseminated widely in the UK and furthermore, that more support is invested into the service in order to ensure sustainability and capacity to cover the whole of the UK over a longer period. It is of utmost importance that this service is accessible to all relevant professionals in both the statutory and non-governmental sectors.

2.5 Notwithstanding the activities listed in paragraph 2.9 below, information on the various ways in which children are exploited through trafficking, as well as the known profiles of these children, must be disseminated more widely and regularly to front line workers who have access to children. Training, guidance and communication campaigns need to target police, immigration officers, social workers, teachers, doctors, nurses and such professionals.

2.6 As part of the work undertaken through the ACPO portfolio on Child Trafficking, led by Jim Gamble, a working group on Victim Identification and Risk Assessment is looking at how children can be better identified and assessed. Its findings will inform key guidance and training on child trafficking. Furthermore, it is recommended that the National Referral Mechanism for children identified as victims of trafficking is developed within a child protection context.

2.7 CEOP will be developing a specialised training programme for law enforcement on child trafficking. This training will be developed to fit with and complement existing training programmes on Human trafficking delivered by the UKHTC. The curriculum will aim to increase understanding in victim identification, risk assessment and investigations on child trafficking. Presently, CEOP is undertaking a training needs analysis to inform the curriculum and plans to deliver its first training course within this financial year.

2.8 The CEOP Scoping Report (2007) concluded that the lack of awareness about the various forms of child trafficking and what it means precluded the efficient detection of abuse through trafficking; even where a child clearly exhibited indicators of being trafficked. The key is in translating the conceptual understanding of trafficking to operational scenarios where a child is physically present. This means overcoming the stereotypical view of a victim disclosing the abuse and physically appearing to have been assaulted, which sometimes accompanies even basic understandings of child trafficking. The factual reality of victims of child trafficking is that they do not often disclose their abuse and exploitation. Communication with victims of

trafficking is significantly obstructed by language barriers and cultural differences, as well as emotional and psychological trauma. Carers and other professionals are often unable to properly respond to victim's needs either through a lack of access to specialised resources or advice, as well as a lack of experience in working with such issues. It is recommended that training and awareness raising programmes be developed for all sectors that work with children, including education and health services.

2.9 At the central Government level, there has been a positive and rapid development of awareness and resulting policy in regard to human trafficking. This is evidenced by the UK Action Plan on Human Trafficking, the signing and imminent ratification of the Council of Europe Convention on Action against the Human Trafficking, the establishment of the UK Human Trafficking Centre, the DCSF Guidance on Safeguarding Children who may have been Trafficked, the publication of the DCSF's Care Matters—Delivery Implementation Plan, and the numerous ongoing activities and groups aiming to develop guidance, direction and policy in this complex area. The UKBA are also developing a Code of Practice on Keeping Children Safe. In relation to the better protection of children from exploitation, CEOP both in its broader remit to support the Serious Organised Crime Agency (SOCA) and the UKHTC in its Human Trafficking work, as well as in its managing of the ACPO Portfolio on Child Trafficking, supports and provides the child specific expertise in the human trafficking agenda. This ensures that a child protection approach, distinct and specific for trafficking of children, is not lost. Generally, it is concluded that central Government levels of awareness of the issue of human trafficking are high and this is directly related to the rapid advancement in policy.

3. THE TREATMENT OF THOSE WHO HAVE BEEN TRAFFICKED BUT HAVE NO LEGAL RIGHT TO REMAIN IN THE UK, INCLUDING THE REQUIREMENTS IMPOSED BY THE COUNCIL OF EUROPE CONVENTION ON COMBATING HUMAN TRAFFICKING

3.1 Victim care through a rights-based, child protection approach is of paramount importance. International standards on trafficking victims rights,¹⁹¹ especially where they are children, outline that state parties have an obligation, and victims have the right, to efficient identification and appropriate treatment. As explained above, the efficient identification and appropriate treatment of victims is integral to the necessary law enforcement response. Current understanding highlights that if victims do not feel secure and confident, then they will not disclose their experiences and will not be able to act as witnesses. Appropriate victim care is essential if traffickers are to be investigated, charged and successfully prosecuted through the criminal justice system.

3.2 Apart from the already difficult barriers in communicating with and assessing child victims of trafficking, there is a lack of consistency and clear child protection processes for those children most vulnerable to trafficking and those who have already been victimised. This is due to the fact that most child victims of trafficking are subject to immigration control. According to legislation, this should not be a barrier to accessing children's services; however in practice this means that funding to support these groups of children is sourced differently than for UK national children, especially where these children do not have permanent or legal status in this country. This often results in a variant approach to abused children depending on whether they have a clear immigration status in this country or not. In reference to this, a number of recommendations are presented.

3.3 The fact that section 11 of the Children's Act 2004 applies equally to all children, independent of their immigration status is undermined by the immigration and asylum system. We recommend strongly that the UK Border Agency (UKBA) be obliged under the Children's Act 2004, in particular with regard to section 11, to safeguard and promote children's welfare as an overriding policy. Police Forces are obliged under section 11 of the Children's Act, in essence to promote the welfare of children. This obligation does not hinder Police Forces in their duty to protect the public and enforce criminal law. It is submitted that the same section 11 obligation for UKBA need not conflict with their broader duties of UKBA protecting borders and enforcing immigration law.

3.4 Given that child trafficking has not been largely recognised as a form of child abuse, in those cases where it is identified there are further obstacles in the child protection system to prevent an appropriate response to the care needs of these children; this is due to their immigration status and it is clear that reasonable standards in care are not being reached. Whilst a multitude of agencies may be working around a given child, referring and sharing information with each other, it is clear that there is no single agency that can fully act in the child's best interests without deferring to another overriding agenda. In order for a child or young person to be appropriately cared for, as they has a right to, it is recommended that a system of independent advocates or guardianship be examined. The role would require an entity whose only function would be to assess the best interests of the child and to advocate on behalf of the child vis-à-vis other agencies.

¹⁹¹ Namely, Recommended Principles and Guidelines on Human Rights and Human Trafficking (UN Trafficking Principles and Guidelines) (2002), Report of the High Commissioner for Human Rights to the Economic and Social Council (2002) UN Doc/2002/68/Add.1. Also see United Nations Children's Fund (UNICEF), Guidelines for the Protection of Child Victims of Trafficking.

3.5 To date there have been very few significant criminal investigations and prosecutions for human trafficking, where this has involved a child or young person as a victim. This is largely due to the need for better awareness and integration of child trafficking within police force agendas. It is submitted that CEOP, through the work undertaken under the ACPO portfolios on both Child Trafficking and Child Abuse, will look to raise the profile of child trafficking activity as a form of child abuse amongst police forces.

3.6 A new holistic approach in relation to victim care for children with a variety of provisions from medical, psychiatric and social care is needed. One of the most difficult areas is the provision of appropriate accommodation. We recommend strongly that more funding be made available for the allocation of safer accommodation for children victimised by trafficking, as well as those identified as at risk of trafficking or exploitation. It is argued that if this were to be provided, this would also reduce the alarming trend of children going missing from care. The care should be provided in collaboration at local level by multi agency teams, including police, the UKBA, legal representation as well as social and health care.

3.7 For many victims, age disputes are common, which obstruct their access to the services they have a right to within the child protection system. It is recommended that more consistent and reliable methods of age assessment be developed and implemented.

3.8 It is reiterated that the Unaccompanied Asylum Seeking Children's Process is fully and clearly integrated with the execution of the Council of Europe Convention on Action Against Trafficking.¹⁹² CEOP support the Home Office's stated aims of a fully integrated system that will improve the asylum and care systems for vulnerable and at risk minors in the UK. Further development of this system should be undertaken through a consultative process.

4. CO-OPERATION WITHIN THE EU (INCLUDING EUROPOL); AND CONTROL OF THE EU'S EXTERNAL FRONTIERS

4.1 The European Union, within its borders, has source, transit and destination areas for child trafficking. These are within national and across international borders—both within and outside of the EU. Therefore, as global trends dictate, child trafficking is national, regional and international in relation to the UK. Economic and social trends within the EU and in other regions of the world, where there are links with the EU, has an impact in some form or another on EU migratory trends. Child trafficking is one form of migration and the trends for child trafficking often mirror broader migratory trends. This highlights one overarching reason why co-operation within the EU is of such importance and relevance in responding to the issue of child trafficking.

4.2 The relative ease of travel within the Schengen area, the rights of EU nationals to travel freely within the EU, the developing EU economy and economic regionalisation progress are increasingly being abused by child exploiters and traffickers. The continued changing of source, destination areas and the routes between them for child trafficking in the EU over the previous decade, coincide with changing socio-economic events and conditions. The fluidity of child trafficking trends, characterised by the displacement effect, is difficult to eradicate completely without a joined up approach. Trafficking networks, both formal and informal, change tack according to the least risk and the most profit. For example, the patterns of trafficking of Roma children seem to have moved destination from cities such as Vienna and Amsterdam to London and Madrid over the past few years. Source regions change according to the availability of both vulnerable children and access to them by agents. Routes change according to the easiest or cheapest airlines, through ports where there is the least amount of security. Where action is taken, often the problem is deflected, only to be found having "popped up" in another place. Traffickers are able to exploit less secure border points to enter and move around within the EU as various law enforcement take action in different areas. These issues all point to the importance of co-operation within the EU.

4.3 Greater security and measures to safeguard children at all exterior and interior borders of the EU can be a relatively cost effective method of intervening against trafficking when compared to the cost of criminal investigations undertaken after the abuse has taken place. Under the ACPO portfolio on Child Trafficking, led by Jim Gamble, a working group is examining the Paladin¹⁹³ Model for all entry ports in the UK. It is highly recommended that this model is used to assemble specialist teams at all border points. It is argued that the existence of similar and harmonised teams aiming to safeguard children at all entry ports and border points would have a direct impact on combating the overall trend of child trafficking in the EU.

4.4 The Council of Europe Convention on Action against Trafficking of Human Beings draws together the most far reaching set of victims' rights thus far in international trafficking legislation. These standards act as a framework measure for establishing minimum standards for member states to develop responses within respective jurisdictions. It calls for child victims of trafficking to be treated within a child protection context. It is submitted that the work being undertaken by CEOP, in collaboration with the UKHTC and SOCA will prove invaluable for the implementation process.

¹⁹² http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/default_en.asp

¹⁹³ Paladin is a multi-agency team (police, BIA and Children's Services), under the Metropolitan Police, whose remit is to safeguard children at London ports.

5. RELATIONS WITH TRANSIT AND SOURCE COUNTRIES, AND THE ROLE OF INTERPOL AND THE UN OFFICE ON DRUGS AND CRIME

5.1 As understanding of transit and source countries for child trafficking improves, cross-border relationships with the UK continue to develop. CEOP is currently building relationships with law enforcement, judicial sectors, civil society and international organisations in South Asia, South East Asia, South East Europe and Southern Africa. These partnerships are being developed in the broader context of child protection and child abuse. CEOP will examine the possibility of working with these agencies specifically in the area of child trafficking.

5.2 Specifically, it is understood that children become vulnerable to trafficking and exploitation in source regions, whether in the UK or abroad, where the child protection system fails them. Bearing this in mind, CEOP has implemented scoping visits to the regions mentioned above, studying levels of child protection and abuse within national and regional boundaries. These visits have resulted in follow up capacity building projects with law enforcement, judicial sectors and civil society organisations. In relation to child trafficking in particular, CEOP plans to gain a better understanding of the vulnerabilities of at risk children in source regions. This information can be used both for the criminal justice and victim care approaches against child trafficking.

5.3 In general, having explored specific vulnerabilities of at risk groups of children in source regions, and comparing this to aid and development work being undertaken by Government, NGOs and Inter Government agencies, the issue of child protection is often not as highly prioritised as other areas of international development. It is highly recommended that the Foreign and Commonwealth Office and the Department for International Development encourage the development of child protection systems, through appropriate education and health systems, in developing countries. The development of child protection, education and health in developing countries secures a better future for those economies, thereby reducing relative poverty, as well as reducing over vulnerability of children and young people to exploitation and trafficking.

5.4 From a law enforcement perspective, appropriate links are currently being developed through Interpol and Europol.

6. EFFECTIVENESS OF THE CO-ORDINATION BETWEEN PUBLIC AUTHORITIES IN THE UK (HOME OFFICE, FCO, POLICE FORCES, SERIOUS ORGANISED CRIME AGENCY, BORDER AND IMMIGRATION AGENCY, SOCIAL SERVICES)

6.1 The coordination amongst public authorities can be viewed from at least two perspectives, victim care and the criminal justice process. Within these two overlapping arenas there are two further levels at work; operational and strategic. The efficient and timely coordination of agencies for the purpose of delivering appropriate victim centred care is necessary at both strategic and operational levels. The process for such work must be decided and organised at the strategic level. In the same manner, there is the need to coordinate at the operational level to ensure a criminal justice process response is considered in each case. This, in turn, needs to be supported by policy, advice and guidance, and intelligence to support this, at a strategic level for law enforcement agencies. It is pertinent to note that each of these areas overlap with each of the other areas.

Victim care

6.2 In general, public authorities, especially at the front line level, lack the awareness and capacity to appropriately respond to the problem of child trafficking. The child protection system needs to recognise child trafficking as another form of child abuse, and incorporate appropriate responses to it within the child protection activity.

6.3 There are pockets of good practice around the UK, which act as good models and in providing necessary expertise and lessons learned for other areas. Many LSCBs and police forces are developing guidance and protocols in the area of child trafficking; however, this needs to be complemented by expertise and widespread training. The main barrier for local authorities is lack of support—mainly financial—in providing care needs for children that are subject to immigration control.

6.4 The recently released DCSF guidance on Safeguarding Children who may be Trafficked has provided a national standard by which local ones may be measured. The promotion of this guidance should be spearheaded in all relevant sectors. The Council of Europe Convention is due to be ratified by the end of the year. This requires the setting up of a National Referral Mechanism for the identification of victims of trafficking. It is essential that the process for the identification of victims is developed together with a strengthening of the child protection response.

Criminal Justice Response

6.5 At the front line level, the two main obstacles in investigating child trafficking cases are:

6.5.1 the lack of clarity about whose remit such cases fall under within a police force, and

6.5.2 the lack of priority these types of crime investigations command in relation to policing priorities and resulting performance indicators. The main reasons for this may be a lack of awareness and intelligence about the crime as a threat or it may be seen as a low priority when faced with a multitude of different problems. However, this causes a self-perpetuating cycle where the lack of investigations is caused by the lack of awareness and clarity and the lack of awareness and clarity is a consequence of the lack of investigations. These issues are being targeted by CEOP's work on producing information, education and communications programmes for law enforcement.

6.6 It would also be beneficial for other bodies in the criminal justice process, such as the Crown Prosecution Service (CPS), to promote training and awareness on trafficking issues and to actively pursue the use of trafficking offences to prosecute traffickers. There have been cases where children who have allegedly been trafficked into enforced criminality have been prosecuted as criminals. The CPS has taken action in developing guidance on this to all prosecutors to assess such cases in regard to the public interest. In general, there is a need to use the full force of UK legislation in such cases of trafficking. Trafficking is a complex crime, which can be investigated and charged under a broad range of criminal and immigration offences in the UK. It is recommended that this be utilized to its full potential.

6.7 To support the efforts of all agencies involved in tackling this trade in human beings, such as the Home Office, SOCA and UKHTC, CEOP will be producing an Annual Report on Child Trafficking in the next year. This will further attempt to assess the scale and nature of the problem. Although this is a strategic exercise, it is being implemented in order to have significant impact at the operational level. The data collation phase will coincide with an intense period of awareness raising amongst police forces and other source agencies such as the UKBA and children's services within local authorities as described above. Furthermore, this annual exercise will encourage the collection of all child trafficking intelligence to be held by the national repository at the UKHTC and the annual analysis of the data by CEOP. At the strategic level the establishment of the UK Human Trafficking Centre, supported by, the setting up of the Child Trafficking Unit within CEOP highlights a significant improvement of will and capacity to lead the way in the law enforcement response to human trafficking.

The UK has only recently recognised its status as a destination country in which children are being exploited through trafficking. The responsibility of destination countries where the exploitation takes place cannot be underestimated. Given the relative recent awareness of the issue and the urgency of the problem, it is concluded that progress has overall been good. This submission has aimed to highlight those areas both where improvements can be made and those areas where anti-trafficking work in relation to children has advanced well.

9 April 2008

Memorandum submitted by the Gangmasters Licensing Authority

1. INTRODUCTION

1.1 This paper explains the role and remit of the Gangmasters Licensing Authority (GLA), emphasising issues relating to human trafficking (particularly for forced labour).

2. BACKGROUND TO THE GLA

2.1 The Gangmasters (Licensing) Act 2004 paved the way for creating the GLA. Sponsored by the Department of Environment, Food and Rural Affairs, the GLA is a non-departmental public body and was set up in April 2005 to address worker exploitation in agriculture, shellfish gathering and food processing and packaging in the UK.

2.2 The regulatory means for achieving this is through licensing those who supply or use workers to provide a service in agriculture, shellfish gathering and food processing and packaging. For shellfish industry, anyone who uses workers to gather shellfish also needs to be licensed.

2.3 "Gangmasters", more commonly referred to as labour providers, range from recognisable high street employment agencies and businesses supplying large processing plants to small scale operators with a few workers providing agricultural services to local farmers.

2.4 The GLA finances its activities through licence fee income and enforcement monies from Defra. The Secretary of State has delegated his enforcement function to the GLA.

2.5 The Authority is directed by an independent Board (see annex B for a list of the Board's members).

3. THE LICENSING PROCESS

3.1 To obtain and retain a licence, labour providers need to comply with the Authority's licensing standards. These conditions cover:

- paying national minimum wage, tax, National Insurance and VAT;
- no debt bondage, harsh treatment or intimidation of workers;
- proper accommodation (where provided);
- employment rights (including no excessive hours, recruitment and contractual arrangements);
- health and safety;
- using only licensed sub-contractors; and
- no illegal working.

3.2 These conditions are a reasonable range of measures that should be in place in any well-run business complying with the law. A licence will be refused or revoked if critical non-compliances are identified and/or total non-compliances exceed a pass score. Licences can also be issued with additional licence conditions, which have to be put right within a stipulated time period.

3.3 The Authority started accepting licence applications from 6 April 2006 (1 October 2006 for the shellfish gathering industry). The table at annex A provides statistics on the licensing scheme.

3.4 The Authority has memorandums of understanding (MOU) with following organisations:

- Association of Chief Police Officers (which includes UKHTC) and the Association of Chief Police Officers in Scotland;
- Employment Agencies Inspectorate, Department for Business, Enterprise and Regulatory Reform;
- Fraud Investigation Service, Department for Work and Pensions;
- Health and Safety Executive;
- HM Revenue and Customs;
- UK Border Agency;
- National Minimum Wage Enforcement Team, HMRC; and
- Serious and Organised Crime Agency.

3.5 These MOUs cover information sharing (using the gateway under s19 of the Act) and joint working. These agreements have created a framework for exchanging and collating vital intelligence which has focused the Authority's and other agencies operational work.

4. OFFENCES UNDER THE ACT

4.1 It is an offence to:

- operate as a gangmaster without a licence; and
- use an unlicensed labour provider.

4.2 The maximum penalty for operating without a licence is a prison sentence of 10 years and a fine. The maximum penalty for using workers or services provided by an unlicensed gangmaster is a prison sentence of 6 months and a fine of £5000. As well as the criminal offence of using an unlicensed labour provider, it is also an offence punishable by up to 51 weeks imprisonment and a fine to:

- intentionally obstruct a GLA officer in their duties;
- fail to comply with a request of a GLA officer without reasonable cause; and
- provide false information or provide a false statement to a GLA officer.

5. SCALE AND TYPE OF ACTIVITY IN THE GLA REGULATED SECTORS

5.1 Independent research by the Universities of Sheffield and Liverpool, commissioned by the GLA, presents a picture of the licensed sectors. Key points in this research include:

- The sectors regulated by the GLA is dominated by migrant workers. 91% of licence holders (approximately 1,000 businesses) employ migrants is some capacity. 13% use overseas agents to recruit workers.
- The majority of migrants supplied to work in the licensed sectors are from the A8 countries.
- There is a considerable turnover in the industry: 60% of respondents to survey conducted by the researchers had been in the industry for less than five years. Most workers appear to remain with a gangmaster for less than six months before moving on

5.2 This research is available on the GLA's website:
www.gla.gov.uk/index.asp?id = 1013265

5.3 Research by Precision Prospecting¹⁹⁴ in 2004 indicated there is between 420,000 and 611,000 temporary workers in the GLA sectors.

6. GLA ROLE IN TACKLING HUMAN TRAFFICKING AND OTHER ABUSES

Evidence of forced labour identified by the GLA

6.1 In six out of the seven most serious cases where a licence has been revoked with immediate effect, the GLA found evidence of the ILO's indicators of forced labour (section 3 of the GLA licensing standards). The list below summarizes the evidence found:

- intimidation of workers with threats of violence;
- attempted forced evictions from accommodation;
- debt bondage—workers bound to the employer in order to pay off debts;
- withholding workers wages; and
- threats to stop water and electricity from accommodation if rent was not paid.

6.2 The GLA takes a serious view of any evidence of abuse against workers amounting to debt bondage, harsh treatment, threats of violence and intimidation. These types of cases would indicate evidence of forced labour. In total, the GLA has referred intelligence reports to the UK Human Trafficking Centre for further investigation.

6.3 Employment must be freely chosen and no-one must be retained against their will, whether or not there is a debt owing. If a worker is lent money by the gangmaster to meet travel or other expenses in order to take up a position, they must be provided with details in writing of the amount loaned and the agreed repayment terms. If loan repayments are deducted from workers' wages, they must give their written permission for this to be done. Workers should be aware of how to seek redress or make a complaint where there has been harassment. There should be no evidence that the gangmaster does not deal with such cases properly.

Liaison and Cooperation UK organisations

6.4 The GLA has close links with the UKHTC. The Authority is represented on the Centre's Prevention and the Operations and Intelligence Sub Groups. There is also ongoing work with the Authority and UKHTC to identify and care for victims of trafficking. In addition, the GLA is represented on the SOCA Programme 14/15 Board, which looks at trafficking issues.

6.5 The Authority also works closely with the retailers and unions. The GLA recently held a conference with all the major retailers and the Authority is in the process of agreeing an action plan for collaborative working to identify and tackle abuse. A similar arrangement is being discussed with Unite.

Pilot to identify victims of trafficking for forced labour

6.6 To improve understanding, a pilot is planned with the aim of identifying victims of trafficking for forced labour. The objectives of the pilot are:

- to increase our understanding of the scale, scope and nature of human trafficking for forced labour in the UK;
- to increase awareness and ability to identify potential victims with front line staff, and to limit the possibility of inaccurate identification;
- to improve an identification process including a national referral mechanism to a competent authority;
- to improve access to accommodation and support for victims; and
- to increase investigations and convictions under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004.

6.7 The GLA is responsible for leading the pilot in the East of England (which includes Lincolnshire, Cambridgeshire and Norfolk). This is a traditional area of high gangmaster activity where labour providers often operate across boundaries eg a gangmaster can be located in Cambridgeshire, operate accommodation in Norfolk and supply them for work in Lincolnshire. The pilot will commence on 1 May 2008 and run for three months. The pilot is also running in the West Midlands (led by the UK Border Agency) and North Yorkshire and a further strand of work involving third sector partners in London.

¹⁹⁴ Precision Prospecting (2004a) Temporary workers in UK agriculture and horticulture: a study of employment practices in the agriculture and horticulture industry and co-located packhouse and primary food processing sectors. Defra: London.

Liaison and cooperation with international organisations

6.8 The GLA is working closely with the International Labour Organization (ILO) in its work on building awareness of forced labour indicators. The ILO also uses the GLA as an example of best practice as a policy response to tackling forced labour (this includes GLA Director of Operations running a training course for Moldovan officials).

6.9 The Authority is also in the process of setting up MOUs with the largest source countries for workers in the GLA regulated sectors. These agreements should further facilitate mutual cooperation to identify and prevent exploitation of workers, including forced labour.

7. OTHER GLA SUCCESSES

7.1 The GLA inspects licence holders and conducts operations through an intelligence-led risk based approach. The following are examples of the GLA's successes:

Bomfords, West Midlands, March 2007

An operation involving checks carried out on multiple labour providers which led to all having their licences revoked. All of the inspected providers supply workers to a major food production site in the Vale of Evesham which in turn supplies the major supermarkets.

Dynamic Workforce Ltd based in Smethwick in the West Midlands was revoked with immediate effect due to concerns with the immediate health and safety and welfare of workers.

Baltic Workteam Ltd, Cornwall, August 2007

Baltic Work Team Ltd had already had their licence revoked by the GLA without immediate effect. A second investigation found a significant threat to the health and welfare of 40 Bulgarian workers led to revoking the licence with immediate effect.

Morecambe Bay, Cumbria, October 2007

Multi agency operation including the GLA, Cumbria Police, DWP, H&SE, the MCA and local sea fisheries committee. The GLA were checking that all shellfish gangmasters were licensed and gathering further intelligence on the key players in the industry alongside DWP efforts to check benefit claimants and H&SE officers checking vehicles used and ensuring protective equipment was worn by the cockle pickers. The joint working approach has since led to a prosecution case for operating as a shellfish gangmaster without a licence being put to Defra lawyers for consideration.

SIMMS AND WOOD, EVESHAM, DECEMBER 2007

Based on specific intelligence, the GLA conducted an unannounced inspection at Simms and Wood, a vegetable packing firm near Evesham. It was a joint operation with the West Mercia Police and BIA. Three gangmasters had their licences revoked. A to Z Employment Services Limited were revoked with immediate effect, meaning that they had to stop trading immediately. The main reasons for revoking the licence with immediate effect were:

- an illegal and seriously un-roadworthy minibus being used to transport workers; and
- the boss of the agency instructing a worker to put cling-film on a serious cut and to continue working on a food production line.

Two other gangmasters have had their licence revoked without immediate effect which allows them to continue trading until the appeals process has been exhausted. Other serious issues uncovered during the operation included:

- the manipulation of documents by a labour provider. In the worst case one passport was copied four times with a different name and a photo added in—the serial number and signature on the passport remained the same; and
- no accurate record of the number of workers or identity of workers employed to work at the warehouse.

 VILNIUS RECRUITMENT, SUFFOLK, JANUARY 2008

Vilnius Recruitment Ltd had its licence revoked with immediate effect by the (GLA) for failure to ensure the safety of the workers. The GLA found:

- cars used to transport the workers still uninsured—despite prior warnings;
- accommodation charges that were unacceptably high. (Attempts to hide the charges by deducting part of the money directly from the workers own bank accounts after they had been paid, meant that these figures did not show up on wage slips.)
- overcrowded accommodation;
- health and safety training and agreements not in place;
- gas certificates for the workers' accommodation were not available;
- agricultural minimum wage was not paid;
- overtime was not paid; and
- workers did not receive holiday pay.

The GLA also revoked the licence of Goose Recruit Ltd in April 2008. This company was based in adjoining offices to Vilnius Recruitment and had the former Director of Vilnius Recruitment heavily involved in the running of this company.

MORANTUS TRADING AS 247 STAFF, BURTON UPON TRENT, MARCH 2008

This gangmaster who was supplying workers to high profile bread, chocolate and salad companies had his licence revoked after failing seven GLA standards including three critical failures.

Workers were forced to use company accommodation with deductions for rent taking their pay below national minimum wage levels. The accommodation was of a poor standard and in one case three adults two children and a baby were housed in a single room measuring 2.8m x 3.8m on a double mattress a single mattress and a child seat.

Some of the other problems that were uncovered were: being forced to pay in full what was left of their 12 month tenancy if they left their jobs and withholding money from workers.

ELS RECRUITMENT LTD, CAMBRIDGESHIRE, APRIL 2008

An investigation led by the GLA and supported by Sainsbury's and Produce World was carried out on 11 April 2008. ELS Recruitment Ltd, based in Peterborough, was revoked with immediate effect. Sainsbury's and Produce World worked quickly and secured all of the workers continuing employment. The inspection found:

- a worker had allegedly been assaulted by Mr Shamus Paul the Director of ELS Recruitment Ltd;
- workers had been threatened and verbally abused by Mr Paul and ELS staff;
- on a regular basis hours were deducted from workers' pay with no explanation;
- workers were told if they complained they would be fired;
- workers reported being frightened when the vans they travelled to work in were often overcrowded leaving some workers sitting on the floor whilst travelling at high speeds;
- workers were forced to use company transport and paid at least £4.50 each a day for the privilege. Anybody who did not use this transport was threatened with dismissal. One worker stated he had to pay for transport even if they were not working;
- workers were told they would not be paid if they took holiday and there was no evidence that Statutory Sick Pay had ever been paid;
- some workers were not given copies of their contracts. Contracts of other workers contained false details. Signatures of the workers appear to have been forged by the agency. At least one worker was dismissed for questioning these details;
- although ELS was responsible for providing the workers with health and safety training there was no evidence that training was provided. One worker stated that the only training provided was "don't lose your knife"; and
- some of the workers who questioned these practices or complained were dismissed.

VEHICLE STOPS, LEICESTER AND NORFOLK, APRIL 2008

The GLA held vehicle stops in conjunction with local Police and VOSA officers, which led to a number of vehicles used to transport workers being taken off the road. Issues identified included, uninsured and banned drivers and suspicion of unlicensed gangmaster activity that is currently being investigated.

8. FUTURE ACTION: OPERATION AJAX

8.1 The GLA's work so far shows the organisation has made a strong and positive start. However, problems still exist. Therefore, the Authority is planning to announce the launch of Operation Ajax: a programme of enforcement action designed to be a bold and decisive response to protect workers from abuse. "Operation Ajax" will involve a series of major unannounced intelligence-led raids across the country over the next 2 years. The Authority will work with other enforcement agencies, pooling resources and intelligence. This operation will be formally announced on 13 May with Jonathan Shaw, Defra Parliamentary Under-Secretary of State for Marine, Landscape and Rural Affairs, and Frances O'Grady, TUC Deputy-General Secretary, supporting the launch.

Annex A

Statistics as of 25 April 2008

Licences issued	1,195
with additional conditions	108
without additional conditions	1,087
Refused applications	40
Licences revoked without immediate effect	55
Licences revoked with immediate effect	7
Enforcement investigations opened in 2007–08	127
Enforcement investigations closed in 2007–08	42
Formal Cautions issued in 2007–08	49
Written warnings issued in 2007–08	20*
Enforcement Notices issued	15*
(* some recipients will have received both)	

Annex B

ORGANISATIONS AND GOVERNMENT DEPARTMENTS REPRESENTED ON THE GANGMASTERS LICENSING AUTHORITY

The Association of Labour Providers;
 The Recruitment and Employment Confederation;
 National Farmers Union;
 National Farmers Union Scotland;
 Trades Union Congress;
 Unite;
 Britain's General Union;
 Union of Shop, Distribution and Allied Workers;
 British Retail Consortium;
 Fresh Produce Consortium;
 Food and Drink Federation;
 Sea Fish Industry Authority;
 Shellfish Association of Great Britain;
 Association of Chief Police Officers;
 Police Superintendents' Association of England and Wales;
 Local Authority Coordinators of Regulatory Services;
 National Association of Citizens Advice Bureaux;
 Secretary of State for Home Affairs;
 Secretary of State for Work and Pensions;
 Secretary of State for Environment, Food and Rural Affairs;
 The Commissioners of Inland Revenue and the Commissioners of Customs and Excise jointly;
 Secretary of State for Trade and Industry;
 The Director General of the Health and Safety Executive;

The Scottish Ministers;
 The National Assembly for Wales;
 The Minister for Agriculture and Rural Development for Northern Ireland; and
 Ethical Trading Initiative (official observer).

April 2008

Memorandum submitted by the Embassy of the Republic of Moldova

INFORMATION

Regarding the implementation of the Additional Action Plan for Preventing and Combating Trafficking in Human Beings in 2008

Trafficking in human beings remains a problem in Moldova and a concern on the Government and civil society agenda. Victims of trafficking become mostly young women and children from socially vulnerable categories of the society, recruited for slavery and sexual exploitation mainly in Turkey, United Arab Emirates, Israel, Russia and Italy.

Moldova lacks an exhaustive statistical and scientific analysis of human trafficking phenomenon; however it has been noticed that the phenomenon has extended particularly since 1995–96.

In the last seven years, the Government of the Republic of Moldova has taken a series of legal, organizational and socioeconomic actions to overcome the issues linked with trafficking in human beings and illegal migration.

BACKGROUND

Moldovan Legal Framework of Combating and Preventing Trafficking in Persons

For the purpose of achieving the objectives related to the prevention and combating of trafficking in human beings, a range of relevant normative acts have been adopted at national level.

- In 2001 the National Action Plan to Combat Trafficking in Human Beings (2002–06) was approved by Government Decision no.1219 and the National Committee to Combat Trafficking in Human Beings was activated.
- The Penal Code (2003) ordains penal responsibility for human trafficking in art.165—Trafficking in Human Beings; art.206—Trafficking in Children; art.207—Illegal Border crossing of Children; art.220—Sexual Procurement. The harshest punishment for trafficking in human beings and trafficking in children is life sentence.
- The passing of the Law on Prevention and Combating of Trafficking in Human Beings (2005) was a progress of the state policy aimed to counteract this phenomenon. This law regulates the legal relations regarding prevention and combating of trafficking in human beings, the assistance framework in preventing and combating trafficking in human beings.
- In 2006 the article 362/1- Organization of illegal migration was introduced in the Penal Code, incriminating organization of illegal migration.
- The Framework-Regulation on the Organization and Functioning of Centers for Assisting and Protecting Victims of Human Trafficking was approved by Government Decision no.1362 of 29.11.2006.
- The Republic of Moldova has adhered to the following relevant international acts:
 - UN Convention against Transnational Organized Crime of 15.11.2000, New York, ratified by Law no. 15-XV of 17.02.2005 and the Additional Protocol for Preventing, Repressing and Punishing Human Trafficking, particularly in women and children, ratified by Law no.17-XV of 04.03.2005.
 - Council of Europe Convention on Action against Trafficking in Human Beings, 03.05.2005 Strasbourg, ratified by Law no.67-XVI of 28.04.2006 and in force since 10.02.2008, the Republic of Moldova being the first country which ratified this convention.
 - A Facultative Protocol to the Convention on the Rights of the Child, regarding the children sale, prostitution and pornography, 25 May 2000, New York, ratified by Law no. 15-XV of 06.02.2004.
- The Center of Combating Human Trafficking, which is a subdivision of the Ministry of Internal Affairs was created in 2005 (Amendment 3 to the letter of agreement on combating human trafficking no. 38-B/2005 of 06.09.2005, signed between the Government of the Republic of Moldova and US Government).

GOM Anti-Trafficking Actions in 2007

In the field of prevention of human trafficking, the Ministry of Social Protection, Family and Child developed an institutional mechanism aiming at preventing and combating trafficking in human beings; pilot projects were launched in 12 rayons of the country. Two national conferences were organized on monitoring, developing and implementing the National Reference System (*national conference on 28 June 2007 and National Forum on 19–21 December 2007*).

Eighteen seminars on trafficking prevention were held, aimed at building capacities of the law enforcing bodies and informing the civil society on prevention and combating of human trafficking.

Continuing an earlier tradition to stage plays and create and broadcast fiction and non-fictions films on trafficking, in 2007 a documentary was produced on trafficking in children, “MIRAJUL”. The film was broadcast by several TV channels (*Moldova1, TVC21, EuroTV, NIT*) and in schools at education institutions of the country.

Prosecution: 528 criminal cases of human trafficking have been registered, 254 of them linked with trafficking in human beings, 51 linked with children trafficking, 154 cases of sexual procurement and 69 linked with organization of illegal migration. 350 penal cases of trafficking in human beings have been brought to court. The Center for Combating Human Trafficking (CCHT) together with regional units of the Ministry of Interior (MoI) identified 40 international networks dealing with trafficking in human beings and organization of illegal migration.

CCHT documented two criminal organizations specialized in trafficking in human beings, initiated and sent to court five cases of corruption and trafficking of influence (*including four cases of active corruption (bribery) of CCHT staff members, one case—influence trafficking*); four cases with the involvement or complicity of civil servants in migration cases were identified and sent to court.

In the field of international cooperation, Moldova signed collaboration agreements with Slovakia, Italy on combating criminality, including trafficking in human beings; talks were initiated for signing cooperation agreements in fighting TIP with the United Arab Emirates and Israel. Thirty-one victims of trafficking were repatriated following an active cooperation with the law enforcement in Kosovo, Russia, and United Arab Emirates. MoI cooperated with the Regional Center SECI, NCB, Interpol, Europol, Frontex, and EUBAM Mission, which helped organize a series of special operations and ensured a prompt exchange of information.

A National Plan to Prevent and Combat Trafficking in Persons for 2008–09 was drafted.

Fighting trafficking was discussed at two meetings of the Board of the General Prosecutor’s Office and MoI. A coordination council of the law enforcement in fighting TIP was created on 22 June 2007 under the General Prosecutor’s Office. It is aimed at consolidating efforts of the law enforcing bodies involved in fighting TIP according to the provisions of paragraph (7) art. 11 of the Law on Combating Trafficking in Human Beings. Two joint working meetings have been organized and held at Government level with the participation of decision making factors from MoI (including CCHT) and General Prosecutor’s Office during which the participants discussed the gaps in the anti-trafficking work and formulated tasks for increasing its efficiency.

At the same time, it should be mentioned that in 2007 the activity of coordinating the anti-trafficking actions was far from satisfactory. The National Plan to Combat Trafficking in Human Beings has not been approved and the National Committee has not worked on this issues.

GOM Anti-Trafficking Actions in 2008

The National Committee for Preventing and Combating Trafficking in Human Beings resumed its work in February 2008, and submitted to the Government for examination a 2008–09 National Action Plan to Prevent and Combat Trafficking in Human Beings. The Plan was approved in Parliament on 26 March 2008, along with a new Regulation of the National Committee to Combat Trafficking in Human Beings.

Based on Government Decision no. 234 of 29.02.2008, regional anti-trafficking commissions were formed. Their Regulation stipulates the procedures for their creation, their key objectives and tasks, and described the way of interaction between the territorial commissions and the National Committee to Combat Trafficking in Human Beings.

Preventing trafficking: on 23 May 2008, a Memorandum of Cooperation in the field of assistance of victims and potential victims of trafficking was signed between the General Prosecutor’s Office, MIA and Ministry of Social Protection, Family and Child on one side and Center for Prevention of Trafficking in Women, International Center “La Strada”, Mission of the International Organization for Migration on the other side.

On 16 May 2008, the Parliament approved the Law no.105-XVI on the protection of witnesses and other participants in trial. For drafting this law, the international practices of protecting victims of trafficking were analyzed (USA, Romania, Russian Federation, Austria and France).

Twenty-five seminars were organized, aimed at building the capacities of the law enforcement bodies and at informing the civil society on the prevention and combating of human trafficking. In order to build on the knowledge in the field, various MoI units attended nine training seminars at a national level (*four organized by the US Embassy, one—by the Embassy of Great Britain in Chisinau, one seminar—by ILO Migrant, two seminars—by the International Center “La Strada”, one seminar—by MSPFC on the development of the transnational reference mechanism for assisting victims of trafficking in human beings*).

Three seminars were held jointly with IOM for building on the knowledge of religious cults in the country as part of a “Mobilization of Church Networks in Prevention and Combating of Trafficking in Human Beings” program. In March of this year, the law enforcement, NGOs and international organizations participated in a seminar entitled “Study on the Analysis, Evaluation and Monitoring of the National Plan to Prevent and Combat Trafficking in Human Beings in 2008–09”, organized by the International Organization for Migration.

Prosecution: 352 penal cases of human trafficking were registered, 154 of them in trafficking in human beings, 28 cases—children trafficking, 102 cases of sexual procurement and 68 cases of organization of illegal migration. 173 penal cases of human trafficking were sent to court. CCHT and MoI regional units identified 16 international networks dealing with trafficking in human beings and organization of illegal migration.

GOM Measures to implement the Additional Action Plan for Preventing and Combating Trafficking in Human Beings in 2008

As a response to the report of the US State Department on trafficking in human beings and based on the State department recommendations, the Government of the Republic of Moldova approved an Additional Action Plan to prevent and combat trafficking in human beings in 2008, the implementation of which is monitored monthly by the National Committee to Combat Trafficking in Human Beings.

The Government Decision no.847 of 11 July 2008 on the creation of the Center for Assisting and Protecting Victims and Potential Victims of Human Trafficking was adopted. The Center was established based on the OIM-operated shelter. Initially, the GOM will cover 25% of its operations, 75% remaining to be covered by the OIM, but a gradual increase in the GOM contribution is planned for the next years until a complete take-over of the financing of the Center. The Regulation on the procedure of repatriation of victims back in the country was approved on 30 July 2008.

The National Committee for Combating Trafficking in Human Beings heard four reports on fighting trafficking in the period 2007–08. The Deputy Prime Minister, the chair of the National Committee, established a permanent dialog with the NGOs in the prevention and combating of trafficking in human beings and provision of assistance of trafficked victims. Three shelters for victims and potential victims of trafficking in human beings were visited. At the same time, public campaigns in the media for raising public awareness of the trafficking phenomenon continued in Moldova.

The process of establishing a National Referral System continued. On 25 June a training seminar was held in Hincesti town for general practitioners and medical staff on “Assisting and Protecting Victims and Potential Victims of Human Trafficking for Harvesting Organs within NRS”. The seminar was organized with the support of IOM, OSCE, International Center “La Strada”, and the Renal Foundation Moldova.

Investigations were resumed in the case of certain officials, former MoI employees, on their possible involvement in cases of human trafficking. This information was made public to the media. In order to fight officials’ attempts of getting involved directly or indirectly in trafficking in human beings, a Code of Conduct for Government officials is currently drafted. It will be submitted to Parliament for examination in the fall of 2008. The Ministry of Internal Affairs together with other bodies of central and local public administration will create by 15.09.2008 a database and a mechanism for gathering information for the central public administration authorities involved in the activities linked with the prevention and combating of trafficking in human beings.

In conclusion, in order to carry out those 7 recommendations of the US State Department on combating human trafficking, the Government of the Republic of Moldova comes with the following specifications:

- 1) In the context of carrying out some steps as a reaction to accusations concerning officials’ complicity in human trafficking, referred in reports regarding human trafficking in 2007 and 2008, particularly in respect to redundancies from CCHT, on 11.06.2008 a criminal investigation concerning passive corruption performed by some collaborators of the Ministry of Interior was initiated. Thus, the Bejan case is currently investigated by the Center for Combating Economic Crime and Corruption under the leadership of the General Prosecutor’s Office. Simultaneously this information has been brought to public attention through the agency of media.

At the same time, in order to improve the efficiency of the CCHT the Government has decided to reorganize this subdivision of the MoI, by strengthening analytical, methodological and coordination capacities of the activity concerning this field. Also, henceforth the multidisciplinary character will be kept in the activity of CCHT. Through the Government Decision no.869 as of 16.07.2008 the new Head of the CCHT was appointed. Currently runs the selection and certification of the CCHT staff.

- 2) With reference to registration of a measurable progress in the investigation, arrest and prosecution of officials involved in trafficking, and reporting the number of cases of investigation, arrest and prosecuting officials in the first six months of the year 2008, The General Prosecutor's Office, Ministry of Interior, Ministry of Justice in June-July of this year have materialized the statistics of the cases for the years 2007–08. In 2007, six criminal records concerning officials involved in human trafficking have been started (*mayor of Vorniceni village, Straseni district; head of section within the National Philharmonic; the Ministry of Informational Development worker etc.*) and registered five criminal records against some officials in 2008 (*the Head of the Agency for promotion of national culture, "Intercultura", an employee of the Border Service, three cases involving collaborators of the MoI*).
- 3) In communicating a public statement that would condemn public officials' complicity in human trafficking and sending some signals that action will be taken against all the officials involved, meetings on human trafficking were organized by the President of the Republic of Moldova, Prime Minister and Deputy Prime Minister (Chairman of the National Committee to Combat Human Trafficking). During these meetings the facts in the field of preventing and combating trafficking in human beings were assessed, being convicted in public any involvement of officials in trafficking. This information has been run by most media channels, radio, media and during meetings of the state leadership with the leaders of some international organizations and national NGOs.
- 4) In respect to initiation of drafting a code of conduct for all government officials involved, either directly or through certain positions held by them in fighting against trafficking in human beings, the Government has begun drafting the Code of Conduct for government officials and implements Policeman Code of Ethics. Meanwhile, in the current year some normative acts were passed, which establishes the rules of anti-corruption behavior designed for decision makers:
 - Law on Civil Servants' Code of Conduct, no.25-XVI as of 22.02.2008.
 - Law regarding conflict of interest, no.16-XVI as of 15.02.2008.
 - Law on prevention and combating corruption, no.90-XVI as of 25.04.2008.
- 5) With the view to establish transparent checking procedures for all officials involved in combating trafficking, starting with July 2008 transparent checking procedure shall be applied to all the staff of the CCHT (by analyzing income statements, polygraph test) in respect to count out the cases of its involvement in corruption acts, protectionism, etc. This mechanism is expected to be implemented and cover all the representatives of all legal bodies and public authorities responsible for combating human trafficking.
- 6) In order to establish a credible and anonymous reporting mechanism, to protect the identity of the petitioner, government officials and the general public to report over the corruption suspected cases in the filed of trafficking, until 15.09.2008 under the CCHT an informing mechanism as well as an anonymous one shall be established concerning corruption in the filed of human trafficking through a hot line, web page, and Internet. This mechanism will complement the existing systems, operating since 2006 at the MI and at the General Prosecutor's Office.
- 7) Pursuant to the statistics regarding arrests, criminal investigations and criminal penalties in order to show how many persons were convicted and for what kind of crimes, how many accusations were readjusted from traffic into sexual procurement, what verdicts were pronounced by applying real imprisoning, and how many imprisoning verdicts have been changed and reduced by amnesty or other means, during the year 2007 and I half of the semester of the year 2008 finds the following indices:

Type of crime	2007				2008, I semester			
	registered criminal cases	arrests	penal cases brought to trial	Conviction cases	registered criminal cases	imprisonment cases	penal cases brought to trial	Conviction cases
Trafficking in human beings	254	59	150	93	154	15	55	38
trafficking in Children	51	6	26	35	28	3	6	10
sexual procurement	154	14	140	132	102	3	77	67
Organization of illegal migration	69	19	34	27	68	14	35	4
Total:	528	98	350	287	352	35	173	119

In 2007, 528 penal cases were recorded, of which 287 persons have been convicted. In the first semester 2008, 352 penal cases on trafficking in human beings were registered, of which 119 persons were convicted.

During this period the courthouses and prosecutors bodies readjusted the offenders' actions from trafficking in human beings into sexual procurement. At this compartment for the I semester of the year 2007–08, statistics are as follows:

<i>period</i>	<i>number of cases of trafficking in human beings</i>	<i>Readjustments into sexual procurement</i>	<i>Authorities who have carried out the readjustment</i>	
			<i>Prosecutor's Office</i>	<i>Courthouses</i>
2007	254	48	8	40
2008, sem. I	154	15	9	6

First of all these readjustments are determined by the fact that the victims are changing their statements during trial court hearings.

Meanwhile, the General Prosecutor's Office, Ministry of Interior and CCHT conducts an additional analysis of the legal framework on human trafficking, which includes different penalties regarding trafficking in human beings, trafficking in children, sexual procurement, and organization of illegal migration. Experience shows that legislative bodies and courthouses often interpret the law incorrectly, imposing lighter punishments for serious crimes. The statistics of the applied punishments on trafficking in human beings for the I semester of the years 2007–08, is as follows:

<i>period</i>	<i>registered criminal cases</i>	<i>Persons being under arrest</i>	<i>Condemned persons</i>	<i>Applied punishments</i>				<i>released persons</i>
				<i>Jail</i>	<i>Fain</i>	<i>Suspending punishment enforcement</i>	<i>amnestied persons</i>	
2007	528	98	287	62	121	13	0	4
2008, sem. I	352	35	119	19	58	16	0	0

This analysis is also aimed at identifying systemic gaps in the investigation and documentation of trafficking cases, which further allow for such interpretations.

Anti-trafficking Measures planned until the end of 2008:

Development of a single Database of all legislative bodies concerning track traffickers and criminal cases beginning with criminal investigation and until entry into force the decisions of the courthouses; Amending the national legal framework in the field of preventing and combating human trafficking and illegal migration in order to intensify the punishment for these certain crimes.

Ensuring cooperation between central public administrative authorities with NGOs on providing assistance to victims and potential victims of trafficking; Strengthening and streamlining cooperation between local public administration, rayon commissions, territorial police commissariat, National Committee, with the view to carry out prevention measures throughout the country.

Establishing a permanent Secretariat of the Committee, to organize its work and monitor the achievement of the National Plan; Stimulating the activity of territorial commissions in preventing and combating trafficking in human beings, in accordance with framework—Regulation of the territorial commissions, passed on 26.02.2008; Passing the draft decision on the approval of National Strategy of the National System in the field of providing assistance to victims and potential victims of trafficking.

Continuing the performance of informing campaigns together with NGOs about the phenomenon of trafficking, especially trafficking in children; Permanently informing the population through the media about cases of arrest, criminal investigation and penalty for involvement in human trafficking, especially officials.

Ensuring the implementation of the Police Officer's Code of Ethics, Law on Civil Servants' Code of Conduct, Law regarding conflict of interest, Law on prevention and combating corruption; Applying a transparent checking procedure to all the staff engaged within legislative bodies in respect to counting out the cases of its involvement in corruption acts, protectionism, (by analyzing income statements, polygraph test); Improving the informing mechanism including the anonymous one, of legislative bodies about corruption cases in the filed of human trafficking through hot line and Internet.

Providing continuous training on the investigation of cases, the qualification of actions, the hearing of victims, of policemen, prosecutors and judges through seminars, conferences, and other methods of instruction.

Intensifying the international cooperation among legislative bodies by signing some cooperation agreements and memoranda, as well as enhancing the efficiency of consular and diplomatic missions in the Republic of Moldova. Establish rules of extraterritorial jurisdiction in order to allow and facilitate tracking and sentencing perpetrators of crime on human trafficking, regardless of country where the offences were committed, including cases where the offences were committed in several countries.

At the same time, the Government advocates revising the National Program on fighting trafficking in human beings for the year 2008–09, revising the legislation what concerns illegal migration, enhancing the responsibility for the organization of illegal migration, as well as creating relevant socio-economic circumstances for young people, women and children.

8 August 2008

Memorandum submitted by the Embassy of Romania

GENERAL INFORMATION

Romanian authorities carried out significant efforts for countering human trafficking (especially women for sexual exploitation and children for labour exploitation), consisting of:

- Adoption of a special law against human trafficking, of a National Strategy and of an Action Plan.
- There are highly specialised judges in human trafficking issues.
- Establishment of a National Agency against Human Trafficking (2005), with 15 regional branches. The Agency coordinates the activity of the structures involved in countering this kind of criminality, proposes measures for improving the activity and, inspects and evaluates the activity of the centres (shelters) for the trafficked victims.
- The Agency organises prevention and awareness campaigns for the general public on issues related to human trafficking and administers a free special phone line for recording the victims' calls.
- In 2007, the Agency dealt with 1,343 human trafficking cases out of which 1,330 persons were prosecuted.
- Actions for the trafficked victims' protection are often undertaken in co-operation with the NGOs.

The *National Agency against Trafficking in Persons* was created in 2005 and has 15 regional centres.

NATP carries out its activity on the basis of two main instruments—the National Strategy against Trafficking in Persons 2006–10 and the National Action Plan for the Strategy's implementation.

As a recent achievements, the national data base and the methodology for data collection have been finalised with a view to monitor trafficked victims and to disseminate information to all institutions involved in combating trafficking in persons. The centralised data base is linked with the terminals of the 15 regional centres of the Agency and of other institutional partners with responsibilities in this field.

Taking into account the possibility that Romania may also become a destination country for victims of trafficking, the *National Mechanism for Victim Identification and Referral* was developed. This mechanism lays down a number of norms for the immediate identification and referral of victims and responds to victim's needs for protection and assistance.

In September 2007, the Agency was granted 400,000 RON to implement the *National Interest Programme (NIP)* aimed at improving assistance provided to victims.

In October 2007, the Government approved the *National Victim Assistance Standards* as reference criteria for NGOs in applying for funds. Since then, three of the six NGO projects submitted for financing met the criteria for approval (a total budget of 50,000 Euros for the final month of 2007). The aims of the NIP are:

- To ensure quality services adapted to the specific needs of the trafficked persons, for their recovery and socio-professional reintegration.
- To prevent re-victimisation of the trafficked persons through a multi-disciplinary intervention, adapted to the complexity of trafficking cases.
- To provide assistance and protection to victims, according to the minimum standards in the field.

Based on this NIP, at least 100 trafficked persons benefited from assistance and protection, both in specialised shelters and within their families and communities.

The second National Interest Programme was launched at the beginning of 2008, with the same objectives, for an eight-month period of implementation.

In order to create an integrated response, the *Victim/Witness Coordination Programme* was launched in Romania at the end of 2006.

 VICTIM-WITNESS COORDINATION PROGRAMME—STATISTICS

- Out of the total number of 819 victims initially evaluated by the regional centres, 30 victims (3.6%) refused to get involved in criminal proceedings, while the rest (96.4%) accepted to participate as injured parties or witnesses in trial. According to their status in the trial, 639 (80.9%) are injured parties and 150 (19.1%) are witnesses for the prosecution in trafficking cases.
- 557 of the victims involved in criminal proceedings (76.6%) accepted and requested the support of the centres' specialists for coordination in all phases of the trial; the rest (29.4%) declined the services, expressing their wish to follow through the procedures without any support or counselling.
- 409 coordinated victims (73.4%) are in the prosecution phase.
- 148 coordinated victims (26.6%) are in the investigative phase.
- Out of the 557 coordinated victims, 48 (8.6%) did not follow through all procedures.

In 2007 there were 1,343 cases of trafficking in persons and 1,330 persons were subject to criminal investigations.

According to the *national statistics on trafficking in women*, 970 Romanian women were victims of trafficking in 2007 (260 minors and 711 adults). Most of the (624) were recruited using false promises. 716 were sexually exploited, while 163 were trafficked for forced labour and 51 were forced to beg (the rest, 49, suffered from other types of exploitation).

Regarding the statistics on minors, there were 218 cases of trafficking in 2007. All victims were trafficked for sexual purposes.

Romania has signed a partnership declaration for the implementation of *REACT project* (Raising Awareness and Empowerment against Child Trafficking), initiated by Save the Children Italy. The project has been submitted to the European Commission for assessment. This 24 month project will be implemented in Bulgaria, Denmark, Italy and Romania and will be aimed at preventing child trafficking and exploitation, in particular where the use of new information technologies is involved, by developing and implementing awareness raising actions targeting children at risk and victims of trafficking.

This year Romania will implement the *PHARE project* dedicated to improving the institutional capacity of the agencies involved in the prevention of trafficking. Within the implementation process a national survey for understanding the dimensions of the trafficking in children phenomenon will be carried out.

PREVENTION OF TRAFFICKING IN PERSONS: INFORMATION AND AWARENESS RISING CAMPAIGNS

Three national campaigns were implemented:

Watch out! There's a price to pay!—national campaign, initiated in 2006, aimed to raise the awareness about trafficking issues and to promote the toll-free number to call for information on victims' rights and assistance services available.

Watch out for PERFECT opportunities for PERFECT jobs!—campaign launched in July 2007. The main objectives are to inform the public on the risks of trafficking, strengthen the self protection capacity against the threats of the trafficking, to reduce the vulnerability of groups at risk of being trafficked (particularly unaccompanied, unattended or institutionalised children, as well as women, persons with disabilities, old people, asylum seekers). The messages of the campaign target the youngsters and teenagers, as well as adults in search or tempted by various means to follow job offers abroad.

"Leave the childhood to the children"—national campaign against commercial exploitation of children (date of launching: 12 February 2008).

The *Study on the Sexual Exploitation of Children for Commercial Purposes* and the *Psycho-social Rehabilitation of trafficked and involved in hard labour children* manual for professionals were also released. The aim of the campaign is to raise awareness on the consequences of sexual abuse and exploitation of children.

 Memorandum submitted by the Embassy of the Slovak Republic

The Slovak Republic considers the trafficking in human beings as a profound human rights abuse, a form of "modern-day slavery", and a particular form of violence against women.

The fight against trafficking in persons was given a new impetus in 2005, when the Minister of Interior established an inter-ministerial *Expert Group for the Prevention and Assistance to Victims of Trafficking in Human Beings*. The group was made up of representatives of different ministries, NGOs and also representatives of IOM and UNHRC. Its major task was to draw up the National Action Plan for Combating Trafficking in Human Beings.

In the meantime, the *National Coordinator for Combating the Trafficking in Human Beings* (currently the 2nd State Secretary of the Ministry of Interior) was appointed on 1 October 2005, whose role is to coordinate activities of the entities charged with the tasks of the National Action Plan for Combating Trafficking in Human Beings.

The National Action Plan for Combating Trafficking in Human Beings for 2006–07 was approved by the Government of the Slovak Republic on 11 January 2006 by its Resolution No. 5/2006. The plan contained a number of tasks in the area of organisation and coordination activities, collection and evaluation of the relevant data but also in the prevention, information, training and assistance to victims. Apart from conducting a range of information campaigns and training events for competent state administration officers, institutionalised cooperation of state authorities with the non-governmental organisations was built.

At the end of 2006 the *Expert Group on Trafficking in Human Beings* was established. The Expert Group is a advisory, initiative and coordinating body of the national coordinator that formulates anti-trafficking strategies. It is also responsible for the performance of tasks set under the National Action Plan to Combat Trafficking in Human Beings by individual ministries. The group comprises several state administration bodies such as the Slovak Ministry of Interior, Ministry of Finance, Ministry of Justice, Ministry of Labour, Social Affairs and Family, Ministry of Health, Ministry of Foreign Affairs, Ministry of Education, the Office of the Government of the Slovak Republic, the Slovak General Prosecutor's Office as well as local authorities, four non-governmental organisations and the International Organisation for Migration (IOM). It has its budget to cover expenses in three areas:

- Subsidies to NGOs for direct assistance to victims of human trafficking.
- Promotional materials.
- Educational activities (training) and conferences.

In 2008 the new National Programme for Combating Trafficking in Persons for 2008–10 was adopted. It aims to provide a comprehensive and effective national strategy for the fight against phenomenon. Activities of the Programme are focused on the cooperation and coordination of all stakeholders for purpose of elimination of risks and prevention of trafficking in human beings. It comprises also creation of conditions for the provision of assistance and help to the victims of human trafficking and protection of their human rights and dignity. The National Strategy is implemented with the political and financial support of the Government of the Slovak Republic that takes the full responsibility for defining the objectives, implementation of measures and fulfilment of the goals of the National Programme.

In her efforts to combat trafficking, the Slovak Republic uses the experience of international institutions, particularly the UN, OSCE and the Council of Europe. The Slovak Ministry of Interior cooperates especially with the International Organisation for Migration and the UN Office on Drugs and Crime.

As far as non-governmental organisations are concerned, the Ministry of Interior cooperates in 2008 with five partner non-governmental organisations (including IOM) in order to implement the *Assistance and protection programme for human trafficking victims*, providing them with a subsidy amounting to SKK 5.120.000 for this year. Non-governmental organisations include: IOM, the Slovak Crisis Centre “Dotyk”, the Civil Associations “Prima”, the Slovak Catholic Charity and the Cultural Association of Roma in Slovakia.

The return of trafficked persons is managed in Slovakia by the International Organisation for Migration, as part of their “Programme for the Return and Reintegration of Trafficked Persons”. If the Ministry of Interior of the Slovak Republic includes foreign victims into its Programme for Assistance and Protection of Victims of Human Trafficking, it will enter into an agreement with the IOM to ensure the return of such victims to their country of origin. Naturally, this would occur either at the voluntary request of the victim, or if the victim infringes the conditions of the programme, providing that the victim would not be at peril in his/her country of origin.

The Slovak Republic is party to all important international instruments concerning the fight against trafficking in human beings including for the purposes of prostitution and other forms of sexual exploitation. The relevant European legislation was appropriately transposed into the Slovak legal order.

The Slovak Republic is party to the Council of Europe Convention on Action against Trafficking in Human Beings as well as to the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime (announcement No. 34/2005 Coll.). These treaties are according to the article 7, paragraph 5 of the Constitution of the Slovak Republic international treaties that directly confer rights or impose duties on natural and legal persons and have precedence over Slovak laws.

With a view to implement its international commitments, notably the provisions of the relevant international conventions, the Slovak Republic has adopted specific legislative measures in the field of criminal law. Paragraph 179 of the current Penal Code envisages the criminal offence of trafficking in human beings and paragraphs 180 and 181 the criminal offence of trafficking in children. Paragraph 179 forbids and punishes the trafficking in human beings for the purposes of prostitution or other forms of sexual exploitation including pornography.

Furthermore the sexual abuse establishes the criminal offence of sexual abuse, which is punishable under the Penal Code. According to paragraph 201 of the Penal Code, who has sexual intercourse with a person who is less than fifteen years old or who sexually abuses such a person in any other way will be punished. According to paragraph 202 of the Penal Code who leads a person who is less than 18 years old to an extramarital intercourse or abuses her sexually in any other way and if such a person is entrusted to his care or under his supervision or is a dependent person, or it is done for the benefit, will be punished.

Statistics focusing exclusively on human trafficking related issues do not exist so far. However, statistics of the Slovak police as to the number of detected and resolved crimes and number of victims and perpetrators are available. In 2007 (as of 31 October), there were nine perpetrators (eight men and one woman), and 15 victims (all women). There were 13 cases in all, of which four have been resolved. The statistics on pandering show 17 cases, of which 10 resolved, with 14 persons under prosecution (11 men and three women). The number of victims of this crime is not recorded. Statistical data of the Slovak General Prosecutor's Office and the Slovak Ministry of Justice concerning the number of convictions are also available.

Memorandum submitted by the Embassy of the Republic of Hungary

HUNGARIAN COMMENTS ON THE REQUEST OF THE UK PARLIAMENT AS REGARDS COMBATING TRAFFICKING IN HUMAN BEINGS

1. Nature and volume of the phenomenon

Hungary is primarily a transit and, to a lesser extent, a source and destination country mainly for women and girls trafficked from Slovakia, Romania, Ukraine, Moldova, Poland, the Balkans, and China for the purpose of commercial sexual exploitation. While some of these trafficking victims are exploited in Hungary, most are trafficked on to Austria, Slovenia, Germany, Spain, the Netherlands, Italy, France, the Scandinavian countries, the United Kingdom, Japan, and Mexico.

According to the available domestic statistics in Hungary 153 cases were revealed as trafficking in human beings between 2000 and 2005. Most of them were women (72%), 7% of them were men. 38% of them were young adults (between 18 and 24), 18% were under 18. 52% of female victims were young adults, 25% was under 18. 40% of the male victims were adults, the proportion of babies were about 50%. Generally, 63% of the known perpetrators were adults, 77% of them were men.

However, it must be underlined that it is very difficult to accurately estimate the number of persons trafficked to, through and from Hungary. The relatively low number of investigations conducted does not mean that the Hungarian Police fails to take actions when trafficking cases for the purpose of sexual exploitation come to notice. In many cases the investigation is initiated under the definition of other associated serious offences such as physical and sexual abuse, deprivation of liberty, the facilitation of illegal immigration, aiding prostitution, pandering, living on earnings of prostitution, production and possession of forged documents which are often intrinsic part of human trafficking. It must be highlighted that as Hungary is mainly a transit country and at this stage, the crime of trafficking in human beings is hardly possible to identify and properly investigate, because it is not easily identifiable since the exploitation phase has not begun yet. At the transit stage it is very difficult to obtain a conviction for committing, attempting to commit or conspiring to commit trafficking crime, or pimping, or many of the associated offences, without the cooperation and testimony of the victim because in the majority of cases the exploitation has not yet occurred. The victim is unlikely to know much detail about the criminal conspiracy or of what is eventually intended for her. For this reasons logic dictates that the destination countries offer the best potential for collecting quality evidence against the traffickers. In the framework of the international police cooperation our competent units initiate procedure in every case reported by law enforcement authorities of destination countries.

2. Steps taken by the Government of Hungary to combat trafficking

Hungary has developed the legal environment in order to appropriately combat trafficking in human beings. We incorporated trafficking in human beings as an independent criminal act with special aggravating provisions if the victim is under the age of 18 in the Criminal Code in 1998. We have ratified the main international or regional treaties and agreements such as the UN Convention against Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) and signed the Council of Europe Convention on Action against Trafficking in Human Beings.

This year the Ministry of Justice and Law Enforcement has prepared the National Strategy against trafficking in human beings (see in annex). The Strategy is the basis of a national coordinating mechanism which is to coordinate, monitor and evaluate results and challenges of prevention, prosecution and protection. Pursuant to the Strategy a National Action Plan (NAP) is to be elaborated. The Strategy establishes the position of a National Coordinator against trafficking in human beings who is responsible

for coordinating the elaboration, implementation and monitoring process of the NAP as well as for coordinating the counter-trafficking activities among the various governmental authorities and NGOs. The National Coordinator who is the state secretary for law enforcement in the Ministry of Justice and Law Enforcement serves as a contact point towards international organizations and agencies involved in the fight against trafficking.

The U.S. Department of State has been publishing its annual Trafficking in Persons Reports (TIP reports) since 2001. These reports describe changes in trafficking trends, but—more significantly—they evaluate countries' compliance with the counter-trafficking "minimum standards" defined in the U.S.' own counter-trafficking legislation. Despite facing criticism for not always being sufficiently critical of its sources, the report remains the only annual global overview on trafficking.

Covering about 170 countries, this year's TIP report was made public on 4 June 2008. The report annually categorizes countries based on their efforts to combat trafficking in human beings. Until 2006, Hungary was listed among Tier 2 countries, meaning that although the country "does not fully comply with the minimum standards for the elimination of trafficking [...] it is making significant efforts to do so". However, for the second time since 2007, Hungary has been classified as a Tier 1 country fully complying with the minimum standards of counter-trafficking.

In the 2008 TIP report, Hungary is commended for increasing the number of criminal investigations in the field of trafficking, for fighting against labour trafficking and for boosting governmental counter-trafficking funding to help victims. A significant development was the passing of a national anti-trafficking strategy in March 2008 and the establishment of the post for a national counter-trafficking coordinator.

The American-Hungarian Counter-Trafficking Working Group was established in 2004 following the communications with the U.S. Embassy in Budapest while the latter was collecting information for the 2004 TIP report. The Working Group holds two meetings annually with the participation of the Office of Immigration and Nationality; the Ministry for Health, the Ministry for Social Affairs and Labour, the Ministry of Foreign Affairs with its Consular and Justice Services, Police, IOM, Baptist Aid, the U.S. Embassy in Budapest and its FBI desk.

The Government of Hungary through the Office of Immigration and Nationality has offered a shelter to a civil organisation in order to provide protection for victims of trafficking. An agreement defining the procedures of referral has been elaborated with the participation of different ministries, a civil organisation and the IOM. The purpose of the agreement is to set out the rules of cooperation and communication among the parties in the referral of victims of trafficking.

A dedicated shelter began its operation in April 2005 in order to protect and provide assistance to victims of trafficking in human beings. A civil organisation has undertaken the responsibility of managing the shelter located in a real estate offered by the Office of Immigration and Nationality and of covering its operating expenses. Considering the security risks, the information on the location of the shelter and the fact that it is run by a civil organisation is handled confidentially. For the same reason, the shelter is communicated to the public as a safe house for victims of domestic violence.

The shelter is situated outside of Budapest in a separated area. The four houses are new, having four rooms, a kitchen, a bathroom and equipped with security cameras. The organisation agreed to provide round o'clock assistance to the victims and is responsible for the operation of the shelter.

Furthermore, the former Ministry of Youth, Family, Social Affairs and Equal Opportunities has established a Crisis Management and Information Telephone Service to help victims of trafficking by either initiating actions or providing them with appropriate information when immediate intervention is not required.

3. Support from international organisations in fight against trafficking in human beings

Hungary is in close cooperation with the relevant international organisations (OSCE, IOM, ICMPD, Council of Europe etc.), the European Union and its neighbouring and other countries in the field of trafficking in human beings.

As regards the collaboration with the IOM it should be underlined that the Hungarian authorities and IOM's Regional Mission for Central and South Eastern Europe in Budapest have worked together in the field of counter-trafficking for several years and jointly implemented a variety of necessary services and changes in the areas of law enforcement, prevention and assistance to victims of trafficking.

IOM has been active in the field of counter-trafficking since the mid 1990s, and is currently running nearly 100 counter-trafficking projects worldwide. Of these, over 20 projects have been or are implemented by IOM offices in Central, Eastern and South East Europe, the region overseen by IOM's regional office in Budapest. These projects have been carried out with close involvement of governmental authorities, NGOs and international organizations.

Some of these projects are as follows:

- Information Campaign for Prevention of Trafficking in Women in Hungary 1999–2000, Donor: EU, Hungarian Ministry of Interior (MoI)
- Secondary School Education Against Trafficking in Human Beings 2000–01, Donor: EU, Hungarian MoI
The programme was accredited in 2001 by the Ministry of Education and was included in the National Curriculum.
- The Regional Conference on Public Health and Trafficking in Human Beings in Central, Eastern and South Eastern Europe 2003, Donor: U.S. Government (USAID)
It was initiated at the request of the U.S. Ambassador to Hungary in co-operation with the Ministry of Health, Family and Social Affairs. The final result of the conference was so-called “Budapest Declaration” providing recommendations on a comprehensive approach to victim protection and health and public health issues relating to trafficking.
- Training of border guards, border police and customs officials in identifying of and providing assistance to victims of trafficking (AGIS 2004) 2004–05, Donor: EU
- Awareness-Raising of Judicial Authorities Concerning Trafficking in Human Beings (AGIS 2004) 2004–05, Donor: EU
- Between March and June 2006 a regional training series was performed by the Ministry of Social Affairs and Labour and IOM for educational, healthcare, child protection experts and police officers in four regions.

In addition to several transnational and regional projects, IOM has also been involved in counter-trafficking efforts at national level. In 2007 IOM performed successfully three projects via the working group financed and operated by the Ministry of Social Affairs and Labour in order to implement the priority “Eradicating Gender-based Violence and Trafficking” of the European Commission Communication called “Gender Equality Roadmap 2006–10”. Within this framework IOM provided anti-trafficking training assistance and awareness-raising interventions amongst the two target groups (child care, education and health experts as well as vulnerable groups at risk of being trafficked) in order to understand and respond appropriately to human trafficking issues in the Hungarian context. This was accomplished through organizing seminars throughout the country, running information and awareness-raising campaigns and a “training of trainers” workshop. The project was funded by the Ministry of Social Affairs and Labour.

The awareness-raising and information campaign helped strengthen the relationship between the Government of Hungary and IOM, and contributed towards continued joint efforts to integrate counter-trafficking issues into their daily work. Based on its extensive multi-year experience of preventive information dissemination and awareness-raising on trafficking in Hungary and elsewhere, IOM specifically tailored and implemented the awareness-raising activities in cooperation with the Ministry of Social Affairs and Labour, in Hungary. The campaigns were targeted the specific regions within Hungary at the local level, in order to ensure that the key message reaches the actual target group.

Moreover, the IOM Regional Mission provides regular preparatory and awareness-raising courses for the staff of peacekeeping missions in the Szolnok Military Facility, as well as in the ILEA and the International Training Centre of the Ministry of Justice and Law Enforcement.

In addition, IOM Budapest has produced and distributed a variety of training materials and publications relating to several fields of counter-trafficking (such as trafficking, smuggling, irregular migration, etc.) These publications cover topics such as public health issues and mental health assistance to victims as well as a manual for secondary school teachers on raising awareness among students on issues of trafficking.

The Ministry of Justice and Law Enforcement is currently taking part in two EU-funded projects. With the Austrian Federal Ministry of Interior as a leading partner one aims at developing data collection guidelines on trafficking in human beings and is implemented by IOM Vienna in close cooperation with the experts of the ICMPD, the ILO and the OSCE. The goal of the other project is the development of a transnational victim referral mechanism. In this project the leading partner is the Italian Ministry of Interior and is implemented by the ICMPD.

4. *Cooperation between the Government of Hungary and the UK Government*

Currently, there is a field level cooperation between the Anti-trafficking Unit of the National Bureau of Investigation and the relevant units of the UK police including information exchange and legal assistance.

5. *Possible further steps to strengthen fight against trafficking in human beings*

Although several initiatives and projects to combat trafficking in human beings have been undertaken both at national and regional level in the recent years, there is still a lot to be done. At national level, it should be emphasized that a good working relationship between NGOs and international organizations with the relevant government officials is always one of the keys to success. In our case the positive relationship between NGOs and international organizations—in particular IOM Budapest—and Hungarian government officials is long-standing, and has contributed greatly to the many counter-trafficking projects that have been completed over the years, despite of the short financial resources.

Furthermore, the fact that the issue of trafficking has many aspects (such as supply and demand, victim assistance and rehabilitation, irregular migration, mental and physical health, etc.) must also be taken into account. For example, very few studies have been conducted on the demand side of trafficking, since traditionally the focus has been put on the victims themselves. Campaigns aimed at curbing the demand for trafficking could be very useful in the long run, while conducting research that sheds some light onto previously rather unknown sides of trafficking could prove to be eye-opening.

However, it is not enough to try to combat trafficking on a national level, since the problem itself has become transnational and thus simultaneously affects several countries. Therefore, the fight against trafficking would be much more effective if regional initiatives would be granted more funding, especially by the EU or by Member States' governments.

The EU-accession (or future accession) of many countries in Central and South Eastern Europe is a significant step for the fight against trafficking as well, since EU-membership makes it possible to formulate joint action plans and to set down common regulations and minimum standards. Because of this, EU-level efforts are welcome in the field of counter-trafficking.

It is our firm belief that the international legal environment for counter-trafficking is appropriate, while the implementation of these documents as well as the bilateral cooperation between countries of origin and destination—both at operational and policy level—has not been satisfactory. For this reason we have found the request of the UK Parliament extremely important and hope that we can further develop our cooperation.

30 July 2008

Memorandum submitted by the United Kingdom Human Trafficking Centre

UKHTC Human Trafficking Awareness and Prevention Campaign: Romania and Bulgaria 1 January 2007 to 31 March 2007

The campaign ran from 1 January 2007 to 31 March 2007 with a very short preparation period. The International Organisation for Migration (IOM) were the UKHTC's partners in both countries.

The helplines were set up to compliment the poster, leaflet and media aspect of the campaign.

BULGARIA

The telephone helpline ran from 14 February 2007 to 31 March 2007. The helpline gave advice and information on the prevention of human trafficking. They also dealt with a number of actual cases of human trafficking. The lines were open from 9am to 6pm. There were two operators in Sofia and eight regional co-ordinators who acted as operators at local IOM Bulgaria offices.

During the period of the campaign they received 130 calls:

<i>Topic of interest</i>	<i>Calls</i>	<i>Percentage</i>
Cases	9	7%
Information about the United Kingdom	12	9%
General information about human trafficking	62	48%
The official website	9	7%
Other	38	29%
Total	130	100%

ROMANIA

The Romanian National Agency Against Trafficking in Persons (ANITP) comes under the remit of the Romanian Ministry of Administration and Interior and is responsible for victim care. Prior to the UKHTC campaign the ANITP had launched a campaign to advertise their own helpline which was in use from 14th December 2006.

It was decided that rather than running a second helpline the UKHTC would build its working relationship with the ANITP (in line with part 2 of the project) and assist with their helpline. The UKHTC was able to fund a computer to enable multiple call handling and the ANITP were able to fund four telephone operators. This meant that the posters, leaflets and media training undertaken in Romania had a longer “shelf life” as the helpline is still in operation.

These are the call statistics supplied by the ANITP. Calls are counted in more than one category.

<i>Month</i>	<i>Information Requests</i>	<i>Cases</i>	<i>Missing Persons</i>	<i>Exploitation Persons</i>	<i>General</i>	<i>Total</i>
January	18	5	0	0	15	34
February	6	5	1	1	18	23
March	6	2	1	0	26	20
Total						77

October 2008

Memorandum submitted by Europol

With reference to your letter of 17 October, in which mention was made of forwarding additional information to the Committee, I hereby provide you with a response to Question 327, as promised during the Oral Evidence session of 14 October.

“Q327 . . . Have you come across any evidence of this taking place into the United Kingdom, of children being trafficked in this way into the United Kingdom for these purposes and are you able to say whether the children are being trafficked completely surreptitiously or are they being brought in on some spurious legal basis?”

Answer: The subject of the Joint Investigation Team (JIT) that Europol signed on 1 September 2008 with the UK and Romania focuses solely on this issue. In March 2007, Europol was briefed by the Romanian Police that 1,107 Roma children had been trafficked from Romania to other EU states, including the UK. As a result of the UK’s search against the data supplied by Romania, it became apparent that 200 of the “Europa children” had come to the attention of 33 different police agencies across the UK. This investigation and the JIT are supported by AWF Phoenix and Europol is working in close cooperation with the Metropolitan Police Service.

All of these children were trafficked to the UK for the specific purpose of being exploited through the commission of street crime offences and with an ancillary purpose of defrauding the UK Social Security system. Many were trafficked using genuine travel documents, as well as counterfeit or forged documents. Many of their parents or legal guardians were complicit in their trafficking as they expect a return on the profits made, with the particular trafficking group involved expecting to earn up to €24 million per year from these 200 children. It is suspected that most, if not all, of this money is sent back to Romania.

24 October 2008

Memorandum submitted by the International Union of Sex Workers

A BRIEF INTRODUCTION OF THE ORGANISATION MAKING THIS SUBMISSION

1. The International Union of Sex Workers is the only UK organisation of individuals themselves working in the sex industry. We campaign for human, civil and labour rights, and the full protection of the law for everyone who works in the sex industry and for the inclusion of sex workers in decisions which will affect our rights and safety. The IUSW offers a unique source of expertise and experience from people who see reality of the industry day to day: we are the experts on our own lives.

2. Sex workers are part of the solution, not part of the problem. Real solutions to problems associated with the sex industry cannot be found while we go unheeded. The only way to create policies that effectively address the very real abuses which take place within the sex industry is to base them in reality, rather than on the ideology, assumption and stereotypes which often hold sway. There is no more valid group of stakeholders in this debate than sex workers themselves.

3. We call upon the Select Committee to prioritise the rights and safety of victims of trafficking, migrant sex workers and British citizens working in the sex industry. This is particularly important at a time when the Home Office is considering changes to the law which, however well intentioned, will further endanger us all.

EXECUTIVE SUMMARY

4. Debates around the sex industry are generally informed more by ideology and personal emotional reactions rather than factual evidence and the diverse experiences of sex workers themselves. Emotive opinions are not a sound basis for policy, particularly when contradicted by a substantial body of academic evidence and accounts from organisations of those concerned in the industry themselves.

5. The criminalisation of the sex industry, in addition to jeopardising the safety and other fundamental human rights of UK citizens who sell sex, actively protects traffickers by creating a hidden environment in which they can more easily exploit their victims. It facilitates violence against sex workers in general and migrant sex workers and trafficked persons in particular. It ensures that the vast majority of people who are in a position to report anxieties about coercion and trafficking for sexual exploitation face enormous disincentives to do so.

6. Ignorance about the reality of the sex industry and the way the industry is distorted by criminalisation results in entirely erroneous estimates of the number of victims of trafficking and the ineffectiveness of current measures to locate them.

7. There is no evidence that demand for commercial sex is the primary cause of trafficking: trafficking occurs within the sex industry for the same reasons it occurs in other industries.

8. Trafficking is fuelled by poverty and global economic inequalities, restrictive migration policies and the resultant illegal migration, combined with the relatively higher remuneration offered by the sex industry (when compared with other productive sectors available to migrants in the UK).

9. Measures which improve the situation of migrant workers in other industries will improve the situation of migrant workers in the sex industry. Trafficked persons are not found in sectors where workers are organised and where labour standards regarding working hours, health and safety, wages and employment contracts are well established, and routinely monitored and enforced.

10. UK policy should take as its first priority the safety and human rights of migrant sex workers and victims of trafficking. Present law relating to the sex industry is complicated, ineffective and in breach of the UN Declaration of Human Rights (particularly Articles 7, 20, 21 and 23). By preventing us from working together and decreasing the protection available from the police, it actively endangers people working in the sex industry and prevents the development of good practice.

SOLUTIONS BEGIN WITH INCLUSION

11. Article 21 of the UN Declaration of Human Rights states “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” Resolution 1,579 of the Parliamentary Assembly of the Council of Europe recognises voluntary adult prostitution, and requires that member states formulate policy that avoids double standards that force sex workers underground and make them more vulnerable—instead they should seek to empower them. The resolution explicitly recommends that member states “respect the right of prostitutes . . . to have a say in any policies . . . concerning them”.

12. Politicians and others have lamented our social exclusion as one more harmful consequence of sex work. However, little can be done to remedy this until it is acknowledged that sex workers themselves, historically marginalised and excluded from the debates around prostitution, have the right to participate in civil society. By refusing to accept that sex workers have a contribution to make to these discussions, and ignoring our voices when we speak, our exclusion is perpetuated and endorsed by government.

FACTUAL INFORMATION

The ideological context of debates on trafficking and the sex industry

13. The majority of the evidence related specifically to the sex industry already taken by the Committee is from the perspective that all prostitution is violence against women. This is the view of the Poppy Project and of Harriet Harman. This ideological position, their entirely subjective opinion, necessarily impacts their estimation of the scale of abuses within the sex industry and distorts their proposals for appropriate responses to those abuses as they consider everyone who offers us a place in which to work to promote violence against us and every client a rapist.

14. This is not the view of people who themselves work in the sex industry, who can tell the difference between safe, fair and honest working environments and those who coerce, exploit and abuse us, between those who pay us money for sexual services clearly negotiated and those who take advantage of our criminalisation and social exclusion to rape, rob or assault us.

15. We see how the social and legal framework in which the sex industry is placed perpetuates our exclusion and increases our vulnerability to violence and other abuses. Exclusion and vulnerability are perpetuated by those who refuse to listen to our complaints of actual violence and real abuses because they consider all our work to be violent and abusive.

16. In addition, this is not the view of projects affiliated to the UK Network of Sex Work Projects. The 70 members of this umbrella body all recognise sex workers' rights to self determination, including the decision to stay in or leave sex work. Compared to the Poppy Project's 925 referrals over the past five years, many of the UKNSWP's 17 member projects in London see more than a thousand clients every year, and draw very different conclusions about sex work and the most effective ways to tackle harms associated with the sex industry; for more information see submissions to the Home Office's review of demand for sexual services.

17. As a society, in discussions of prostitution, we must not allow emotion to overrule our judgement. Policy must be based on evidence rather than ideology, and, as with any other policy discussion, include those affected by its development. Those most affected are workers in the sex industry, not the staff of government funded NGOs or the deputy prime minister.

18. The solution to problems in other industries are the same solutions that will address issues in the sex industry—giving workers human, civil and labour rights, the full protection of the law, and distinguishing between safe, honest and fair work places and those where abuse, exploitation and coercion takes place. Current British law around sex work does none of these things.

CAUSES OF TRAFFICKING

19. As Ms Skrivankova said in evidence to the Committee “there is no conclusive evidence based on research that would suggest that the existence of the sex industry would be the main reason why trafficking exists because trafficking exists in other industries as well. So it is really looking at the protection and the rights aspect of the issue that unveils what are the underlying problems that are connected to poverty, lack of opportunity and people being forced into survival strategies that they would not choose if they had opportunities.”

20. The origins of trafficking for sexual exploitation are the same as those of trafficking in any other industry—poverty and lack of opportunity in countries of origin—and the determination of many to build what they see as a better life for themselves in countries such as the UK. This is evidenced by the number of cases where someone has been deported, they successfully (and illegally) re-enter the UK, doubling the profits of the gang which brought them here. (As Mr Winnick remarks, referring to written evidence from the Poppy Project, “deportation of victims invariably leads to re-trafficking and you have plenty of evidence along those lines. So, once they are deported or they leave the United Kingdom, they simply become victims of these gangsters again.”)

21. The reasons victims of trafficking are found in the sex industry is largely due to its criminalisation and marginalisation, giving traffickers opportunities less easily found within legal labour markets.

22. In addition, the rates of pay within the sex industry are conspicuously higher than in hotel and catering, agricultural labour etc.

23. There is no evidence that demand for sexual services fuels trafficking in women. Harriet Harman did not attempt to give the Committee evidence to this effect, nor was it requested. If a false premise is accepted as the basis for an argument, all conclusions drawn will likewise be false.

24. The IUSW is aware of a number of pieces of academic research which undermine the “demand” argument but have not yet been published.

25. We say again, if realistic evidence relating to the sex industry were included in the formation of policy, it is much more likely effective policies will be created. In London, prices for sexual services have been static for the past eight to 12 years, a significant drop in real terms. Generally, even the longest established premises, whether their selling point has been a central location, a friendly ambience or competitive pricing, are quiet compared to five years ago—and have experienced a significant decrease in the number of clients they were receiving 10 years ago. This would indicate this it is not a demand lead market, so criminalising demand, though doing much to endanger all sex workers (and, of course, most affecting the most vulnerable) will do nothing to decrease trafficking.

26. There are, however, many cases of trafficking victims being brought to the attention of the authorities by clients; clients who are currently demonised by those who consider all sex work violence against women and who the government wishes to criminalise.

THE SCALE OF TRAFFICKING WITHIN THE SEX INDUSTRY

27. It is undoubtedly the case that women are trafficked into the sex industry. However, the proportion of sex workers of whom this is true is relatively small, both compared to the sex industry as a whole, and to other industries. For example, it is widely accepted that 80,000 women sell sex, both UK nationals and migrants. However, it is estimated that there are 420,000 to 600,000 migrant workers in the agricultural sector. Pentameter 1 and 2, nationwide intelligence lead police operations, raided 1,337 premises and located 255 people considered to have been trafficked under UK law (five of which were unconnected with the sex industry) over a period of more than a year. In mid November 2008 a single raid on a single farm in Lincolnshire found 60 Eastern European victims of trafficking, and suspected the exploitation of hundreds more.

28. The police estimate that Pentameter 1 raided 10% of sex work establishments in the UK, and found 88 victims. If this is correct, and proportionate, then the sex industry as a whole would harbour less than 900 trafficked women.

29. It is impossible to gain accurate estimations when they are often made on gross ignorance of how the sex industry works. For example, a large anti-trafficking campaigning organisation alleges they can tell an area has a considerable population of trafficked sex workers as brothels and working flats will have different women present on different days—as this is seen as evidence of organised movement of women by the gangs that own them.

30. It is, in fact, evidence of knowledge of the complex laws governing sex work in Britain, which often leave us in a legal grey area. Two women working in the same flat at the same time are automatically criminalised (with obvious implications for our safety) and are more likely to be raided as a brothel. Therefore working on different days (increasing our isolation and the opportunities for sex workers to observe and report anxieties about trafficking) is industry standard practice. But if this is used to gather evidence of trafficking, estimates of victims will indeed be sky high.

31. Limits on sex workers working together breaches Article 20 of the UN Declaration of Human Rights, “Everyone has the right to freedom of . . . association”.

32. It seems Harriet Harman shares this ignorance of the customary operation of an industry about which she has strong feelings, but little information; she has quoted newspaper advertisements that describe this working arrangement when exhorting members of the Women’s Institute to complain about such advertisements. This will do nothing to target trafficking but much to perpetuate sex workers’ social exclusion.

33. Another feature of advertisements referred to by Ms Harman as an indicator of trafficking are terms such as “New girls” “Fresh in town”. The sex industry is characterised by frequent movement between informal workplaces. Sex workers will experiment with different workplaces till they find somewhere that suits them. As sex workers are not salaried but earn for each client they see, there is no cost to brothel keepers in offering work to someone new and seeing if they are suitable—some advertisements aimed at clients always include “New staff welcome”. Many clients are keen to meet a new girl in a familiar brothel, and maids and receptionists may make a particular effort to promote a new face so there is an advantage to changing locations. These commonplace practices in the industry are the explanation for this text appearing in advertising—if a location does contain trafficked women, they will not want to advertise the fact.

34. In addition, it is advisable to bear in mind that advertisements are promotional material, so should be regarded in the same way as any other sales pitch. There is at least one highly successful escort in London who has advertised as “new in town” for the past 10 years.

35. Similarly the Poppy Project’s “Big Brothel” report of September this year, though it found no quantifiable evidence of trafficking, raised great alarms. This report was compiled by a succession of hoax calls to sex workers and was considered sufficiently unethical for 28 academics to put their names to a refutation of both the report’s data and analysis. Anecdotal signs of trafficking were considered to include “Kissing available for £20 *depending on what you look like.*” [our italics] which could conceivably be a decision made by the brothel receptionist. However, to interpret statements such as:

- “£30 extra for anal if caller is *‘smallish down there*” [our italics];
- “Anal price negotiable *‘depending on size*” [our italics];

as indicators of trafficking betrays a fundamental ignorance of how sex is negotiated in a commercial environment. The only person who would see the client’s erect penis, and therefore be able to assess and agree to this transaction, is the sex worker herself—it is unheard of for the maid to examine a man intending to pay for sex in order to tell the woman providing the service that the organ in question is of acceptable dimensions. Yet, of course, if these are misinterpreted as evidence of trafficking the figures for trafficked women will be very high. In fact these statements demonstrate the exact opposite—agency, choice and decision-making power by the woman selling sex.

36. There are migrant workers, illegal migrants and victims of trafficking, across the UK sex industry, as is also the case in the hotel and catering industry, agriculture, and domestic service.

37. There is great risk that national policy be made on the basis of information factually incorrect even for London—indeed, sometimes from Westminster borough alone—and then projected across the UK where it will bear even less relationship to the reality of the sex industry, and be even less effective as a solution to the problems of human trafficking.

38. Certainly London, and central London in particular, has high levels of sex workers from outside the UK. Many of them are from countries regarded as sources for trafficking (for example, Moldova, where a third of the population has migrated). However, although there is much difference between being a migrant working in the UK sex industry, even when entry to the UK was achieved by resorting to being smuggled by criminal networks, and a victim of trafficking, often these categories are elided—all of which make it more difficult to identify and support the real victims that do exist.

39. If we accept that 70–85% of sex workers in London are non-UK nationals—in common with other service industries in the capital, most of which pay minimum wage—it is important to recognise that this picture is not duplicated elsewhere. Liverpool, a port city with a long history of immigration, still has only 6–8% migrants in its sex industry, according to the health project that has been operating there for nine years. 15% of indoor sex workers in Edinburgh are from outside the UK—a complete reversal of the estimated picture in London. In Newcastle, most non-UK based workers are failed asylum seekers, and a minimal proportion (1–2%) of escorts are from outside the UK.

40. Despite the clear personal distaste of one of your witnesses for such establishments, there is no evidence of human trafficking in strip tease establishments or lap-dancing clubs.

HOW BRITISH LAW ON THE SEX INDUSTRY FACILITATES TRAFFICKING

41. It would be useful if the Committee were aware that prostitution in itself is not illegal (for example, Mr Davies speaks of prostitution being illegal in his questions to Klara Skrivankova, though it seems possible he is referring to laws against brothel keeping, not against selling sexual services). Clearly the law is confusing, and the complex legal framework surrounding sex workers endangers us and facilitates abuses.

42. None of the laws specific to the sex industry refer to coercion, exploitation, abuse or violence. They criminalise all street sex work and a wide range of working options in the indoor industry and ensure sex workers do not have the full protection of the law. This breaches Articles 7 and 21 of the UN Declaration of Human Rights: “All . . . are entitled . . . to equal protection of the law”.

43. Violence against sex workers is promoted by this situation—for example, there are many cases of robbery gangs targeting brothels in the expectation crimes will not be reported, some of which are prosecuted after diligent investigation by the police and recognition of the bravery required to come forward in a court of law. There are also cases of sex workers reporting crimes against them to the police, and being told they are themselves at risk of arrest for brothel keeping, soliciting etc.

44. This situation is particularly acute for migrant sex workers. Although entirely unfunded, the IUSW has supported a number of people through a range of court cases that shared the characteristic that the sex worker was regarded as an easy target, unlikely to report and unlikely to be believed if reporting, by police, judge, and jury in turn. Those who abuse migrants frequently threaten them with deportation or false allegations to the authorities, whatever their rights to remain. At its most extreme, gangs who have robbed and raped in brothels have called UK Borders Agency as they depart to ensure their victims and potential accusers are likely to try leave before the arrival of the authorities.

45. However, these legally created vulnerabilities are common to all sex workers, though fall with greater impact on migrants. How does UK law specifically assist traffickers and make it more difficult for their victims to find safety?

46. The UK victim centred approach focuses solely on utilising victims of trafficking within the criminal justice system to gather intelligence and provide evidence against traffickers rather than prioritising a human rights approach which puts the person first.

47. Although it is legal to sell sexual services, many activities around the sale of sex are criminalised (for example, providing a work space to another, arranging appointments, driving someone to see clients and waiting outside to ensure their safety: all these are criminal acts). For a non-UK national, probably not a native English speaker, the law can be incomprehensible—certainly there is no easy way to discover what the law is and how it may affect your legal status within the UK. The widespread criminalisation and marginalisation of the sex industry offers a ready made opportunity for those who wish to exploit and abuse, for example, telling their victims they will be imprisoned for selling sex, that they will be raped by the police, that they will be deported etc. A decriminalised sex industry, free to operate in an open and transparent way, would remove this opportunity to manipulate and misinform.

48. Mr Davies suggests an advantage of our criminalisation is the vulnerability of all brothels to police raids, and that such raids would be impossible without evidence were brothels not an illegal working environment, or would require increased compliance with red tape if they were legal.

49. State officials other than police have powers to inspect for the purposes of monitoring health and safety and other legal obligations such as tax regulation. All such state officials have a duty of care to protect vulnerable individuals.

50. Police paperwork notwithstanding, it is a surely a reasonable expectation of any citizen that evidence of a crime be required before the police are permitted to raid a home or workplace (and for many sex workers, these two locations are the same)—why should it be different for sex workers?

51. There is an inherent conflict between the police roles of protection and enforcement in an industry where, as Mr Davies says “the police can put the door through at any time”.

52. This criminalisation does much to deprive sex workers of the full protection of the law. Mr Russell, referring to advertisements by sex workers, says, “I am pretty sure that it is not the role of the police to give a blessing to prostitution”: sex workers would be very pleased to receive the protection of the police if not their blessing.

53. Though the vulnerability of UK nationals is not the purview of this enquiry, this situation creates even greater vulnerability among migrant sex workers and victims of trafficking.

54. There are three groups of people most likely to see victims of trafficking—sex workers, clients and those who run brothels, working flats and escort agencies. Existing and proposed law distorts the sex industry to build in structural reasons to prevent all of these groups to report anxieties about trafficking.

55. As two women working together fulfils the legal definition of a brothel, many working flats decrease their likelihood of being raided by arranging for individual women work on different days of the week, with a (usually full-time) “maid” or receptionist. The maid is criminalised under legislation relating to controlling for gain (which applies equally in law to fair and honest workplaces as exploitative and dangerous ones), but the woman selling sexual services is not. However, due to the “rota system” adopted as a result of brothel keeping legislation, sex workers are unlikely to see other women working in the same flat, losing another opportunity to identify and report anxieties about trafficking.

56. Sex workers who work collectively in “brothels” are discouraged from reporting concerns by fear of losing their livelihood as a result and the potential for arrest and prosecution: such prosecutions may fail or may succeed, and have succeeded.

57. Anyone who runs a brothel, working flat or escort agency is criminalised under legislation against controlling for gain, brothel keeping etc. It is directly against their interests to come to the attention of the authorities.

58. Despite this, there have been cases where police have been alerted to suspicions of trafficking by members of this criminalised group. Regrettably, there have also been cases—where those suspicions have been proven correct, where women have been rescued, traffickers arrested—and the police have then returned to the source of their information, to arrest, prosecute, imprison and confiscate their assets. This acts as a considerable disincentive to report, a fact which traffickers are aware.

59. The government is now considering the indiscriminate criminalisation of clients of sex workers “controlled for gain”, described by Harriet Harman as “if the woman is there for somebody else’s gain or she has been trafficked in and is being held captive”.

60. In previous evidence to the Committee, Misha Glenny averred “The reason why there are so many brothels in this country is that there are so many men prepared to visit those brothels,” though he supplied no data to support this statement. There is no definitive evidence that British men are more likely to pay for sex than men of other nationalities. One study showed an increase from 2% (1990) to 4.2% (2000) of men reporting paying for sex in the last five years. In another, 10% reported having paid for sex. Research in Switzerland showed 11.5% of men aged 17–30 and 21.5% of men aged 31–45. An international comparison of payment for sex within the last year showed median values in Western Europe of 2.9% and a mean of 3.6%.

61. Anna Johansson of the Poppy Project makes the unsubstantiated assertion “. . . someone who has been a victim of crime in the UK who would not necessarily be here if it was not for the demand that is present in the UK that is fuelling the sex industry and the trafficking.” Her colleague Denise Marshall goes on to give the example that a woman may travel through Spain and Germany to London and “she would not come to London or to the rest of the UK if there was not demand”.

62. However, figures for percentages of men buying sex are higher in Germany (4.8%) and Spain (11%) so if the demand lead argument were correct, traffickers would concentrate on those countries.

63. Both Spain and Germany have legalised prostitution, which creates a less hospitable environment for unlawful acts than the UK’s largely criminalised sex industry.

64. Despite Harriet Harman’s interpretation, the legal definition of “controlling for gain” makes no reference to coercion, deception, exploitation, violence, rape, abuse or trafficking. Home Office proposals would not target clients of the vulnerable, but criminalise all clients of anyone who works in premises run by a third party or for an agency: the very kinds of working situations that offer most support and safety to vulnerable workers and probably the most common working arrangement in the indoor industry.

65. There have been successful prosecutions for controlling for gain even when it has been accepted in court that the plaintiff offered sex workers a fair, safe and honest working environment. Indeed, if the definition of “controlling for gain” were applied to other industries, it would criminalise the work of authors, actors, models, barristers in chambers, many hairdressers, mini cab drivers, and every single permanent or temporary employment agency.

66. Not only do these proposals entirely fail to target trafficking, the case Ms Harman mentioned to the Committee to illustrate her point in fact shows the enormous potential benefit from involving clients in the fight against trafficking, rather than criminalising them. One of the women from the Oriental Gems agency was able to give evidence, leading to successful convictions, as a result of a client paying £20,000 of her debt and freeing her from slavery. Under proposed legislation, this man would be confessing to a crime by bringing such a woman to the attention of the police. As it is proposed that the crime be judged under terms of strict liability, his action to save this woman would be no defence. This would create a significant disincentive for clients to report anxieties about trafficking or help women they think are trapped.

67. Mr Davies suggested that by the same logic we should criminalise anyone who gives money to a migrant child begging in the street—in fact such a measure would be far more closely targeted than current government proposals allegedly intended to assist trafficked women.

68. In research by CWASU (the Child and Woman Abuse Studies Unit at London Metropolitan University), less than 5% of clients interviewed said that they would be deterred by legal sanction (though 20% said they'd stop paying for sex if they had a girlfriend). Clients most likely to report abuses are the most law-abiding and these are, by definition, those most likely to be dissuaded from buying sexual services by legal sanction.

69. Clients and others involved in sex work are the most effective source of information on abuse within the sex industry and there is evidence clients are keen to report this if informed of means to do so. Even Poppy, which campaigns for this criminalisation of our clients on the basis of their belief that all sex work is violence, receives 2% of its referrals from clients of sex workers, and a further 6% from unspecified “members of the public”.

70. In Turkey the government set up a well-publicised hotline for reporting trafficking, across all industries. In the six months to January 2006, three quarters of tip offs came from sex workers' clients, and those calls resulted in the destruction of 10 trafficking networks and freedom of 100 women from coercion—a greater number in a shorter time than the intelligence lead Pentameter 1 operation—and probably at lesser cost.

71. We are already seeing a reluctance by owners and managers of premises to hire migrant sex workers. Sometimes this is a decision of conscience, due to anxieties they may inadvertently offer work to someone who is coerced into selling sex. Sometimes the choice is pragmatic—the fewer migrants on the premises, the less likely those premises will receive unwelcome police attention. In either case, the result is to decrease the choice of workplaces available to migrant sex workers and thereby further isolate victims of trafficking from those who might report anxieties. Migrants working in the sex industry by choice or coercion will be pushed into worse and worse working conditions, where the organisers making the profit and exploiting individuals' vulnerability are at greater distance from the business and, in consequence, more likely to get away with abuses.

72. Mr Streeter suggested that there should be a “massive campaign”, and that this should take the form of confidential interviews of sex workers by the police, who would then be removed to a place of safety if they said they had been trafficked. Such a massive campaign has, in fact, taken place: the Pentameter 1 and 2 police operations. The small number of trafficking victims located (255) has been described; the police have not revealed how many migrant sex workers were deported either as illegal migrants or because they were working in terms which rescinded their visas (although the government do not recognise sex work as work, it is considered as such by the UK Borders Agency and has resulted in deportation for breaking the terms of a visa).

73. Neither have other consequences of Pentameter been drawn to the Committee's attention. The most obvious is the heightened fear of deportation that is the constant companion of migrants working in the sex industry, whether they are in the UK legally or otherwise. It is less common these days that women are deported still in their working clothes (ie, their underwear) but they are, of course, penniless as deported sex workers are not allowed to retain the money they have worked so hard to earn.

74. Pentameter has also resulted in the alienation of working flats, brothels and individual women from all “state authorities”, including health projects and other support services which may have worked over the past twenty years to develop relationships now impeded by distrust and apprehension. There are suspicions of all agencies with any association with the authorities, particularly by migrants from countries where links between different arms of government are stronger, or corruption means that there is no confidentiality in medical treatment and health services may report “useful information” to the police.

75. Despite Mr Streeter's hopes, for those who do identify as victims of trafficking under these circumstances, there is no “safe place” to which they can be removed, except under terms highly conditional and strictly time limited. Access to assistance is dependent on the victim's willingness to co-operate and his/her “usefulness” in the criminal proceedings. For example in 2003 the UK Home Office established criteria for trafficked persons to be referred to special services such as the Poppy Project, including that: they have been working as a prostitute for the last 30 days (in the UK); that they have come forward to the authorities, and that they are willing to co-operate with the authorities. After two years of research, Anti-Slavery International found that the models of protection offered by the state to trafficked persons prioritise law enforcement requirements over the rights of victims. In the vast majority of cases, the trafficked person, if

recognised, is seen primarily as a witness, and as a tool of law enforcement. If this continues to be the case, trafficked persons' right to justice will continue to be denied, and prosecutions of traffickers will fail because their victims are neither willing nor able to testify.

76. In addition to the structural priorities built in to the limited support for victims of trafficking, precedence is also given to the security of our borders in the case of criminal prosecutions of those who do violence to illegal migrants. There have been cases where, to the frustration of the police, the main witness in a rape trial has been deported before giving evidence. Even if UK Borders Agency are persuaded to delay deportation, coming to the attention of the authorities because you have reported a crime against you is of no relevance in determining your right to remain.

77. Rape, robbery and crimes of violence against migrant women are effectively treated as of less importance than victim's breach of immigration rules.

78. Criminals are often aware of this, and select victims from amongst the most vulnerable accordingly. Migrant women reporting attacks to health and support agencies describe perpetrators' comments to this effect in the course of assaults upon them.

79. For example, in meetings a health project has brokered between migrant sex workers who have been gang raped and police known to and trusted by the project, as soon as the police officer has revealed they have an obligation to inform UK Borders Agency of the possible presence of an illegal migrant, the complaint is invariably dropped, even if the woman were previously keen to report and give evidence against her attackers.

80. The most profound effect of criminalisation on the sex industry is echoed in Alan Campbell's quote to the committee "They are in the darkness, in the shadows." The obscurity offered by an industry in which the vast majority of participants are criminalised, regardless of whether they exploit or abuse others, and in which even UK national sex workers are denied the full protection of the law, offers an ideal environment for criminals to prosper in their abuse and exploitation of sex workers. Ms Harman stated to the Committee "I do not think anybody challenges what I have said, which is that the sex trade is changing in nature and becoming part of serious organised crime." The IUSW challenges this statement—but if the government wishes it to become true, existing law and current proposals are creating close to ideal conditions for it. Prohibition of alcohol in America gave violent criminals increased opportunity to make themselves part of American society. Criminalisation of sex work here offers similar opportunities, with disastrous consequences for both UK born and migrant sex workers.

81. This can be seen already in the discrimination experienced by sex workers by local newspapers refusing to accept advertisements, a subject mentioned several times by Committee members and described as "obnoxious advertisements" "feeding the frenzy of the sex trade" "not only aiding and abetting prostitution but they are aiding and abetting people trafficking".

82. Such statements seem to indicate moral objections on the part of Committee members towards sex workers and the purchase of sexual services in and of themselves. These moral judgements of the sexual behaviour of consenting adults have no place in policy making, particularly in policy making intended to address coercion, exploitation, violence and abuse.

83. As already stated, the selling and purchasing of sexual services is not illegal. Many members of the IUSW have advertised such services, entirely legally, in local newspapers like any other independent business within their community. To eliminate these advertisements drives prostitution further underground, assisting those who wish to abuse and exploit, and marginalises and excludes all sex workers, perpetuating problems, not solving them.

RECOMMENDATIONS

84. Decriminalisation of sex work is the essential first step towards combating trafficking, tackling abuses within the sex industry and ending the social exclusion of sex workers.

85. Decriminalisation alone is not enough to create a Britain in which sex workers are treated as full and equal members of society.

86. Even without change to current legislation, there is much that can be done without changing the law that would have enormous beneficial effect.

87. Formal inclusion of sex workers and sex workers' organisations on discussions on the sex industry at a national and local level.

88. Recognise the trafficking occurs within the sex industry for the same reasons it occurs in other industries.

89. Apply the definition of trafficking used in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention against Transnational Organized Crime (commonly known as the Palermo Protocol). This refers to coercion, deception, abuse and exploitation, all of which are absent from the current UK definition of trafficking.

90. To reduce the abuse and exploitation of migrants in many industries, as well as the sex industry, ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), thereby requiring a thorough review of immigration and work restrictions.

91. Adopt the Italian model of support for victims of trafficking: the experience of Italy shows that a truly human rights based approach to issues of trafficking can work effectively and that there is no significant pull factor associated with giving victims of trafficking full human rights. Other countries have introduced or are considering introducing a similar regime.

92. Tackle trafficking at source through partnership working with countries of origin involving sex workers, taking a migrants' rights approach, drawing on existing good practise—eg, the Global Alliance Against Trafficking in Women's the Migrant Women's Handbook or Ziteng's What to Know Before You Go. The European Union Expert Group on Trafficking recognised this as one of the most effective approaches in combating trafficking.

93. Treat crimes of violence against migrant sex workers as a priority. Reporting or giving evidence about a crime of violence should not result in deportation.

94. Work with sex workers' organisations, health projects and support services to increase reporting of crimes of violence against sex workers.

95. Encourage clients to report concerns about trafficking or coercion, either by a dedicated hotline or through Crimestoppers.

96. Resources devoted to those who purchase sex should focus on addressing the perpetrators of violence against sex workers rather than the purchasers of sexual services. It should not be the aim of government to judge and/or punish consensual adult sexual behaviour.

19 December 2008

Memorandum submitted by the Union of Construction, Allied Trades and Technicians

EXECUTIVE SUMMARY

UCATT is the largest specialist union for construction workers with 120,000 members in the UK and the Republic of Ireland. UCATT is the lead union among the signatories to the National Working Rule Agreement of the Construction Industry Joint Council and the Joint Negotiating Committee for Local Authority Craft and Associated Employees.

UCATT is represented on a number of construction industry related bodies including; the Strategic Forum for Construction, Construction Skills Training Board and the Construction Skills Certification Scheme.

Our evidence to this enquiry into human trafficking is based upon trafficked migrant labour experience within the construction industry.

Human trafficking in the construction industry is common among gangmasters from A8 accession states and with Bulgaria and Romanian workers having employment rights restricted the issue could also impact on economic migrants from these states.

The growth of gangmasters and labour providers exploiting trafficked migrant workers is a major concern. We have instances of migrant workers being paid well below the agreed rates within the construction industry and also below the national minimum wage.

In construction the gang-master can operate as an employment agency. They advertise, in the trade press, that they have cheap migrant workers available. When UCATT officials visit sites and speak to these workers they often find that their rates of pay are much lower than the indigenous worker and health and safety training has not been given. In an industry with the highest number of fatalities and serious injuries this is totally unacceptable.

These gangmasters are able to exploit fragmented industries throughout the UK. In construction, an industry fragmented to the extent where you have significant percentage of workers wrongly classified as self-employed in order for contractors to escape income tax, NI, sick pay and pensions, there is an unhealthy approach to illegality. The use of bogus self-employed allows the fragmentation of the construction industry to such an extent that gangmasters and labour providers' use of illegal labour is rife on major contracts throughout the UK.

UCATT has found that the greatest abuses tend to occur in circumstances where the gangmaster controls the work of migrant workers and their accommodation.

As the law stands the construction industry is not included within the scope of the Gangmasters Licensing Bill.

UCATT supports the Gangmasters Licensing Bill as an important step forward for the industries included in the bill, agriculture, and shellfish gathering and associated processing and packaging sectors. The construction industry is an industry that in future should be looked at with regards the licensing of gangmasters, with expansive growth of agencies and labour providers within the industry.

UCATT is concerned that some of the problems highlighted in the agriculture, shellfish gathering and associated processing and packaging sectors are typical in the construction industry. These problems are manifest on a number of construction sites across the UK through trafficked labour.

SCALE OF THE PROBLEM IN THE CONSTRUCTION INDUSTRY

Overview of Migrant/Trafficked Workers Employment Status in UK

1. It is the view of UCATT that there is a direct correlation between employment status and the trafficking of labour, often involving migrant labour in the construction industry. Our research estimates that on major sites over 75% of labour are classified as self-employed. This is contrary to other European states. The UK labour market shows a ratio of 11 to 1 in terms of self-employment over direct employment from workers entering from the EU27. This is largely because the UK Worker Registration Scheme places a duty on those directly employed in the UK to enrol into the scheme. Conversely those that are classified self-employed can enter without registration as set out in the Accession (Immigration and Worker Registration) Regulations 2008.

2. Another explanation is the distinction between genuine self-employment and false self-employment. A genuinely self-employed person would have to understand legal and taxation systems and to acquire skills to deal with clients that are different from that of a directly employed worker. This has often acted as a barrier to genuine self-employment among migrant workers. Take these barriers away, through the Construction Industry Scheme, that allows self-employment as paid workers, then you have an opportunity for contractors to avoid payments of national insurance, income tax, holiday pay and other employee benefits while managing to control workers pay, hours and method of work.

Scale of the Problem

3. UCATT conducted research across all Regions in the UK to detect the scale of the problem of exploitation of migrant trafficked labour with many appalling instances reported by our Regional Officials. Our overriding conclusion is that there are major similarities in the treatment of migrant workers trafficked from foreign countries to the UK. The systematic abuse of workers by contractors, employment agencies and gangmasters in the construction industry is a constant thread in our research among migrant workers in the UK.

Case Studies

4. While UCATT understands that the committee terms of reference make clear that they cannot act in individual cases of exploitation towards trafficked workers, the only way to submit evidence to inform the committee is through case studies in the construction industry and to highlight cases that our officers have dealt with.

The following cases highlight experience in three UCATT regions and are indicative of the kind of exploitation that exists across the entire UK construction industry.

MIDLANDS REGION

Birmingham, Derby

5. UCATT unearthed a case of appalling systematic abuse of vulnerable migrant workers on a PFI hospital in Mansfield. Our officer obtained the workers pay slips, which revealed that some workers took home just £8.80, after working a 40-hour week.

Dry lining subcontracting company Prodom employed the dozen Lithuanian workers. The workers were paid below agreed minimum rates for the site operated by main contractor Skanska, they did not receive overtime (some workers worked in excess of 70 hours and took home less than £100) and were charged excessive deductions for rent, tools and utility bills. It is understood that many of these charges were unlawful.

UCATT were only able to uncover the extent of the abuse after some of the workers stopped being paid altogether with the company currently owing some workers five weeks' pay. The workers were initially scared of approaching the union because the company also provided their accommodation.

NORTH WEST REGION

Manchester, Liverpool, Cheshire

6. UCATT officials visiting a site found that workers had been given Construction Skills Certification Scheme cards without having gone through health and safety testing or the training and a skills verification process to gain these cards. A young Polish worker, brought from an agency informed our officer that he had given a passport sized photo to an agency before leaving Poland and that on arrival in the UK, he was sent to an address in Manchester where certificates were awaiting him to enable him to work in the UK. This information was passed to police to investigate as it amounted to fraud.

Following further investigation on the site our officer uncovered shocking employment practices. Migrant workers trafficked from Poland were working between 85-90 hours per week, paid £4.75 per hour living in squalid conditions with the practice of hot-bedding being the norm with up to 11 workers sharing a two-bedroom house.

NORTHERN REGION

Newcastle, Cumbria, Middlesbrough

7. Our development officer in this region was tasked with operating a recruitment and information drive for Migrant Workers entering the construction industry in the region. The local Trades Union Congress in the Northern Region is very proactive in highlighting the issue and UCATT contributed to the study in the region.

- (a) In Newcastle a UCATT official found trafficked workers charged £900 per month for a two-bedroom flat that would be assessed by The Rent Service as being fairly charged at a figure around £350-400 per month. Not only this but in trying to give workers information about employment rights the official was duly assaulted and threatened by the gangmaster and family members.
- (b) In Durham our officer found trafficked Polish construction workers being paid as little as £3 per hour (construction industry rate for job £9.72) working in excess of 80 hours per week. One worker on the site suffered an assault at the hands of a managing director of a sub-contractor. As the practice of fear and intimidation used by some gangmasters, agencies and employers in the building industry allow a culture of fear to permeate among migrant workers in particular, UCATT was not surprised when the worker would not report the incident for fear of losing his job or further reprisals.

CONCLUSION

UCATT has offered a brief summary of the types of exploitation that trafficked workers in the UK experience on a daily basis. As I have outlined in our summary, the method of employment used for migrant workers often restricts rights and allows a control to be help by agencies, gangmasters and contractors.

It is our policy to campaign to end this practice of bogus self-employment and we have produced research and literature explaining to the government how this undermines both the employment rights of workers in the construction industry and also the tax evasion and receipts lost to the treasury through national insurance and employers tax payments. Much of the recent rise in this false self-employment can be attributed to trafficked migrant labour. Employers have taken advantage of the vulnerability of migrant labour, shown in our case study evidence, and exacerbated their insecurity by engaging them as false self-employed workers. Government regulations make it easier to migrate as self-employed and this had played into the evasion economy character of the UK construction industry.

UCATT has consistently held the view that vulnerable workers in the construction industry should be protected from this exploitation. An introduction of the Gangmasters Licensing Bill to extend to the construction industry is, in our view, long overdue, with evidence showing similar problems existing in construction as those covered by the legislation.

January 2009

Memorandum submitted by Paladin

INTRODUCTION

This submission explains the contribution made to counteract child trafficking in London through a child protection partnership initiative based at London's ports.

INFORMATION

1. Paladin is a joint agency team of Metropolitan Police (London) and Border Agency officers working together to safeguard children at London's Ports. The team covers all Ports in London, particularly Heathrow Airport and the Asylum Screening Unit (ASU) at Croydon (a designated port as defined by BA). Other significant locations are St Pancras Station (Eurostar trains) City Airport and Victoria Bus Station.
2. The Paladin Team consists of 1 Detective Inspector, 1 Detective Sergeant, 4 Detective Constables and two Border Agency staff. The Police officers were all trained and experienced in child abuse investigation prior to this posting. The team works closely with children's services, particularly with their Port specialist teams at Heathrow Airport and the ASU. Currently only two of the six police posts are funded (by SCD5 BWT). There is no funding from REFLEX or other sources.
3. Vigilance at the port of entry to the UK presents a significant opportunity to identify and safeguard vulnerable children and prevent harm. Therefore, the Paladin Team works with all relevant agencies and commercial companies to raise awareness and identify children at risk. This training and liaison ensures that the Paladin Team can provide early intervention and advice on complex multi agency child safeguarding issues. Child trafficking features in a significant proportion of the cases undertaken by the Paladin Team. Therefore, by experience, they have become expert in this work.
4. Results over the past 12 months include 195 children being accommodated by children's services as a result of Paladin intervention. 12 traffickers of children have been convicted by the team (two successful cases received national media coverage; Sandberg and Quainoo) and 3 operations were passed to SOCA regarding child trafficking networks. The Paladin Team has also provided a significant contribution to the CEOP strategic threat assessment on child trafficking.
5. The ACPO Child Trafficking Steering Group has identified the Paladin Team as best practice and the Head of the Paladin Team has been closely involved in a working group to agree a safeguarding model, based on Paladin, which will be rolled out across the UK. CEOP are supporting the development of a Paladin Manual for this national roll-out, based on the Paladin Team practices.
6. The Paladin Team has hosted numerous visits from other British Police forces and international police visits. Paladin Team staff have presented at several major trafficking conferences, including the Organisation of Security and Cooperation in Europe. The Head of Paladin team was invited to Vancouver to advise the Winter Olympics 2010 re trafficking issues. The team has also contributed to the wider child trafficking environment, for example to the International Organisation for Migration Handbook *Investigation of Trafficking for Law Enforcement Agencies* and the DCFS Working Together Manual on Trafficked Children. Paladin has received visits from high-profile politicians (Vernon Coaker, Dame Butler-Sloss amongst others).
7. Paladin are the recipients of recent national awards from UKBA, ECPAT, they were also short listed for a diversity award for the MPS.

RECOMMENDATIONS

- (I) PALADIN CONCEPT EXPANDED ON A NATIONAL BASIS TO PREVENT DISPLACEMENT.
- (II) PALADIN CONCEPT BE REGULARISED BY THE *Paladin manual*.
- (III) APPROPRIATE FUNDING ALLOCATED.

January 2009

Memorandum submitted by Child Exploitation and Online Protection Centre (CEOP)

On Tuesday 21 October 2008, in my capacity as the Chief Executive officer of the Child Exploitation and Online Protection Centre (CEOP) and the Association of Chief Police Officer's lead on child trafficking, I gave evidence to the Home Affairs Select Committee. The Committee asked if I would follow up in writing on a number of issues; these are outlined below. I would like to apologise for the delay in our response.

NUMBER OF VICTIMS

Following a discussion around the scale of trafficking across the European Union (Q359), Mr Gwyn Prosser MP asked about a statistic from Europol estimating that figures may be as high as 100,000 victims of child trafficking a year. I stated at the time that I thought this figure may be have been an error and, having now checked with Europol, I am able to confirm that this figure was actually 1,000, and related to one specific investigation. Evidence to support this can be found in the response given by Mr Ratzel from Europol to the Committee on Tuesday 14 October 2008.

SUNDAY TELEGRAPH REPORT

Mr Winnick MP enquired about an article that had been written in the *Sunday Telegraph* (Q366) on 3 February 2008 featuring a Nigerian girl, who—it was reported—had been exploited in the UK and who (according to the article), went to the police to report trafficking and claimed her complaint was never followed up.

I was asked that CEOP look further into this specific case and I arranged for enquiries with the police force in question. I am now able to confirm that, following contact with the Metropolitan Police, they report that no person using that name or details could be found in their records; therefore, they suggest that either facts have been changed in the article or the details reported are incorrect. I am sorry that I have not been able to resolve this particular issue and would suggest that you contact the journalist responsible for the article for further information.

RECOMMENDATIONS FOR UK BORDER AGENCY (UKBA)

Mr Bob Russell MP asked that CEOP provide written recommendations for the Committee in relation to immigration officials at ports of entry (Q378). The UKBA have recently launched their Code of Practice for Keeping Children Safe. I have been involved in the consultation regarding their referral process to Local Authority Children's Services where children are identified at risk. I would commend the work of UKBA's Children's Champion office in carrying this work forward.

Our recommendations for UKBA Officials would be:

- (i) continue the good progress they have made on raising awareness of trafficking and other risks to children coming into the UK from abroad;
- (ii) more training and tools to be delivered to frontline staff in order to ensure the capability of officials in keeping children safe;
- (iii) ensuring Immigration officials have sufficient time and authority to identify and properly respond to any concerns they may have regarding the children they come across; and
- (iv) encouraging the consistent use of local protocols between UKBA, local police and children's services.

I also hope that we can move towards a position where UKBA will become part of the safeguarding community through Section 11 (Children's Act 2004).

RAISING AWARENESS OF NSPCC CTAIL

Mr Clappison MP, following a discussion around the effectiveness of the NSPCC Child Trafficking Advisory Information Line (CTAIL) (Q386), suggested that the Committee may be able to help in raising awareness of the service. CEOP would ask that you include the following in your final report to assist with this matter.

The dynamic work of CTAIL continues to flourish as awareness of their service grows amongst front line statutory agencies. In order to help improve this position I ask that:

- (i) clear messages regarding its existence and service continue to be included in relevant Government guidance relating to safeguarding and child protection across all four home nations;
- (ii) public backing and support so that front statutory agencies feel comfortable using the service; and
- (iii) the extension and dissemination of CTAIL materials to the health and education sectors.

It is also pertinent to note that funding for CTAIL (jointly provided by Home Office and Comic Relief) is due to end in July 2009. I ask that you recommend that the Government should consider extending this funding for a further three years to ensure that all frontline professionals can continue to access specific advice and expertise to help safeguard children from this vile trade and abuse.

MISSING CHILDREN

Mr David Davies MP asked that CEOP provide the Committee with an idea of the number of children who have disappeared from Local Authority run homes (Q356), the different types of accommodation available and the level of security at each. I am afraid that CEOP are unable to provide this information and would recommend that you contact the DCSF, as this falls within their area of responsibility.

I would however, like to refer you to CEOP's 2007 Scoping Report on Child Trafficking in the UK. Of the 330 actual and potential cases of child trafficking that were collated for the scoping report, it was found that 183 (55% of the total) were found to be missing. More contemporary data will be available in the Strategic Threat Assessment due to be published by CEOP towards the end of March this year. I will ensure that a copy is forwarded to you for information.

January 2009

Supplementary memorandum submitted by the National Society for the Prevention of Cruelty to Children (NSPCC)

1. INTRODUCTION

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC's purpose is to end cruelty to children. We seek to achieve cultural, social and political change—influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

1.1 *The Committee has invited further evidence in relation to:*

- Any progress you have made in assessing the scale of the traffic in the UK;
- Any developments in source countries of types of trafficking;
- Any views that you may have on whether the police and/or immigration officers have become more aware of the problem of trafficking and better able to identify and support victims;
- Whether the UKHTC has been a success in promoting understanding of the problem and co-ordinating the various agencies involved in tackling it;
- Any trends in the prosecution of criminal gangs;
- Any improvements in international co-operation to tackle trade; and
- Any changes in provision for services for victims.

1.2 The NSPCC has already provided evidence to the Committee on many of these issues. We do not therefore repeat them here.¹⁹⁵ In this further submission we focus on the following three issues: professional awareness of child trafficking; the role of the UK Human Trafficking Centre (UKHTC) in co-ordinating responses and the continuing lack of provision of services for victims.

3. *Have police and immigration officers become more aware of the problems of trafficking and more able to support victims?*

3.1 First, we are pleased to note that we consider professional awareness of child trafficking to be increasing. One reason for setting up the NSPCC's Child Trafficking Advice and Information Line (CTAIL) was our awareness that various public authorities (as well as a wider constituency of voluntary organisations) did not know who to contact and which other agencies to work with when they became aware that a child may have been trafficked. We have aimed through our CTAIL activity to promote and improve the way in which children's services, the police, immigration services and other agencies respond to child trafficking; since its inception, CTAIL has received a steady stream of referrals from both immigration and the police. On an individual basis we have been encouraged by some extremely concerned and committed individuals who have contacted our service to clarify the steps they should go through to adequately protect and safeguard a child.

3.2 However, we continue to experience substantial problems with the response to trafficked children across a range of agencies. A lack of awareness is understandable, and one of the reasons that CTAIL was set up (with funding from the Home Office and Comic Relief) was to raise awareness and support practitioners across the UK where there are concerns about trafficking.

3.3 In particular we are concerned that we are receiving referrals where there are clear and serious child protection issues as well as trafficking indicators but these are not recognised by the agencies involved and no action is taken—despite the fact that they concern child who is suffering or likely to suffer significant harm. Examples include: children found in brothels, very young children going missing, children being raped, and children having multiple pregnancies. It is not always clear why child protection issues are not recognised in relation to trafficked children but sometimes our advice line staff have sensed that some practitioners consider that migrant children have a lesser entitlement to protection, and stereotyping about cultural beliefs—a belief for example that certain caring or living arrangements are inevitable within certain communities and a reluctance to explore and investigate to ensure that children are safe.

¹⁹⁵ NSPCC Response to the Home Affairs Committee Inquiry Into Human Trafficking http://www.nspcc.org.uk/Inform/policyandpublicaffairs/Consultations/2008/HumanTrafficking_wdf61914.pdf

3.4 We would also like to point out that despite the efforts and goodwill on the part of some individuals, the immigration and asylum systems and processes do not encourage and support victim protection. The immigration and asylum system remains confusing and discriminatory for children and young people who remain highly unlikely freely to disclose their experiences of trafficking, and in our experience a lack of understanding of trafficking often ultimately leads to asylum claims being rejected. We consider that children who have been trafficked should be removed from the Asylum system so that they have time to recover and decide whether or not they want to apply for Asylum. This should be achieved by a system of renewable residence permits.

3.5 At local authority level, resource issues create an inbuilt disincentive to identify trafficking and/or the often complex needs of separated children from overseas. Similarly, we are aware that the police are often unclear about the vulnerability of trafficked children and the fact that trafficked children are victims and should not be prosecuted. In this regard we are specifically concerned about children found in cannabis production. We note that this is an ongoing problem and that advice and guidance issued by the CPS that children should not be prosecuted is not sufficiently clear or categorical enough to stop it happening—and does not appear to carry enough weight.¹⁹⁶ It is wrong that we are prosecuting the child victims of trafficking for the very labour for which they are exploited. There is an urgent need for prosecution guidance to be strengthened in this regard and for police and prosecutors to be clear that children found in these circumstances are the victims of exploitation and should not be prosecuted. We also have specific concern about the recent anti-trafficking operations Pentameter 1 and 2 and these are detailed below.

4. *Failures to consider children's issues under Pentameter 2*

4.1 We have significant concerns about the failures by the police to make adequate plans in relation to the care of child victims in the major anti-trafficking operations Pentameter 1 and Pentameter 2. We found it difficult to persuade the Pentameter 2 leadership that a separate or specialist response for children was needed. While we can understand the complexities and pressures of undertaking a force-wide anti-trafficking operation of this nature we strongly consider that the need for a specialist response to children should be recognised and understood. This applies not only to the particular vulnerabilities of children and the need to ensure that they are provided with immediate protection and care but also simply to the different procedures and laws that affect them.

4.2 In relation to Pentameter 2 (P2) the NSPCC and ECPAT UK were granted permission to offer a specialist response to children only after the operation was already underway in some areas. This took the form of developing and promoting an interagency protocol concerning children and offering a 24-hour dedicated helpline. The NSPCC established a unique 24-hour 7-days-a-week helpline number for referrals to be passed to us as soon as a child/young person was picked up as part of P2. This role was known as the 'National Advocate' scheme. The National Advocate role was not intended to be that of the primary service provider, Children's Services, but rather as a conduit to oversee the service response, offer advice, contribute to an overview and track any young people who might go missing after being picked up.

4.3 Overall we are concerned that the scheme was not as effective as it could have been because it was not developed as an integral element of Pentameter 2. Information was therefore circulated late, with insufficient time to inform local children's services and key Local Safeguarding Children Board (LSCB) members about Pentameter 2, the interagency protocol and their responsibilities within it. This led to significant difficulties in having children accommodated and supported appropriately. In addition, the local police undertaking the operation lacked awareness about the agreed response to children.

4.4. We recommend that future policing operations should include a strategy for children that is 'mainstreamed' within the operation by those co-ordinating the operation nationally and by those undertaking it at local force level. The issues regarding the operation should be brought to the attention of local children's services and put on the agenda of local LSCB meetings so that there is multi-agency collaboration and an opportunity for local planning to meet the needs of recovering child victims. There should also be one distinct referral pathway for children which provides specialist advice and routes for accessing services. This should be agreed by all agencies and there should be clear expectations about what information is passed on and within what timescales. We recommend the development of effective local protocols that can be used not only in relation to specific police operations such as Pentameter but also more generally.

¹⁹⁶ The CPS guidance for prosecutors, advises them that when a youth might have committed an offence involving cannabis cultivation and there is information that they have been trafficked—there is a strong public interest in not prosecuting them at all. We are also aware of more recent CPS guidance, 2 February 2009 'Human Trafficking and Facilitation' which advises referring cases to the UKHTC, and which is still not categorical that children that must not be prosecuted and that a full assessment should be carried out.

5. *Has the UKHTC been successful in promoting understanding of the problem and co-ordinating the various agencies involved in tackling it?*

5.1 We are concerned that some of the failures relating to the Pentameter operation (described above), and in particular the apparent reluctance to develop a separate specialist response to the needs of children, may be a result of the UKHTC still being essentially an adult-focused unit—without child protection expertise. Whilst we are keen to work with the UKHTC now and in the future to improve the operational response to children we have been concerned that there has not always been an appropriate understanding of children’s vulnerability, child protection procedures, and the statutory timescales relating to child protection which we would expect from a major agency dealing with child victims. We strongly recommend that a more effective way to embed child protection into the core aims and values of the UKHTC is found and that child protection is mainstreamed within all proactive operational work and all decision-making. We would recommend that the UKHTC consider ways in which they might incorporate child protection and children’s rights into their core aims and values.

5.2 We are particularly worried about the lack of a child-centred perspective as a result of the prospective and current role of the UKHTC in making decisions about children’s trafficking status. We recommend that this agency should operate fully within internationally agreed standards and definitions of trafficking and be conversant with UK child protection principles and legislation. We have experienced a lack of understanding of the definitions of child trafficking under the Palermo Protocol that children cannot consent to trafficking and must be understood as having been trafficked when found in circumstances of exploitation. We have also experienced a lack of awareness of child trafficking, a lack of understanding of children’s vulnerability and a failure to apply child protection policies and procedures. We have, in addition, serious concerns about the proposed new system for referral of trafficked children in which the UKBA and UKHTC will make central decisions about whether children have been trafficked. It is currently unclear what framework and knowledge base will be used for making these decisions. These must be in accordance with the Children Act 1989/2001 and with the UK’s obligation to children under Council of Europe Convention and the UNCRC.

6. *Have there been any changes in service provision for victims?*

6.1 Our Child Trafficking Advice and Information Line is often asked (mostly by Children’s Services and the police) whether there are services in their area specifically working with trafficked children who can give practical support to the child and help them with the stress and trauma they have suffered. Sometimes we are able to find services but we are aware that currently there is both a lack of co-ordination about what services are available as well as a continuing shortfall in service provision for this group.

6.2 Under the terms of the Council of Europe Convention on Action Against Trafficking in Human Beings, the UK Government is obliged to provide special protection and assistance to victims of child trafficking. However, despite the range of protection measures outlined under the Convention, namely guardianship, safe accommodation, psychological and material assistance, there appear to be no plans to provide specialist responses to child victims beyond the introduction of some form of residency permit which is the minimum legal requirement for ratifying the convention. To our knowledge, there is no intention to provide any further specialist resource beyond what local authorities currently provide, nor does there appear to be any intention to explore options for safe and secure accommodation for victims.

6.3 We have been deeply concerned by the lack of improvement in service provision for child victims, despite the Government’s welcome ratification of the Council of Europe Convention on Trafficking in Human Beings in 2008. This appears to us to go against the spirit of the Convention which aims to promote a more victim-centred approach.

6.4 Currently, all care planning is left to local authorities and we know that there are serious and unresolved resource issues relating to care for unaccompanied minors and trafficked children. In effect this creates pressures and disincentives against identifying trafficked children and responding to them within a child protection framework. Further, it is contrary to work to promote an understanding of trafficking issues. We are worried that there does not appear to be any specific planning for the needs of trafficked children within the new UASC dispersal areas.

6.5 We consider that the Government must commit further specific resources to implementing the ‘specific protection measures’ outlined in the Council of Europe Convention. This should include the residence permits for children and the legal advice which are necessary for ratification. Children who have been trafficked should have access to independent legal guardians or advocates as soon as possible in order to provide them with emotional, practical and legal support. There is also an urgent need to provide safe, appropriate and secure accommodation for child trafficking victims. This requires a Government strategy on foster care which looks at developing long-term foster care placements specifically for child victims of trafficking as well as emergency accommodation that can run at low occupancy and respond to short-term need.

Further memorandum submitted by ECPAT UK and NSPCC

I wanted to take you up on your offer to provide some further evidence for the committee to consider in the coming months. These comments are made in the absence of a robust evaluation of what happened to victims in Pentameter 1 and Pentameter 2 and in the light of a Pentameter 3 that may potentially be focused upon children. Providing evidence on this is felt by our agencies (NSPCC and ECPAT UK) to be important as a result of significant concerns about welfare of children recovered under both operations.

As you are probably aware during Pentameter 1—nine children were identified in brothels or sex parlours, two of whom were pregnant and it is still unclear what happened to these children. With Pentameter 2 there continue to be problems with children being returned and going missing without appropriate follow up support or assistance. I hope that the attached comments are not seen as unduly critical but as constructive. We are keen to continue to work together with the police and children’s services and offer our resources and expertise but we continue to respectfully ask that some key issues (in the attached note) are taken into consideration.

EXPERIENCES FROM PENTAMETER

It was our experience that it was difficult to persuade the Pentameter 2 leadership that a separate or specialist response for children was needed. While we can understand the complexities and pressures of undertaking a force wide anti trafficking operation of this nature we strongly feel that that the need for a specialist response to children should be recognised and understood. This applies not only in relation to the particular vulnerabilities of children but also simply in relation to the different procedures and laws that will affect them.

In relation to Pentameter 2 the NSPCC and ECPAT UK were granted permission to offer a specialist response to children (in the form of developing and promoting an interagency protocol concerning children and offering a 24-hour dedicated helpline) only after the operation was already underway in some areas. The NSPCC established a unique 24-hour seven-day helpline number for referrals to be passed to us as soon as a child/young person was picked up as part of P2. The National Advocate role was not intended to be that of the primary service provider, this belongs to Children’s Services; rather as a conduit to oversee the service response, offer advice, contribute to an overview and track any young people that might go missing after being picked up.

Despite the fact that we consider the “National Advocate” model to have been effective in addressing some of the problems experienced during Pentameter 1 we are concerned that the scheme was not as effective as it could have been. Due to the fact that information was circulated late there was not sufficient time to inform local children’s services and key LSCB members about Pentameter 2 and to make them aware of the Pentameter 2 interagency protocol or their responsibilities within it. This led to significant difficulties in getting children accommodated and supported appropriately. There was also a lack of awareness about the agreed response to children on the part of local police undertaking the operation.

Some local authorities were unwilling to accept the terms of the Pentameter 2 protocol that they should give children the benefit of the doubt in relation to the age of a child when this could not be immediately verified. This led to one children being left in inappropriate adult facilities. Again, this resulted from a lack of preparation for the operation as a whole and a lack of time for planning.

We are concerned that there are specific issues with children identified under Pentameter 2 being sent back to their country of origin without a welfare assessment, and with children going missing. There was delay in hearing about Pentameter 2 referrals, this was sometimes weeks not days, and this seriously impacted on our ability to ensure a child protection response within statutory timescales.

As a result of these concerns we would like to make the following recommendations to improve the response to children identified during future operations:

Recommendations for future policing operations:

- Policing operations should helpfully recognise the particular vulnerabilities of trafficked children and the need for a specialist response in line with the different duties and responsibilities relating to children. Children recovered from an anti trafficking operation targeting brothels and sex parlours are highly vulnerable and an appropriate response needs to fit within agreed child protection procedures and timescales. The first few hours can be critical to ensure children that can feel safe and do not run away. In addition while children may wish to return to their country of origin the authorities need to recognise that there may be a high risk of re-trafficking and a welfare assessment should be carried out.
- Operations should include a strategy for children and this should be “mainstreamed” within the operation by those co-ordinating the operation nationally and for those undertaking it at local force level. The issues regarding the operation should be brought to the attention of local children’s services and put on the agenda of local LSCB meetings so that there is multi agency collaboration and an opportunity for local planning for the event of recovering child victims.

- During the operation there should be one clear and distinct referral pathway for children which provides specialist advice and clear routes to access services. This should be agreed by all agencies and there should be clear expectations about what information is passed on and within what timescale.
- Future policing operations should identify and fund a children's champion or advocate with a thorough understanding of practice, policy and procedures relating to vulnerable children who can help to co-ordinate planning and ensure that children are appropriately supported following identification. During Pentameter 2 NSPCC and ECPAT UK staff agreed to provide a 24-hour on call service as an emergency response but because this role was not recognised or planned from the start this led to confusion and undermined its effectiveness.
- Future operations should be given the go ahead following agreed protocols between children services and the local police to assist and protect child victims. Local protocols should be developed that provide specific details about local leads on this issue and identify local service provision. Specifically appropriate local foster carers and guardians should be identified who can provide follow-up support in areas where the operation will run.

February 2009

Correspondence from Chief Constable Grahame Maxwell QPM, North Yorkshire Police

I am responding on behalf of Chief Constable Grahame Maxwell to your letter dated the 18 February 2009 regarding the Home Affairs Committee inquiry into Human Trafficking.

I am pleased to inform you of the following developments: Project ACUMEN has commenced, this is a piece of work conducted jointly with the Home Office, Border Agency, Human Trafficking Centre, ACPO and the Regional Intelligence Units, that will by February 2010 have reviewed and analysed the nature and scale of organised immigration crime and provide a greater understanding of this crime, concentrating on the three areas of sexual exploitation, labour exploitation and facilitation of organised crime.

The National Police Improvement Agency [NPIA] working with the UKHTC are currently putting together a training package for law enforcement on raising the awareness of Human Trafficking.

NPIA are also providing practice advice and guidance on dealing with individuals with an International Dimension.

The UKHTC are continuing to promote Blue Blindfold and have produced posters, leaflets and video clips for the internet.

With the ratification of the European Convention The National Referral Mechanism will be in place by 1 April 2009, the launch will be accompanied by guidance for first responders, newsletters and posters.

February 2009

Supplementary memorandum submitted by UNICEF

INTRODUCTION

Mindful of the important contribution that young people can make to our understanding of the issues that concern them, in 2005 and 2006 UNICEF arranged for children and young people who had been trafficked while under 18 years of age, to be interviewed in their home countries. Interviews were conducted in Albania, Kosovo, Republic of Moldova and Romania. Each of the children and young people described their lives before recruitment, their experiences during exploitation, and how they got away from the traffickers. They also spoke of rebuilding their lives once they were free. The interviews formed part of a broader assessment of strategies to counter child trafficking in the region.

POLICY RECOMMENDATIONS

What can be done to protect and assist children in situations of trafficking and exploitation

These recommendations are based on the broad body of UNICEF studies on child trafficking and reconfirmed through the voices of the children and young people quoted in this study.

There are many different patterns of trafficking and exploitation, different factors that are interrelated in a variety of ways, and multiple phases involved in the trafficking process. Most children interviewed (21) knew their traffickers. In some cases the exploiter was identified as a boyfriend or lover; in three cases it was a neighbour; in three others a cousin. Traffickers were both women and men, mostly adults, but in some cases they were under 18 years of age or even much younger.

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- Responses should recognize and take into consideration that the trafficker is often a relative, a peer, or someone with whom the child is already acquainted, and he/she may therefore be reluctant to report due to attachment, shame or fear, or both. Special measures should be taken when the trafficker is a child. Actions should be taken to avoid the risk of re-trafficking.
 - The protection of the rights of trafficked children and a victim-oriented approach should be central in any anti-trafficking law enforcement and identification process. Special measures (eg diversion) should be taken when the trafficker is a juvenile to avoid the child's entry into the criminal justice system.

Some children were intercepted by border guards who took the children away from the traffickers. In other cases, border controls did not end the trafficking process, even though some children had incomplete or forged documents. In some cases, corruption seemed to facilitate the border crossing. Some children also suspected that the police were corrupt and complicit with the traffickers.

- Governments should assess what measures are in place at the borders to identify and protect children being trafficked. Existing measures may be either inadequate or not fully enforced or simply ignored. All actors who may interact with children who are being trafficked should be trained regarding the special risks, vulnerabilities and rights of trafficked children. The establishment of a Europe-wide referral system, with clear procedures and communication protocols, could facilitate this. Child migrants need better access to information on their rights and how to get access to assistance once they leave home, both in their own country and abroad.

Most children who developed an escape strategy relied upon the help of a relative, a friend, another trafficked woman or girl, an NGO worker, a "client" paying for sexual services, or various combinations of all of these.

- Governments should provide outreach services, hotlines, free telephone advice including on legal issues, drop-in centres and child-friendly information/material. These services should be developed in a consultative process with children and young people, including those belonging to marginalised groups, migrants and victims of exploitation and trafficking.
- Identification procedures should be developed aimed at detecting indicators of trafficking and referral to services. Further research on identification processes may be necessary.
- Partnership should be developed with agencies with a labour protection mandate to monitor and provide support to exploited children. In the specific context of the sex industry, imaginative schemes should be designed to encourage men who pay for sex to identify victims of trafficking, particularly those under 18 years of age. They should also know who to contact in order to ensure that a victim of trafficking receives appropriate assistance. Support should be given to encourage initiatives of boys and men who work with peers on gender and sexuality to prevent and combat sexual exploitation.

The experience of the 31 children who participated in this study illustrate that reality does not always fit neatly into the definition of child trafficking provided by the Palermo Protocol. The real situation of these children is much more complex. Their subjective perception of exploitation and abuse often varies, making it a particular challenge to fully understand the dynamics of exploitation and abuse when children are moving from one place to another.

- Children migrating to seek work within their own country or abroad need more effective protection. This involves protection measures at home, to give them opportunities to find out about employment opportunities and to find out if those they hear about are genuine and safe; and measures abroad, to prevent forced labour in the informal economy as well as exploitation in formal employment. This also means discarding the assumption that adolescents (especially 15- to 17-year-olds) do not or should not migrate to work away from home. Children should be given the opportunity to acquire skills (eg language and technical skills) that will help them gain access to the labour market in accordance with international standards and national labour regulations.
- Further research is needed concerning children's motives for migrating and their experiences once they do, including on the forms of abuse they experience, the degree to which they are informed of the risks involved and their suggested actions in terms of policy and programme response. Children and young people could also be involved in designing the research and be associated with its development, when safe and appropriate.

Supplementary memorandum submitted by STOP THE TRAFFIK

Many thanks for your letter of 18 February, inviting updates to submitted evidence on recent developments in this area. Please find below our response to the points identified. We have tried to affirm the positive steps forward that have been taken, whilst also constructively addressing some of the areas of concern, so that together we can increase our effectiveness in tackling human trafficking.

1. OPERATION PENTAMETER II

The results achieved in terms of apprehending criminals and recovering victims are to be welcomed.

There are some key areas of concern:

- the concentration on tackling trafficking for sexual exploitation at the expense of other forms of trafficking;
- the apparent lack of informed support for identified victims after the operation; and
- the statement in the July 2008 Update to the UK Action Plan on Tackling Human Trafficking that says “There is no evidence to suggest that the scale of trafficking is on the increase in the UK”. Our concern is that the government is in no place to make such a statement when Operation Pentameter II concentrated only on trafficking for sexual exploitation, omitting other forms of trafficking, and when the majority of evidence we are aware of points to an increase in trafficking in the UK, including the recent February 2009 UNODC *Global Report on Trafficking in Persons*.

2. FORCED LABOUR PILOT PROJECT

This project is to be welcomed in that it attempted to address an area not covered by Operation Pentameter II.

Areas of concern included:

- the short-term nature of this project with no noticeable follow-up; and
- The lack of resources committed to supporting the identified victims after the project.

Long-term sustainable support for victims of trafficking for forced labour is therefore essential.

3. UKHTC’S BLUE BLINDFOLD CAMPAIGN

Awareness-raising is crucial to tackling human trafficking. The key is to target such material and then monitor its success. In our opinion the material of Blue Blindfold is more suitable for frontline professionals such as police officers than it is for members of the public or for victims or people vulnerable to trafficking. Such material needs to be made appropriate to specific audiences.

4. FUNDING LONDON’S ANTI-TRAFFICKING TEAM

The establishment of a specific anti-trafficking team within the London Metropolitan Police has assisted in victim rescue and perpetrator prosecutions. There have also been improvements in the gathering of expertise and experience that can be shared.

- There is concern over the progressive reduction in funding from the government that has left the future of the team insecure.
- There appears to have been individual frustration within the team, demonstrated by members leaving to pursue other responsibilities, and resulting in their experience and expertise being lost.
- The government has since committed to funding half the team’s costs for another year, but this will only lead to the same situation reoccurring next year. The government needs to demonstrate its commitment to tackling trafficking by sustainably resourcing key projects such as this team.

5. UK RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION

STOP THE TRAFFIK welcomes the belated ratification of the Convention. The issues that we raise are concerning the implementation:

- We have concerns over the structure of the National Referral Mechanism (NRM). The UKHTC has been made the Central Competent Authority, on the basis of its multi-agency status. However, the vast majority of these various agencies within the UKHTC are statutory and/or law enforcement based. There are a few Non-Governmental Organisations (NGOs) involved, but less involvement from further afield, such as civil society, grassroots, and community-based organisations. The law enforcement makeup of the UKHTC shapes the nature of their operations, which may be the key focus that the UKHTC should have. However, as many victims will have had negative experiences of corrupt and/or complicit police forces in other countries, this will need

to be taken into account as it could deter successful identification and referral of cases. The aim should not be to replicate what is already being done but to excel in bringing a consistent victim-centred approach and complementary partnerships.

- The secondary Competent Authority is the UKBA, and this raises many concerns over their suitability to identify and refer victims, when their main focus is on immigration issues.
- What is needed are Competent Authorities which show a demonstrable victim-centred human rights ethos as their primary priority, so that the focus will always be the wellbeing and best interests of the victims.

6. THE SCALE OF UK HUMAN TRAFFICKING

There have been recent efforts to discredit the few existing estimates as to the scale of human trafficking. This highlights the need for a post, such as a National Rapporteur which has already been established in other European countries, to collect, analyse and publicly present information on human trafficking nationwide.

It also highlights the need for all frontline professionals and the general public to be trained in identifying and referring suspected human trafficking victims. It is only when this has occurred that a true estimate of the scale of human trafficking in the UK can be reached. Recent figures include assumptions made by the government in their impact assessment of ratification of the Council of Europe Convention:

- 500 adult referrals to Competent Authority p.a. through NRM (300 victims of sexual trafficking and 200 victims of forced labour);
- 360 child referrals pa (majority covered through existing safeguarding children funds);
- 100% of referrals provided stage 1 temporary support;
- 70% adult victims and 90% of child victims identified as trafficking victims and receive stage 2 support;
- 70% of adults and 90% of children apply for Temporary residence? 40% of adult applications and 60% of child applications granted Temporary Residence.

7. SOURCE COUNTRIES AND TYPES OF TRAFFICKING

We are increasingly aware of particular patterns of child trafficking. These include children from Mali trafficked into the Ivory Coast to farm cocoa for major chocolate manufacturers, some of which are based in the UK. There is a distinct lack of accountability and independent verification of corporate supply chains to ensure lack of worst forms of child labour, and this needs to be addressed immediately. Children also continue to be trafficked into the UK from Vietnam for cannabis cultivation, from Romania and Bulgaria for forced street crime, and young British girls are trafficked around and out of the UK for sexual exploitation.

8. POLICE AND IMMIGRATION ACTION

STOP THE TRAFFIK has very strong working partnerships with different sectors of the police service. We are aware of the great work of many in the police force to raise the issue of human trafficking and to fight this crime in creative ways. Many organisations offer training in tackling human trafficking, yet police training is yet to be rolled out to key officers, and the sheer size of this task means that it will be several years before they are all reached. We continue to speak to many police officers, particularly local community officers, who are unaware of human trafficking. Some still appear to be reluctant to address it until there are significant statistics that will justify allocating resources to tackling human trafficking. Training will continue to require a proactive and flexible approach requiring other organisations to provide effective and complementary training in communities that are most likely to encounter human trafficking at a local level.

9. UKHTC RECORD

The establishment of a single multi-agency coordinating centre is to be welcomed as an attempt to provide increased dialogue and resourcing of the work across the UK to fight trafficking. However, it does require a clear sense of what its key focus is and how effective it is being. The focus of the UKHTC continues to be with the law enforcement community. Attempts to broaden this by, for example, having NGO stakeholder meetings, can be in danger of replicating the arrangements already in place with the Home Office.

There has been some constructive help and advice from the UKHTC with respect to some individual cases. However, other cases have seen problems in referring suspected human trafficking victims. There are many examples of this, one of which is below:

A suspected case of child trafficking was identified by individual X in south London. A call was made to the local police station, which were unaware of child trafficking and referred X to an unrelated immigration unit in central London. X then contacted NSPCC CTAIL, who in conjunction with CEOP contacted the

UKHTC. The relevant officer was in meetings and did not address the issue until the following day. This officer then emailed several questions to X, after which the issue was referred the following day to London Metropolitan Police's anti-trafficking team, who then referred it on to the Operation Paladin Child team. It was only when X contacted the Paladin team through NSPCC CTAIL that X was informed that they were dealing with the case.

We do have concern over the lack of awareness and coordination demonstrated and this case is not an isolated one. Many helplines are often referred to, including UKHTC, Crimestoppers, NSPCC CTAIL, and STOP-UK, as well as local authorities and police forces. The UKHTC stresses that it is not an operational centre, and yet it is to be the Central Competent Authority for the NRM, and examples such as the one above demonstrate that much remains to be achieved. This again highlights the need for clarity of purpose and the need for an operational centre of excellence as a first port of call for those concerned for another or for those in need.

10. PROSECUTION TRENDS

Whilst there have been several recent landmark cases involving human trafficking, which set positive precedents for future decisions, the majority of prosecutions in human trafficking cases continue to be for non-trafficking offences, such as facilitating illegal entry into the UK, or controlling prostitution for gain. One gap in current legislation is the lack of offences related to the trafficking of babies—the human trafficking offences as established in Section 4 of the 2004 Asylum and Immigration Act only applies if the victim is 'induced'. There is increasing evidence of baby trafficking into the UK for purposes such as benefit fraud, and the gap in legislation needs to be addressed immediately.

11. INTERNATIONAL COOPERATION

There have been many attempts at international cooperation on human trafficking, the majority of these have resulted in conferences and protocols. Concrete cooperation with civil society and local communities is essential to tackle human trafficking from source, through transit, to destination, and STOP THE TRAFFIK are working to achieve this in Australia, Bangladesh, Belgium, India, the Netherlands, the UK, and the USA and emerging in other countries as it builds a global movement. Partnerships with the UN, national governments, EU, law enforcement agencies, and other organisations need to be applied to specific actions in deliverable projects.

12. VICTIM SERVICES PROVISION

There still remains a significant lack of provision for victim services, particularly for victims of trafficking for forced labour. The government announced funding for 50 more places for human trafficking victims nationwide, but this was only for two years, and as such, the provider of these places will face the same problem that the London anti-trafficking team have faced, as outlined above. We are also aware of attempts to establish safe houses in other areas of the UK, such as the southwest, which are being jeopardised through lack of available funding. The NRM needs places to refer victims to, and based on the assumptions made by the government in their impact assessment above, referrals will significantly outstrip provision. This will result in victims being placed with inappropriate services, subsequently reducing their chances of rehabilitation and cooperation with prosecution. There needs to be creative thinking in how this provision can be found and sustained and we believe that civil society will need government support to play a key part.

13. OTHER DEVELOPMENTS

STOP THE TRAFFIK are currently working to tackle human trafficking through several projects:

- *Freedom Week*: facilitating community awareness and action events on human trafficking across the UK and abroad in March 2009;
- *STOP THE TRAFFIK*: publishing a book by Steve Chalke MBE and Cherie Booth QC with information, stories, and ideas for action, in March 2009;
- *Active Communities against Trafficking (ACT)*: informing and equipping local communities nationwide to work with local authorities and police forces to tackle local sex trafficking;
- *Business Travellers against Trafficking*: informing and equipping business travellers to identify and anonymously report online suspected cases of human trafficking;
- *Global Webcast*: broadcasting anti-trafficking messages and resources to young people worldwide from the United Nations headquarters in New York in October 2009 leading to community engagement;
- *Olympic Summit*: informing and equipping local and global communities to tackle human trafficking before, during, and after the 2012 London Olympic Games.

More information on these projects is available on request.

The point STOP THE TRAFFIK wishes to emphasise throughout is that human trafficking occurs in communities, and therefore communities must be mobilised to tackle human trafficking. Recent developments as highlighted in your letter of 18 February fail to grasp this concept, and STOP THE TRAFFIK would urge the Home Affairs Committee and the UK government to grasp the opportunities available to tackle human trafficking through mobilising local communities.

March 2009

Supplementary memorandum submitted by Kalayaan

SUMMARY

Since Kalayaan's original submission to this inquiry in February 2008 there has been an important positive step forward in protecting the rights of migrant domestic workers and preventing what would have clearly been an increase in trafficking of MDWs to the UK for domestic servitude.

In June 2008 the then minister for immigration, Liam Byrne, announced in the government's Response to the Consultation on Visitors that the government is "committed to ensuring that future arrangements concerning overseas domestic workers minimise any risk of abuse or exploitation" (Para 4.3). The announcement provided for the current system for MDWs entering the UK to remain in place for at least the first two years' operation of the reformed immigration system (the Points Based System) and when the government has road tested its anti trafficking strategy. The government has committed to carrying out research into the situation of MDWs in the UK and that the results of their research will inform the development of any future arrangements for MDWs in the UK.

It is vital that any future review of the immigration arrangements for MDWs in the UK builds on and facilitates access to existing protections as despite the maintenance of vital escape routes from trafficking such as the right to change employer and find alternative employment in another private household MDWs are still being trafficked for domestic servitude.

Additional concerns include:

- Migrant domestic workers who enter the UK in the employ of diplomats. Unlike other MDWs these workers are not allowed to change employer outside of the diplomatic mission with which they have entered the UK making them especially vulnerable to trafficking and other forms of exploitation. Kalayaan's recommendation is that domestic workers (diplomats) have the same rights to change employer to work in any other private household as other MDWs.
- Despite the welcome announcement by the minister in June 2008 that MDWs would retain the right to change employer to work in another private household, so allowing them to escape abuse MDWs visas have been curtailed by UKBA for this very reason.
- The proposals to replace Indefinite Leave to Remain with "probationary citizenship" within the Borders, Immigration and Citizenship Bill cause Kalayaan great concern. The Bill proposes that "probationary citizens" will be required to remain in "continuous employment". It is unclear if MDWs who have obtained probationary citizenship will be required to remain in full time domestic work or will be able to undertake other forms of employment. Either way the Bill will mean that the status of MDWs in the UK will remain temporary for an additional four years, making a total of nine years before they can apply for permanent status. As MDWs' employment is so often not documented (they do not receive payslips or have bank accounts) it is unclear how they will prove this continuous employment. It is also not clear if any break in employment while an MDW finds a new job having escaped an abusive employer will be considered to breach the conditions of their stay in the UK.

MAIN EVIDENCE

Diplomatic MDWs

The fact that MDWs who enter the UK in the employ of diplomats cannot change employer outside of their first employer's diplomatic mission leaves them unacceptably vulnerable to trafficking. Not only do they have no realistic options to escape abuse but their employer also benefits from diplomatic immunity.

Between May and September 2008 Kalayaan participated as a referral organisation in the Home Office's Labour Trafficking Pilot (Operation Tolerance). It is important to note that we only made referrals to the pilot where the trafficked person gave their consent for us to do so. The number of trafficked people who came to Kalayaan during this period is far higher than the referrals made but many MDWs chose not to be referred to the pilot.

Of the 12 MDWs referred by Kalayaan accepted on to the Labour Trafficking Pilot (Operation Tolerance) five entered the UK in the employ of diplomats. Clearly it was not a realistic option for these women to escape their trafficker and find alternative employment within the same diplomatic mission as that of their trafficker.

Diplomatic MDWs need to have the same minimum standard of protection as other MDWs allowing them to escape abuse and find alternative employment as a domestic worker in any private household.

Curtailed of visas

It is incredibly disappointing that Kalayaan is having to use our limited resources to claw back rights to which the government has already made a clear commitment to maintain. It is clear in law that MDWs are allowed to change employer. It is also inevitable that an individual who has been horrendously abused, and in many cases trafficked, will not be able to find alternative full time work as a domestic worker in a private household immediately upon escaping their trafficker.

In the first curtailment case of which Kalayaan was aware the visa was curtailed because the embassy of the first, abusive, employer had written to UKBA telling them that the MDW had “absconded”. It is alarming that rather than seeing this as a potential indicator of trafficking and asking from what the worker had “absconded” UKBA did as the embassy asked and curtailed the visa. The visa was curtailed despite the fact that the worker had found alternative full time employment as a domestic worker in a private household, in accordance with the terms of their visa. The news of the curtailment led the new employer, for fear of employing someone in breach of the immigration rules to dismiss the MDW.

Kalayaan supported this worker to find a *pro bono* solicitor to take the appeal, which was won. The judgment concludes that “the Respondent erred in law in curtailing the leave to remain”. Since this time however, at least two more MDW visas have been curtailed under similar circumstances. We are being forced to appeal another case despite having pointed out the law and the previous judgment to UKBA. Even without considering the individual trauma caused by these actions, it is impossible to see how small voluntary organisations and lawyers working *pro bono* can push forward anti-trafficking work if we need to repeatedly defend basic rights which have already been won.

Borders, Immigration and Citizenship Bill

The implications of the Borders, Citizenship and Immigration Bill (“the Bill”) for MDWs are not entirely clear however the indications are that proposed changes to the rules for British citizenship and the likely removal of Indefinite Leave to Remain (ILR) as a category will effect MDWs negatively. Currently MDWs become eligible to apply for ILR after they have completed five years in the UK on the domestic worker visa (without any sizable absences) and met the language and knowledge of life in the UK requirements.¹⁹⁷ If they chose to do so, one year after they have been granted ILR, MDWs become eligible to apply for citizenship.

The importance of ILR to MDWs should not be underestimated. As stated above, while the MDW visa does give some important rights, principally the right to change employer, allowing MDWs to escape abuse, the visa also puts many restrictions on MDWs in the UK which limit their negotiating powers with employers and their ability to access their rights in the UK. While an MDW is on the MDW visa they have to apply every year to renew their visa, at considerable expense, they are limited to full time domestic work job in one private household and have no recourse to public funds. This limits opportunities to access many fundamental rights such as starting a family until the worker gets ILR (pregnancy inevitably results in dismissal causing visa problems) and illness of any length is also likely to result in curtailment of the MDWs visa. The dependencies on employers caused by the visa are without doubt a significant factor in unacceptable abuse of MDWs by employers.

The “probationary citizenship” to which an individual will move from the MDW visa as proposed within the Bill will leave individuals far more vulnerable that they would have been with ILR. Unlike ILR the proposed probationary citizenship appears to be a temporary category. It is unclear if MDWs for example will continue to be limited to full time domestic work in a private household on this visa. If this does become the case MDWs would be tied to domestic work on an insecure immigration status for an additional four years (on top of the five already completed) as this is the proposed time in which individuals who don’t participate in “prescribed activities” will take to “earn” their citizenship and permanent status in the UK. MDWs typically work 16 or more hours a day. It is not fair or realistic to expect some of the hardest working contributors to our economy to volunteer in the tiny amount of free time they have.

Kalayaan is especially concerned about the proposed requirement for “continuous employment” within the Bill. We are worried that this requirement could be even more restrictive than the current MDW visa. A change in employer, as permitted under the MDW visa inevitably entails some (often short) break in employment while the worker finds a new job. It is unrealistic for an MDW working in abusive employment conditions (on call, no day off, often not allowed out of the house) to find a new job before escaping. We are also unclear as to how MDWs will prove “continuous employment”. The Home Office are well aware

¹⁹⁷ Many MDWs have had little formal education and meeting the requirements of the test can be especially challenging.

that MDWs often do not receive payslips, have no bank accounts and are paid in cash. Employers often do not make NI and tax deductions or payments. If a worker challenges this situation they are sacked so potentially in breach of the continuous employment requirement.

Kalayaan would also like to respond to some of the individual points in which the Committee have told us they have an interest:

- Views we have on whether the police and/ or immigration officers have become more aware of the problem of trafficking and better able to identify and support victims;

Kalayaan has regular experience of supporting trafficked individuals to seek support from the police, particularly in instances where their passports have been taken from them as a Many MDWs have had little formal education and meeting the requirements of the test can be especially challenging means of control and preventing their escape. Disappointingly, with the exception of a couple of committed individuals, Kalayaan still experiences significant difficulties with supporting trafficked people, including those already identified as having been trafficked, to access any support or investigation into the crimes committed against them.

As detailed above, the curtailment of individual's visas on the instruction of a previous employer without any investigation into the reasons as to why the MDW may have left demonstrates a clear need for increased awareness into trafficking within UKBA.

- Whether the UKHTC has been a success in promoting understanding of the problem and co-ordinating the various agencies involved in tackling it;

Kalayaan's main contact with the UKHTC has been as a referral body, referring migrant domestic workers who we consider to have been trafficked to the UK to the UKHTC for identification and for support.

Between 1 May-5 September 2008 Kalayaan participated as a referral organisation in a Home Office pilot on trafficking for labour exploitation called "Operation Tolerance". UKHTC, together with UKBA acted as the "Competent Authority" for identifying trafficked individuals during the pilot.

While overall Kalayaan was pleased with the pilot, which identified 12 MDWs referred by Kalayaan as having been trafficked for labour exploitation¹⁹⁸ we were surprised and concerned by the lack of clarity and coordination of the pilot. Systems and processes were unclear as were roles and responsibilities of the different organisations and agencies involved.

Particular concerns include:

1. A lack of clear case ownership. Once someone has been identified as trafficked it was not clear (particularly if they were not accommodated by the pilot) who was responsible for having an overview of the case and ensuring the trafficked person receives appropriate legal advice and support. Kalayaan felt there was a real danger of individuals being identified and then receiving no, or inadequate follow-up support.

2. There were issues about timing on the identification of victims. Many decisions as to whether there were "reasonable grounds" for an individual to be considered to have been trafficked took far longer than the five days specified. When decisions were received late the period of leave granted for reflection was sometimes backdated.

3. Kalayaan was disappointed with the lack of cooperation we received with regard to supporting individuals who were either potential, or identified, victims of trafficking. For example, many migrant domestic workers have their passports taken from them and do not know what their immigration status is, making them especially vulnerable. The only way Kalayaan can access this information is by submitting a Subject Access Bureau request to the UKBA. This usually takes about three months during which time it is almost impossible to advise the individual about their situation in the UK. We were disappointed that UKHTC were not able to better facilitate access to this information to support trafficked individuals.

4. In terms of coordination, Kalayaan has been disappointed that where we have encountered problems working with other agencies, such as the police, work to support victims has not been better facilitated. We have had considerable difficulty persuading the police to address crimes against trafficked people.

5. Kalayaan also felt that the referral process did not always best meet the needs of the individuals involved. A long form needed to be completed and sent to UKHTC before the individual could access accommodation. This was not always realistic, for example if an individual arrived at Kalayaan late at night. There should be provision for referral organisations to be able to make a judgement in the short term as to if someone may have been trafficked and refer direct to accommodation providers to ensure the individual is safe until the Competent Authority can make an assessment.

6. Kalayaan has been disappointed that despite the considerable amount of time and energy put into developing systems during the course of the pilot, following the end of the pilot on 5 September there has been no formal procedure for identifying an individual as having been trafficked. We have been told that

¹⁹⁸ Kalayaan attempted to refer a 13th MDW to the pilot but the referral was not accepted as the individual was based outside of the geographical area (London) from which Kalayaan was authorised to refer.

there is no funding to continue to provide accommodation but we do not understand why the UKHTC or other body cannot continue to provide an assessment as to if there is a reasonable indication that an individual has been trafficked.

March 2009

Supplementary memorandum submitted by The POPPY Project

BACKGROUND

The POPPY Project provides supported accommodation and holistic services to women who are trafficked into the UK for the purposes of sexual exploitation or domestic servitude. POPPY also functions as a London-based research and development unit, specialising in counter-trafficking and exiting prostitution work. The project is the sole UK government-funded dedicated service for trafficked women. Key stakeholders include the UK Borders Agency (UKBA), UK Human Trafficking Centre (UKHTC), the Metropolitan Police Service Human Trafficking Team and the Crown Prosecution Service.

POPPY is run by Eaves Housing for Women, a registered charity which has been working for 30 years to provide homeless women across London with housing and support. Eaves is a feminist organisation committed to lobbying for the abolition of prostitution: exploitation caused by male demand for commercial sex acts, which increases trafficking.

The Project was funded by the Home Office (Victims and Confidence Unit) until March 2006 when funding transferred to the Office for Criminal Justice Reform (reporting to the Ministry of Justice). In order to receive housing and support from POPPY, women need to meet the following criteria:

- that she is over 18;
- that she has been trafficked into the UK; and
- that she has been involved in prostitution, another form of sexual exploitation, or domestic servitude in the UK.

Since its inception, the POPPY Project has received a total of 1,146 referrals from a range of actors, including statutory agencies (police, immigration services, health and social services), as well as NGOs, solicitors and individuals (self-referrals, punters, members of the public).¹⁹⁹ 215 women have received full support, whilst 208 have been assisted through our Outreach Service.

Women referred to the Outreach Service must be:

- over 18
- have been trafficked, and
- forcibly exploited in prostitution, sexual exploitation, or domestic servitude.

The POPPY Outreach Service also provides training to law enforcement agencies, statutory and voluntary sector organisations that come into contact with women who have been trafficked. This involves awareness raising, training on identification of women who have been trafficked and advice on ongoing practice.

1. *Progress that has been made in assessing the scale of the traffic in the UK*

1.1 There remains no agreed estimate of the scale of trafficking for sexual exploitation, domestic servitude, or any other purpose in the UK. Despite this, such information is a crucial component of anti-trafficking activities. Information relating to the scale and type of trafficking activity operating within the UK is needed in order to understand the circumstances in which women are trafficked and the causal factors which can be addressed. We would encourage further investment into quantitative research on this topic.

1.2 There are a number of ways, in addition to the central collation of data, that the scale of trafficking in women can be measured:

- A study published by the Home Office in 2000 identified 71 women who were known to have been trafficked into the UK in 1998. The report also argued that the hidden problem was “several times greater than we can currently document with certainty”.
- Using various data, it estimated that between 142 and 1420 women had been trafficked into the UK in 1998.²⁰⁰
- Home Office research conducted in the UK has suggested that as many as 4,000 women were trafficked into the UK for the purposes of sexual exploitation.²⁰¹

¹⁹⁹ Based on referrals to the POPPY Project between March 2003 and December 2007.

²⁰⁰ Liz Kelly and Linda Regan, *Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK*, Police Research Series Paper 125 (London: Home Office, 2000). www.homeoffice.gov.uk/rds/prgpdfs/fprs125.pdf

²⁰¹ *Supra* n.2 above, p 14.

- A 2006 study conducted by Anti-Slavery International and work from Anderson and Rogaly of the Centre on Migration Policy, and Society at Oxford University in 2005 documented 27 and 46 individual cases of trafficking for forced labour respectively.²⁰²
- Operation Tolerance, a pilot project examining trafficking for labour exploitation from May–December 2008 included 35 women and 1 man identified by POPPY and an additional 14 women identified by Kalayaan, the majority of whom were trafficked into domestic servitude.

1.3 Recently published research carried out by the POPPY Project during 2008 found that out of approximately 8,000 women involved in off-street prostitution in the capital, 84% were foreign nationals²⁰³ (compared to 80% in 2004). The Project believes that a large proportion of foreign national women are likely to have been trafficked into the country.²⁰⁴

1.4 The POPPY Project remains concerned that there has been little attempt by the UK Government to quantify the number of victims of all forms of human trafficking in the UK.

2. Any developments in source countries or types of trafficking

2.1 In recent years there has been growing awareness of the problem of trafficking from Eastern Europe to Western Europe. However, there appears to be less awareness that black African and Asian women are also trafficked. The way that traffickers from different parts of the world transport and treat women varies widely; the way that African or Asian women are trafficked is usually very different to that of Eastern European women, for example.

2.2 While Lithuania remains statistically the second largest source country of POPPY referrals this can be attributed to a peak in 2004-2005, following Lithuania's entrance to the EU. Numbers of referrals of women trafficked from Lithuania has slowed considerably. Since Romania's accession to the EU we have seen an increase in referrals.

2.3 Women report significantly less use of entry methods such as being concealed in vehicles and smuggled across the border by traffickers. Women from non-EU Eastern European countries also report travelling to EU countries such as Poland, Czech Republic and Hungary on their own passports where they are given false documents to facilitate travel to the UK.

2.4 There is evidence of trafficking networks from different countries of origin working together. Women report that they are recruited and trafficked to the UK by traffickers of the same country of origin e.g. Slovakian, Romanian, Czech but after arrival they have been sold on to Albanian trafficking groups who appear to be well established in the UK. This has also been evidenced in prosecutions.

2.5 The POPPY Project has found that black African women are more likely to be trafficked to private establishments where they are less visible to police and sexual health outreach services. This may go some way to explaining why so many black African women are not immediately identified as having been trafficked and are therefore taken to detention centres or prisons rather than being immediately referred to the POPPY Project.²⁰⁵

2.6 Current POPPY statistics indicate the following changes between February 2008 and February 2009:

REFERRALS AND SERVICE USERS

<i>Referrals</i>	<i>February 2008</i>	<i>February 2009</i>
Total	888	1,146
Accepted for Accommodation and Support	181	215
Accepted Outreach	141	208
Accepted combined	322	423

REFERRING SOURCES

<i>Referrals by Agency</i>	<i>February 2008</i>	<i>% of total referrals</i>	<i>February 2009</i>	<i>% of total referrals</i>
Police	275	31%	336	29.3%
NGO	202	22.7%	274	23.9%
Solicitor	120	13.5%	160	13.9%
Immigration Services	76	8.5%	103	8.9%
Social Services	49	5.5%	60	5.2%
Individual	53	5.9%	56	4.9%
Self referral	38	4.3%	57	5%

²⁰² Klara and Anderson. . .

²⁰³ Atkins, Helen and Julie Bindel (2008). *Big Brothel: A Survey of the Off Street Sex Industry in London*. London: POPPY at p 30.

²⁰⁴ Dickson, Sandra: *Sex in the City—Mapping commercial sex across London, 2004*, available from www.eaves4women.co.uk

²⁰⁵ Sachrajda, A, *POPPY Project Outreach Service: A review of work to date, January–September 2007*, forthcoming.

<i>Referrals by Agency</i>	<i>February 2008</i>	<i>% of total referrals</i>	<i>February 2009</i>	<i>% of total referrals</i>
Other	31	3.5%	46	4%
Health Services	28	3.2%	32	2.8%
Punter	16	1.8%	22	1.9%
Total	888		1146	

COUNTRIES OF ORIGIN

<i>Top Countries of Origin 2008</i>	<i>Count</i>	<i>Top Countries of Origin 2009</i>	<i>Count</i>
Lithuania	118	Nigeria	131
Nigeria	99	Lithuania	124
Albania	80	China	88
Thailand	60	Albania	86
China	58	Thailand	70
Romania	42	Romania	58
Uganda	34	Uganda	42
Moldova	31	Unknown	41
Russia	26	Moldova	35
Ukraine	25	United Kingdom	27

TYPES OF TRAFFICKING AND EXPLOITATION

	<i>% Referrals February 2008</i>	<i>% Referrals February 2009</i>
International trafficking	97.3% (n = 864)	97.6% (n = 1119)
Domestic trafficking	2.7% (n = 24)	2.4% (n = 27)
Prostitution in the UK	59.7% (n = 530)	51% (n = 584)
Other sexual exploitation	11.7% (n = 104)	12.2% (n = 140)
Labour exploitation	0	3.1% (n = 36)

3. *Any views that you may have on whether police/immigration officers have become more aware of the problem of trafficking and better able to identify and support victims*

3.1 Some good practice has developed, particularly within the specialist police units dealing with trafficking, and should be welcomed and shared. However, much more training is required on the identification and referral of victims if the authorities are to avoid repeating past mistakes.

3.2 POPPY has noted that referrals directly from UKBA have increased in the year and that there appears to be more awareness from case owners.

However, the POPPY Outreach Team frequently receive requests from solicitors and NGOs to carry out assessments of women in order to assist in the identification of victims of trafficking. The majority of the referrals that the team receives are requests to assess women who are currently detained in immigration detention centres or are in prison either on remand for immigration offences or serving sentences following convictions for such charges. This is evidence that potential victims are not being identified by frontline authorities when they are apprehended by the police or immigration services.

We continue to have contact with individual local police forces who are not aware of the work or role of UKHTC or the POPPY Project.

4. *Whether the UKHTC has been a success in promoting understanding of the problem and co-ordinating various agencies involved in tackling it*

4.1 UKHTC have been promoting the “Blue Blindfold” campaign in an effort to increase public awareness of issues related to trafficking.

Under ECAT and as part of the National Referral Mechanism, UKHTC have increased their commitments to multi-agency working. POPPY look forward to supporting them with this.

5. *Any trends in the prosecution of criminal gangs*

5.1 Cases where trafficking charges have been dropped but charges of controlling prostitution have been upheld. For example Operation Gib (led by Metropolitan Police Clubs and Vice Unit)—10 people, all from Thailand, were charged with conspiracy to traffic women within the UK for the purpose of sexual exploitation; conspiracy to control prostitution for gain or money laundering. The prosecution later dropped the trafficking charges and all 10 pleaded guilty to prostitution and money laundering offences.

5.2 It has also been noted that more traffickers appear to be pleading guilty to the charges in order to qualify for a lesser sentence. Confiscation orders are also being implemented in more cases. Given the huge profits that trafficking can generate confiscation orders should be used but should not be a substitute for robust sentencing.

5.3 The highest number of referrals that the Project receives involve victims originating from Nigeria (who are mostly trafficked by Nigerian trafficking networks) yet there have been no trafficking convictions of these networks.

6. *Any improvements in international co-operation to tackle the trade*

6.1 US TIP Report states “Lithuanian authorities’ cooperation with police in the United Kingdom led to the successful convictions of Lithuanian traffickers”. The significant decrease in referrals from women originating from Lithuania suggests that there has been good awareness-raising and cross-border police cooperation between UK and Lithuanian authorities.

6.2 The recently published report by UN.GIFT also indicates increased global interest in tackling trafficking.

7. *Any changes in provision of services for victims*

7.1 Implementation of the Council of Europe Convention on Action against Trafficking (ECAT) from 1 April 2009 will have a positive impact on provision of services for victims.

7.2 The critical component of the ECAT is that it is a human rights instrument, focused in large part on identification of and care for trafficked persons. While certain provisions for identified women trafficked into prostitution have been in place in the UK since 2003, expanded services will be in place from 1 April 2009. ECAT Articles 10–17, as well as Article 26, are dedicated specifically to addressing the needs of trafficked persons. Improvements to existing services include:

7.2.1 An extension of the “recovery and reflection period” from 30 to 45 days, allowing the person a short period of time in which to make initial steps towards recovery and evaluate their options.

7.2.2 Expanded availability of housing, medical treatment, psychological care, legal information and assistance and access to education for children for all trafficked persons, not just those served by the Poppy Project.

7.3 The potential for the ECAT to have an overwhelmingly positive impact on the prevention of trafficking, as well as the level of care which trafficked persons receive is enormous, but its efficacy relies on proper, thorough and timely implementation. Ensuring that first responders are aware of the obligations to trafficked persons and that they have the training and resources to connect vulnerable persons with appropriate services is a key element. All too often treaties are signed and ratified in a highly symbolic way, and little is done to effect change for those who would benefit the most.

7.4 The fact that A8 and A10 EU nationals do not have recourse to public funds continues to be a bar to successful resettlement of victims in cases where it is not felt safe for them to return to the country of origin. This is especially true of Romanian and Bulgarian victims who are severely limited in their access to work. This increases the risk that women could be further exploited in prostitution on exiting the POPPY Project. POPPY would encourage the government to allow these women access to residence permits under Article 14 of the ECAT.

8. *Other updates*

8.1. Operation Tolerance.

8.1.1 In anticipation of the ratification and implementation of the Council of Europe Convention on Action against Trafficking (ECAT), the UK Borders Agency, in partnership with the UKHTC, law enforcement and civil society groups throughout the UK, launched Operation Tolerance in May 2008.

8.1.2 Operation Tolerance ran May-September 2008, providing services through 5 December 2008. The Operation Tolerance was a pilot project investigating the prevalence of trafficking for labour exploitation. In London the focus was on trafficking in women for domestic servitude. The POPPY Project has received 36 referrals for women trafficked into forced labour, some of them have been forced into prostitution or other forms of sexual exploitation as well

8.2 Trafficking: Labour v Sexual Exploitation²⁰⁶

8.2.1 Several lessons have been learned about the needs and experiences of women trafficked into labour exploitation, and the similarities and differences that exist between trafficking for sexual and labour exploitation. Persons trafficked for labour exploitation are deceived, coerced or forced into their situation, in the same way as those trafficked for sexual exploitation. The type of coercion or deception is particular to the life and circumstances of each woman. Women trafficked for sexual or labour exploitation do report many of the same “push factors”, or reasons that may have compelled them to attempt to migrate, most with the promise of a ‘new opportunity’ in the form of work or education.

8.2.2 Similarities observed between victims of trafficking for sexual and labour exploitation

8.2.2.1 The average age of women trafficked into sexual exploitation is 18–24, and the average age for trafficking into labour exploitation is 25.

8.2.2.2 Five of eight trafficked for labour entered the country legally, and three had false documents. None of the women arranged their own documents. This is slightly higher than trafficking for sexual exploitation, where 26% of women have false documents.

8.2.2.3 The average length of the workday in domestic servitude is 16.13 hours, and all women report less than eight hours of sleep per night. Women in sexual exploitation also report days of at least 12 hours, many being “on call” at all times.

8.2.2.4 Five of the eight women on the pilot were sexually assaulted or exploited in addition to labour exploitation.

8.2.3 Differences

8.2.3.1 Average length of time in a labour trafficking situation is 20.6 months. This is much longer than situations of sex trafficking where the average time in the trafficking situation was just over seven months (7.3).

8.2.3.2 Women trafficked for labour travelled between one and four countries and three women worked en route, compared to less than 1% of women trafficked for sexual exploitation that are forced to work en route.

8.2.3.3 Five women trafficked for labour exploitation were ‘on loan’ to others to use for their services, while the movements of women trafficked for sexual exploitation are more tightly monitored.

8.2.3.4 Two trafficked women were expected to perform some kind of additional inappropriate “work” such as massaging or bathing their employer.

March 2009

Supplementary memorandum submitted by ECPAT UK

ECPAT UK is pleased to submit further evidence to the Home Affairs Committee inquiry into Human Trafficking. This letter follows our earlier written submission of February 2008, oral evidence given on 29 April 2008 and an additional note submitted jointly with the NSPCC in February 2009 focusing on the child protection issues raised during operation Pentameter 2. We will not repeat any of these points here.

ECPAT UK will restrict its remarks to the following subjects identified by the Committee, namely views on whether the police and/or immigration officers have become more aware of the problem of trafficking and are better able to identify and support victims; whether the UK HTC has been a success in promoting understanding of the problem of trafficking and co-ordinating the various agencies involved in tackling it and any changes in the provision of services for victims. Our remarks also respond to the recent announcement that the Government will cease to fund the Refugee Council’s Children’s panel.

ECPAT UK is a leading UK children’s rights organisation campaigning to protect children from commercial sexual exploitation. ECPAT UK represents a coalition of leading UK organisations working for the protection of children’s rights; these are: Anti-Slavery International, Jubilee Campaign, NSPCC, Save the Children UK, The Children’s Society, UNICEF UK, and World Vision UK. ECPAT UK is a UK registered charity and the UK national representative of the global ECPAT movement with partner organisations in over 70 countries around the world campaigning against the exploitation of children, including child trafficking.

²⁰⁶ All reported data on women trafficked for sexual exploitation were collected for and published in Stephen-Smith, Sarah (2008). *Routes In Routes Out: Quantifying the Gender Experience of Trafficking in the UK*. London: POPPY. The statistics are based on a survey of 118 current and former POPPY service users. Available at: http://www.eaves4women.co.uk/POPPY_Project/Publications.php

AWARENESS OF THE PROBLEM OF TRAFFICKING

1. ECPAT UK is aware that efforts have been made in the last two years to increase awareness and understanding within the police and immigration authorities. ECPAT UK has itself delivered a significant amount of multi-agency training (eg to social services, immigration service and police) in recent years on the protection of child victims of trafficking; we are currently at the end of the second year of a three-year Department for Children, Schools and Families (DCSF) grant that has funded the design and delivery of training for Local Authorities.

2. However, the awareness and response to trafficking is inconsistent. ECPAT UK will publish a report on 18 March 2009 based on research that we have carried out in Wales. The report establishes over 30 current or recent cases of children who are highly likely to have been trafficked into Wales and have been exploited in a number of ways including into forced labour, sexual exploitation, cannabis production, begging and domestic servitude. The report highlights a lack of knowledge and understanding on the part of the agencies and practitioners involved. The management of these cases is compromised by attitudes of disbelief and denial that trafficking could happen in their locality, seeing it as a problem existing elsewhere. The report concludes that when knowledge and attitudes are poor the practice of safeguarding trafficked children becomes impossible. The culture of disbelief still exists right across the UK in local authorities, police and immigration services. ECPAT UK sees this as a priority management issue for statutory agencies and not just an issue of individual responsibility.

3. The Wales report also highlights a recurring theme that ECPAT UK has found elsewhere, that of practitioners treating migrant children differently from British children for fear of offending cultural sensitivities, often leaving the child vulnerable and without protection. ECPAT UK recommends that the child protection concerns must always trump the notion of cultural relativism, a finding made strongly by Lord Laming in his inquiry into the death of Victoria Climbié. This is supported by guidance in the All Wales Child Protection Procedures, “Professionals should guide against myths and stereotypes, whether positive or negative, and anxiety about being accused of oppressive or discriminatory action should not prevent the necessary action to be taken to safeguard a child”,²⁰⁷ but it was clear from our research in Wales that this is not being followed in practice.

4. ECPAT UK was frustrated that the UKBA chose not to participate in the Wales research despite several requests.

5. ECPAT UK has previously raised the anomaly in the law that baby trafficking is not able to be prosecuted using the existing Asylum and Immigration (Treatment of Claimants etc) Act 2004 because of the poor wording in the legislation. ECPAT UK is hopeful that the loophole will be closed in the Borders, Citizenship and Immigration Bill or the Police and Crime Bill currently going through Parliament which both provide an opportunity to amend the definition of trafficking in UK law. The definition is in need of strengthening as currently the Crown Prosecution Service is not attempting to bring prosecutions in cases of baby trafficking.

UK HUMAN TRAFFICKING CENTRE

6. ECPAT UK was pleased that the Government set up the Human Trafficking Centre in 2006. The UK HTC was set up to be “the central point of development of law enforcement expertise and operational coordination”. However, we are concerned that the UK HTC is failing to act with the requisite urgency in matters relating to trafficked or suspected trafficked children. A key responsibility for the UK HTC is to develop measures to protect and support victims and it is not clear how this assistance is being provided.

7. UK HTC presents itself as a multi-agency centre but there is currently no child protection team within the centre, neither is there a visible child protection policy on the UK HTC website. UK HTC does not appear to fall under Section 11 of The Children Act (2004) placing a duty of care on all UKHTC personnel. ECPAT UK would like to see all UKHTC policies audited against child protection and safeguarding policies, and that competency-based training on child protection is mandatory for all staff.

8. On an individual case basis it is not clear that the UK HTC recognises the differences between a generic victim care approach and more specific child rights approach to protection as required in the UK’s national and international obligations to children. ECPAT UK has been involved in a number of cases this year where UK HTC has failed to provide the requisite advice on the status of suspected victims of child trafficking to local authorities, immigration and law enforcement agencies to identify the child’s rights and child protection needs as the principal concern, ie to remove the child to safe accommodation, provide suitable physical, educational, psychological and emotional support and ensure Section 47 of the Children Act processes are in place.

9. Following our concerns with UK HTC we are therefore concerned by the proposed plans to identify UK HTC, alongside UK Border Authority as the “competent authority” which must be identified as one of the provisions mandated by the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) within the National Referral Mechanism. Based on their current response to child trafficking cases it is not clear that the UK HTC and UK BA are best placed to perform the role of the

²⁰⁷ All Wales Child Protection Procedures 2008, Section 1.2.4.

competent authority. We would like to see a multi-agency approach and local decision making as part of the national referral process. ECPAT UK believes that local authorities are well placed to make competent authority decisions about whether a child has been trafficked, yet the proposed Government model does not include Local authorities as a 'competent authority'. Currently a number of local authorities are piloting an identification and assessment toolkit for child victims of trafficking. This toolkit goes well beyond anything that is being used by the UK HTC. It is a robust and sophisticated tool that includes multi-agency guidance, a joint assessment tool and referral form to assist professionals in assessing the needs of the child and the continuing risks that they may face from traffickers. It is not at all clear why the Government refuses to accept that Local Authorities be allowed to make competent authority decisions regarding the identification of trafficked children.

10. ECPAT UK has called for a National Rapporteur on Human Trafficking, with a specific responsibility for children, to be established to act as a focal point on trafficking. The National Rapporteur should have statutory powers to request information from police, immigration authorities, child protection agencies (both government and non-government). The Rapporteur would be responsible for gathering data, analysing trends and emerging issues, independent oversight and making recommendations for improvement in the implementation of the UK Action plan on tackling Human Trafficking. This work is not being carried out by the UK HTC so would not duplicate current arrangements.

CHANGES IN THE PROVISION OF SERVICES FOR VICTIMS

11. CPAT UK has welcomed the progress the Government has made recently on trafficking; namely the ratification of the Convention, the withdrawal of the reservation to the UN Convention on the Rights of the Child relating to immigration and nationality and the very recent ratification of the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

12. However, ECPAT UK is concerned that the Home Office will not have in place the necessary victim support mechanisms once the Convention comes into force on 1 April 2009 despite repeated calls from ECPAT UK and others through a number of fora including the Home Office Stakeholder Group on Child Trafficking. Despite patches of good practice the asylum system, which is the process through which most trafficked children find themselves, is not sympathetic to child victims of trafficking or focused on the rights of the child or victim protection.

13. It is not clear what "special protection measures" for children (as mentioned in Trafficking Convention Article 10) will be in place from 1 April. The Government have not agreed to a system of guardianship, neither are they offering a separate renewable residence permit system for children. It has been proposed by the Home Office that the existing discretionary leave provisions will suffice. We do not believe this is the case and this is likely to be legally challenged. The provision of special support to children must not be contingent on their participation in criminal investigations.

14. ECPAT UK is gravely concerned by the decision of the UK Border Agency to cease funding the Refugee Council's Children's Panel after 2009-10 and to end funding to age-disputed young people this year. The Children's Panel has been instrumental in assisting child victims of trafficking. The Home Office has funded the Children's Panel since 1994, to provide essential advice and support to newly arrived separated children who are seeking asylum on their own in the United Kingdom. The UKBA argue that the processes and arrangements that they currently have in place with local authorities mean that age-disputed young people are fairly assessed and receive the appropriate service. They also state that the specialist authority model proposed within the UASC Reform Programme will also ensure that local authorities provide some services currently provided by the Children's Panel. This is despite no firm arrangements yet being in place for specialist authorities within the Reform Programme.

15. The gaps in child protection for this vulnerable group of children is a significant area of concern and is illustrated by the recent Audit Commission report which found that services for vulnerable children in England deteriorated last year and remain the weakest area of councils' work. Only nine authorities achieved the maximum four-star rating for children's services.

16. ECPAT UK, along with other children's organisations, believes that a system of guardianship for separated children is the only mechanism that will ensure that all actions and decisions with respect to that child will be made in their best interests. This is particularly important for trafficked children. A Guardian would assist the trafficked child to navigate across the boundaries of statutory services, legal advisors and non-government agencies and to support the child in every aspect of their wellbeing. ECPAT UK research shows that when trafficked children go missing from local authority care there has been very little cooperation between agencies, and across local and international boundaries, to trace children and make contact with their families. A system of Guardianship is recommended by the Convention and is also supported by the CRC Committee in their concluding observations.

17. The recent report on Channel 4 News (4 March 2009) highlighted the situation in Hillingdon where in the period from January 2007–March 2008 200 children were identified as potentially trafficked into Heathrow and taken in to local authority care. Of these children 79 young Chinese women had disappeared and only five had been found. ECPAT UK has previously highlighted the unacceptable situation of children going missing yet it is clearly an ongoing problem.

March 2009

Supplementary memorandum submitted by The Salvation Army

Thank you for your letter dated 18 February 2009 asking for an update on developments since the Committee first invited interested parties to submit evidence. I am pleased to respond on behalf of The Salvation Army in the United Kingdom.

In your letter, you outlined the areas you are particularly interested in and I have used that structure for the update below.

Any progress that has been made in assessing the scale of the traffic in the UK

Pentameter One and Two have only revealed the tip of the iceberg. This criminal activity is countrywide and found in all areas of society from lap dancing clubs and brothels to residential housing, even though the NIMBY (“not in my back yard”) syndrome prevails. The true scale of the phenomenon of human trafficking is, in our opinion, still unknown.

Any development in source countries or types of trafficking

We are aware of cross-border liaison in Europe and our own International Development Department has initiated projects in source countries that provide safe housing, community education and micro credit programmes aiming at poverty reduction and minimised vulnerability.

Any views that you may have on whether the police and/or immigration officers have become more aware of the problem of trafficking and better able to identify and support victims

Our experience is that there is a greater awareness and sensitivity to victims of trafficking as well as the ability to identify and support victims. However, the training does not seem to have received nationwide coverage. That said, it is recognised that this is a process that will take time to implement.

In some instances there ought to have been better first responder knowledge during the two Pentameter Operations. Some participants were not aware that they were part of Operation Pentameter.

Whether the UKHTC has been a success in promoting understanding of the problem and coordinating the various agencies involved in tackling it

There have been teething problems that have been worked through with regard to safe house provision and placement of victims.

The Blue Blindfold campaign seems to have had a more internal impact. Wider use of this material could make a much bigger impact on raising awareness.

A number of NGOs have their own campaign and awareness-raising material but there needs to be national lead.

Any trends in prosecution of criminal gangs

No comment.

Any improvements in international cooperation to tackle the trade

There has been a development in the relationship with the International Organization for Migration and the repatriation scheme.

Any change in provision of service for victims

The UK Government Action Plan on human trafficking meets and exceeds the European Convention requirements eg accommodation with provision of health care and other benefits as well as the 45 days' reflection period for those aged 18 and over. However, our experience confirms that there will be those who will fall through the net of government provision.

It is likely, as it is presently, that although 16-18 year old victims are the responsibility of Local Authorities, adequate care provision will be in short supply. There will also be those whose age is questionable—it is not clear whose responsibility will they be or whether they will be left in limbo? The most traumatised may well require longer than 45 days of support and if they are not ready/willing to give evidence what happens to them?

There will be those who have a right to stay but no entitlement to housing benefit until they have worked for 12 months. They could easily become homeless and destitute unless another (non-statutory) provider steps into the breach.

For your information, The Salvation Army is at work across the countries of Europe. In addition to the UK safe-house provision, this Europe-wide network is already responding to the problem of human trafficking through supported repatriation, poverty alleviation projects, with victim vulnerability reduction as the focus. Community awareness raising and safe house holistic victim support provision also features prominently. This should be further developed and financial support from the UK Government would be welcomed.

February 2009

Supplementary memorandum submitted by the Immigration Law Practitioners' Association (ILPA)

A. INTRODUCTION

1. ILPA is a professional association with around 1,000 members, who are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-government organisations and others working in this field are also members. ILPA exists to promote and improve the giving of advice on immigration and asylum, through training, disseminating information and providing evidence-based research and opinion. ILPA is represented on numerous government and other stakeholder groups including the NGO/Stakeholder Consultative Group on Human Trafficking and the Child Trafficking Advisory Group and has provided evidence to many parliamentary committees and in the course of debates on legislation on the subject of trafficking. This year, among other activities, ILPA representatives have been panellists at the workshop on Trafficking convened by the OSCE and the TUC and also observers at the Commonwealth Parliamentary Association conference on trafficking.

2. These submissions are endorsed by the Anti-Trafficking Legal Project (ATLEP), which has given written²⁰⁸ and oral evidence to the Committee for this enquiry.

3. ILPA submitted written evidence²⁰⁹ to the enquiry on 7 February 2008. Given the very short timescale for responses, ILPA's response was of necessity brief. We find ourselves in a similar position with this call for further evidence. We have, therefore, sought in this short response to:

- highlight some very recent developments;
- provide a brief update on the matters on which our original submission focused; and
- list ILPA submissions and briefings published during the year of relevance to the enquiry.

B. RECENT DEVELOPMENTS

B. (i) Damages in tort against traffickers

4. *AT and others v Dulghieru* [2009] EWHC 229 (QB) is the first known example of litigation on behalf of the victims of trafficking for sexual exploitation directly against their traffickers in the UK. The claim based upon the torts arising from the unlawful conspiracy of the defendants to sexually enslave the claimants (four young women nationals of Moldova). Both defendants had been convicted of offences connected with the trafficking of individuals into the UK for the purposes of prostitution. The Honourable Mr. Justice Treacy accepted that the claimants were entitled not only to general damages but also to aggravated damages and accepted that the starting point for the assessment should not be the levels set out by the Criminal Injuries Compensation Authority for such conduct. The judge made a total award of £611,000 (allocated between the claimants by reference to the lengths of their ordeal and also the extent of identified ongoing post-traumatic stress).

²⁰⁸ Available at www.ein.org.uk/resources/ATLeP_Submission_to_the_Home_Affairs_Committee.doc

²⁰⁹ Available on www.ilpa.org.uk in the section on submissions.

B. (ii) *The Definition of Trafficking in UK law under scrutiny*

5. Evidence has mounted during the past year that the definition of trafficking in UK law (Asylum and Immigration (Treatment of Claimants etc) Act 2004) is inadequate because it fails to ensure the prosecution and conviction of those who traffic babies and very small children.

6. At Report stage in the House of Lords on the Asylum and Immigration (Treatment of Claimants, etc) Act the Baroness of Anelay of St. Johns, the Conservative Party's front bench spokeswoman, raised the risk of a lacuna and was supported by many other peers. She said:

"I have tabled this probing amendment in response to a concern raised by the Refugee Children's Consortium in its Second Reading briefing . . . The Government's new paragraph 4(4)(d), which has not yet been debated, improves the clause, which still appears to allow some people who traffic children and families to escape prosecution. I am sure that no one would wish that. It is contrary to the consortium's wishes, certainly to my wishes, and—the consortium believes—the wishes of the Government . . . The references to "request or inducement" in subsection (4)(d), and the attempt to produce an exhaustive list of positions of vulnerability, still appear to the consortium not to cover all forms of exploitation that involve an abuse of power or of a position of vulnerability. That is the wording adopted in the United Nations Palermo Protocol on trafficking."²¹⁰

7. The Baroness Scotland of Asthal, responding for the government, stated:

". . . I say to the noble Baroness, I hope by way of reassurance, that we think that mischief is caught by subsection (4)(d). In saying that, let me make it clear that the Government are absolutely committed to tackling human trafficking in all its forms. The noble Baroness is absolutely right to say that we are at one in that purpose. . . This is the sort of scenario at which the amendment is aimed, and we agree that the offences should cover this situation. However, we do not consider that an amendment is necessary to achieve this. . . Let me make it clear that a child will not have to know that they are being requested or induced to do something for an offence to be committed . . . We think that there is not, therefore, a lacuna, which needs to be addressed or filled by this amendment . . . We believe that these activities would and should be caught. I am very conscious of the *Pepper v Hart* basis on which I say that . . . If we thought there was a lacuna, we would want it plugged. The draftsmen and others believe that the mischief which noble Lords have highlighted is covered."²¹¹

8. Fulsome as the reassurance was, it did not satisfy those concerned, and the Baroness Anelay, with the same chorus of support, returned to the matter at Third Reading in the Lords. She said:

The concern can be simply stated. Is Clause 4 sufficiently broad to cover all cases involving children? . . . Does it cover situations where the child may not be conscious of what is happening to them? . . . I have always accepted that the Government do not intend that there should be any lacuna. We have been working as one on this matter. However, it appeared that the gap was as follows. Children may not be subject to treatment amounting to slavery or forced labour. They could therefore not satisfy the definition of exploitation in Clause 4(4)(a). Children may not be trafficked for their organs; thus they may not satisfy the definition in subsection 4(b). As for subsection 4(c), the threat of violence may not be made to the child: the parent may be told that the child will be harmed. The parent may be asked to agree that the child become involved in an activity, and no one may ask the child anything at all. Thus it would appear that those who traffic in children may escape prosecution under this scheme. . . Following our debates on Report on 18 May, I understand that the Government have had further discussions behind the scenes with the Refugee Children's Consortium. I understand that the Minister may now be in a position to put on record the Government's further statement on their understanding of the term "inducement" in the context of this clause. If the Minister is able to do so and can demonstrate that the clause makes it clear that children do not need to be conscious of what is happening to them, then I anticipate that I shall most certainly, and with great pleasure, be able to withdraw this amendment."²¹²

9. The Lord Rooker responded for the government:

"We are satisfied that the ordinary meaning of the word "inducement" is such that a person may be induced to do something notwithstanding his not being fully aware of what he is being induced to do. We therefore consider that subsection (4)(d) as drafted can apply in cases involving very young children, who may not be fully aware of the situation, of their actions, and of what it is they are being encouraged to do. . . We are satisfied that the ordinary meaning of the word 'inducement' is such that a person may be induced to do something, notwithstanding the fact that that person is not fully aware of what it is he is being induced to do."²¹³

²¹⁰ *Hansard* HL Report 6 April 2004, col 1642ff.

²¹¹ *Hansard* HL Report 6 April 2004 col 1645ff.

²¹² *Hansard* HL Report 6 July 2004 cols 669–670.

²¹³ *Hansard* HL Report 6 July 2004 cols 671ff.

10. The Peace Sandberg case demonstrates that the Baroness Scotland and the Lord Rooker were wrong and the Refugee Children's Consortium was right. On 16 May 2008 Peace Sandberg was jailed for 26 months at Isleworth Crown Court after being found guilty of facilitating illegal entry into the UK. The illegal entry in question was that of a baby believed to have been purchased in Nigeria, allegedly so that Ms Sandberg could claim to qualify for priority housing in the UK. Ms Sandberg was not prosecuted for trafficking because, it was concluded, that the section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 was inadequate to capture the trafficking of babies and very small children, eg for benefit fraud. The CPS achieved a conviction but had to do so with one hand tied behind their backs. The government's intention is clear, but amendment to the primary legislation is required to address it.

11. ILPA brought the matter to the attention of the Bill team working on the Draft (partial) Immigration and Citizenship Bill in July 2008. ILPA urged that the lacuna be addressed in the Bill. That Bill has now been superseded by the Borders, Immigration and Citizenship Bill. There are now two bills: the Policing and Crime Bill and the Borders, Citizenship and Immigration Bill in which the matter could be addressed. This does seem to be more than ample an opportunity to correct these errors in this parliamentary session and the matter has been raised in debates on both bills.²¹⁴

12. It was also suggested at the February 2009 workshop hosted by the OSCE and the TUC which brought together, *inter alia*, representatives of the UK Human Trafficking Centre, the UK Border Agency, the Home Office, the Crown Prosecution Service that the definition of trafficking creates difficulties for bringing a prosecution in practice in that the way the elements of the offence have been broken up in subsections 4(1) to (3) of Asylum and Immigration (Treatment of Claimants etc.) Act makes it necessary to prove the requisite intention at the requisite stage of the trafficking process (eg necessary to prove the intention of the trafficker at the time when the trafficker brought the person to the UK).

B. (iii) Confusion in the UK's implementation of the Council of Europe Convention on Action Against Trafficking in human beings

13. It has now been decided that cases of trafficking of UK nationals and EEA nationals will be dealt with by the UK Human Trafficking Centre, while other cases will be dealt with in the UK Border Agency. This is the latest development in a long line of confusion created by the way in which the UK has dealt with the notion of a "competent authority" and looks set to cause real problems in practice.

14. The term "competent authority" is widely used in international law and indeed in other parts of UK law to describe the State—and make reference to the arm of State with responsibility for a particular area. "Competent" is a reference to powers, rather than skills. Thus the Council of Europe Convention envisages that all organs of the State will incorporate protection of those who have been trafficked into their duties and responsibilities. The OSCE concept of a "National Referral Mechanism"²¹⁵ is about co-ordinating those various efforts. But what this concept has become in the UK plans for implementation of the Convention is the notion of a centralised decision-making body who will sort those whom there are reasonable grounds to believe have been trafficked from those whom there are not, for all purposes.

15. The difficulties this creates are very clearly illustrated by the case of children. Trafficking of children is one form of abuse of children. Child protection teams should be skilled to identify and respond to cases of trafficking—this is a specialist area but sits firmly within the framework of their responsibilities toward children at risk of harm. Under UK child protection law these teams have responsibilities to identify and to protect children at risk of trafficking. But under the proposed model for implementation of the Convention these teams will be obliged to refer the case to the UK Border Agency or the UK Human Trafficking Centre to determine whether there are reasonable grounds for believing the child to have been trafficked. Those with most information about the case, and most expertise in general child protection, will be referring the case to those with less. Whatever the decision of those UK Border Agency or the UK Human Trafficking Centre, the child protection teams will, under UK law, retain all their own responsibilities toward these children. If they think the child has been trafficked, they must act accordingly—a negative decision from the UK Border Agency or the UK Human Trafficking Centre cannot release them from their obligations under UK child protection law. So what purpose is the second decision serving at all?

16. The case of children is stark, but the same comment can be made for the whole concept of a central "competent authority". The police are not going to cease their efforts to prosecute a trafficker just because the "competent authority" says that the person has been trafficked—or vice versa.

17. Having a central decision that will have implications for a person's support and for other aspects of their subsequent treatment, including immigration decisions on residence permits, raises questions of procedural fairness. We have repeatedly raised questions of procedural and substantive fairness in the procedures for determining whether or not a person has been trafficked. What assistance will a person get to make their case? What opportunity will they have to be heard? What opportunity will they have to

²¹⁴ See the second reading in the House of Lords on 11 February 2008 and in particular the comment of the Minister, Admiral the Lord West of Spithead, "During the passage of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 the criminalisation of trafficking for non-sexual exploitation, including of children, was discussed and legislated for. I believe that this is an area where we can have even more focus; it is very important. We have tried very hard, but there are still things that can be done, and that will merit further discussion in Committee." *Hansard* HL Report 11 February 2009 Col 1212.

²¹⁵ See <http://www.osce.org/odihr/19054.html>

challenge the decisions of the “competent authority”? What records will be kept of the decision, and how will these be made available for use in subsequent criminal proceedings or, where relevant, the immigration decision?

18. What we have seen are model referral forms that appear to overlap with, but not to fit with, those used by the UK Border Agency in screening interviews. We have seen nothing on how a person will challenge a decision that there are not reasonable grounds for believing that they have been trafficked unless this is wrapped up in the substantive decision on the immigration application or asylum claim. If the latter is the case it is unclear how the timescales for UK Border Agency decision-making will mesh with the timescales for making a decision on the question of whether there are reasonable grounds for believing that a person has been trafficked to give access to the reflection period. This cannot be done within standard procedures for challenging a UK Border Agency decision on an immigration case before the Asylum and Immigration Tribunal because there is no right of appeal to the Asylum and Immigration Tribunal against a decision that there are not reasonable grounds for believing that one has been trafficked. Thus it would appear that the only possible challenge will be by way of judicial review. How will records of the decision made on whether there are reasonable grounds for believing that a person has been trafficked be made available, including to that person and to representatives?

19. We refer the Committee to the recent House of Commons debate in Westminster Hall on human trafficking where a summary of the questions being raised was provided by Anthony Steen MP, Chair of the All-Party Parliamentary Group on Trafficking in Women and Children:

“... article 10 [of the Council of Europe Convention] deals with the identification of victims. [It . . .] suggests that international good practice is that there is no lead department—a single competent authority—and that decision making should be devolved across a range of authorities at a regional and local level, so that it is closest to the location of the victim... Support services could then be agreed, co-ordinated and provided quickly. For children, that would be through local authority children’s services.

... the Government propose to make the UK Human Trafficking Centre in Sheffield the single competent authority, with decisions made by UK Border Agency staff inside the UK Human Trafficking Centre. There is now a groundswell of opinion from nearly every non-governmental agency that that is precisely the wrong way to proceed... decisions will not be transparent ... There will be no appeals process, so nobody will know what is going on ... all local authorities, the police, the UK Border Agency and the UK Human Trafficking Centre should all be competent authorities. ... If the UK Human Trafficking Centre is the sole competent authority, there will also be operational problems ...”²¹⁶

20. What we have seen of the proposals for referrals to the ‘competent authority’ has shown little awareness of questions of consent, including informed consent, or of confidentiality. Nor has it shown awareness of the extent to which referring NGOs could find themselves giving immigration advice, a criminal offence under the Immigration and Asylum Act 1999 unless the NGO is regulated by the Office of the Immigration Services Commissioner. The Office of the Immigration Services Commissioner had not been consulted.

21. At the February 2009 workshop hosted by the OSCE and the TUC it was indicated that it is proposed to grant one year Discretionary Leave to Remain in the United Kingdom to people who have been trafficked if they are co-operating with the police or if their personal circumstances are such that a grant of leave would be appropriate. The question was raised whether it will be possible to lodge an appeal against a decision to grant one year Discretionary Leave to Remain. The current statutory framework would mean that there is no right of appeal for a person granted one year Discretionary Leave to Remain, including from a refusal of asylum and a refusal to provide protection under Article 3 of the European Convention of Human Rights. Under section 82 of the Nationality, Immigration & Asylum Act 2002 (“2002 Act”) there is a right of appeal only if the decision would leave a person with no leave; there is no right of appeal from a grant of leave to remain. There is an exception: a right of appeal from a refusal of an asylum claim arises if an applicant is granted more than one year’s leave to remain. This is set out at section 83 of the 2002 Act, which provides:

“83(1) This section applies where a person has made an asylum claim and—

- (a) his claim has been rejected by the Secretary of State, but
- (b) he has been granted leave to enter or remain in the United Kingdom for a period exceeding one year (or for periods exceeding one year in aggregate).

(2) The person may appeal [to the Tribunal] against the rejection of his asylum claim.”

One possible solution is to grant victims of trafficking Discretionary Leave to Remain for one year and one day, which would mean that they would be afforded a right of appeal.

²¹⁶ *Hansard* HC Report 3 February 2009 Cols 158–159WH.

22. ILPA and others have brought all these matters to the attention of the UK Border Agency.

23. Article 15 of the Council of Europe Convention on Action against Trafficking in Human Beings, which states:

“1. Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand.

2. Each Party shall provide, in its internal law, for the right to legal assistance and to free legal aid for victims under the conditions provided by its internal law.”

24. Just a short time before the deadline for implementation of the Council of Europe Convention on Action against Trafficking in Human Beings we have seen nothing on how the UK intends to comply with its obligations under Article 15. Nor have we seen anything on how the timescales for determining that there are reasonable grounds to believe that a person has been trafficked will mesh with the decision-making process in immigration and asylum applications.

25. There continues to be no provision in for guardians for unaccompanied children as is required by the Council of Europe Convention.

C. UPDATE ON MATTERS RAISED IN OUR 7 FEBRUARY 2008 SUBMISSION

C. (i) *Access to legal advice and representation*

26. The problems highlighted in our February 2008 submission continue. It is getting harder for people who have been trafficked to find a legal aid lawyer to take their case. The only change that may assist is that in cases of particular prisons the Legal Services Commission has been prepared to waive the three-hour cap on travel.

27. The Legal Services Commission has consulted on its proposals for a new bid round for legal aid contracts.²¹⁷ These contracts would run from 2010. The proposals would continue the fixed fee regime with the attendant problems for people who have been trafficked highlighted in our initial submission to this enquiry. They risk introducing new difficulties for people who have been trafficked and who seek, an indeed need, legal advice and representation with their bias against complex cases and against small specialist firms undertaking those cases.

28. The Legal Services Commission's proposals for a database of those in receipt of legal aid²¹⁸ also raises concerns about the protection of confidential information about people who have been trafficked.

29. The problems with the fixed fee regime risk being exacerbated because of the government's proposal that where a person is not a British citizen nor an EEA national, the decision as to whether there are reasonable grounds for believing that they have been trafficked will be dealt with by the UK Border Agency. The case will proceed alongside the asylum, human rights or other immigration case (for example renewal of a visa as a migrant domestic worker or other worker). No legal aid impact assessment has been carried out of the implications of these proposals. There has been no consideration of the question of challenges to the decision of the 'competent authority'. There has been no consideration of the need to adjust the fixed fee in these cases to take account of the extra work that will be involved in dealing with the question of whether there are reasonable grounds for believing that a person has been trafficked within the timescales required by the decision-making process. The Legal Services Commission had not been consulted. ILPA has brought this matter to the attention of the Legal Services Commission and the UK Border Agency.

C. (ii) *Cases of trafficking in the Detained Fast-Track*

30. The situation continues to be as described in our February 2008 submission to the enquiry, whereby a case proceeding through the accelerated procedures of the Detained Fast-Track will not be delayed to permit the UK Human Trafficking Centre or the Poppy Project to undertake an assessment despite efforts to persuade the Agency to improve its procedures. Procedures still do not parallel those operated when the Medical Foundation for the Care of Victims of Torture agrees to see a person detained in the fast track procedures. ILPA has expressed concerns at the inadequacy of guidance on trafficking for those "screening" applicants to decide who will go into the Detained Fast-Track.²¹⁹

²¹⁷ See list of ILPA responses at part D below.

²¹⁸ In the 2008 consultation *Delivery Transformation*, see list of ILPA responses at part D below.

²¹⁹ See the documents listed at part D below.

31. The proposal that the UK Border Agency determines who has been trafficked in cases of people who are not British citizens nor EEA nationals (described above) risks having particular ramifications in the Detained Fast-Track. Where this is being considered, will the case be taken out of the Detained Fast-Track? Will the case be delayed while it is determined whether there are a reasonable grounds for believing that a person has been trafficked? If so, will the person be released?

32. The Asylum Process Instruction Victims of Trafficking, dated 16 June 2008 has been published.²²⁰

C. (iii) *Age disputes*

33. In our original submission ILPA said that special attempts to protect trafficked children will only benefit those children if they are recognised as children and disputes over age are a huge barrier to such recognition'. We referred to ILPA's 2007 Report *When is a child not a child? Age disputes and the process of age assessment*.

34. In October 2008, the inadequacy of current age assessment processes was acknowledged by the UN Committee on the Rights of the Child in its Concluding Observations of October 2008 on the UK's report under the Convention.²²¹ The Committee recommended that the UK:

“(e) Give the benefit of the doubt in age-disputed cases of unaccompanied minors seeking asylum, and seek experts' guidance on how to determine age”.

32. The Committee on the Rights of the Child hit upon the most important matter in opening its recommendation with “give the benefit of the doubt”. ILPA members continue to see cases where all the evidence is compatible with a child being a child, as they say they are, but evidence other than the testimony of the child is also compatible with their being over 18. These are being treated as age disputes.

33. The Government's age assessment working group met for the last time in August 2008. To date we are aware neither of the outcome of the Working Group nor the Government's plans in this area. One subject deliberated by the working group was the question of X-rays as a tool for assessing age. There has still been no final pronouncement on the topic. Meanwhile the main developments in approaches to the resolution of age disputes have come through the courts.

C. (iv) *People who have been trafficked—interface between the immigration and criminal justice systems*

34. The latest Crown Prosecution Service Guidance on people who have been trafficked was published on 1 October 2008.²²²

35. People who have been trafficked continue to be prosecuted for immigration (for example, document) offences. In *R v O* [2008] EWCA Crim 2835, O, who had been trafficked into the UK for the purposes of sexual exploitation and escaped from the trafficker, had obtained a Spanish ID card and was apprehended at Dover fleeing to France. Although age was disputed she was charged and prosecuted as an adult (there being no finding as to her true age). She was advised to plead guilty to an offence of possessing an identity document which related to someone else with intent to use it to establish facts about herself, contrary to section 25(1)(c) of the Identity Cards Act 2006. Notwithstanding detailed information about her experience of trafficking being available pre-trial and the possibility of a defence of duress under the two Crown Prosecution Service trafficking-related Protocols, she was sentenced to eight months imprisonment.

36. An out of time appeal was brought against her conviction and sentence. Laws LJ, giving lead judgment in the Court of Appeal, allowed O's appeal against her conviction and sentence. He referred to the disturbing facts of the case and, with a view to providing guidance, expressed the Court's desire that such events as occurred in O's case would not be repeated. The Court of Appeal recognised the clear intention of the UK Government, in signing the Council of Europe Convention on Action against Trafficking in Human Beings, to protect the rights of victims of trafficking in the UK and that these obligations require that both prosecutors and defence lawyers are “to make proper enquiries” in criminal prosecutions involving individuals who may have been trafficked.

37. ILPA continues to see cases of minors exploited eg in cannabis factories who have been prosecuted.

²²⁰ See www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/victimsoftrafficking.pdf?view=Binary

²²¹ Committee On The Rights Of The Child Forty-Ninth Session, Consideration Of Reports Submitted By States Parties Under Article 44 Of The Convention, Concluding Observations, United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/4, October 2008 at www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf paragraph 71(1)(c).

²²² Crown Prosecution Service, Human Trafficking and Smuggling, http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/

C. (v) *Sanctions on workers and employers*

38. ILPA has repeatedly raised the question of people who have been trafficked, in particular those trafficked for domestic servitude, in its representations on changes to the managed migration system, the subject of another enquiry by the Home Affairs Committee. These featured in prayers against the Statements of Changes in Immigration Rules HC 321 and HC 1113 in both the House of Commons²²³ and the House of Lords.²²⁴

39. HC 321 made provision for mandatory re-entry bans, and for mandatory refusals of applications where deception had been used. ILPA brought to the attention of the Joint Committee on Human Rights²²⁵ the problems this would create for people who had been trafficked. The Minister, Liam Byrne MP, questioned by the Committee indicating that he would look again at the situation of people who had been trafficked.²²⁶ On 13 May 2008 the Minister announced that there would be a “carve-out” for victims of trafficking to be put into effect on ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. IPA will be monitoring implementation of this. In the meantime this form part of the Entry Clearance guidance: a person accepted to have been trafficked will not be subject to a re-entry ban.²²⁷

40. ILPA was disappointed that in the debate on HC 1113²²⁸ the latter the Minister of State, Phil Woolas MP, indicated that he did not see the new rules on sponsor licensing as an opportunity to provide protection for workers against exploitation. However, he did indicate that he would give special consideration to the situation of migrant domestic workers, and indeed extended the transitional arrangements for migrant domestic workers in diplomatic households to May 2010.

D. A SELECTION OF RELEVANT ILPA SUBMISSIONS AND MATERIALS SINCE 7 FEBRUARY 2008

41. These are listed in chronological order and are all available on the Submissions and briefings pages of ILPA’s website: www.ilpa.org.uk.

- ILPA response to the Consultation on draft Detained Fast Track and Detained Non-suspensive Appeals – Intake Selection (Asylum Intake Unit instruction), February 2008.
- ILPA submission on changes to the General Grounds for Refusal in the Immigration Rules to be introduced by Statement of Changes in the Immigration Rules HC 321, February 2008.
- ILPA letter to Lord Adonis re. Debate on Guardianship for Unaccompanied Asylum-Seeking Children during Report Stage of the Children and Young Persons Bill on 17 March 2008, April 2008.
- ILPA response to the UK Border Agency consultation on a Code of Practice for Keeping Children safe from harm, April 2008.
- ILPA briefing on changes to the General Grounds for Refusal in the Immigration Rules to be introduced by Statement of Changes in the Immigration Rules HC 321, May 2008.
- ILPA response to the UK Border Agency Consultation on Compulsory Identity Cards for Foreign Nationals, May 2008.
- Trafficking and National Referral Mechanisms: ILPA paper following the UK Border Agency workshop on Monday 12 May 2008, May 2008.
- ILPA response to the Legal Services Commission consultation Delivery Transformation: Managing legal aid cases in partnership. July 2008.
- ILPA Memorandum of Evidence to Home Affairs Committee Draft (Partial) Immigration and Citizenship Bill July 2008.
- ILPA Memorandum to the Joint Committee on Human Rights on the Draft (Partial) Immigration and Citizenship Bill September 2008.
- Request to both Houses of Parliament to pray against the Statement of Changes in Immigration Rules HC 1113 November 2008.
- ILPA comments on the Detained Fast Track and Detained Non-suspensive Appeals – Intake Selection (Asylum Intake Unit instruction) as published (December 2008).
- ILPA response to the Legal Services Commission consultation on legal aid contracts from 2010, January 2009.

²²³ 13 May 2008, see www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080513/debtext/80513-0028.htm#0805147000002

²²⁴ 17 March 2008, see www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80317-0013.htm#0803183000002

²²⁵ See list of documents below at part D.

²²⁶ See HC 357-i, 19 February 2008, Q16, at <http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/uc357-i/uc35702.htm>

²²⁷ Chapter 26. See <http://www.ukvisas.gov.uk/en/ecg/chapter26/#point%20four>

²²⁸ Fifth Delegated Committee on legislation, 15 January 2009, see <http://www.publications.parliament.uk/pa/cm200809/cmgeneral/deleg5/090114/90114s01.htm>

- ILPA's Briefing on baby trafficking for the House of Lords second reading of the Borders, Citizenship and Immigration Bill February 2009.
- ILPA submission to the Joint Committee on Human Rights Enquiry into Children's Rights, February 2008.

March 2009

Further memorandum submitted by Anti-Slavery International

1. Anti-Slavery International is pleased with the Committee's further extension of the inquiry and hereby submits its evidence. This submission follows our written evidence from February 2008, oral evidence given to the Home Affairs Select Committee on 5 February 2008, and additional written evidence from 11 February 2008. We will not repeat any of the points covered in our previous submissions here and will restrict our remarks to the points laid down by the Committee's new request.

2. In particular, Anti-Slavery International will contribute its views on the following: progress made on assessing the scale of trafficking in the UK; developments in types of trafficking; whether the police and/or immigration officers have become more aware of the problem of trafficking and are better able to identify and support victims; whether the UKHTC has been a success in promoting understanding of the problem of trafficking and co-ordinating the various agencies involved in tackling it; and changes in the provision of services for victims.

3. Anti-Slavery International was set up in 1839 and is the oldest international human rights organisation in the world. Today Anti-Slavery International works with organisations from over 40 countries to eradicate all contemporary forms of slavery, including bonded labour, forced labour, trafficking in human beings, descent based slavery and the unconditional worst forms of child labour.

4. Since 2000, Anti-Slavery International has carried out considerable amounts of policy and research work related to trafficking in human beings.²²⁹ At the European level, Anti-Slavery International was involved in the development of the Council of Europe Convention Against Trafficking in Human Beings and has been a member on the EU Experts Group on Trafficking in Human Beings. We hold participatory status with the Council of Europe and are a member of the Alliance Expert Coordination Team of the OSCE. In the UK, Anti-Slavery International has been involved in different multi-agency consultative groups, including the Counter-Trafficking Steering Group (from 2002) and the Stakeholders Group on Human Trafficking which replaced it at the end of 2005. These groups have brought together NGOs, police, immigration and government officials to discuss and develop aspects of counter-trafficking policy. Anti-Slavery International is also on two of the UK Human Trafficking Centre sub-groups, one of which we chair.

PROGRESS MADE IN ASSESSING THE SCALE OF TRAFFICKING

5. Anti-Slavery International is aware of the fact that is difficult to assess the real extent of trafficking in human beings. The ability to produce reliable data depends on the system of data recording in place and also on the quality of identification of victims. We noted the progressive steps taken by the Government to increase the awareness of front-line agencies in order to improve identification. However, a large number of trafficked people are still not identified and remain unrecorded as a central mechanism for monitoring and data gathering in the whole of UK is missing.

6. The real scale of trafficking is still not known in the UK. The official estimates by the Government (4,000 women and children trafficked for sexual exploitation), and up to 1,000 victims of child trafficking do not reflect the reality, as they do not include those trafficked for forced labour. Furthermore, many trafficked persons are hidden behind statistics that record various related crimes that are often used to prosecute traffickers, such as facilitation of illegal entry or procurement.

7. Anti-Slavery International estimates that there are at minimum 5,000 people trafficked in the UK at any given time for a variety of purposes.

Anti-Slavery International has been involved in ECPAT's campaign to establish a National Rapporteur in Human Trafficking in the UK. The establishment of a National Rapporteur concept was introduced by the EU through the Hague Ministerial Declaration of 1997 on European Guidelines for effective measures to prevent and combat trafficking in women for the purposes of sexual exploitation.

8. An Institute of a National Rapporteur, modelled on successful examples from other EU countries, such as the Netherlands, would greatly benefit the UK and its ability to combat trafficking. The Rapporteur would be responsible for data gathering, analysis of trends and dynamics of trafficking, independent oversight and monitoring and would provide recommendations for improvement of implementation of policy and international obligations. The Rapporteur should have statutory powers to request information

²²⁹ Recent publications which include research specifically on the UK include: *Collateral Damage: The impact of anti-trafficking measures on human rights around the world* (2007); *Trafficking for Forced Labour in Europe: report on country studies in UK, Ireland, the Czech Republic and Portugal* (2006); and the *Protocol for Identification and Assistance of Trafficked Persons and Training Kit* (2005); these can be accessed at: <http://www.antislavery.org.uk/homepage/antislavery/trafficking.htm>

from police, immigration and other statutory agencies, as well as NGOs. Such model for data gathering would ensure comparable and comprehensive data. In the Netherlands, where the Office of the National Rapporteur has been in operation since 2000, comparative statistics on trafficking as well as comprehensive information on trends have been available for several consecutive years.

DEVELOPMENT IN TYPES OF TRAFFICKING

9. Our evidence shows that trafficking occurs in the UK for all known purposes, ie forced labour as well as sexual exploitation. Victims of trafficking are women, men, boys and girls from various countries and continents.

10. While Anti-Slavery International welcomed the specific focus of the Updated Action Plan on Tackling Human Trafficking from July 2008 on labour trafficking and Government's recognition of the problem, in practice, cases are still underreported and often not identified.

11. Increasingly, cases of trafficking for the purpose of illicit activities have been occurring in the UK. These include trafficking for begging (mainly children, but also disabled adults), trafficking for benefit fraud (children), trafficking for financial (fraudulent loans) and credit card fraud, trafficking for pick-pocketing and other petty crime (children and adults) and trafficking for growing of cannabis (children and adults). Cases of trafficked persons being used as couriers of counterfeit items, such as false passports, were also noted.

12. Several cases in each of the categories were brought to our attention. None of these were identified as cases of trafficking by the authorities. Victims were not identified as victims, but were prosecuted for the crimes they were forced to commit by the traffickers. The UK is not the only country experiencing an increase in this problem. Similar cases are known across the European Union. Consequently, the European Commission is currently reviewing its Council Framework Decision on Trafficking²³⁰ to also include trafficking for criminal activities among the purposes contained in the trafficking definition.

13. We have informed the Home Office about the occurrence of these forms of trafficking in the UK. Nevertheless, there has been very little consideration given to these in the talks lead by the Home Office on the National Referral Mechanism. Also, we are still missing a comprehensive guidance on the implementation of the so-called non-punishment clause, Art. 26 of the Council of Europe Convention, to ensure that victims are treated as victims and not prosecuted for crimes they committed under duress.

AWARENESS OF THE PROBLEM OF TRAFFICKING

14. Anti-Slavery International is aware that efforts have been made in the last two years to increase awareness and knowledge of trafficking among the police and immigration authorities. The organisation itself has participated in the delivery of trainings for UKBA and GLA (Gangmaster's Licensing Authority) staff on labour trafficking prior to operation Tolerance (that targeted trafficking for labour exploitation) and advised on the development of a DVD for police training.

15. The evidence from the ground suggests that, despite these efforts, the level of awareness and ability to deal with concrete cases is inconsistent and both the police and immigration authorities fail to identify victims. In 2007, Anti-Slavery International founded, together with two barristers, the Trafficking Law and Policy Forum that brings together legal and other professionals who work on trafficking. Members of the Forum deal with a large number of cases concerning all forms of trafficking. In at least 25 cases that Anti-Slavery advised the members on in 2008, the victims of trafficking had not been identified by the authorities (eg police and immigration service). Several of the victims were prosecuted for offences they committed while at the hands of the traffickers (especially immigration and drug offences).

16. The experience in these cases showed a lack of understanding and knowledge of the nature of trafficking by those who came into contact with the victims, which combined with attitudes of disbelief and unrealistic expectations (such as that victims know the concept of trafficking and are able to use the word) lead to failure to identify victims.

17. Furthermore, in several cases, procedures have not been followed by the UKBA staff. UKBA guidance suggests that victims of trafficking that apply for asylum should not be placed into the so-called fast track process and detained. Despite this, trafficked women were found in the fast track system and were only removed after repeated intervention of support organisations and legal representatives. We consider these failures to observe the guidance to be very serious, as the implications for the well-being of traumatised trafficked women can be severe. Anti-Slavery believes that this problem can only be resolved by a decision at a managerial level to mainstream the issue of trafficking across the UKBA and also through instigating of attitude change within the organisation.

18. Anti-Slavery International has noticed a disparity in the way trafficking cases are treated by individual police bodies. During planned police operations, such as Pentameter or Tolerance, that were prepared in advance and included thorough briefings of the staff involved, the identification of potential victims and investigation of cases was carried out in a professional way.

²³⁰ 2002/629/JHA: Council Framework Decision of 19 July 2002 on combating trafficking in human beings.

19. Outside of planned operations, the ability and willingness of the police to deal with cases of trafficking varies greatly. Reluctance or even refusal to take statements, ignorance to the issue of trafficking and poor treatment of victims by the local police are but some of the problems commonly faced by the victims. Kalayaan, a charity that assists migrant domestic workers exploited in London, regularly faces situations where police officers in stations across London refuse to take statements from victims that want to report their abusers. In one instance the police were reluctant to deal with a victim who was officially recognised as trafficked by the Home Office. Similar experiences were reported to Anti-Slavery by legal professionals.

20. It is important to note that there are pockets of good practice in dealing with trafficking cases. The Metropolitan Police Human Trafficking Team has consistently dealt with victims in a very professional way and also intervened several times in cases that the boroughs were reluctant to deal with. We also had positive experience with police in other regions, including Cambridgeshire and Devon and Cornwall. In these instances, we have seen a dedicated management and individuals that were interested in trafficking. We believe that this is an issue of leadership and prioritisation within the police force. The police are crucial in combating trafficking and unless trafficking is incorporated visibly into the core police business, many traffickers will remain impunable.

UK HUMAN TRAFFICKING CENTRE

21. Anti-Slavery International was pleased by the Government's decision to invest resources in setting up the UK Human Trafficking Centre in autumn of 2006. We were satisfied that a multi-agency centre charged with the task of developing law enforcement expertise, operational coordination and connecting policing with victim assistance will improve and create a coordinated system that would not only ensure that traffickers are criminalised, but will also benefit trafficked victims. However, two years after the Centre's inception, we are concerned that the objectives are not being met and that the Centre is falling short in action to protect the victims.

22. Recurrent issues concerning clarity of responsibilities, confusion around the mandate of the organisation and repeated reluctance to pro-actively search for solution of assistance in complicated cases is also troubling.

23. We are concerned that, on an individual case basis, it is not clear what the mandate of the organisation is, where the responsibility with regards to identification and referral of trafficked persons lies, what the decision-making procedure is and how advice is delivered to third parties. During 2008, we have been involved in a number of cases where the UKHTC failed to provide an advice to other police bodies on the status and good practice of treatment of victims, or to make a connection with the country of origin of the victims to ensure safe return.

24. From an organisation that has a dedicated post of a victim-care coordinator and that enjoys the advice and input from a multi-agency Victim-Care Subgroup, we would expect the ability to ensure some minimum standards of referral of victims and a concern for victim well being. However, in a number of cases known to us, referrals have not been made, the Centre was reluctant to communicate with victims' legal representatives and we have also noted differential treatment of those victims that were EU citizens compared to those from outside of the EU.

25. Given the number of issues regarding the operation of the UKHTC, we are concerned by the proposed plans to appoint UKHTC, together with the UKBA as the central competent authority, as laid down by the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings. We would like to see a competent authority whose decision making is close to the local situation (like in Italy), and where multi-agency approach is applied. In the current climate, being aware of the inconsistency in response of the two bodies to cases of trafficking, it is unclear whether there are the best placed to carry out such a crucial role.

CHANGES IN THE PROVISION OF SERVICES FOR VICTIMS

26. Anti-Slavery International has welcomed the progress the Government has made recently on trafficking, especially the ratification of the Council of Europe Convention in Action against Trafficking in Human Beings. We are pleased by the decision of the Government to grant victims residence permits for both purposes foreseen by the Convention.

27. However, we are concerned that the Home Office will not have in place the necessary victim support mechanisms once the Convention enters into force on 1 April 2009 despite repeated urgent calls by Anti-Slavery International and others, including the last Stakeholder Group on Human Trafficking.

28. To date, it is still not clear how the system of identification will operate, what steps will have to be taken to apply for reflection period, how will the system of residence permit operate, who will have the case management responsibility and many other questions regarding the practical operation of victim assistance remain unanswered. This is particularly disappointing in view of the fact that the Government postponed the ratification of the above Convention with the argument to ensure that at the time of ratification the UK is compliant and has all the necessary provisions in place.

29. We are very concerned about the fact, that there are no proposals to include a system of appeals in the decision-making on whether a person is a potential victim of trafficking. The issue of potential dispute between the service providers, the competent authority or between the two proposed parts of the competent authority that has repeatedly been raised, remains unaddressed. The risk that vulnerable individuals will be left in a limbo of uncertainty, without access to services and in danger of re-trafficking is very real. Anti-Slavery International believes that the victim-centred human rights approach proclaimed by the Government with regards to tackling human trafficking is not applied rigorously in practice.

March 2009

Supplementary memorandum submitted by the Gangmasters Licensing Authority

INTRODUCTION

1. This paper gives an update on the GLA's work. This includes summaries of two very serious cases of forced labour and lessons to be learned from a pilot on identifying victims. When GLA officials gave evidence to the Committee last April, there was some interest in how the Authority works with foreign authorities. With this in mind, an update is also included highlighting recent work with the Bulgarian authorities.

CASE STUDIES OF GLA WORK

Timberland Homes Recruitment Ltd

2. Timberland Home Recruitment Ltd had its licence revoked with immediate effect on 6 May 2008. Timberland were based in Suffolk but sent workers to pick flowers in Cornwall and Scotland. GLA officers found:

- a threatening letter to workers stating that they were not free to leave before the end of the contract without paying £700, and if they did not have the money this would be recovered from the workers or their families in their home country,
- some workers stated that they received £24 for a nine hour day,
- workers received 4p per bunch of flowers picked,
- no timesheets were used, so pay could not be accurately recorded,
- Scottish Agricultural Minimum Wage was not being paid,
- Vehicle Operator Services Agency had issued prohibition notices on six Timberland minibuses in Cornwall and Timberland flouted the law by transporting the workers to Scotland in these vehicles and continued to use these minibuses for transporting workers there on a daily basis,
- workers did not give their consent for transport and accommodation deductions, and
- in the workers' accommodation there were not enough beds for the 43 workers and only four toilets between them. The Kitchen facilities were poor and used bedding and laundry were kept in the cooking area thus creating a serious hygiene and fire hazard. Tayside Fire and Rescue inspected the accommodation at the request of the GLA and found the premises to be unsatisfactory and issued a report stating that it should be rectified without delay.

3. Timberland Homes Recruitment Ltd did not appeal against the GLA decision. They are no longer permitted to trade in the GLA licensable sectors. However, they are believed to be still operating in the non-GLA regulated sectors, including construction.

OPERATION RUBY

4. On 18 November 2008, the GLA worked with Northamptonshire Police on a major operation—believed to be the largest of its kind ever mounted in the UK—to disrupt an organised crime group thought to be trafficking people into the UK for the purposes of labour exploitation.

5. More than 200 staff from nine organisations, including Northamptonshire Police, the UKHTC, the UK Borders Agency, The Serious Organised Crime Agency and the GLA raided a field in South Lincolnshire and searched 21 houses in Kettering. Eight people were arrested on suspicion of human trafficking for the purposes of labour exploitation.

6. The investigation—called Operation Ruby—centred on allegations that people were recruited through advertisements and agencies in Eastern Europe and travelled to the UK on the promise of work. When they arrived, it is believed their documents were taken and much of their wages withheld to pay for their housing and transport costs.

7. The GLA had already revoked without immediate effect the licence of the labour provider connected with this investigation. Following the police operation, the GLA upgraded its decision to immediate effect, thereby meaning the business had to close down immediately.

PILOT TO IDENTIFY VICTIMS OF TRAFFICKING FOR FORCED LABOUR

8. During the Summer in 2008, the Home Office ran pilots across the UK with the aim of identifying victims of trafficking for forced labour. The objectives of the pilot were:

- to increase understanding of the scale, scope and nature of human trafficking for forced labour in the UK,
- to increase awareness and ability of front line staff to identify potential victims with front line staff and to limit the possibility of inaccurate identification,
- to improve the identification process including a national referral mechanism to a competent authority,
- to improve access to accommodation and support for victims, and
- to increase investigations and convictions.

9. The GLA was responsible for leading the pilot in the East of England (which includes Lincolnshire, Cambridgeshire and Norfolk). During the course of the pilot no cases of forced labour were identified. This does not mean there is no significant problem—the pilot did identify a clear training need for frontline staff in the police to identify potential victims.

10. The pilot also ran in the West Midlands (led by the UK Border Agency) and a further strand of work involving third sector partners in London.

ENGAGEMENT WITH THE BULGARIAN AUTHORITIES

11. A key strand of the GLA's work is to improve links with the relevant authorities in other EU Member States. An example of this is the recent engagement with the Bulgarian authorities.

12. In February 2009 the GLA agreed arrangements to work with the Bulgarian Chief Labour Inspectorate to monitor and control companies supplying workers to the UK. The agreement was reached during a meeting held in January 2009 initiated by the GLA and assisted by the British Embassy in Bulgaria. The need for such an agreement was proposed following incidents investigated by the GLA last year when Bulgarian seasonal workers in the agriculture sector reported that they were exploited in the UK. These incidents also involved cases of violation of UK and Bulgarian legislation by Bulgarian intermediary companies and British employers. This included allegedly posting the workers to the UK under the Posting of Workers DEU Directive. However, it was identified that the companies did not have the correct authority to post workers. The workers were therefore considered to be working illegally in the UK due to the work restriction on Romanian and Bulgarian nationals.

Memorandum submitted by the Glasgow Community and Safety Services

1. EXECUTIVE SUMMARY

1.1 Glasgow Community and Safety Services is a joint partnership between Glasgow City Council and Strathclyde Police which was set up to prevent crime, tackle anti-social behaviour and promote community safety in the city of Glasgow. Commercial sexual exploitation is recognised as being widespread in our society and takes many forms including prostitution, trafficking, lap dancing and pornography. It disproportionately involves men using vulnerable women and children for their own sexual gratification or financial gain. We hold the view that exploitation in this way is a clear form of violence against women and a barrier to gender equality.

1.2 The TARA Project, which is based in Glasgow Community and Safety Services identifies and supports women who may have been trafficked for the purpose of commercial sexual exploitation. TARA provides comprehensive assessments of needs including risk and offers a range of support services, including crisis accommodation dependant on individual need.

1.3 The ratification of the Council of Europe Convention against Trafficking in Human Beings is welcomed. (Hereinafter referred to as the Convention) and the commitment of the UK Government to set up a National Referral Mechanism to ensure identification of victims and victim care.

1.4 We note that under the Convention the Scottish Government has devolved responsibility for identification of trafficked persons, victim care and the criminal justice response to trafficking.

1.5 It is also noted that the Scottish Government is a co-signatory to the UK Action Plan on Human Trafficking.

1.6 The Amnesty International UK report, “*Scotland’s Slaves: An Amnesty International briefing on trafficking in Scotland (2008)*” notes that Glasgow has the highest number of people involved in the sex industry outside of London and that approximately 50% of those involved are from overseas.

1.7 The Amnesty International report also notes that although Scotland should have less than a 10% share of the UK crime figures in proportion to population, ACPOS estimates that it has 13.5% of the human trafficking trade.

1.8 Competent authorities in Scotland must be able, by virtue of Article 10 of the Convention, to identify potential victims of trafficking.

1.9 Victim care is a devolved issue and subject to a devolved local budget. The Trafficking Awareness Raising Alliance (The TARA project), Glasgow Community and Safety Services, is seeing an increasing number of referrals of women who were trafficked either directly into Scotland or who arrived in London and were sent immediately to Scotland by rail. Trafficking and crimes around trafficking are being committed in Scotland and, therefore, require to be prosecuted within Scotland’s jurisdiction.

1.10 Under the Convention the Scottish government is bound to provide all potential/trafficked persons with the support and care listed in Article 12.

1.11 Comments are restricted in this memorandum to the following subjects identified by the Committee:

- Operations Pentameter I & II;
- The UK Government’s ratification of the Council of Europe Convention on Action against Trafficking in Human Beings;
- The proposed UK National Referral Mechanism;
- The treatment of those who have been trafficked but have no legal right to remain in the UK; and
- The role of the UKHTC in promoting understanding of the problem of trafficking and co-ordinating agencies.

1.12 Key concerns in respect of the Home Affairs Select Committee Human Trafficking Inquiry are as follows:

- The lack of any genuine strategic partnership between state and non-state agencies in respect of the implementation of the Council of Europe Convention and the UK National Referral Mechanism (NRM);
- The lack of inclusion of NGOs and other non-statutory agencies, particularly those working in Scotland from the design and implementation of the proposed UK NRM;
- The exclusion of Scotland from the Impact Assessment of the Council of Europe Convention;
- The designation of UKBA as the decision maker in respect of victim status under the Council of Europe Convention;
- The apparent application of the credibility assessment used in asylum and other international protection cases to the “reasonable grounds” test under the convention.
- The perceived culture of disbelief prevalent within UKBA and the police in respect of identification of victims of trafficking for commercial sexual exploitation;
- The lack of effective communication and genuine multi-agency working in respect of the UKHTC;

2. OPERATIONS PENTAMETER I AND II

2.1 It is of concern that no evaluation reports have been made available to external stakeholders in respect of Pentameter I or II. It is not clear what was learnt from the two operations and how learning from Pentameter I was used to inform Pentameter II. Given that there has been recent discussions regarding a possible Pentameter III operation this is felt to require urgent attention.

2.2 The only information which has been released is statistics including, for example, the ages and nationalities of recovered victims. No qualitative information has been released which means it is not possible for external stakeholders to assess whether or not best practice has been identified or for movement forward to be made on prevention and victim care taking into account any learning from these two operations.

2.3 TARA has received an increasing number of referrals each year since its inception in 2004. TARA relies on referrals from external agencies, including the police and has worked hard at building up a strong working relationship with Strathclyde police in particular. However, during Pentameter II the number of referrals to TARA decreased.

2.4 Staff in TARA were concerned to learn that a Brazilian woman recovered in Scotland during Pentameter II was removed to Brazil without being provided with access to TARA, any other support agency or legal advice. This is particularly so as this woman was flagged on TARA’s database as a potential victim of trafficking.

3. COUNCIL OF EUROPE CONVENTION

3.1 The purposes of the Convention are:

- To prevent and combat trafficking in human beings;
- To protect the human rights of victims of trafficking;
- To design a comprehensive framework for the protection and assistance of victims and witnesses (an NRM); and
- To ensure effective investigation and prosecution of traffickers.

3.2 The National Referral Mechanism concept was developed by the Organisation for Security and Cooperation in Europe. The UK government is a member of the OSCE.

3.3 In the OSCE model an NRM is:

- A structure which formalises a strategic partnership between state agencies and “civil society” in combating trafficking and in ensuring that trafficked persons’ human rights are respected;
- Is based on the principle that local structures should have ownership in combating trafficking in human beings; and
- Are founded upon formal cooperation agreements (Memorandums of Understanding) among the participants which set out the specific roles and duties of each participant.

3.4 The aims of an NRM under the OSCE framework is as follows:

- the overall goal of an NRM is to bring about a change in perspective in how to deal with human trafficking, so that it is considered not only as a problem of criminality & immigration but as a grave abuse of human rights of victims.
- An NRM seeks to identify “potential” victims of trafficking and refer them to suitable support agencies as soon as possible. The point being to ensure that women are safe and can access the support services they require in order to begin coming to terms with their trafficking experiences.
- All agencies, governmental and NGO are involved in identifying potential trafficked persons.

3.5 The OSCE considers that multi-agency working is essential in combating trafficking and identifying and supporting victims.

3.6 OSCE countries who have adopted this model fully have found such cooperation agreements increased the rate of successful prosecutions against traffickers.

4. CONCERNS WITH RESPECT TO THE UK’S IMPLEMENTATION OF THE CONVENTION

4.1 No strategic partnership has been established in respect of the NRM proposed for the UK, although the UKHTC is being promoted as a multi-agency centre.

4.2 The Council of Europe Convention provides at Article 35 that state parties “*shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.*” The Explanatory Memorandum to the Convention describes a strategic partnership as meaning “*the setting up of cooperative frameworks through which State actors fulfil their obligations under the Convention, by coordinating their efforts with civil society.*”

4.3 Article 5(1) of the Convention provides that “*Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.*”

4.4 The explanatory memorandum explains that this article makes it a requirement for the state parties to coordinate all the sectors whose action is essential in preventing and combating trafficking, such as the agencies with social, police, migration, customs, judicial or administrative responsibilities, NGOs, other organisations with relevant responsibilities and other elements of civil society.

4.5 In addition, Article 10(1) provides that “*Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims.*”

4.6 The explanatory memorandum explains that this places obligations on Parties so as to make it possible to identify victims and, in appropriate cases, issue residence permits in the manner laid down in Article 14 of the Convention. “*Article 10(1) addresses the fact that national authorities are often insufficiently aware of the problem of trafficking in human beings. Victims frequently have their passports or identity documents taken away from them or destroyed by the traffickers. In such cases they risk being treated primarily as illegal immigrants, prostitutes or illegal workers and being punished or returned to their countries without being given any help. To avoid that, Article 10(1) requires that Parties provide their competent authorities with*

persons who are trained and qualified in preventing and combating trafficking in human beings and in identifying and helping victims, including children and that they ensure that those authorities cooperate with one other as well as with relevant support organisations.”

4.7 Thus, the inclusion of non-statutory and NGOs in prevention, identification and protection is made mandatory under the Convention.

4.8 The UK NRM, essentially, consists of government and law enforcement agencies only, through the two designated “competent authorities” of the UKHTC and UKBA. It is contended that the UKHTC is not a multi agency body in the sense envisaged by OSCE in their NRM model. The UKHTC competent authority is composed of state agencies only, with one social services secondee and one NGO secondee. Furthermore, it is UKBA staff in both competent authorities who make the decision on victim status. The lack of multi-agency working in terms of inclusion of the NGO/non-statutory sector is felt to be in contravention of the Council of Europe Convention and is felt not to be sufficient to achieve the aims of the Convention.

4.9 UKBA’s concerns with respect to its power being fettered if it is not the “decision maker/status granter” in respect of access to reflection periods and issuance of temporary residence permits for persons who are in the UK illegally are recognised. Whilst only the Crown through UKBA can issue status permits it is considered that multi-agency working in respect of identification of victims would not fetter UKBA’s decision making/status granting powers. In this respect we would refer to the Asylum and Immigration Tribunal where a specialist judge reviews UKBA immigration decisions which are appealed. In this context, where a judge makes a different decision to that of UKBA, UKBA retains the power to grant the immigration status papers to the appellant.

4.10 In terms of the design and implementation of the UK NRM it is considered that there has been limited and tokenistic inclusion of non-government and non-law enforcement agencies. There have been limited opportunities for non-statutory agencies to discuss the NRM. For example:

- There has been one consultation event, held in London where the UK Border Agency (UKBA) presented three proposed NRM, models to non-statutory stakeholders for comment only. This event was not transcribed and no collated information has been shared with NGOs about where their concerns were noted.
- There was a UKHTC stakeholder event and a presentation on the proposed NRM was made by a representative from UKBA.
- There are multi-agency working groups facilitated by UKHTC on prevention and victim care. TARA has representatives on both of these groups. No input has been sought from these committees by the Home Office in respect of the design or implementation of the proposed UK NRM. There have been information only presentations on the NRM.
- NGOs including the TARA project were given a last minute invitation, due to concerns expressed by other invitees, resulting in 4 days notice of a meeting in London on the 27 February 2009 with respect to a workshop on the competent authority/NRM. Due to the short notice TARA was unable to be represented. It is understood that a number of other agencies were in the same position.

4.11 Scottish Stakeholders have been particularly marginalised in discussions concerning the NRM:

- The Home Office Impact Assessment in respect of the Council of Europe Convention does not cover Scotland (or Northern Ireland) although the document is framed as a UK assessment. It is concerning that no impact assessment has been carried out for Scotland at this time and consequently there has been no consideration of the resources or practical arrangements required to ensure implementation of the Convention in Scotland.
- The recently established Scottish Government Stakeholder Group on Human Trafficking has not been asked to comment on the proposals for the NRM or its implementation to date, although a meeting was held at short notice between UKBA and the Group on the 11 March 2009.
- The Poppy Project have been consulted by the UK Government but it should be noted that the Poppy Project does not provide a service, either victim care or strategic, in Scotland.

4.12 Local structures do not appear to have a clear role in the NRM. In effect, it would appear that, victims of trafficking crimes committed in Scotland will in some cases be referred to competent authorities situated outside of Scotland’s legal jurisdiction for an assessment of their victim’s status whereas the trafficking crimes will require to be prosecuted in Scotland.

4.13 It is of concern that service providers, such as the TARA Project and other agencies in Scotland have not been given a role, formalised within the NRM by Memorandums of Understanding, with respect to identification and victim care.

5. THE PROPOSED UK NATIONAL REFERRAL MECHANISM: THE REFLECTION PERIOD AND “REASONABLE GROUNDS” TEST

5.1 Article 13 of the Council of Europe Convention provides for a reflection period of no less than 30 days for persons who are in the UK illegally or who are legally present on a short term permit (ie a holiday visa) where the competent authority has “reasonable grounds” to believe that they are a victim of trafficking.

5.2 The UK Government commitment to exceed this minimum standard and by providing a 45 day reflection period which will be extendable in certain cases is welcomed.

5.3 During this reflection period potential victims have access to the support set out in Article 12(1) and (2), ie safe and appropriate accommodation etc.

5.4 The purpose of the reflection period is:

- To stop deportation of foreign nationals before identification has taken place;
- To allow victims to begin to recover and to escape from their traffickers;
- To allow victims time to decide whether or not they want to cooperate with the competent authorities; and
- A reflection period is recognition that identification of victims takes time as identification can be complex due to the nature of trafficking, (as recognised in the policy introduction to the UK NRM in the draft guidance.)

5.5 AS noted above Article 10(1) of the Convention provides that all competent authorities, (by which is meant all government bodies & services, including the police) should have staff who are trained to identify victims of trafficking. The explanatory memorandum of the Convention states that this paragraph “addresses the fact that national authorities are often insufficiently aware of the problem of trafficking in human beings.”

5.6 In respect of identification of victims the Convention requires state parties to ensure that (competent authorities) cooperate with one other as well as with relevant support organisations.”

5.7 The convention does not define what “reasonable grounds” are but says that the rights provided under the convention would be theoretical if people are deported without full identification taking place.

5.8 The purpose of the reasonable grounds test and the reflection period is to ensure that potential victims of trafficking who are in the UK illegally are accurately identified and have their rights respected.

- Paragraphs 15–20.4 of the draft “*Guidance–Identifying Victims of Trafficking*” sets out the policy and process with respect to the competent authorities making a finding that a person is a potential victim of trafficking (and that person consequently gaining access to the reflection period and the entitlements set out in Article 12(1) & (2).)
- Paragraph 15.5 notes that “any support agencies may be able to assist in determining whether reasonable grounds to believe is met”.
- At paragraph 15.2 the reasonable grounds test is referred to as “an initial filter to a fuller more conclusive decision.”
- Paragraphs 16.1–17.7 describe how the credibility of the referred “potential trafficked person” should be assessed. These sections appear to be cut and pasted from the Asylum Policy Instruction titled “*Credibility in asylum and human rights claims.*”
- Paragraph 15.6 notes that the decision of the competent authority will be subject to external scrutiny and judicial review. To date the Home Office has not released any information in respect of what this “*external scrutiny*” will be.

6. CONCERNS WITH RESPECT TO THE REASONABLE GROUNDS TEST AND UKBA BEING THE “COMPETENT AUTHORITY” IN ALL TRAFFICKING CASES

6.1 From information released by UKBA, it is understood that it will be the UKBA members of the UKHTC competent authority who make the final decision on victim status and that UKBA itself is a separate competent authority where immigration issues are present. In the context of the Council of Europe Convention it is of concern that UKBA could be viewed as the sole decision makers under the Convention. The tests UKBA staff are trained to apply are not appropriate for assessing access to the reflection period under the Convention nor whether someone is a victim of trafficking.

6.2 There are also issues around the legality of UKBA being the decision maker with respect to victim status under the Convention, particularly as there no appeal process has been provided (apart from judicial review) in respect of a negative decision. However it is noteworthy that UKBA have factored into their Impact Assessment on implementation of the Convention potential challenges under Article 6 of the ECHR.

6.3 The sections of the draft guidance at 1.1–12.3 which recognise the complexities of human trafficking, barriers to identification and victims telling their stories and the myths surrounding trafficking are largely welcomed. However, it is of concern that the draft guidance is internally contradictory. For example, the paragraphs on assessment of “reasonable grounds” directly contradict the information contained in

paragraphs 1.1–12.3 noted above. Given TARA’s experience of working with women who have been trafficked, at how the guidance will be applied in practice by UKBA case owners given the stress on credibility and believing the potential victim under the guidance on the reasonable grounds test.

6.4 The purpose of the reasonable grounds test and reflection period is to make sure all potential victims are protected an “initial filter” is not required or appropriate. The point of a reflection period is to allow identification to take place. We consider, for example, that all women who are found in brothels or saunas and where any agency has a suspicion that they have been trafficked. They should be granted a reflection period so that agencies with expertise in the field can make a full assessment as to that persons victim status.

6.5 It is not acceptable for the credibility test used in asylum and human rights protection claims to be applied to victims of trafficking. This is particularly so with respect to victims who are in the UK illegally and their access to a reflection period. It is felt that to apply such a test could be in contravention of the object and purpose of Article 13 of the Convention.

6.6 In an asylum or human rights case the burden of proof is placed on the applicant to prove that there is a “reasonable likelihood/real risk” that they will suffer the harm they purport to fear if they are returned to their country of origin. Under the Council of Europe Convention the burden is on state parties to identify potential trafficked persons and, in respect of victims who are in the UK illegally, to provide them with a reflection period for the reasons noted above. Under the Convention the burden is on the competent authorities to ensure that they respect the rights of potential trafficked persons and that they identify such persons. The burden is not on potential trafficked person to persuade the competent authorities of their victim status.

6.7 Non-statutory agencies would appear to have no formal role in the identification process (with the exception of making a referral to the competent authorities) and that it is at the discretionary of competent authorities to request input from non-statutory support agencies. In this respect we would refer to the OSCE Review of the UK’s anti-trafficking work covering 2005–07 where the OSCE found that:

“it is not clear why service providers, experienced in working with trafficked persons, had been given little role in assisting in the identification of victims in such cases and recommended that more trusting relationships be established between key civil society organisations and prosecutors”. The same review also noted that “Inflexible state structures with sole authority for determining status of a victim are problematic as they lead to the marginalisation of less straightforward cases of trafficking which must also be addressed.”

6.8 In Scotland TARA has been afforded status by the Scottish Government as an expert in relation to trafficking and the proposed NRM erodes the current role and contribution of TARA.

6.9 There is no genuine multi-agency group tasked with identification of victims which includes service providers who have expertise in working with and identifying victims of trafficking.

6.10 To date there have been no memorandums of understanding developed or agreed between all competent authorities and support agencies in respect to identification and victim care in order to ensure the successful working of a UK NRM.

6.11 It is concerning that, as far as we are aware, UKBA Scottish case owners have not been recently trained by NGO/non-statutory agencies with experience and knowledge of working with victims of trafficking. In June 2007 TARA staff provided a half day ‘awareness raising’ session for UKBA caseowners in Scotland. No additional training has been provided or requested since this date.

7. LACK OF CLARITY ABOUT HOW THE REFERRAL MECHANISM WORKS FOR TRAFFICKED PERSONS WHO ARE NOT SUBJECT TO IMMIGRATION CONTROL

7.1 It is of concern that there would appear to have been no impact assessment for victims of trafficking who are not in the UK illegally, such as UK and EU nationals.

7.2 There is evidence that UK and EU nationals are trafficked within the UK and in the case of EU nationals into the UK. Under the Convention the UK Government, and with respect to devolved matters, the Scottish Government, are legally bound to identify such persons to provide them with the accommodation and support set out in Article 12.

8. HAS THE UKHTC BEEN A SUCCESS IN PROMOTING UNDERSTANDING OF THE PROBLEM AND CO-ORDINATING THE VARIOUS AGENCIES INVOLVED IN TACKLING IT

8.1 The creation of UK Human Trafficking Centre was a positive step forward in the prevention of trafficking and victim care.

8.2 However, as noted above at paragraph 4.7 the UKHTC’s description of itself as multi-agency is inaccurate and misleading.

8.3 A genuine multi-agency Centre (located outside of law enforcement) would be more successful at developing a long term strategic approach and coordinating action against trafficking. This would also be in the spirit of the Council of Europe Convention and the creation of a National Referral Mechanism, one

of the aims of which, (according to the OSCE, the organisation which designed the NRM concept) is to “bring about a change in perspective in how to deal with human trafficking, so that it is considered not only as a problem of criminality & immigration but as a grave abuse of human rights of victims.”

Promoting understanding

8.4 The UKHTC has had some success in promoting awareness of the issue of trafficking with agencies within Scotland through its training events. However, the UKHTC tends to raise awareness of trafficking in terms of a narrow law enforcement understanding of the issue which does not take into consideration the complex nature of trafficking and its causes and consequences for victims. This would be addressed by NGO involvement in planning and delivery of training.

8.5 Despite the awareness raising undertaken by the UKHTC there is still a perceived widespread culture of disbelief amongst UKBA staff and the police with respect to victims of trafficking for commercial sexual exploitation. Uninformed attitudes and lack of understanding of the nature of trafficking for commercial sexual exploitation is a barrier to the identification of victims and result in the rights of victims continuing to being denied within the UK.

Co-ordinating activity

8.6 The UKHTC facilitates two working groups of particular relevance which are multi-agency in membership. One concerns Prevention and the other Victim care. At present, these groups are sought to be used by the UKHTC as a rubber stamp of their activities and are felt to be tokenistic in their inclusion of non-statutory agencies. For example:

- UKHTC uses these groups to present summaries of completed work. There is no genuine involvement or use of the expertise of the non-statutory stakeholders.
- Neither group was requested to input into the design and implementation of the UK National Referral Mechanism.

8.7 The UKHTC is weak in its coordinating/partnership working activities. For example:

- Whilst a prevention strategy has been developed and agreed by the Prevention Working Group it would appear that this does not direct or inform the work of the UKHTC. Consequently, areas of prevention work are taken forward by the UKHTC staff without input from the Working Group or the direction of the strategy.
- With respect to the Blue Blind fold campaign the UKHTC undertook little consultation with key stakeholders regarding the campaigns design. As a result NGOs and other non-statutory agencies do not feel a sense of ownership of the campaign.

8.8 At a UKHTC NGO consultation event in Sheffield on 10 December 2008 various concerns were raised by participants. Whilst many points raised were accepted by the UKHTC there has been no feedback on progress to date.

9. THE TREATMENT OF THOSE WHO HAVE BEEN TRAFFICKED BUT HAVE NO LEGAL RIGHT TO REMAIN IN THE UK

9.1 As noted above at paragraph 8.5, there are concerns at the perceived culture of disbelief within the UKBA and the police which results in the denial of victims rights. With regard to potential victim status, police and UKBA staff, apply a standard and burden of proof on conferring victim status which is not compliant with the Council of Europe Convention.

9.2 In respect of victims of trafficking for commercial exploitation who make claims for asylum/humanitarian protection there are concerns at the way credibility is assessed.

9.3 The OSCE’s undertook an assessment of anti-trafficking work in the UK covering 2005–07 in that review they found that credibility “*within the asylum system is predicated on early disclosure which is incompatible with a reflection period*” and we would note that, unfortunately, there have been no changes in this approach since the OSCE review of 2007.

9.4 The OSCE’s review also found that “*There might be preoccupations in UK Immigration policy with the credibility of persons claiming to be trafficked; ie references in policy to those who might abuse the system.*”

9.5 Again, this has not been addressed since the OSCE review and, unfortunately, this preoccupation with potential abuse of the system through fraudulent claims is also present in the draft guidance for UKBA case owners.

9.6 There is a focus on immigration control with UKBA and not on victim care in relation to victims of trafficking which is not compatible with the object and purpose of the Council of Europe Convention. It is felt that UKBA’s focus is on preventing fraudulent claims as opposed to ensuring that all potential victims of trafficking are identified and treated in accordance with the provisions of the Convention. It is therefore of concern that UKBA is the decision maker in respect of victim status under the Convention in both designed competent authorities. In respect to the UK’s concerns about fraudulent/bogus claims under the Convention

the OSCE noted in their 2007 review that *“The position of the UK is that it now accepts that by signature of the Convention such risks can be managed in the context of an increased drive against irregular migrants and organised immigration crime”*.

9.7 It is worth highlighting the OSCE’s concerns that the country of origin information reports used by UKBA case workers in decision making need to reflect (1) the seriousness of re-trafficking for returned victims and (2) the consequences of relocating a victim on successful rehabilitation.

9.8 It is of concern that potential victims of trafficking are still being held in detained in respect of crimes they were forced to commit whilst being exploited. TARA staff are aware of one such case where a young woman was brought to the UK for the purpose of commercial sexual exploitation, (in this case prostitution) and then subsequently forced to work on a cannabis farm. This young woman is currently in detention in Scotland having been charged with crimes related to the cannabis farm.
