



**The Anti Trafficking  
Monitoring Group**

# All Change

**Preventing Trafficking in the UK**

Summary Report

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# **The Anti Trafficking Monitoring Group**

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# Executive Summary

## Introduction

The Anti-Trafficking Monitoring Group's (ATMG) research found that some preventative activities have been implemented across the UK and identified some areas of good practice, in particular at regional and local levels. Good examples were, however, somewhat obscured by the overall lack of a comprehensive prevention strategy. Consequently, prevention seems to be the weakest of the “three P’s” - prevention - protection – prosecution - used to frame anti-trafficking work. There appears to be three main reasons for this: a limited understanding of the concept of prevention in the context of trafficking in human beings, the absence of a coherent prevention strategy, and the fragmented coordination of anti-trafficking efforts overall.

## Background

In 2010, the ATMG published the report: *Wrong Kind of Victim? One year on: an analysis of UK measures to protect trafficked persons*.<sup>1</sup> The report was the first comprehensive examination of the UK's compliance with its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings<sup>2</sup> (hereafter ‘the Convention’), which came into force in the UK in 2009. The ATMG has set out to publish subsequent thematic reports assessing selected aspects of anti-trafficking efforts covered by the Convention.

The 2010 report identified that in the UK “there has been little to no meaningful engagement in the area of prevention”.<sup>3</sup> Trafficking prevention is known internationally to be one of the three pillars of anti-trafficking work - the “three P’s”, as described above. As such, it should be considered of equal importance to the latter two “P’s”. To this end, the Convention makes trafficking prevention one of its core purposes,<sup>4</sup> setting it as an essential component of any effective anti-trafficking strategy.<sup>5</sup> The importance of prevention, in addition to other actions like victim protection or the prosecution of traffickers, has also been recognised in the new EU Directive on trafficking.<sup>6</sup>

Prevention measures target the problem of trafficking at source and therefore complement other efforts such as victim assistance or criminal justice initiatives. Where prevention is not an integral part of anti-trafficking strategies, the ATMG argues that the Government's response focuses on the short-term consequences of trafficking, rather than addressing the underlying causes and reducing the number of victims. An approach that sees prevention as an add-on, or treats it as an afterthought, is therefore more costly in the long term, both in terms of demand on public finances and in human misery. The ATMG recognises the significance of prevention to combating trafficking. Consequently, this report focuses on ascertaining to what extent the UK Government is fulfilling its obligations under the Convention in respect of prevention.

## Methodology and scope

The report is a result of an analysis of preventative measures put in place between April 2009 and June 2011. The report was compiled using information from public sources and from 80 interviews with professionals engaged in anti-trafficking work. Service providers who contributed to the research and those who are members of the ATMG, have provided a direct channel through which the views of trafficked persons are represented. The first draft of the report was shared with key professionals involved in anti-trafficking policy and practice, including Home Office officials, for comment. These comments were considered in finalising the report.

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<sup>1</sup> The Anti-Trafficking Monitoring Group, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons* (2010).

<sup>2</sup> Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report, Council of Europe Treaty Series No. 197, 2005.

<sup>3</sup> The Anti-Trafficking Monitoring Group, *supra* note 1, p.6.

<sup>4</sup> *European Convention*, *supra* note 2, Article 1(a).

<sup>5</sup> *Explanatory Report to the European Convention*, *supra* note 2, para. 4.

<sup>6</sup> EU Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, Article 18.

## Convention obligations on trafficking prevention

Chapter II of the Convention requires States Parties to take a holistic approach to prevention by implementing measures to address the underlying and structural causes of trafficking (through social and economic initiatives);<sup>7</sup> increasing awareness of and education about trafficking;<sup>8</sup> engaging, to a limited extent, transport operators and commercial carriers in anti-trafficking efforts;<sup>9</sup> facilitating legal migration (in particular through providing information on legal migration routes);<sup>10</sup> addressing the demand which encourages exploitation that leads to trafficking;<sup>11</sup> and by strengthening national coordination.<sup>12</sup> Article 5.5 requires States Parties to “take specific measures to reduce children’s vulnerability to trafficking notably by creating a protective environment for them.” Recognising that it is essential to understand a problem in order to be able to prevent it effectively, Article 5.2 also requires States to conduct research into trafficking and to collect and analyse trafficking-related information. In the prevention of re-trafficking, Article 16.5 of the Convention (within Chapter III: “Measures to protect and promote the rights of victims, guaranteeing gender equality”) acknowledges the link between the repatriation of trafficked persons and a risk of re-trafficking, and emphasises that “[repatriation] programmes aim at avoiding re-victimisation”.<sup>13</sup>

## Specific measures to prevent trafficking in the UK

To date, prevention of trafficking in the UK has been dominated by awareness-raising campaigns. The *Blue Blindfold* campaign, developed by the UK Human Trafficking Centre (UKHTC) in 2007, has been rolled out in England, Wales and Northern Ireland. Most practitioners interviewed were aware of the campaign, but many questioned the clarity of the message and the impact it has had in raising awareness of the issue amongst the general public in England and Wales. The only evaluation of the campaign was carried out by the Department of Justice in Northern Ireland (see section on devolved policies below). With no other evaluation available, it is difficult to assess the campaign’s overall impact or how well it has raised awareness of trafficking amongst the general UK public. The research for this report also highlights that there is a widespread public perception that trafficking is linked only to the sexual exploitation of women and girls and that it tends to occur mainly in London and some of the bigger cities. These perceptions need to be rectified in order for the Government to “explore the role the public can play in identifying information about trafficking and how we can raise awareness and vigilance in particular communities”.<sup>14</sup>

Lack of comprehensive data is widely identified as one of the major shortcomings in current anti-trafficking work in the UK. However, this problem is not unique to the UK and exists across Europe. Currently, the UKHTC is responsible for collating and analysing information on trafficking, received through the National Referral Mechanism (NRM), and from law enforcement and other agencies across the UK. Data provided by the UKHTC informs the Government’s strategic approach and operational response. NRM statistics are published every quarter on the Serious Organised Crime Agency’s (SOCA) website. Participants interviewed for this report stated that these statistics require further disaggregation, particularly concerning children, for them to be useful in making effective preventative interventions possible. Information from NRM referrals provides only a snapshot of the problem of trafficking in the UK. Not all trafficked persons are captured by the NRM for a multitude of reasons: some choose not to be referred because they see little benefit in the system, and some are never identified as they may fear retribution from their trafficker if they contact the authorities. Despite the NRM’s limitations, victim identification has significantly improved since the situation prior to 2009, though any measures developed based on NRM figures should take into account these limitations.

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<sup>7</sup> *European Convention*, *supra* note 2. Article 5.2.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, Article 7.3.

<sup>10</sup> *Ibid.*, Article 5.4.

<sup>11</sup> *Ibid.*, Article 6.

<sup>12</sup> *Ibid.*, Article 5.1.

<sup>13</sup> *Ibid.*, Article 16.5.

<sup>14</sup> Home Office, *Human Trafficking: The Government’s Strategy*. London, July 2011: chap 2, para 20: ‘Our response to combating human trafficking’.

The spectrum of knowledge on trafficking in the UK has improved considerably owing to many organisations initiating their own research into trafficking for other types of exploitation, particularly domestic servitude and forced labour. However, gaps still exist in our knowledge on trafficking for forced labour, the perpetrators, and more generally, on male experiences of trafficking. Research is a fundamental component of preventing trafficking and should be built into the Government's anti-trafficking strategy with attached funding. Research findings ought to be considered and translated into anti-trafficking action. Unfortunately, the ATMG has found that often this is not the case, and the results of research carried out by organisations and government commissioned studies are sometimes unutilised in informing prevention strategies. A good example of an evidence-based approach to developing prevention strategies was provided by the Glasgow Child Protection Committee. After identifying anecdotal evidence of child trafficking in the city, a sub-group was tasked to gather information about its prevalence. As part of the Committee's child protection research programme, a review of case files was undertaken to try and assess the extent of child trafficking amongst unaccompanied asylum-seeking children in Glasgow.

Considerable effort has been put into training relevant professionals and frontline workers across the UK on trafficking indicators and appropriate responses. However, many practitioners interviewed for this research are concerned that training is not always reaching those frontline professionals who are best placed to identify trafficking.<sup>15</sup> Several areas were identified where it was stated that frontline workers are not as aware of trafficking as they should be. These areas included health professionals and housing providers, as well as those working within local authorities and neighbourhood policing teams. The research also found that the training of professionals commonly relied on individual initiative, rather than it being embedded within a consistent strategy of the relevant government department. Furthermore, unlike the police or the UK Border Agency (UKBA), social work, education and health teams often rely on training provided by non-governmental organisations (NGO) to bring in specialist knowledge.

The ATMG identified some areas of good practice aimed at educating at-risk-groups: the Gangmasters Licensing Authority (GLA) used radio spots to raise awareness of their organisation amongst Polish and Portuguese workers.<sup>16</sup> The Health and Safety Executive (HSE) has six outreach workers who raise awareness within migrant communities about the level of safety workers can expect at work and how to make complaints to the HSE. However, overall, there is concern that the plethora of resources and information on trafficking and exploitation available to vulnerable communities reaches only a fraction of at-risk groups due to a lack of pro-active dissemination. Many government agencies still rely on migrants and other vulnerable workers to find such information for themselves.

Another example of educating at-risk groups is the *My Dangerous Loverboy* campaign,<sup>17</sup> developed by the UKHTC and partners, to educate young people in the UK about sexual exploitation and internal trafficking. The campaign has been used by both government and NGO partners across the UK. However, currently, trafficking prevention is not a mandatory element of the school curriculum, despite the Children's Commissioner for England's call for evidence indicating that up to 10,000 children could be affected by this type of crime.<sup>18</sup> It would therefore be appropriate for such material to reach every child in the UK through schooling.

Evaluations of overseas projects frequently raise the importance of education in source countries and communities to raise awareness of trafficking and inform vulnerable communities about how to migrate safely, rather than simply discouraging them from migrating altogether. Several participants

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<sup>15</sup> Article 18.4 of the EU Directive places obligations on Member States to promote regular training for officials likely to come into contact with victims or potential victims of trafficking, including front-line police officers, aimed at enabling them to identify and respond to victims and potential victims of trafficking.

<sup>16</sup> Bright Sparks Research, *Measuring the success of the Gangmasters Licensing Authority's Commercial Radio Campaign in August 2006* (2006).

<sup>17</sup> See [www.blueblindfold.co.uk](http://www.blueblindfold.co.uk) [last accessed 3 January 2012].

<sup>18</sup> Children's Commissioner for England, 'Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG)' 11 October 2011. Available at: [www.childrenscommissioner.gov.uk/content/press\\_release/content\\_443](http://www.childrenscommissioner.gov.uk/content/press_release/content_443) [last accessed 3 February 2012].

interviewed for this research expressed concern that trafficking awareness programmes in source countries do not always have safe migration, or the promotion and realisation of universal human rights, as their primary message. Our research also found that a key voice often missing from anti-trafficking work is that of trafficked persons or those who may be vulnerable to trafficking. This is despite trafficked persons having first-hand experience and therefore holding the key to unlocking information which can be used to develop effective responses.

Social and economic initiatives may be one of the most important and effective prevention measures as they can address the root causes of trafficking both nationally and internationally. Their preventative effect can be twofold: reducing victims' vulnerabilities and the need to migrate; introducing a rights discourse along with economic development may reduce the practice of trafficking. Yet little attention is given to such initiatives by the Government either in practice, through its international development strategy, or through its anti-trafficking strategy. In order that the root causes of trafficking are addressed in a sustainable way, human trafficking needs to be recognised as a priority by the UK Government and integrated into the existing work of both the Department for International Development (DfID) and the British Foreign & Commonwealth Office (FCO). Current initiatives supported by DfID, which promote development and poverty reduction, should incorporate fundamental anti-trafficking principles, particularly in relation to prevention.

### **Coordination of prevention measures**

The Convention obliges States to strengthen national coordination including state and non-state actors, and ensure coordination between government departments.<sup>19</sup> The purpose of coordination is to match effective policies with measures taken to combat human trafficking. However, the UK seems to be falling short of this obligation.

The ATMG found that coordination of anti-trafficking efforts, including prevention, has been fragmented. The Inter-Departmental Ministerial Group on Human Trafficking (IDMG) is charged with implementing the Government's strategy and coordinating action. However, this group has met infrequently and its attendance has been poor, as pointed out recently by the All-Party Parliamentary Group on Human Trafficking.<sup>20</sup> The next level of coordination is the Strategic Human Trafficking Board, comprising of senior civil servants from each of the departments represented on the IDMG, but no civil society representatives. In autumn 2011, five new stakeholder groups were created by the Home Office. The new groups will focus on delivering specific priority themes identified in the Government's anti-trafficking strategy. The relationship of these groups to the strategic human trafficking board is currently unclear, as is the relationship between these groups and the sub-groups convened by the UKHTC. The process for monitoring and evaluating the outputs and impact of these groups is also yet to be established. The UKHTC, on the other hand, has proactively tried to engage with civil society and convened multi-agency sub-groups since its creation. Under the Government's anti-trafficking strategy, the UKHTC has been assigned a number of responsibilities and was sometimes mistaken by research respondents for the overall coordination body. The UKHTC plays an important role, in particular, in terms of data gathering, running the NRM, building an intelligence picture, and providing tactical advice to police forces. However, its current role does not allow it to act as a designated coordinator or oversight body for all anti-trafficking work in the UK.

The absence of a clearly identifiable national anti-trafficking coordinator – an individual or a body – has been highlighted as both a source of confusion over responsibilities and a reason for the fragmented coordination. Many participants in the research stated their frustration at this, which further leads to a lack of clarity about regional and individual responsibilities. In the absence of guidance in relation to prevention detailing the roles and responsibilities of relevant government bodies or civil society, actors in anti-trafficking work are attempting to coordinate between themselves by initiating regional networks and working groups. However, without a clear prevention strategy or guidance to use as a platform from which involved actors can work, anti-trafficking activities may be ineffective and duplicated, and

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<sup>19</sup> *European Convention*, *supra* note 2, Articles 5.1 and 29.2.

<sup>20</sup> Written Ministerial Answers, HC Deb, 6 February 2012, c92W.

channels for communicating best practice limited. It appears that the UK could benefit from adopting models from other European countries, where either individuals or government departments are the designated national coordinators.

### **Tackling demand**

Like elsewhere in Europe, there has been little thorough analysis in the UK of what constitutes demand or how best to tackle it in a way that reinforces gender equality and protects human rights. Existing research into the demand for trafficking has focused predominately on demand for prostitution.<sup>21</sup> Most government efforts presented to the ATMG were centred on tackling demand through legislative reform or campaigns, focusing on consumer demand for prostitution or sexual exploitation.

The demand that underpins exploitative labour practices and trafficking for forced labour in regulated and unregulated markets, as well as in illegal sectors in the UK, is yet to be understood and addressed. Research participants were generally of the opinion that little attention has been paid to understanding the issue of demand in broader terms and that government efforts have been largely reactive.

It has been difficult to assess what impact the criminal offence of paying for sex with someone subject to force, threats, coercion or deception<sup>22</sup> has been on reducing trafficking. Many participants interviewed stated that there is little awareness of the offence amongst the general public and that the legislation itself has created confusion about what is and is not legal. When the law came into effect, a poster campaign was developed to raise awareness of it amongst men who pay for sex. However, the impact of this campaign has not been evaluated.

The Gangmasters Licensing Authority (GLA) has been cited as an effective prevention measure which works to inhibit exploitative labour practices in certain industries. Its preventative effect is linked to regulatory legislation, which requires gangmasters to hold a valid license. This licensing system involves firstly making an application for a license and undergoing verification checks, followed by future targeted intelligence-based compliance checks. This process reduces an unscrupulous employer's ability to exploit as their activities become more visible. Furthermore, a potential employee can use the GLA's website to check a gangmaster's credibility. Given the effectiveness of this approach, the ATMG argues that the GLA's remit should be extended to respond to other economic sectors, such as construction, which are known to harbour labour exploitation.

### **Immigration policy and preventing trafficking at the border**

The Convention makes a clear link between effective migration management and the prevention of trafficking. In particular, it stresses the importance of legal migration channels and information dissemination as a way of reducing the risk of trafficking.<sup>23</sup>

The UK manages labour migration using a points-based system. This system favours highly-skilled and educated migrants, leaving few legal migration routes open for those deemed unskilled. The only immigration categories facilitating migration into unskilled work are: the Seasonal Agricultural Workers Scheme (SAW) which gives A2 nationals the right to work for up to six months in agricultural work; and, until recently, the Overseas Domestic Worker (ODW) visa, which allowed employers to bring domestic staff with them when visiting, moving or returning to the UK. The importance of the ODW visa category in protecting domestic workers from abuse and exploitation lay in its recognition of domestic workers as workers, thereby giving them some protection under UK employment law. Moreover, the rules relating to this category contained a provision allowing the worker to change employer (but not the type of

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<sup>21</sup> Macleod et al, *Challenging Men's Demand for Prostitution: A research report based on interviews with 110 men who bought women in prostitution*, Women's Support Project, (2008) and Farley et al, *Men who buy sex: Who they buy and what they know*, Eaves and Prostitution Research & Education, (2009).

<sup>22</sup> In effect from April 2010 in England, Wales and Northern Ireland.

<sup>23</sup> *European Convention*, supra note 2, Article 5.4.

employment) without losing their immigration status.<sup>24</sup> The visa and its role in prevention were internationally commended as good practice and have been proven to protect migrant domestic workers from exploitation. Despite this, the Home Office has decided to restrict this visa to a six-month visa with no possibility of extension, no right to change employer and no employment rights. Little targeted information about human trafficking and associated crimes is disseminated to would-be migrants either in source countries or at the UK border. The Department of Justice in Northern Ireland has been proactive in this regard: in October 2010, the Organised Crime Task Force ran the poster and leaflet campaign, *Visitor or Victim*, at airports, ports and train stations. In other parts of the UK the poster has been shown at ports sporadically. Some airports also carried the *Blue Blindfold* campaign posters for specific periods: however, participants were not aware of anything like this being carried out on a sustained basis.

The Government distributes information on safe migration only to successful visa applicants. They are provided with a generic information leaflet, *Your Stay in the UK*,<sup>25</sup> which includes limited information on trafficking. Visas are only granted to 'highly-skilled' and 'skilled' migrants under the Tier points-based system, and therefore the probability of these applicants entering an industry where known exploitation occurs is low. Migrants who fall under the 'low-skilled' category, which is currently suspended, will not have their visa granted and consequently will not receive any leaflet containing information about trafficking from UKBA.

Preventing trafficking at the border is a dominant feature of the UK Government's anti-trafficking strategy,<sup>26</sup> and several participants interviewed stated that the prominence of an immigration focus in the Government's anti-trafficking strategy suggests that border control is seen as the main way of preventing trafficking by preventing the entry of potential victims and traffickers. While in some cases this approach may be justifiable, the focus of prevention needs to be broader. Interventions at the border present an opportunity to protect people from harm by providing them with information about where to turn for help should they need it, as well as demonstrating to them that the authorities in the UK are there to assist. Actions at the UK border should be understood as one aspect of a holistic approach to prevention. The present research also found that efforts at the UK border have tended to focus on airports, in particular the larger UK airports, and concerns were raised in relation to the lack of measures at seaports and smaller airports.

### **Border measures and preventing re-trafficking**

Obligations to prevent trafficking and re-trafficking under the Convention have been further strengthened in the European Court of Human Rights judgement of *Rantsev v Cyprus and Russia*<sup>27</sup> in January 2010. Here, the court established a *positive obligation* under Article 4 – prohibition of slavery and forced labour – of the 1950 European Convention on Human Rights (ECHR), to prevent trafficking from occurring, including through effective border measures where a State may be the origin, transit or destination of trafficking.

Returning potentially trafficked persons at the border with no support fails not only to address reasons for attempting to migrate, but does nothing to reduce the vulnerability of such persons to further exploitation where they fall within the at-risk of re-trafficking category. This can result in a contravention of the UK's positive obligation to prevent trafficking as set out in *Rantsev*. Moreover, the Convention makes it clear that the act of exploitation does not need to have already taken place for someone to be considered a victim of trafficking<sup>28</sup> and thus be entitled to some sort of support and assistance. Therefore, opportunities presented to UKBA to stop a potential cycle of exploitation, debrief or educate potential victims and link them to a relevant NGO in their country of origin or in the UK (whichever is deemed safer in their individual circumstances) are overlooked.

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<sup>24</sup> For a more detailed discussion of the protections offered by the Overseas Domestic Worker visa and its impact see Lalani, M., *Ending the Abuse: Policies that work to protect migrant domestic workers* (London: Kalayaan, 2011).

<sup>25</sup> Available at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/travel-customs/your-stay-in-uk/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/travel-customs/your-stay-in-uk/) [last accessed 15 November 2011].

<sup>26</sup> *The Government's Strategy*, *supra* note 14, chap 5 'Smarter action at the border'.

<sup>27</sup> *Rantsev v Cyprus and Russia* [2010] ECHR 25965/04 (7 January 2010).

<sup>28</sup> *Explanatory Report to the Convention*, *supra* note 2, para. 87.



The UK Government's anti-trafficking strategy does not seem to apply sufficient emphasis on the prevention of re-trafficking. It implies that "where potential trafficking victims are identified at the border, they are assessed for risk of return".<sup>29</sup> The applied test is the same standard used in asylum claims for refugee status, humanitarian protection or another form of discretionary leave. Such claims usually involve the onus being on the applicant to initiate them and demonstrate eligibility for leave to remain in the UK. This entails meeting the requisite (often, *de facto*, high) threshold for the aforementioned grounds for protection to be granted. A victim in the process of being trafficked does not necessarily know they are about to be exploited. Thus, this test would seem to be unsuitable – indeed, as the Convention points out, authorities should be pro-active in victim identification and assistance. Assessing the risks of returning a victim of trafficking at this stage has serious implications for preventing further harm. The ATMG found, however, that this limited risk-assessment process is not applied consistently. Where an adult victim presents indicators of trafficking at any UK Channel port but does not claim asylum within 24 hours, they can be returned to France without undergoing any sort of risk assessment. This action can be taken under a bilateral "gentleman's agreement" between the UK and France which has been in place since 1995. It currently applies to Belgium as well as France. The agreement only came to an end with respect to children as late as November 2011, when the practice was exposed by the Children's Commissioner for England.<sup>30</sup> There are known cases of Vietnamese children, who had been trafficked into Britain to work as "gardeners" in cannabis factories in 2010 and were sent back to France with social services having no knowledge of them. This agreement appears to be in violation of the UK's obligations under the Convention and the principles set out in *Rantsev*.<sup>31</sup>

Good examples of border measures highlighted by many interviewed participants, were dedicated anti-trafficking operations involving multiple agencies at the border, such as Operation Paladin and Newbridge. It was stated that the multi-agency approach of these operations increased awareness and understanding of the issue amongst border officials, enabling them to better and more confidently identify indicators of trafficking. Furthermore, as they were dedicated anti-trafficking operations, officials could be single-minded in their approach, rather than encountering trafficking as just one of many issues to be considered.

Prevention of re-trafficking is inherently linked to both mechanisms used to identify trafficked victims and services provided to victims once identified in the UK. Since the Convention entered into force, there have been no forced removals of trafficked persons identified through the NRM. However, once avenues enabling victims to stay in the UK have been exhausted, they are not protected from forcible return. All Assisted Voluntary Return (AVR) programmes for vulnerable migrants (including victims of trafficking) offer some form of reintegration assistance to returnees in the form of financial and in-kind support. While, to a certain extent, support packages are individually tailored, the existing programmes (with the exception of the International Organisation for Migration's (IOM) new European programme) do not address the specific needs and vulnerabilities of trafficked persons, which are inevitably different from other irregular migrants. Trafficked persons have additional vulnerabilities that are directly linked to their experience of abuse. After *Rantsev*<sup>32</sup> existing programmes which *do not address the specific needs and vulnerabilities of trafficked persons* may be construed as a breach of Article 4 ECHR. Indeed, such measures do not adequately provide practical and effective protection to victims or potential victims where circumstances give rise to a credible suspicion of trafficking or, in these cases, secondary trafficking.

Several participants referred to cases of trafficked persons who chose to return independently of an AVR programme. Both service providers and police officers had arranged for trafficked persons to return home, often with cooperation from the trafficked person's embassy. In such cases, there is currently no standard risk assessment for agencies to carry out and no systematic procedure in place to

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<sup>29</sup> *The Government's Strategy*, *supra* note 14, p.18, para 68.

<sup>30</sup> Office of the Children's Commissioner, *Landing in Dover: The immigration process undergone by unaccompanied children arriving in Kent* (2012). Available at: [www.childrenscommissioner.gov.uk/content/publications/content\\_556](http://www.childrenscommissioner.gov.uk/content/publications/content_556) [last accessed 3 February 2012].

<sup>31</sup> *Rantsev*, *supra* note 27.

<sup>32</sup> *Ibid.*

ensure that returns are safe and that trafficked persons are linked to assistance and support with reintegration - all measures that are prerequisites to preventing re-trafficking.

## **Preventing child trafficking**

Like other areas of trafficking, child trafficking suffers from fragmented coordination and a lack of comprehensive data. Given the difference in definition, and additional obligations in relation to trafficked children, including the need to uphold the best interests of the child, preventing child trafficking should be embedded within the broader, well-developed system of safeguarding children in the UK.

NRM statistics have improved significantly over the past 12 months, but further disaggregation of data on children is needed to be better tailored to prevention work. Trends identified by the UKBA, police, local authorities or NGOs are rarely shared outside of these agencies, unless requested for research purposes. Even then, interviewed participants reported that obtaining verifiable data about children's experiences before arriving in the UK is patchy. The Child Exploitation and Online Protection Centre (CEOP)<sup>33</sup> has published reports on child trafficking in the UK. However, research for such reports has been hampered by poor responses from local authorities. Interviewed participants expressed concern about a lack of clarity regarding the strategic and operational roles specific to child trafficking, in particular in relation to the UKHTC and CEOP.

Local Safeguarding Children Boards (LSCB) coordinate what is done by their members to safeguard and promote the welfare of children in their local area and to ensure the effectiveness of that work. The Department of Education 2011 practice guidance states that, "LSCBs can work with a range of agencies to coordinate preventative measures and consider trafficking as part of the local needs assessment, where necessary taking action to address it as an explicit part of the LSCB business plan. LSCBs may wish to establish a sub-group specifically to deal with trafficking. LSCBs should ensure that local training programmes for practitioners and other professionals cover trafficking issues as appropriate."<sup>34</sup> However, like any multi-agency safeguarding guidance, this is only guidance and is not mandatory.

Awareness-raising and education about child trafficking has been very limited and focused chiefly on the grooming of young girls into prostitution. Through the ATMG's research it was revealed that the demand for African or Asian children, who are trafficked for domestic servitude within their own community, is often stated to be too 'culture bound' and thus off-limits for some professionals to discuss. Without open and frank discussion about these issues, the abuse becomes shielded from scrutiny and results in its perpetuation. The extent of child victims of trafficking for domestic work and forced criminality, such as pick-pocketing, theft, cannabis cultivation, DVD selling, and begging, has not been addressed in any government-sponsored education campaign or in school curricula.

Children trafficked to the UK either enter with an adult that facilitates their trafficking, or unaccompanied, acting under the instruction of traffickers. The border can be an effective opportunity to identify a trafficked child. However, there are a number of inconsistencies in international airline practices concerning children travelling alone or without a legal guardian. These particularly concern the age at which a child can travel unaccompanied and what documents are checked when a child travels without a parent. In April 2009, the Government acknowledged that since juxtaposed immigration controls were introduced in France and Belgium in 2004, UKBA staff based in those countries identified 110 cases of children and vulnerable adults (up to the age of 30) suspected of being trafficked.<sup>35</sup> To date there has been no government-sponsored awareness-raising campaign on child trafficking via Eurostar. Nor has there been a child safeguarding waiting area at the Eurostar terminal, where unaccompanied children can wait until a designated person comes to collect them.

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<sup>33</sup> Child Exploitation and Online Protection centre, an affiliate agency of the Serious and Organised Crime Agency (SOCA).

<sup>34</sup> Department of Education, *Safeguarding children who may have been trafficked – Practice guidance* (October 2011) p.5. Available at: [www.education.gov.uk/publications/eOrderingDownload/DFE-00084-2011.pdf](http://www.education.gov.uk/publications/eOrderingDownload/DFE-00084-2011.pdf) [last accessed 28 December 2011].

<sup>35</sup> Minister of State, Home Office. Hansard, HC Deb, 20 April 2009 c183W.

Some children who have been trafficked or go missing while suspected of being trafficked never receive the benefit of the high levels of child protection present in the UK. They are at risk of re-trafficking. Interviewed participants cited inconsistencies in front-line practice which result in putting immigration status ahead of protection needs despite the legal requirement commonly referred to as the 'paramountcy principle'.<sup>36</sup> Furthermore, there would seem to be disagreement or confusion between statutory agencies about the thresholds that trigger child protection processes and unlock resources for investigation, and the escalation of safety plans. Many participants spoke about a lack of "joined-up" working, even within the same agency, and agreed on the need for an independent professional whose primary responsibility is to act in the child's best interest in all actions within and outside of the local authority where they may be accommodated. Such an individual could support the child and be a consistent point of contact for other professionals. This could be addressed through introducing a system of legal guardianship.

## Devolved policies

Devolved administrations have a chief role in tackling trafficking within their territory, namely in terms of service provision to victims and enforcing the law. However, the fact that anti-trafficking policy is placed within the immigration portfolio, a reserved matter at UK Government level, complicates the realisation of an effective prevention strategy. Trafficking is seen across the UK through the prism of immigration in the devolved administrations and consequently, understood as something best tackled through immigration control. Several participants stated that, as a result, the devolved administrations view their role in preventing trafficking as limited and are unclear as to their responsibilities in this area.

Nevertheless, the ATMG identified good practice examples in all three devolved administrations. In Northern Ireland, research was carried out to understand trafficking within its jurisdiction better. Also, the only evaluation of the *Blue Blindfold* campaign's impact has been carried out in Northern Ireland, where it was found that 35% of adults and 50% of the population aged between 16 and 34 had seen or heard of the campaign.<sup>37</sup> The Northern Ireland Assembly has also actively promoted the *Visitor or Victim* campaign in its airports, ports and train stations; it is now launching the *Changing the Mindset* campaign, aimed at raising greater awareness amongst the public of the impact of organised crime, including human trafficking, and influencing behaviour which condones or perpetuates it.

In Scotland, research and knowledge of trafficking has increased with the Equality and Human Rights Commission in Scotland recently taking the lead. Through its International Development Fund, the Scottish Government funds work addressing vulnerability and inequality in Malawi, which increases the recipients' resilience to trafficking. However, the relevance of linking this activity to preventing trafficking in the UK is unclear.

Much progress has been made in Wales. In 2009, the Gwent multi-agency anti-trafficking group was set up by Gwent police in an effort to coordinate local responses and share information. The group brings together all relevant government and non-governmental agencies in the area with a role to play in tackling trafficking. A Cross-Party Group on Human Trafficking has also been established in the Welsh Government, which has successfully pushed forward work on the issue. For example, the Group was instrumental in the creation of the Welsh Human Trafficking Coordinator's role. The Coordinator is tasked with mapping and coordinating all anti-trafficking efforts across Wales, and strengthening their links with the rest of the UK. This is the only post dedicated to coordinating anti-trafficking activity in any of the UK administrations and was highlighted as a positive step by all participants interviewed for this research.

Concerning devolved administrations, the challenges that remain include access to disaggregated statistics on trafficking in their particular areas of administration, as well as knowledge of internal

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<sup>36</sup> Stemming from the Family Law Act (1975) and specifically contained in The Children Act (1989) that places the child's safety and welfare above all other considerations.

<sup>37</sup> Organised Crime Task Force, *2011 Annual Report and Threat Assessment: Organised Crime in Northern Ireland*, (2011), p.34.

trafficking: especially the role of the Irish land border in human trafficking. Similarly, little has been done to embed trafficking prevention into existing social and economic initiatives aimed at poverty reduction, social exclusion or discrimination within administrative jurisdictions. In coordinating their efforts, it is suggested that England, Northern Ireland and Scotland mirror the format presented by the Gwent multi-agency anti-trafficking group. This model has proved successful in coordinating activities, strengthening relationships, developing and delivering awareness-raising sessions through their networks to frontline workers, as well as sharing information and identifying and closing training gaps.

## Conclusion

The ATMG's research found that two and half years after the Convention's entry into force in the UK, there is a lack of clarity on how sustained trafficking prevention has been built into the UK's anti-trafficking efforts on a strategic level. It has found that prevention remains less understood than protection and prosecution, and is consequently given less attention in the UK.

This report cites many examples of good practice in the preventative efforts undertaken by statutory bodies and civil society organisations. Nevertheless, without a coherent prevention strategy, these actions, albeit commendable, remain fragmented and often disconnected. This is a reflection of the overall state of coordination in anti-trafficking policy in the UK, as well as the low importance attached to prevention by governments, both previous and current.

This report further raises concern over the undue emphasis that British anti-trafficking policy places on law enforcement and immigration control, contrasting the internationally recognised best practice principle that preventing trafficking and re-trafficking can only be effective if enforcement efforts are combined with other measures that address the very root causes of trafficking. Such prevention strategies present the most cost-effective way of preventing and combating trafficking in the long-term.

An absence of systematic evaluation of the impact of prevention measures and a lack of oversight of anti-trafficking efforts stand out as the key weaknesses identified in this report. The research has found that these factors have resulted in missed opportunities. Worryingly, some of the preventative measures undertaken by agencies of the State, including the aforementioned "gentleman's agreement", can be seen to run counter to some of the most fundamental principles enshrined in the Convention, as well as domestic and international human rights law. In addition, this can be seen to contravene *rule of law* principles, which uphold the protection of human rights and assert that the law should be applied consistently rather than exercised at the discretion of State officials.<sup>38</sup>

While there is no easy or quick solution to the issues outlined in this report, one fundamental step towards improving all areas of the UK's anti-trafficking response, including prevention, would be to establish the role of an independent Anti-Trafficking Commissioner as an equivalent to a National Rapporteur as prescribed by Article 29.5 of the Convention. This entity would have the sole mandate to oversee the implementation of anti-trafficking policy in the UK. The role could mirror that of the Children's Commissioner for England who investigates and researches matters relating to children, with a statutory power to request information.<sup>39</sup>

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<sup>38</sup> Bingham, T., *The Rule of Law* (2010). See principles 2, 4 & 8.

<sup>39</sup> Children Act 2004, Part 1, Section 2(9).

## The Anti Trafficking Monitoring Group

The Anti-Trafficking Monitoring Group was established in May 2009 and operates according to a human rights-based approach to protect the well-being and best interests of trafficked persons.

This report presents the results of research undertaken to examine to what extent the UK Government is fulfilling its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings in respect of prevention.

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The views expressed herein are those of The Anti-Trafficking Monitoring Group and in no way reflect the opinion of the funders.

The Anti-Trafficking Monitoring Group comprises:

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Anti-Slavery International  
BAWSO  
Bristol Counter-Trafficking Coalition  
ECPAT UK  
Helen Bamber Foundation  
Kalayaan  
POPPY Project (of Eaves Housing)  
TARA (of Glasgow Community and Safety Services)

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