Child Trafficking
A briefing paper from The Children’s Society
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Table of Contents

Introduction .................................................................................................................. 2
Section 1: The scale and nature of child trafficking .................................................. 3
   Definition of child trafficking .................................................................................. 3
   Child trafficking worldwide ................................................................................... 3
   Child trafficking in the UK – the picture from official data .................................... 3
   What do we know from official data? .................................................................... 4
   What are the main trends relating to trafficked children? ..................................... 5
   The need for more accurate data .......................................................................... 5
Section 2: The government’s approach ..................................................................... 7
   Recent developments in government policy on trafficking and exploitation ......... 7
      The government’s trafficking strategy ................................................................. 7
      New best practice government guidance ............................................................. 7
      The National Crime Agency ............................................................................... 7
      Trafficking, missing and sexual exploitation ..................................................... 7
   Existing legislation on trafficking and sexual exploitation .................................... 8
      Trafficking and immigration .............................................................................. 8
      International and European treaties and frameworks ....................................... 8
      Legal Aid reforms .............................................................................................. 9
Section 3: Key issues for protecting child victims of trafficking ............................. 10
   Immigration control prioritised over child protection concerns ........................... 10
   Criminalisation of child victims ............................................................................ 13
   Low levels of prosecution ...................................................................................... 15
   Hidden children and private fostering .................................................................. 16
   High numbers of trafficked children missing from care ....................................... 17
   Sexual exploitation and “internal trafficking” ....................................................... 21
   An independent advocate or guardian .................................................................. 23
Conclusion .................................................................................................................. 25
References .................................................................................................................. 25
Glossary ...................................................................................................................... 27
Introduction

This briefing paper gives an overview of the movement or harbouring of children for the purposes of exploitation – child trafficking. It covers the trafficking of children into the country as well as the trafficking and exploitation or movement of children within the UK for the purposes of exploitation.

The paper outlines the available data on child victims of trafficking and exploitation, giving a breakdown of age, nationality, gender and types of exploitation suffered. It summarises the key policies and legislation governing child trafficking, both in the UK and internationally, focusing on recent changes since the coalition government came into power in May 2010. It then goes on to explore key concerns identified through our practice base with recommendations to central and local policy makers for how these should be addressed. It covers:

- how immigration control is prioritised over children’s welfare
- the criminalisation of child victims of trafficking
- low levels of prosecution for child trafficking
- hidden children within private fostering arrangements
- high numbers of children going missing from care
- sexual exploitation within the UK
- the lack of independent advocacy

The Children’s Society projects and practice

The Children’s Society has a long history of intensive work supporting, advocating for and safeguarding children and young people who are victims of trafficking and exploitation. We have seven specialist programmes that deliver services to young refugees and migrants, some of whom are victims of trafficking and exploitation including sexual exploitation, domestic servitude and forced labour. We seek to ensure that they have a safe place to stay, access to education, legal representation and any specialist support they need. We also organise group activities to help them overcome isolation, ensure that they are aware of their rights and integrate them into the local community.

We also run nine programmes which provide specialist interventions for young people who run away or go missing, and are sexually exploited. Some young people may also have been moved within the UK for the purposes of sexual exploitation. Our programmes deliver preventative and awareness raising services, provide information on sexual health, self-esteem and help empower young people to make positive choices that will keep them safe.

The Children’s Society is a member of the National Working Group on Sexual Exploitation and co-chair of the Refugee Children’s Consortium. In addition, we were founding members of the Coalition against Child Prostitution in Tourism to campaign and lobby for laws and policies to protect children from sex tourism together with other children’s rights organisations. This group eventually became ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes).
Section 1: The scale and nature of child trafficking

Definition of child trafficking

Trafficking is defined in UK and international law as:

"The act of 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 over another person. 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."

(United Nations Palermo Protocol (Article 3) to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000)

Trafficking is when someone is moved for the purposes of exploitation, regardless of their nationality or country of origin and includes being moved both within a country and across borders. This differs from being smuggled into a country for the purposes of safety rather than exploitation. Trafficking of children is a criminal offence and occurs even if the child knew why he or she was being moved, and regardless of whether force or coercion was used as a child can not give informed consent. Trafficking can relate to any form of exploitation.

Child trafficking worldwide

Trafficking is a global phenomenon and it is estimated that 1.2 million children are trafficked worldwide each year.¹ More than 160 countries are reported to be involved in human trafficking, either as a source, transit or destination country. Around four in ten (43%) victims are used for forced commercial sexual exploitation, of whom nearly all (98%) are women and girls.² The global child trafficking market is valued at over $12 billion a year.³

Child trafficking in the UK – the picture from official data

The UK is a destination for many children who are trafficked. Agencies who identify children who they think have been trafficked provide information and make referrals to a system known as the National Referral Mechanism (NRM). This is a central system managed by the UK Human Trafficking Centre (UKHTC) which is responsible for identifying, monitoring and protecting all victims of trafficking and also referring them for support. The NRM is also the mechanism through which the UKHTC collects data about all victims of human trafficking. The Child Exploitation and Online Protection Centre (CEOP) conducts Strategic Threat Assessments – reports focus on the latest trends, themes and patterns in child trafficking from a number of

¹ International Labour Organisation (2002)
² UNICEF (2003) UK Child Trafficking Information Sheet

Page 3 of 28
sources including the NRM and other stakeholders. The NRM and CEOP provide the only official data that is available.

These sources give an indication of the nature of child trafficking in the UK. However, they do not capture the full scale of trafficking because they do not include significant numbers of children who are not known to the authorities, or who have not been identified as trafficked children. For reasons outlined below, many frontline practitioners do not refer children through the official referral system – the NRM. Therefore, the real number of trafficked children in the UK is thought to be far higher.

What do we know from official data?

The latest data from the NRM shows that from April 2009 to end of June 2011, 438 children were referred to the NRM. Of these:

- **160 had a positive conclusive decision** that they were victims of human trafficking.
- However, **in the first nine months in 2011, 287 children from 47 countries** were identified as potential victims of trafficking in CEOP’s most recent child trafficking update which reveals numbers that a reliance purely on NRM data is likely to be an under-estimate.
- **Labour exploitation is the most common form of exploitation (154)** for children, followed by sexual exploitation (132) according to data from the NRM.
- **Other common types of exploitation are** cannabis cultivation (18%), domestic servitude (11%), benefit fraud (11%), labour exploitation (9%), street crime (9%), servile marriage (4%), illegal adoption (2%) and various other types of exploitation (2%). Many victims of trafficking are subject to multiple forms of exploitation.
- **British children are almost three times more likely to be assessed as victims of trafficking than the top five other nationalities when referred** to the NRM - approximately 29% of non-British nationals are accepted as victims of trafficking compared with 88% of UK nationals.
- **Domestic slavery and sexual exploitation have the highest positive acceptance rates** that they are victims of trafficking (58% and 52% respectively) compared to labour exploitation at 30% and most British children are trafficked for sexual exploitation.
- **52% of Local Safeguarding Children’s Boards identified that young people in their area were being moved from place to place for sexual exploitation** according to a recent study by the University of Bedfordshire.

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4 CEOP (2010) *Strategic Threat Assessment: Child Trafficking in the UK* London: CEOP. Data gathered between March 2009 to February 2010 includes force intelligence bureaus (FIBs) or identified single points of contacts (SPOC), NRM data for the period and information on possible and actual child trafficking from the UKHTC.


7 CEOP (2010) Ibid.

8 Top 5 nationalities in order are Vietnam, Nigeria, China, UK and Romania.

9 Jago, S, et al. at the International Centre for the Study of Sexually Exploited and Trafficked Young People (2011) *What’s going on to safeguard children and young people from sexual exploitation? How local partnerships respond to child sexual exploitation* Luton: University of Bedfordshire 52% out of 89 interviews with LSCB staff across 24 areas.
What are the main trends relating to trafficked children?

CEOP’s Strategic Threat Analysis on child trafficking trends provides a more detailed breakdown of the profile of these children:11

- **More girls than boys are trafficked**, about half (56%) of the children were girls, 34% were boys though this varies between countries of origin.
- **Nearly three quarters of children (71%) are between 14 and 16 years old.**
- **The top five nationalities of trafficked children are Vietnamese (118), Nigerian (57), Chinese (47), British (43) and Romanian (28).**12
- **Numbers of Roma13 children increased following Romania and Bulgaria’s accession to the European Union.** This may increase with Croatia, and potentially Turkey, joining the EU in 2013 as both these states have significant Roma populations.
- **There has been a significant decrease in the number of Chinese victims of trafficking identified in 2010 and 2011.**14
- **Most Vietnamese children are boys are aged 13 to 17** who are exploited in cannabis factories.
- **Nigerian girls are another significant profile who are most commonly exploited through** domestic servitude, sexual exploitation and benefit fraud. Disguised as family members they are hidden in non-registered private fostering arrangements.
- **Many Eastern European children of different genders and ages are exploited for benefit fraud.**
- **Greater London is by far the most common location** for children to be identified followed by the South East and West, though trafficking affects all regions of the UK.

The need for more accurate data

The Home Affairs Select Committee found that one of the biggest problems facing attempts to tackle human trafficking is the lack of any serious data on the scale of trafficking. The estimates of the number of people trafficked into the EU each year ranges from 100,000 to 800,000. The committee expressed its disappointment that the UKHTC has not made more progress at developing estimates of the scale of the problem because this was one of the main reasons it was established. As ECPAT UK explain:

"There is no systematic process for collection and analysis of data on child trafficking. Information about trafficked children is held by local authorities and by the police. The UK Border Agency and the Crown Prosecution Service also have data on cases of children who have been trafficked but this information is not collated or analysed centrally. It is

12 UKHTC (2011) NRM data Ibid.
13 Mainly from Romania, but a number were from Bulgaria. CEOP (2010) Ibid.
14 CEOP (2011) Ibid. This decrease may reflect a reduction in the trafficking of minors from China to the UK, or a decrease in the rate of identification.
There are also substantial limitations to the NRM with the Anti Trafficking Monitoring Group stating it is ‘not fit for purpose’. NRM figures only include children who have been referred to the NRM and do not include those children who are not known to the authorities, or who have not been identified as trafficked children. For example, the Anti Trafficking Monitoring Group found that more than 120 individuals who were identified by support organisations between April 2009 and April 2010 were not referred to the system for several reasons, but primarily because they did not see the benefit of being referred or were fearful of the consequences due to their immigration status. This is because the UK Border Agency (UKBA) has a dual role in determining individuals’ immigration claims to remain in the UK as well as being a competent authority for deciding on whether someone is a victim of human trafficking.

Only a limited number of agencies known as ‘first responders’ are able to refer suspected victims of trafficking to the NRM and there is an acknowledged lack of awareness of this system among referring agencies. Children and Families Across Borders (CFAB) estimate that 80-90% of social workers have not heard of the NRM. A recent inspection of Heathrow Terminal 3 revealed that UKBA staff within the ‘Children and Young Person’s’ team, who are not child protection experts, had poor knowledge of the NRM. There is little doubt that the real number of trafficked children in the UK is likely to be far higher.

Reliable and representative data is needed in order to fully understand and confront the scale and nature of human trafficking. This must include sufficient and reliable intelligence on trafficked children, including data disaggregated by age, gender, nationality and forms of exploitation. This should be done through the introduction of an independent National Rapporteur as set out in the European Directive - an independent monitoring mechanism - which would oversee an independent collection of data which would accountable to parliament. Without a full picture of the true scale of child trafficking, the government makes policy and assigns resources on partial and incomplete information leaving vulnerable children even more at risk.

Recommendation:

- The government should establish an independent National Rapporteur on Trafficking and Exploitation as recommended in the European Directive on Human Trafficking, with a specific focus on children that ensures the systematic collection, monitoring and analysis of comprehensive and disaggregated data, and is accountable to parliament.

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17 These include local authorities, UKBA staff, police and only a few voluntary organisations: http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism
Section 2: The government’s approach

Recent developments in government policy on trafficking and exploitation

The government’s trafficking strategy
In July 2011, the Home Office published a trafficking strategy which set out that the government will:

- Work with CEOP to tackle the issue of trafficked children going missing from care;
- Work with multi-agency partners to build on the success of port teams to ensure children are safeguarded and identified at borders at the earliest possible opportunity;
- Work with local authorities, the police and the UKBA to ensure a more streamlined approach to gather information on the children’s needs and experiences to ensure the vulnerabilities of children are taken into account;
- Work with the police, the criminal justice system, the Association of Chief Police Officers (ACPO) and CEOP to ensure trafficked children involved in criminal activity are dealt with from a child safeguarding perspective and not unnecessarily criminalised and to raise awareness around recent guidance on this;
- Publish a review of whether current legislation supports the effective prosecution of traffickers by summer 2012.

New best practice government guidance
In October 2011, the Department for Education (DfE) and Home Office published new best practice guidance on Safeguarding Children who may have been trafficked updating the previous guidance from 2009. The guidance sets out the responsibilities for statutory agencies and their staff for dealing with children who are trafficked and the procedures that should be followed. The guidance states that Local Safeguarding Children’s Boards should identify a child trafficking co-ordinator to ensure co-ordinated information sharing of the safeguarding agenda between local authorities, the police and the NRM competent authorities. It also commits to roll out the new London Safeguarding Children Board guidance and toolkit on safeguarding trafficked children nationally. 19

The National Crime Agency
The coalition government will establish a new National Crime Agency (NCA) by December 2013 which will mean a restructuring of central responsibilities with CEOP, UKHTC and the National Policing Improvement Agency (NPIA) being merged into the new NCA. However, CEOP will retain its focus on missing and abducted children, and sexual exploitation and work more closely with the UKHTC to take a strategic lead on child trafficking.

Trafficking, missing and sexual exploitation
The government recently set out the actions that public sector agencies and voluntary organisations should take to safeguard children from sexual exploitation in its Child Sexual Exploitation (CSE) Action Plan 2011. A new Step-by-Step Guide will set out the main steps outlined in the 2009 statutory guidance on ‘Safeguarding Children who are Sexually Exploited’

that organisations and individuals should take. In 2011, the Home Office also published a cross-
government strategy on missing children and adults which outlined the role of the NCA and
CEOP in tackling trafficked children who go missing from care.

**Existing legislation on trafficking and sexual exploitation**

There are a number of specific pieces of legislation related to trafficking and sexual exploitation. The Sexual Offences Act 2003 introduced specific offences relating to trafficking of children. Section 57 criminalises trafficking into the UK for sexual exploitation, Section 58 trafficking within the UK and Section 59 trafficking from the UK. A new offence of paying for the sexual services of a prostitute subject to force, deception, threats or other forms of coercion was inserted into the Sexual Offences Act 2003 as a result of Section 14 of the Policing and Crime Act 2009. This applies to someone who pays for the sexual services of a trafficked person, whether they knew they have been trafficked or not. However, it is difficult to prove that prostitutes are coerced and exploited.

**Trafficking and immigration**

Section 55 of the Borders, Citizenship and Immigration Act 2009 places a statutory duty on the UKBA to safeguard and promote the welfare of children. This replicates the statutory duty under Section 11 of the Children Act 2004 and brings UKBA in line with other public bodies including local authorities and the police. The Asylum and Immigration Act 2004 was also amended in 2009 by the Borders, Citizenship and Immigration Act 2009 to prosecute offenders who traffic younger children and babies. In addition, a new offence of holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour also became active in April 2010 as part of the Coroners and Justice Act 2009.

**International and European treaties and frameworks**

The UK has signed up to three important international frameworks:

The UN Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is one of the two Palermo protocols and was ratified by the UK in 2006. It commits to prevent and combat trafficking in persons, protecting and assisting victims of trafficking and promoting cooperation among states in order to meet those objectives.

The Council of Europe Convention on Action against Trafficking in Human Beings came into force in the UK in April 2009. It provides a framework of obligations that the UK has to comply with and the UK was inspected on these in autumn 2011 by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA). The NRM was set up as a central system for identifying, monitoring and supporting all victims of trafficking to comply with the Convention.

The UK opted into the European Directive on preventing and combating trafficking in human beings and protecting victims of human trafficking in October 2011. An EU

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20 Section 53 A
Directive is European Union law and is therefore more binding than the Council of Europe Convention. The UK will therefore have to bring laws, regulations and administrative provisions into force by 2013 to ensure it is compliant with the Directive’s requirements, such as guardians for trafficked children. Non compliance could result in the UK being referred to the European Court of Justice.

**Legal Aid reforms**

The Legal Aid, Sentencing and Punishment of Offenders Act 2012, which will come into effect in April 2013, will exclude all non-asylum immigration cases from scope of legal aid, including some judicial reviews and other areas of law such as welfare and education. During the passage of the Bill, some concessions were made: victims of trafficking including children and young people, will be eligible for legal aid in relation to immigration claims and appeals but only if they are recognised as victims or potential victims via the National Referral Mechanism. This will include legal aid for advice and representation in immigration claims for leave to enter or remain in the UK and claims for damages. However, victims will not be able to access legal aid prior to being referred to the National Referral Mechanism unless their immigration claim is on asylum or on Article 3 of the European Convention on Human Rights\(^\text{21}\) grounds.

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\(^{21}\) Article 3 of the European Convention on Human Rights prohibits torture, and inhuman or degrading treatment or punishment.
Section 3: Key issues for protecting child victims of trafficking

Based on our direct practice with children and young people who have been victims of trafficking and exploitation, we are concerned about a number of issues that we believe need to be addressed. We have highlighted seven issues: the prioritisation of immigration control over child protection, the criminalisation of child victims of trafficking, low levels of prosecution, hidden children and private fostering, high numbers of trafficked children going missing from care, sexual exploitation, and the lack of independent advocates or guardians. This section looks at each issue and proposes recommendations.

Immigration control prioritised over child protection concerns

Local authority children’s services can often deal with non-British child victims of trafficking as an immigration issue rather than a child protection one. In our experience they often refuse to help children if they do not have a regular immigration status or relevant documentation thereby overlooking the potential that they may be trafficked. However, local authorities have a statutory duty to protect the welfare of all children who are in need in their area. The ‘Working Together’ Statutory Guidance also states that local agencies should give particular consideration to child victims of trafficking and unaccompanied asylum-seeking children. In addition, trafficked children who become looked after should have the same entitlement to care services as other looked after children. The government’s recent trafficking strategy and practice guidance commits to raising awareness of trafficking among frontline staff in the voluntary and community sector (VCS) and local authorities, and their responsibilities by working with the London Safeguarding Children Board and using their Child Trafficking Toolkit.

UKBA as competent authority

Civil society agencies have long argued that there is a conflict of interest between the UKBA’s role as the competent authority for assessing whether a child is a victim of trafficking while at the same time assessing that child’s asylum or immigration claim to determine whether they will receive protection and permission to remain in the UK. Child advocates and some local authorities have concerns that a negative NRM decision could jeopardise the child’s access to services and their immigration status, and therefore make an active choice not to refer children to the NRM. Our own projects have found that many children they have worked with have not been referred.

Furthermore, the Anti Trafficking Monitoring Group found that British citizen victims of trafficking had a disproportionally higher rate of positive NRM decisions that they were deemed to be a victim of trafficking - some received a positive conclusive decision without an initial

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22 Section 17 of The Children Act 1989 and Section 11 of The Children Act 2004
23 The competent authorities in the UK are UKHTC and the UKBA. These agencies assess whether the individual referred is a victim of trafficking. The individual’s immigration status determines which agency they will be assessed by. The UKHTC deals with referrals from the police, local authorities and non-governmental organisations (NGOs). If a referred individual is subject to immigration control – i.e. not a British citizen or EEA national - they will the refer case to the UKBA. The UKBA deals with all referrals identified as part of the immigration process.
reasonable grounds decision being made. Recent NRM data show that 88% of UK nationals have a positive conclusive decision compared to 29% of the non-British nationals. This suggests that immigration status or nationality may be significant in determining how some decisions are made by competent authorities but this needs to be explored further. In its recent strategy, the government has committed to raising the quality of decision-making under the NRM by running case review exercises and auditing decisions, however, it remains to be seen what effect this will have.

**Immigration control and removal**

We also have concerns that asylum and immigration policies and procedures focus on meeting removal targets, with the effect of prioritising immigration control over children’s best interests. A recent example of this was the policy of returning individuals, including potential child victims of trafficking, to France under a ‘Gentleman’s Agreement’ without assessing the child’s need for protection. This policy was exposed by the Office of the Children’s Commissioner, and has since been reversed for children. However, those whose age is disputed or vulnerable young people continue to be at risk of being ‘bounced-back’ to France.

Non-British children who don’t have a regular immigration status will need to lodge an asylum or immigration claim in order to obtain permission to remain in the UK. Although an efficient asylum and immigration determination process is preferable, the speed at which decisions are made impacts on the ability to identify children who have been trafficked. In some cases their claims may be processed before the child has had an opportunity to disclose all the information relevant to their case. If a child is referred to the NRM as a suspected victim of trafficking, there should be a 45 day reflection period during which time the person can seek legal advice. The asylum process should be on hold during this time but our practitioners and the Immigration Law Practitioners Association (ILPA) report that this is frequently not the case. Furthermore, if information is not disclosed by the victim in their immigration case, often due to fear, the credibility of both the victim’s asylum and trafficking case is undermined.

Once children turn 18 and their Discretionary Leave runs out, their claim for protection or leave to remain in the UK is normally refused, they are then at risk of being detained and deported to their country of origin, or being made destitute. The Council of European Convention against Trafficking and EU Directive state that the best interests of the child should be taken into account when returning a child. This involves locating their family and undertaking a security and risk assessment. In our experience some child trafficking victims are desperate to return home yet it is not always in their best interests. Full support arrangements in the country of origin, not just family identification, must be considered in order to prevent re-trafficking and ensure the re-integration and well-being of the child.

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25 When an individual is referred to the NRM, they should receive a decision within 5 working days as to whether there are 'reasonable grounds' to believe the individual is a potential victim of human trafficking. If the decision is affirmative then the potential victim will be allocated safe accommodation and granted a recovery and reflection period of 45 days. During this time, the competent authority must gather further information to make a conclusive decision on whether the person is a victim of human trafficking. The case manager’s threshold for a ‘conclusive decision’ is that on the balance of probability "it is more likely than not" that the individual is a victim of human trafficking.

26 This figure relates to child victims of trafficking from Vietnam, Nigeria, China and Romania – together with the UK, these are the five most referred nationalities. The data includes referrals and decisions between April 2009 and June 2011. See the SOCA website: [http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics](http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics)

27 This was highlighted by the Office of the Children’s Commissioner’s report 'Landing in Dover' in January 2012.
**Documentation and age disputes**

Another common problem for young victims of trafficking is that their age may be disputed when they seek support from authorities. Age disputes are a good example of what has been described as the ‘culture of disbelief’ within the immigration system, which leads to many young victims of trafficking to be greeted with scepticism and suspicion. However, trafficked children often do not have any official documentation to confirm their age or may have been trafficked into the country on false papers which may state they are adults. In some cases, they may have been held captive since they were very young, and do not have clear idea of how old they are or a clear sense of time. Sometimes they appear to be older because of their experiences while some are encouraged by traffickers to say they are older so that they will be treated as adults. The Anti Trafficking Monitoring Group found that if children are identified at the border and deemed to be adults, they often bypass local authorities and child protection procedures.

Age assessments are often conducted by local authority social workers who are not trained to conduct these assessments. In addition, there is a conflict of interest for local authorities in assessing children as under 18 because of the budgetary implications of providing children with support. As a result, child victims often have their age disputed by the authorities and are refused local authority support outright if they are not believed to be under 18. This leads some to be placed in adult accommodation or detained with adults under immigration powers.

The government guidance endorses the Council of Europe Convention against Trafficking and EU Directive which both state that when the age of the victim is uncertain and there are reasons to believe they are a child, then he or she is presumed to be a child and should be offered special protection measures pending verification of his or her age. There is no statutory guidance on age assessments currently but the Committee on the Rights of the Child principles should be observed. The best interests of the child should be a priority over immigration control and resources considerations.

**Recommendations:**

- **Age assessments should be carried out in accordance with the Merton principles**, which means taking a holistic approach that considers a range of information about the child including their demeanor, social, cultural and family background, life experiences and education history as well as views from those with whom the child has had contact: foster carers, support workers, legal representatives and teachers.
- **There should be an independent review** by the Children’s Commissioner and the Independent Chief Inspector of Borders and Immigration to explore the discrepancy.

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31 Merton Compliant describes a local authority age assessment that has been conducted in accordance with the case law on age assessments and is therefore fair and lawful. The term derives from the Merton judgement of 2003.
between acceptance rates of British and non-British victims of trafficking and how this relates to the immigration decision-making process.

- Central and local government should ensure that appropriate training and guidance is provided to children’s services throughout the UK to enable early detection of child victims of trafficking and to make sure that it is considered as a safeguarding issue, first and foremost.

- Rigorous and ongoing training should be provided to immigration and border staff to ensure better detection of potential child victims of trafficking. Furthermore, effective policies and procedures are needed to ensure that when suspected victims are identified, that they are properly safeguarded and referred to child protection experts immediately.

### Criminalisation of child victims

Reports from our practice, the NSPCC Child Trafficking Information Line (CTAIL), ECPAT UK and the Immigration Law Practitioners’ Association\(^\text{32}\) reveal that many child victims of trafficking continue to be processed through the criminal justice system when they come into contact with the authorities, for example during police raids. Consequently they receive a youth justice response rather than a welfare response. This is further complicated if their age is disputed because if they are assessed to be over 18 they will be treated as an adult and need to prove that they were coerced into any crimes committed as a result of being trafficked.

CEOP has found that Vietnamese children who are exploited for cannabis cultivation and Roma children who are forced to steal and beg, in particular are treated as offenders (and charged with cannabis production and street crime offences respectively) rather than potential victims of trafficking.\(^\text{33}\) This means these children are not safeguarded and may face punitive measures including custodial sentences without any investigation into why they might be engaging in such behaviour.\(^\text{34}\) Children are also frequently criminalised for prostitution, rather than treated as victims of sexual exploitation, it remains to be seen whether recent legislation will have a positive impact in protecting children.\(^\text{35}\)

Trafficking for forced begging is an issue in the UK, particularly for members of the Roma community and some EU nationals. In some cases this presents frontline agencies with a complex problem, particularly where it is difficult to distinguish between wilful exploitation and the impact of severe deprivation and cultural expectations. While there are clear cases of trafficking where parents may be complicit in their child’s exploitation, it is important to remember that for some families living in extreme poverty and deprivation, children may be involved in begging and labour as a means of survival because they have no recourse to public funds and their parents are unable to secure employment. In our practice, we have seen varied

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\(^{32}\) ECPAT UK (2011) [Safeguarding children trafficked to the UK to work in cannabis factories](http://www.ecpatuk.org/)

\(^{33}\) CEOP (2010) [Strategic Threat Assessment: Child Trafficking in the UK](http://www.ceop.org.uk/)

\(^{34}\) CEOP (2010) [Strategic Threat Assessment: Child Trafficking in the UK](http://www.ceop.org.uk/)

\(^{35}\) A new offence of paying for the sexual services of a prostitute subject to force, deception, threats or other forms of coercion was inserted into the Sexual Offences Act 2003 as a result of Section 14 of the Policing and Crime Act 2009. [Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons](http://www.anti-slavery.org.uk/)

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Page 13 of 28
responses to these situations; some local authorities have responded through a multi-agency child-centred approach that supports families to overcome their difficulties thereby preserving the child’s welfare and right to family life whereas other local authorities have taken action to separate children from their families without the evidence that this would be in the child’s best interest. Although these cases are complex, the guiding principles should be that children’s best interests, including their right to family life, need to be taken into account. At no time should children be criminalised for begging.

Responses that criminalise child victims of trafficking are partly due to a widespread lack of awareness of the indicators that a child has been trafficked. Many police and local authority staff – particularly Emergency Duty Teams (EDTs) who deal with out-of-hours referrals – are often unaware of the signs that children have been trafficked. A study by End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK) into safe accommodation of child victims of trafficking\(^\text{36}\) found that EDTs do not normally have trafficking training or a quick way to identify that they have a potential child victim of trafficking in their care. As a result, many children are not identified as a suspected victim of trafficking and are processed through the criminal justice system.

The EU Directive broadens definitions of trafficking to include people forced into begging or illegal activities, alongside people who face sexual and labour exploitation. The Directive also defines vulnerability as occurring ‘when the person has no real or acceptable alternative but to submit to those involved’. The inclusion of these definitions would make cases involving cannabis cultivation and forced begging more readily identifiable as trafficking cases by authorities.\(^\text{37}\)

The recent Trafficking Strategy states that more work will be done with the police, the criminal justice system, ACPO and CEOP to ensure trafficked children involved in criminal activity are dealt with from a child safeguarding perspective, and not unnecessarily criminalised. The recently revised Crown Prosecution Service (CPS) guidance on trafficking states that “child trafficking is first and foremost a child protection issue and they are likely to be in need of protection and safeguarding. In these circumstances, prosecutors should take the steps outlined above to make pro-active enquiries about the circumstances in which the child was apprehended.” These guidelines also highlight that children found in cannabis farms and theft in organised pickpocket gangs are likely to have been trafficked and prosecutors should be alert to children found in these circumstances.\(^\text{38}\) ACPO’s position on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms also sets out the actions police officers should take in relation to safeguarding trafficked children found in these situations.\(^\text{39}\) Despite this guidance, evidence from organisations such as ILPA, ECPAT and NSPCC’s CTAIL report that young people are still criminalised and that advocates, be-frienders or Youth Offending Institute staff often identify children in Youth Offending Institutes as victims of trafficking.

The trauma suffered frequently means children do not disclose what has happened for long periods of time and this can have implications in any dealings with the criminal justice system. It is therefore imperative that victims are identified early on. More importantly, the lack of quality immigration advice and representation for children means there is a risk that all the relevant evidence relating to a child’s claim is not heard and that their claim is wrongly refused, leaving the child at risk of being returned to their country of origin where their life may be at risk.

Recommendations:

- The government should ensure that children have access to good quality publicly-funded specialist legal advice including immigration and criminal law to help guarantee their case is considered fairly.
- As stated in the Safeguarding children who may have been trafficked guidance, LSCBs should provide or commission training and guidance for frontline professionals particularly the police, social workers and youth offending teams to ensure that child victims of trafficking are able to be identified and given the safeguarding and welfare response they require.
- There should be an independent review into the numbers of child victims of trafficking in the criminal justice system led by the Children’s Commissioner for England.
- Children should not be criminalised for forced begging as a result of immigration control measures.
- Children should not be separated from their families unless there are child protection concerns and separation would be in their best interests.

Low levels of prosecution

There is real cause for concern that so few traffickers have been prosecuted even though child trafficking has been highlighted and recognised by government as a major concern. Overall the number of prosecutions remains low. There were 322 children referred to the NRM from April 2009 to December 2010 but there were only 116 prosecutions for human trafficking in total from 2010-2011, and not all of these included children.40

Prosecutions for child trafficking are difficult to achieve because children and young people are typically too fearful of authority to provide sufficient testimony. An over-reliance on the victim as the mainstay of the prosecution case can also be a problem. According to our practice, young victims who may have been sexually exploited often do not see themselves as victims and do not want to be witnesses; sexual exploitation has been normalised for them. Our projects have also found that young people’s evidence is often questioned and they are not seen as credible witnesses.

The experience of giving evidence in court and re-living the experience is often very traumatic for young people who are not provided with any additional support or after care during the process. According to ECPAT UK, a common mistake is that if a child who has been removed

from their trafficker does not want to give evidence against the trafficker, then the police see no need for further action. Furthermore, information is often passed to the police by social services and little is done unless it is passed to specialist services.41

Most police areas do not have a dedicated child trafficking unit or even a dedicated officer. Cases of sexual exploitation often fall outside of the Child Abuse Investigation Unit in the police as these normally deal with family abuse, so they are passed to Criminal Investigation Department (CID) teams, which manage a diverse caseload and are often lacking in the capacity and expertise to investigate them.42 As trafficking is not seen as a priority or an area where the police are measured on their success, it is hard for senior officers to argue for resources to be used on complex trafficking investigations, which often have an international element. These factors contribute to a general lack of support from professionals for sensitively encouraging children to become involved in prosecutions.

There are also concerns among victim support agencies that prosecutors are failing to charge offences as human trafficking and not pursuing all other possible offences such as money laundering or abduction. In addition, the different levels of proof required mean that it is more difficult to prosecute for labour exploitation. The strategy also pledges to work with law enforcement agencies across the UK to build the capacity of police officers to recognise intelligence about organised crime networks. This may be best done at a neighbourhood policing level to benefit from their close relationship with communities and understanding of local issues.

Recommendations:

- The government should ensure that children have access to an independent guardian who would provide them with sufficient support to give evidence, as well as ensuring their best interests are upheld before, after and during the prosecution process.
- Special measures should be used where appropriate and desired by the child to ensure the child feels supported during the court process.
- Every local police force should have a dedicated lead on child trafficking.

Hidden children and private fostering

The Children’s Society’s research, Hidden Children43 revealed that there are many children and young migrants who are separated from their usual carers and exploited or otherwise mistreated. They experience a range of exploitation, including domestic servitude, benefit fraud and sexual exploitation. These children may also be trafficked around the country between exploiters. They are ‘hidden’ due to the unseen nature of their exploitation, lack of awareness about these young people and the fact that their exploiters deliberately act to keep them and their treatment unseen such as preventing them from attending school.

We have found that considerable numbers of these children are housed in unregistered private fostering arrangements in the UK, particularly those being exploited through domestic labour.

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42 CEOP (2011) Out of Sight, Out of Mind London: CEOP
The charity Children and Families Across Borders (CFAB) estimates there are 10,000 unregistered private fostering arrangements (PFAs) in the UK, with 4,000 of the children involved in these arrangements originating from outside of the UK.\(^4^4\) This can make detection very problematic.

*Hidden Children* also found that young people stay in the abusive situation because they often do not know their treatment is illegal, they risk being homeless if they run away, they fear that they will be deported or they do not know anyone they can trust to disclose that they have been abused. The most commonly identified ages of children trafficked to the UK are 16 and 17 but private fostering monitoring ends at age 16 (18 if the young person is disabled). Our research identified that local authorities were failing on their duty to promote the registration and monitoring of private fostering arrangements. The government’s new best practice guidance on Safeguarding children who may have been trafficked states that local authorities are required to raise awareness within their local communities of the obligations to notify them about a private fostering arrangement and to ensure that staff and volunteers in all agencies encourage such notifications.\(^4^5\)

However, *Hidden Children* found that in reality, many children who are being abused and exploited in this way are not ‘hidden’ at all and actually attend school, church or GP clinics. But the indications that they are being exploited are not picked up or acted upon by professionals. The research also found that some hidden children who did disclose found frontline workers unwilling to help; disbelieving of the seriousness of their situation and unaware of where to refer them for help. It is, therefore, important to raise awareness among local and faith communities, and health and educational settings, who interact with these children so they are better able to identify signs of exploitation, know who to notify and refer them to, and understand how best to support them. Although the government’s strategy on human trafficking commits to further explore how to raise awareness and vigilance in particular communities about the signs of trafficking, there are no proposals for improving monitoring of private fostering arrangements.

**Recommendations:**

- There should be a review of registration, monitoring and inspection arrangements for private fostering to ensure that all under 18s are safeguarded.
- LSCBs should deliver or commission training to increase the awareness of teachers, medical professions, faith and local communities to identify children that might be being exploited in private foster arrangements.

### High numbers of trafficked children missing from care

It is estimated that about 60% of suspected child victims of trafficking in local authority care go missing and are not subsequently found.\(^4^6\) CEOP estimates this to be about 300 children and

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\(^{4^5}\) Paragraph 7a of section 8 of the Children Act 1989 inserted by section 44(7) of the Children Act 2004

\(^{4^6}\) House of Commons, Home Affairs Committee (2009) *The Trade in Human*
young people over the last three years. Although the number of trafficked children who went missing from local authority care decreased in 2010/11, it still continues to be a serious concern because the decrease is thought to reflect the drop in trafficked Chinese children seeking asylum. Vietnamese children make up the biggest identified profile and compromise almost two thirds of the total number of potentially trafficked children who were identified as missing. Most victims go missing within one week of being in care, many within 48 hours. Many of these children are never found and it is thought that many return to their traffickers. CEOP has found that almost two thirds of the number of potentially trafficked children were still missing when case data was submitted.

Our services find that many local and police authorities are not aware of their obligations to search for unaccompanied children. Furthermore, UK policy for responding to children who run away or go missing from home or care was not designed with unaccompanied foreign children in mind. In February 2010, a BBC investigation reported that 330 children aged between nine and 17 had gone missing from local authority care between April 2008 and August 2009. 20% of the 200-plus authorities contacted, reported asylum-seeking children going missing from their care. It was not clear how many had been located subsequently. According to this investigation, social workers believed many children in care were targeted over a long period of time for prostitution by traffickers exploiting the asylum system. Some local authorities had not recorded any information about such children (in the form of photographs or other identifying details), so once they went missing it was very difficult to look for them.

As mentioned previously, frontline staff who deal with out-of-hours referrals are often unaware of the signs that a child has been trafficked and have not received appropriate training. A study by ECPAT UK into safe accommodation for child victims of trafficking found that EDTs have to find a child a bed immediately and do not normally have trafficking training or a quick way to identify that they have a potential child victim of trafficking in their care. As a result, many children are not identified as a suspected victim of trafficking and are placed inappropriately. Much of the evidence on child trafficking highlights that in the majority of cases the first indication that a child may have been trafficked was when they went missing from care.

Inappropriate accommodation and supervision
Where a local authority computer systems lack a mechanism to flag up trafficking, social workers who later pick up the case may not realise that the child has been trafficked. Some professionals suspect that traffickers are deliberately timing the arrival of children at weekends

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47 CEOP (2010) _Strategic Threat Assessment: Child Trafficking in the UK_ London: CEOP
50 The report refers to asylum seeking children although the case examples given are of children who were trafficked to the UK for purposes of exploitation and then claimed asylum.
51 ‘Asylum-seeking children are going missing from care’, 21 January 2010 at news.bbc.co.uk/1/hi/uk/8470620.stm
so that the children are placed in less secure emergency accommodation, leaving them vulnerable to being tracked and taken by their traffickers.\textsuperscript{54}

The EU Directive on Human Trafficking specifies that assistance and support, including safe accommodation, should be provided for victims of trafficking, and government guidance\textsuperscript{55} states that trafficked children should be placed in foster care or residential care. Government guidance also states that the local authority should assess the child’s vulnerability to the continuing influence or control of their traffickers and should take into account the risk that they will go missing.\textsuperscript{56} Despite this, ECPAT UK has identified that there are no commonly agreed safety and protection standards across the UK for the placement of children who are suspected or known to be trafficked.\textsuperscript{57} Trafficked children are generally accommodated by local authorities under Section 20 of the Children Act 1989 rather than under a care order (Section 31). This means that there is no one in the UK with legal parental responsibility for them. This often results in poorer standards of supervision, care planning and police searches, as a child will not have a guardian to ensure their best interests are protected.

Children under 16 are generally placed in foster care or residential accommodation, although not in specialist foster care, while older children (namely 16 and 17 year olds) are often accommodated in less secure semi-independent accommodation such as hostels, bed-sits and shared flats. These are not subject to Children’s Homes Regulations and only have intermittent or no supervision.\textsuperscript{58} Concerns about the standard of care have been raised by NGOs like UNICEF.\textsuperscript{59} Our Hidden Children research highlights examples where children’s services have refused to provide any support or accommodation to trafficked children aged 16 and 17.\textsuperscript{60} Poor levels of care and supervision make it easier for children to run away to their trafficker or be solicited by their trafficker to return.\textsuperscript{61} Trafficked children are often still under the control of their traffickers and fear the consequences for themselves or their family if their debt bonds are not worked off. Various methods of manipulation are also used such as witchcraft and juju.

**Shortage of emergency provision**

Section 51 of the Children Act 1989 and statutory guidance\textsuperscript{62} state that every local authority should have access to a refuge, a form of flexible accommodation or foster care placements for 14 days for children ‘who appear to be at risk of harm’ but it is up to local authorities to decide on the most appropriate and effective form of emergency accommodation provision in their area. All local authorities also have a duty to provide accommodation for children in need within their area in particular circumstances.

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\textsuperscript{55} DfE and Home Office (2011) *Safeguarding children who may have been trafficked: Practice guidance*

\textsuperscript{56} DfE and Home Office (2011) *Safeguarding children who may have been trafficked: Practice guidance*


\textsuperscript{62} Department for Children, Schools and Families (2009) *Statutory guidance on children who run away or go missing from home or care* London: HM Government
In spite of this guidance, there is a shortage of emergency accommodation for trafficked children to be placed in when they are first picked up by the police and identified as a potential victim of trafficking. This means that they are often placed in bed and breakfast accommodation and as a result disappear immediately. Some police believe the only option available to keep the child safe is to keep them in a police cell overnight. According to The Children’s Society’s recent FOI requests to local authorities, only about half of local authorities have emergency accommodation. Only a quarter have accommodation that is foster care or a residential care home though some of this accommodation is for young people who are at risk of being homeless.63

The Operation Newbridge model initially set up at Gatwick Airport in 2008 is seen as a successful multi-agency fully secure approach to preventing children running away from care upon arrival in the country. It creates a barrier in communication between the child and trafficker by, for example, full supervision for the first 24 hours, limiting unsupervised visits to the child’s accommodation and restricting access to mobile phones and the internet. The accommodation facility is staffed by specialists with knowledge of trafficking; children are educated about the dangers of trafficking and their human rights. The government has committed to building on this success in their strategy and carry out work with multi-agency partners to ensure children are safeguarded and identified at borders at the earliest possible opportunity.

We believe the best option for child victims of trafficking is for them to be placed with foster carers who have received specialist training on how to identify and respond to specific issues and needs around trafficking, such as how to implement safety measures. The Department for Education has provided a grant to Barnardo’s to deliver a project which will work with local authorities to train specialist carers in providing safe fostering placements for victims of child sexual exploitation and trafficking from 2011–2013. Providing adequate levels of supervision and helping to break the contact between the child and trafficker can also help safeguard children from further abuse.64 This form of accommodation involves a balance between safety measures, freedom and support that empowers the child. ECPAT UK has found that overly restrictive safety measures can result in trafficked children feeling punished and imprisoned especially if they do not see themselves as having been exploited or at risk. It is important that the use of safety measures does not further traumatis children by mimicking the methods used by traffickers to control them. One way to reduce this risk is to involve children in the development of their safety plan as much as possible.65

In addition, ECPAT UK and the London Safeguarding Trafficked Children Guidance (which is being rolled out nationally) recommends that accommodating a child outside of the area where they were exploited can be an important step in attempting to reduce the chance of the child being re-trafficked and/or going missing.66 Currently some children are only being placed a few miles from their traffickers. Placing children away from the area where they were exploited can

63 The Children’s Society (2012) FOI requests sent to 155 to local authorities – 150 responses received (95%)
64 CEOP (2010) Strategic Threat Assessment: Child Trafficking in the UK London: CEOP
http://www.ECPAT UK.org.uk/sites/default/files/on_the_safe_side.pdf
interrupt the relationship between the child and their trafficker/trafficking network, making it more difficult for traffickers to find them. Importantly, as long as children are still properly supervised outside of the responsible local authority, it can also help the child feel safer.

Recommendations:

- **Local authorities should pool resources to commission and provide safe accommodation for all suspected child victims of trafficking in the form of specialist foster care, even when they are 16 and 17 years old.**
- **Local authorities should join together to commission emergency accommodation for child victims of trafficking. This should include the use of either fixed or flexible refuge, foster care or other types of secure emergency provision. Secure provision should be only be used when children are deemed to be at a very high risk of running away or if their welfare necessitates it.**
- **The NCA (who have taken over oversight of police training from the NPIA) should ensure that training on how to identify, safeguard and prevent trafficked children from going missing is delivered to all staff and particularly police officers.**
- **Local multi-agency protocols, procedures and operational groups/safeguarding hubs should be developed in each local authority between the police, UKBA, children’s services, and local voluntary sector organisations to share information and put procedures in place for each child reported missing and/or identified as a suspected victims of trafficking according to the models of Operation Newbridge.**

Sexual exploitation and “internal trafficking”

Trafficking does not always involve being moved across borders. Children can also be moved within the UK for the purposes of exploitation or within a network of exploiters. Section 58 of the Sexual Offences Act 2003 as well as the Palermo Protocol 2003 and the government’s Action Plan on CSE, recognise this as a form of child trafficking. CEOP has found that victims who went missing from local authority care were later found in a different city in the UK which they suggest may reflect the resilience and geographical spread of networks. A recent study by the University of Bedfordshire found that 52% of LSCBs identified that young people in their area were being moved from place to place for sexual exploitation. In addition, research by Barnardo’s and CEOP, as well as our own practice on the ground, has found that UK nationals who are being sexually exploited are also moved internally by their exploiters to other towns, villages or boroughs, often nearby as part of the grooming and sexual exploitation process. Frequently this is only to another street to parties or perpetrators’ houses where the child is sold or passed on to friends or clients for exploitation. The young person is normally returned to their original location, most commonly one or two days later.

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67 The Sexual Offences Act 2003 (sections 58-60) makes it an offence to intentionally arrange or facilitate the movement of a person either across international borders or within the UK for the purposes of committing an offence.
68 CEOP (2010) Strategic Threat Assessment: Child Trafficking in the UK London: CEOP.
69 Jago, S, et al. at the International Centre for the Study of Sexually Exploited and Trafficked Young People (2011) What’s going on to safeguard children and young people from sexual exploitation? How local partnerships respond to child sexual exploitation Luton: University of Bedfordshire 52% out of 89 interviews with LSCB staff across 24 areas
71 Scott, S. & Skidmore, P. (2006) Reducing the Risk; Barnardo’s support for sexually exploited young people; A two year evaluation London: Barnardo’s
Many of the young people exploited are in care, more vulnerable and easy to target as a group. They have often either run away previously or start running away to be with the exploiters. Young people are often targeted by perpetrators in public places, including town or city centres (particularly shops, restaurants and takeaways) and local parks. They may be moved by means of threat or use of force, coercion, abduction, fraud or deception, giving or through the receiving of payments or benefits. However, more commonly the exploitation is much subtler; the young people are simply invited to a party in a different location where exploitation takes place. This often involves grooming by peers or by an adult posing as their boyfriend. Therefore the young person is not always aware they are being exploited which can also mean it is more difficult for agencies to detect it and prosecute. The Serious Case Review into Operation Retriever in Derbyshire, where young women were being moved around cities for the purposes of sexual exploitation, found that social services missed opportunities to identify the abuse among the young people, two of whom were in care, and instead treated them as ‘rebellious teenagers’.

Barnardo’s have also found that movement for sexual exploitation is becoming more organised with networks moving children from town to town or localities within cities. Some use a legitimate taxi business or pizza take-away as a means of grooming. In addition, our projects have found that many young people are taken to hotels that do not require identification to enter where they are exploited by a number of perpetrators. More work needs to be done with the tourism industry, hotels and local businesses and community members to raise awareness of the signs of sexual exploitation and what to do about it. Very few tourism companies in the UK are signed up to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which is in the lower quartile of other nations around the world. The National Working Group (NWG) and The Children’s Society have developed a national campaign called ‘Say Something If You See Something’ to address the problem of hotels unwittingly being used as a venue to sexually exploit young people. They are developing partnerships with hotels to raise awareness, develop staff training packages and a responsible tourism kite mark or charter that gives support and guidance to employers who want to stop their premises being used to exploit young people.

Practitioners do not often think of “internal trafficking” as trafficking as the young people are moved such a short distance and it is usually part of the sexual exploitation process. Therefore, the term “internal trafficking” is considered by some to be an artificial construct that attempts to unnecessarily categorise and differentiate this behaviour from sexual exploitation. The key issue is that these young people are vulnerable and are being exploited through an abuse of power.

Recommendations:

- As stated in the CSE Action Plan every local area should have a multi-agency working group and strategy on CSE but this should also specifically recognise trafficking and
movement for exploitation to ensure this form of exploitation is recognised and acted on by practitioners.

- Government should ensure that businesses, particularly those in the travel and tourism industry are equipped to identify the signs of children who are being exploited and trafficked and implement effective safeguarding procedures through training.

- All hotels in England should sign up to the National Working Group and The Children’s Society’s ‘Say Something If You See Something’ campaign and ensure all their staff are trained in how to recognise the signs that children are being sexually exploited and respond accordingly.

An independent advocate or guardian

There is currently no one person who has legal parental responsibility for separated migrant children or victims of trafficking. This means there is no one to support, accompany and help them negotiate complex welfare, legal, asylum and immigration processes, and take decisions based on their best interests. This is particularly the case for non-asylum immigration cases involving trafficked and hidden children.

Echoing the research from UNICEF, our practitioners routinely see children’s views not being taken into account and a level of service which does not meet the standards of care as set out by domestic and international legislation. According to ECPAT UK, children frequently have to instruct their own legal advisors. This is important because when a child victim of trafficking is unwilling to instruct his/her solicitor because they are afraid of what the trafficker will do to their family, a guardian would have legal parental responsibility for the child and could instruct the solicitor to act in the child’s best interests. It is also often highlighted that the funding arrangements and resource constraints in local authorities act as a barrier to the quality of provision.

However, separated children whose immigration status is uncertain often need access to specialist support and good quality legal advice and representation to prevent further exploitation. As immigration cases are to be taken out of scope for legal aid by April 2013 with the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and with legal service providers, such as Refugee and Migrant Justice and the Immigration Advisory Service, recently having closed, this situation is set to get worse. Local authorities are now likely to have additional financial pressures to provide children with legal representation, including child victims of trafficking. Our advocacy projects have found there is a growing need for long term advocacy support for victims as cuts to local authorities have severely affected this area of work.

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76 In civil matters involving children, there is a requirement for a ‘litigation friend’ to be present in order to conduct court proceedings, under Part 21 of the Civil Procedure Rules. The only requirements for the litigation friend are that they are able to sign a certificate of suitability that confirms that they can fairly and competently conduct proceedings on behalf of that child and have no interest adverse to that of the child; and where the child is a claimant that they will undertake to pay any costs on behalf of the child. If there is no-one suitable to take on this role the court may appoint one.


79 See The Children’s Society’s evidence submission to the Legal Aid, Sentencing and Punishment of Offenders Bill Committee

80 Coram Children’s Legal Centre (2012) Navigating the System: Advice provision for young refugees and migrants London: Coram Children’s Legal Centre

Page 23 of 28
Guidance from the Chief Adjudicator of the Immigration Appellate Authority on ‘Unaccompanied Children’ provides that a separated child should be legally represented and should have an ‘appropriate adult’ present at all Immigration and Asylum Tribunal hearings. However, from our experience, many children appear before tribunals without legal representation. We therefore believe every separated child, including victims of trafficking, should have an independent guardian, with parental responsibility, to care for and support them and take decisions based on their best interests. The guardian would advise and keep the child informed of his/her rights, ensure they have access to legal representation and provide a link between the child and the various organisations which may provide services to them. This is a particular issue for children 16 and over, who are accommodated in residential or semi-independent units with only a key worker occasionally for day to day support.

The UNCRC\textsuperscript{81} and Council of Europe Convention requires State Parties to ensure that “a legal guardian, organisation or authority is appointed as soon as a trafficked child is identified.”\textsuperscript{82} Furthermore, the EU Directive requires governments to ensure the appointment of a guardian and a representative from the point when they are identified as a victim of trafficking by the authorities, if there is a conflict of interest with holders of parental responsibility. However, the government believes the UK is compliant with the Convention and Directive due to the range of individuals involved with a trafficked child such as Independent Reviewing Officers, Responsible Adults and Advocates. However, ECPAT UK and ILPA have found there are substantial gaps in this system of support and children are not able to turn to any one responsible adult.\textsuperscript{83} Immigration Minister Damian Green has repeatedly stated that another guardian would be confusing and potentially bureaucratic. Though, he has admitted that there are severe difficulties preventing trafficked children in care from disappearing.\textsuperscript{84} Nevertheless, the government may have to take further steps to comply by 2013.

The guardianship model is being piloted by the Scottish Refugee Council (SRC) and Aberlour children’s charity where all newly arrived children are allocated a guardian, who is their consistent point of contact. So far the model has been found to aid the sharing of information between agencies and provides the space for the child to open up and discuss issues.\textsuperscript{85} However, we have reservations about this model as the guardian is not able to directly instruct a legal representative. The government have committed to consider the recommendations of the scheme’s evaluation which should include whether the remit of the scheme is sufficient.

**Recommendation:**

- An independent guardian or advocate who has parental responsibility should be appointed for every child victim of trafficking and unaccompanied or separated migrant child, as soon as they come to the notice of the UKBA or a local children’s services authority, at

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\textsuperscript{81} General Comment No. 6 on The Treatment of Separated Children Outside Their Country of Origin, which includes express provisions in relation to trafficked children, paragraph 33.

\textsuperscript{82} Article 10.4.of the Council of Europe Convention on Action against Trafficking in Human Beings

\textsuperscript{83} ECPAT UK (2010) *Child Trafficking in the UK: A Snapshot* London: ECPAT UK and ILPA letter to minister

\textsuperscript{84} Hansard House of Commons (2011) *Human Trafficking. 18 May 2011 Westminster Hall Debate*

\textsuperscript{85} Crawley, H and Kohli, R. University of Swansea and University of Bedfordshire (2011) *First Annual Evaluation Report of the Work of the Scottish Guardianship Pilot*. London: Diana Princess of Wales Memorial Fund. The pilot which began in August 2010, will last for 30 months during which time the evaluators will provide reports to the Advisory Group on a three-monthly basis as part of a formative evaluation process.
least until they are settled in the UK or until they leave permanently. This guardian should also be able to instruct legal representatives or take the role of guardian ad litem.

Conclusion

This paper summarises the main profiles and trends relating to child victims of trafficking and looks at recent international and national policies introduced to tackle the problem. It goes on to highlight a number of issues affecting child victims of trafficking identified by our services working with child victims of trafficking as significant areas of concern and suggests what should be done to tackle these. We are concerned by the lack of independent advocates for trafficked children, the high numbers of trafficked children that continue to go missing from care due to being placed in inappropriate accommodation, and the fact that immigration measures are often prioritised to the detriment of their welfare and they are frequently treated as criminals. This is often due to a lack of awareness of the indicators of trafficking and government policies that prioritise immigration control over child protection.

Recent sporting events have led to an increase in child trafficking and with the Olympics taking place in the UK in the summer of 2012, it is more important than ever that this issue is addressed. Recent analysis, however, has not shown there to be any current increase but nevertheless child trafficking is an issue that should not be ignored and awareness must be raised amongst all agencies from the police, to schools, local authorities and LSCBS, specialist agencies and the voluntary sector so that this form of modern day slavery does not continue to exist in any form.

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Page 26 of 28


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**Glossary**

**ACPO** – Association of Chief Police Officers

**CID** – Criminal Investigation Department

**CEOP** – Child Exploitation and Online Protection Centre

Page 27 of 28
CFAB – Children and Families Across Borders
CTAIL – Child Trafficking Advice and Information Line run by NSPCC
NRM – National Referral Mechanism
ECPAT UK – End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
GRETA – The Council of Europe’s Group of Experts on Action Against Trafficking in Human Beings
ILPA – Immigration Lawyers Practitioners Association
LSCB – Local Safeguarding Children Board
NCA – National Crime Agency
NRM – National Referral Mechanism
PFAs – Private Fostering Arrangements
UKBA – United Kingdom Border Agency
UKHTC – United Kingdom Human Trafficking Centre
VCS – Voluntary and Community Sector