

A photograph of a busy train station, likely St. Pancras International in London. The station features a large, arched glass and steel roof. A crowd of people is walking on the platform, and a train is visible in the background. The lighting is warm, and the overall atmosphere is one of a busy, modern transportation hub.

**The Anti Trafficking  
Monitoring Group**

# All Change

**Preventing Trafficking in the UK**

April 2012

# **The Anti Trafficking Monitoring Group**

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## Preface

In May 2009, a group of nine UK-based organisations established The Anti-Trafficking Monitoring Group (ATMG) to monitor the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, which came into effect in the UK on 1 April 2009.

The nine organisations belonging to the ATMG are:

- Amnesty International UK
- Anti-Slavery International
- BAWSO (Black Association of Women Step Out)
- Bristol Counter-Trafficking Coalition
- ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes)
- Helen Bamber Foundation
- Kalayaan
- POPPY Project (of Eaves Housing)
- TARA (Trafficking Awareness Raising Alliance, of Glasgow Community and Safety Services)

In addition, the ATMG works closely with the Human Trafficking Foundation and STOP THE TRAFFIK.

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## Acronyms and abbreviations frequently used

A2 nationals	Romanian and Bulgarian citizens: Romania and Bulgaria acceded to the European Union on 1 January 2007.
A8 nationals	Citizens of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. These States acceded to the European Union on 1 May 2004.
ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers in Scotland
ATMG	The Anti-Trafficking Monitoring Group
AVR	Assisted Voluntary Return
BAWSO	Black Association of Women Step Out
BIS	Department for Business, Innovation and Skills
CEOP	Child Exploitation and Online Protection Centre
CLG	Department for Communities and Local Government
COPFS	Crown Office and Procurator Fiscal Service (Scotland)
CPS	Crown Prosecution Service
DEL	Department for Employment and Learning (Northern Ireland)
DfE	Department for Education
DfID	Department for International Development
DHSSPS	Department for Health, Social Services and Public Safety (Northern Ireland)
EAS	Employment Agency Standards inspectorate, part of the Department for Business, Innovation and Skills
ECPAT UK	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
EHRC	Equality and Human Rights Commission
EU	European Union
FCO	Foreign and Commonwealth Office
GLA	Gangmasters Licensing Authority
GRETA	Group of Experts on Trafficking in Human Beings of the European Commission
HSE	Health and Safety Executive
IDMG	Inter-Departmental Ministerial Group on Human Trafficking
ILO	International Labour Organization
IOM	International Organization for Migration
LSCB	Local Safeguarding Children Boards
MARAC	Multi-Agency Risk Assessment Conference
NGO	Non-governmental organisation
NHS	National Health Service
NRM	National Referral Mechanism
OCTF	Organised Crime Task Force (Northern Ireland)
ODW	Overseas Domestic Worker
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PPS	Public Prosecution Service (Northern Ireland)
PSNI	Police Service of Northern Ireland
SCDEA	Scottish Crime and Drug Enforcement Agency
SOCA	Serious Organised Crime Agency
TARA	Trafficking Awareness Raising Alliance
UKBA	UK Border Agency
UKHTC	UK Human Trafficking Centre
UN	United Nations
UNICEF	United Nations Children's Fund

# 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.

<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.

<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).

# Chapter 1: Introduction

The Council of Europe Convention on Action against Trafficking in Human Beings<sup>40</sup> (hereafter ‘the Convention’), agreed by the Council of Europe in 2005, was the first international treaty on trafficking to “take the human rights of victims as its starting point and primary frame of reference”.<sup>41</sup> The Convention explicitly recognises trafficking as a human rights violation<sup>42</sup> and places *obligatory minimum standards* on States in the provision of support, assistance and protection to victims.<sup>43</sup> It also contains measures aimed at strengthening the articles of the 2000 UN Trafficking Protocol<sup>44</sup> (hereafter ‘the UN Protocol’) with regard to the investigation and prosecution of trafficking and to international cooperation. The Convention applies to all forms of trafficking, whether or not linked to organised crime.<sup>45</sup> It requires States to ensure gender equality and to protect the human rights of victims in their application of the Convention’s articles.<sup>46</sup> Furthermore, it obliges States to take special measures in the context of child trafficking and trafficked children.

The United Kingdom (UK) ratified the Convention in December 2008. It subsequently entered into force in the UK on 1 April 2009. The Anti-Trafficking Monitoring Group (ATMG) was established in 2009 to coincide with the Convention’s entry into force. The ATMG is a coalition of nine UK-based organisations<sup>47</sup> working to monitor the UK’s compliance with the Convention, particularly with regard to protecting the human rights of trafficked persons. In June 2010, the ATMG published *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons*. The report provided an overview of all anti-trafficking efforts in the UK and made recommendations to relevant government departments on how to effectively improve their response to trafficked persons.

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>48</sup> increasing awareness of and education about trafficking;<sup>49</sup> engaging, to a limited extent, transport operators and commercial carriers in anti-trafficking efforts;<sup>50</sup> facilitating legal migration (in particular by providing information on legal migration routes);<sup>51</sup> addressing the demand that encourages exploitation leading to trafficking;<sup>52</sup> and by strengthening national coordination.<sup>53</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 collect and analyse trafficking-related information.

The purpose of this report is to ascertain the extent to which the UK Government is fulfilling its obligations under Chapter II of the Convention. The report offers an analysis of what constitutes

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<sup>40</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>41</sup> Gallagher, A., ‘Recent Legal Developments in the Field of Human Trafficking: A Critical Review of the 2005 European Convention and Related Instruments’, *European Journal of Migration and Law* 8: 163-189, The Netherlands, 2006.

<sup>42</sup> “[T]rafficking in human beings constitutes a violation of human rights and an offence to the dignity and the integrity of the human being”, *European Convention*, *supra* note 40, preamble.

<sup>43</sup> The Convention obligations are further complimented by the EU Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and protecting its victims (hereafter ‘the EU Directive’). The UK decided to ‘opt in’ to the Directive in May 2011. As of yet, the Directive has not been fully implemented into UK law or policy.

<sup>44</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*, adopted 15 November 2000. The Protocol was the first international treaty on human trafficking, and provides a definition which forms the basis of most subsequent regional and national legislation.

<sup>45</sup> *European Convention*, *supra* note 40, Article 2 (Scope).

<sup>46</sup> *Ibid.*, Article 1 (Purposes of the Convention).

<sup>47</sup> Membership of the coalition has changed since its pilot phase and now comprises: Amnesty International UK, Anti-Slavery International, Black Association of Women Step Out (BAWSO), Bristol Counter-Trafficking Coalition, ECPAT UK, Helen Bamber Foundation, Kalayaan, POPPY Project, and the Trafficking Awareness Raising Alliance (TARA).

<sup>48</sup> *European Convention*, *supra* note 40, Article 5.2.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*, Article 7.3.

<sup>51</sup> *Ibid.*, Article 5.4.

<sup>52</sup> *Ibid.*, Article 6.

<sup>53</sup> *Ibid.*, Article 5.1.

prevention and its role in overall efforts to combat trafficking in human beings. It also examines what preventive measures have been initiated and supported by the UK both domestically and abroad. In this context, it considers the extent to which measures and programmes designed to prevent trafficking, uphold the human rights of trafficked and other vulnerable people, as well as ensuring gender equality, and demonstrating an understanding of and commitment to the specific rights of children. Where available, the report draws on national and international learning to consider what more the UK could be doing to increase its effectiveness in trafficking prevention.

### **Trafficking in human beings**

Trafficking in human beings is the process of bringing an individual into a situation of exploitation, whether cross-border or otherwise. Its manifestations are many and varied. They include but are not limited to: the movement of persons within or between countries for forced prostitution or other sexual activity; forced or bonded labour in the construction, catering, agriculture or hospitality sectors; or exploitation of children for benefit fraud or other criminal activity. Methods of recruitment, transport routes, forms of coercion and the sectors in which trafficked persons are exploited, continue to evolve as the more traditional and recognised forms draw increased attention from governments, law enforcement agents and civil society.

The internationally accepted definition of trafficking in human beings,<sup>54</sup> first conceived in the UN Protocol, identifies action, means and purpose as the three essential components that together constitute trafficking. 'Action' covers every stage of the trafficking process, from initial recruitment through to reception at the final destination where the exploitation occurs. 'Means' can be either the threat or use of force, coercion, abduction, fraud or deception, the abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits. The 'purpose' of trafficking is always the exploitation of another person.

While much is made of a potential trafficked person's movement (usually into a country illegally), the exploitation or intention to exploit by force, fraud or coercion can often be overlooked. Nevertheless, it is this latter component that lies at the core of understanding what trafficking is. This intention differentiates trafficking from people smuggling. Smuggling draws financial (or other) benefit to the smuggler through the facilitation of unlawful border crossing by an individual or group of people. By contrast, the financial benefit to the trafficker lies in the commodification and/or subsequent exploitation of the person or people being moved. While a trafficker may facilitate someone's unlawful entry into a country, their relationship does not end upon arrival: either they sell the trafficked person to a third party or they profit from that person's exploitation themselves.

However, movement, in the form of transnational migration or otherwise, is an element of the trafficking definition. Specific vulnerabilities created by and during the migration process, make migrants more susceptible to exploitation and trafficking. These vulnerabilities also provide a means by which traffickers exert control over their victims by exploiting the isolation, dependence and lack of familiarity inherent in migration. The *Explanatory Report* to the Convention makes it clear that a victim need not have entered or remained in a country illegally for trafficking to have occurred.<sup>55</sup> It also highlights that "abuse of a position of vulnerability" should include abusing someone's immigration status, economic insecurity or poverty, in addition to exploiting vulnerabilities caused by age, ill health or social status;<sup>56</sup> and that exploitation need not have occurred for someone to have been trafficked, as the mere

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<sup>54</sup> "'Trafficking in human beings' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs", *European Convention*, *supra* note 40, Article 4(a).

<sup>55</sup> "Nor does the Convention require, in cases of transnational trafficking, that the victim has entered illegally or be illegally present on national territory. Trafficking in human beings can be involved even where a border was crossed legally and presence on national territory is lawful". *Explanatory Report to the European Convention*, *supra* note 40, para. 80.

<sup>56</sup> *Ibid.*, paras. 83-84.

presence of intention to exploit along with the means and action to do so is sufficient.<sup>57</sup> As with the UN Protocol, the consent of a victim to the intended exploitation is irrelevant where threats, force, coercion, fraud or deception, or an abuse of vulnerability has been used to secure that consent. In the case of a child (defined as any person under the age of eighteen) none of the aforementioned means are necessary for their situation to be considered trafficking where a child has been recruited, transported, transferred, harboured or received for the purpose of exploitation.

### Causes of trafficking

The root causes of trafficking lie in a range of socio-economic conditions. These include, but are not limited to: poverty, poor employment opportunities, psychological vulnerability and discrimination. Any one, or a combination of these conditions, may force an individual to seek better opportunities through migration.<sup>58</sup> The same socio-economic factors render them vulnerable to exploitation during the migration process. Entrenched gender discrimination makes women and girls more vulnerable still. A lack of education or labour opportunities for women and girls, a higher proportion of women in informal and unprotected labour markets, the disproportionate burden of caring for children and ageing relatives assumed by women and girls, and high levels of gender-based violence, mean they are more vulnerable at all stages of the migration process, including once in the destination country.

At the other end of the process, the changing population demographic of most developed countries requires migrants to fill the labour and skills shortages associated with ageing populations.<sup>59</sup> It has also created demand for carers and unskilled labour in jobs considered undesirable or unrewarding by the domestic population.<sup>60</sup> The financial benefit for employers in hiring undocumented or trafficked workers (particularly in times of economic recession), and the desire for foreign women in the commercial sex industry, have been identified as two further 'pull' factors.<sup>61</sup>

Cheaper and easier travel, a proliferation of poorly regulated recruitment agents and the existence of large diaspora communities in most developed countries, have removed some of the traditional barriers to transnational migration. Furthermore, the expansion of social media and the internet into ever-remoter communities, spreads the perception that better, less discriminatory education or employment opportunities can be found in certain cities or countries. While neither 'push' nor 'pull' factors in themselves, these developments aid traffickers' ability to exploit vulnerable people.<sup>62</sup>

### Trafficking in the UK

While the scale of trafficking in the UK (and globally) is a matter of debate, what is agreed is that known cases of trafficking constitute only a fraction of the assumed total. Between 1 April 2009 and 30 June 2011, 1,664 potential trafficked persons were referred to the UK's formal identification process, the National Referral Mechanism (NRM). Of these, 565 were formally recognised as trafficked. Over two-thirds of referrals were women. Children made up 438 (26%) of all referrals and 160 of those were recognised formally as trafficked.<sup>63</sup> Recently, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the Organization for Security and Co-operation in Europe (OSCE) emphasised that the discrepancy between the number of referrals made in the UK and those positively identified warrants further attention.<sup>64</sup>

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<sup>57</sup> "Under the definition, it is not necessary that someone have been exploited for there to be trafficking in human beings. It is enough that they have been subjected to one of the actions referred to in the definition and by one of the means specified "for the purpose of" exploitation. Trafficking in human beings is consequently present before the victim's actual exploitation." *Ibid.*, para. 87.

<sup>58</sup> Newman, E & Cameron, S., 'Understanding Trafficking' in Cameron, S. & Newman, E., *Trafficking in Humans: Social, Cultural and Political Dimensions*. United Nations University Press, 2008.

<sup>59</sup> Kaye, M., *The Migration-Trafficking Nexus: combating trafficking through the protection of migrants' human rights* (London: Anti-Slavery International, 2003), p.13.

<sup>60</sup> *Ibid.*

<sup>61</sup> Chuang, J., 'Beyond a Snapshot: Preventing Human Trafficking in the Global Economy', *Indiana Journal of Global Legal Studies* 13, Issue 1, (2006), p.145.

<sup>62</sup> Kaye, *Supra* note 59, p.12.

<sup>63</sup> *NRM Statistical Data April 2009 to June 2011* (London: UKHTC, December 2011). Available at: [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) [last accessed 09 January 2012].

<sup>64</sup> Organization for Security and Co-operation in Europe, Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, following her visit to the UK, 7-10 March 2011. January 2012, p.4.



Although the data available only partially reveals the type of exploitation experienced, adults are known to be trafficked into and within the UK for sexual exploitation and various forms of labour exploitation including domestic, restaurant, construction and agricultural work; for criminal activity including illegal drug production, fraud, theft and selling counterfeit goods; and also for organ removal. Children are known to be trafficked into the UK for sexual exploitation; for labour exploitation - predominantly in domestic work, although trafficked children have also been recovered from agricultural work; and for criminal activity (mainly cannabis cultivation and pick pocketing).

While traditionally and predominantly a destination country, evidence from recent years suggests that the UK should also be categorised as a source and transit country: 60 UK nationals were referred to the NRM between April 2009 and June 2011,<sup>65</sup> indicating the existence of internal trafficking. Certain regions of the UK, such as Northern Ireland, parts of Wales and towns or cities with smaller, regional airports, are believed by some of the participants interviewed to be used as much for transit as being destinations in themselves. In July 2011, a British court prosecuted a Nigerian man for trafficking two Nigerian girls out of the UK for sexual exploitation.<sup>66</sup> This was the first conviction of its kind in the UK. In 2008, a Norwegian court successfully prosecuted a case concerning UK nationals who were trafficked to Norway for forced labour.<sup>67</sup> Furthermore, in September 2011, a large-scale organised forced labour case, involving victims from both the UK and abroad, was uncovered in Bedfordshire, England.<sup>68</sup> Many of the men recovered had been recruited whilst unemployed and/or homeless. This case, along with a recent investigation conducted by the BBC Ten O'clock News and Radio 5 Live Breakfast,<sup>69</sup> highlights the fact that key vulnerabilities associated with forced labour and human trafficking are present within British society, as well as in developing countries.<sup>70</sup>

A form of internal trafficking, that has gained extensive publicity in recent months in the UK,<sup>71</sup> is that of 'on-street grooming'. This involves networks of men targeting and befriending vulnerable girls as young as eleven, resulting in their rape by a perpetrator who then goes on to 'share' them with friends and relatives, sometimes for a fee. Although this is not normally referred to as trafficking by the Government, 'on-street grooming' encompasses all the hallmarks of trafficking: from the initial recruitment phase in public places, to the transportation and harbouring at so called 'party houses', bedsits or even car parks, by "abusing a position of vulnerability", and sustained threats to inform parents of their daughters' behaviour or threats of violence towards the victims' family. This ultimately results in the sexual exploitation of children. Current data, based on limited reporting, from the Children's Commissioner for England's call for evidence on this issue, indicates that up to 10,000 children may be affected by this type of crime.<sup>72</sup> All of these forms of trafficking need to be addressed as part of the Government's strategy to prevent trafficking.

## Methodology and scope

The research for this report was carried out between October 2010 and June 2011. It focused on assessing preventative measures put in place between April 2009 and June 2011. Where measures or activities introduced before 2009 still had bearing, those were also considered. The ATMG recognises that a number of new measures and organisational arrangements were brought in by the Government between September and December 2011. We have strived to acknowledge their existence to the best of our understanding. However, the freshness of these measures has not so far allowed for an analysis

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<sup>65</sup> NRM Statistical Data, *supra* note 63.

<sup>66</sup> Case T20117086 at Woolwich Crown Court, 7 July 2011.

<sup>67</sup> Bureau of the Dutch National Rapporteur, *Trafficking in Human Beings, Seventh Report of the Dutch National Rapporteur*, Bureau NRM, p.532.

<sup>68</sup> Topping, A., 'Leighton Buzzard 'slave' empire uncovered in major police raid'. *Guardian*, 11 September 2011. Available at: [www.guardian.co.uk/world/2011/sep/11/leighton-buzzard-slaves-released](http://www.guardian.co.uk/world/2011/sep/11/leighton-buzzard-slaves-released) [last accessed 3 February 2012].

<sup>69</sup> Holt, A., 'British men forced into 'modern slavery' abroad' BBC News'. 1 February 2012. Available at: [www.bbc.co.uk/news/uk-16836065](http://www.bbc.co.uk/news/uk-16836065) [last accessed 3 February 2012].

<sup>70</sup> At the time of writing, those charged with the forced labour offences in this case were still awaiting trial.

<sup>71</sup> See Baker, F. (producer), *Exposed: Groomed for Sex*. [television broadcast]. First shown: Mon 5 Dec 2011 21:00 London: BBC Three, and Woods, B. (producer), *Dispatches: Britain's Sex Gangs* [television broadcast]. First shown: Mon 07 Nov 2011 22:30 London: Channel 4.

<sup>72</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].

of their impact. Where they present a significant alteration of the situation analysed in this report, we hope our research can serve as a base-line for evaluation and impact assessment of the introduced changes.

A combination of desk-based and field research was used in compiling this report. Firstly, a literature review of publications on trafficking or related issues, and good practice in prevention and programming was carried out. A call for evidence was then sent out through the webpage and the mailing lists of the ATMG and its member organisations; this resulted in 32 interviews with 40 professionals involved in anti-trafficking work across the UK and eight focus groups (two in Scotland, one in Northern Ireland, one in Wales and four in England - two of which specifically focused on child trafficking) with a total of 40 participants.<sup>73</sup> Information was also gathered from parliamentary debates and questions collated and reviewed between September 2010 and October 2011. Service providers that 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. Trafficked persons were not directly interviewed to avoid unnecessary and possible secondary victimisation. The information was analysed by the ATMG researcher, the Child Trafficking Project Officer at ECPAT UK and the manager of the Bristol Counter-Trafficking Coalition. The first draft of the report was shared with relevant statutory agencies, including the Home Office, and third sector organisations for comments. These comments were then considered in drafting the final version of the report.

While the ATMG recognises the importance of a holistic approach to tackling trafficking and the need to support and protect the rights of trafficked persons, prosecute traffickers and prevent trafficking simultaneously, the scope of this report is to examine the obligations placed on States under Chapter II of the Convention: 'Prevention, co-operation and other measures'. The format of the report is as follows: chapter 2 will outline what is meant by prevention in anti-trafficking work and what preventative measures are prescribed under Article 5 of the Convention. Chapter 3 will look more specifically at how the Government coordinates prevention efforts, which it is obliged to do under Articles 5.1 and 29.2 of the Convention. Preventing trafficking by reducing demand is addressed in chapter 4. Under chapters 5 and 6, the Government's immigration policy and how it interacts with trafficking prevention is discussed, followed by how such policies shape the prevention of trafficking at the UK border. When considering what measures have been adopted to prevent trafficking in the UK, this report examines measures to prevent trafficking into, within and out of the UK. In addition, chapter 7 of the report examines re-trafficking prevention, which relates to Article 16.5 of the Convention (within chapter III: 'Measures to protect and promote the rights of victims, guaranteeing gender equality') in acknowledging the links between the repatriation of trafficked persons, the risk of re-trafficking, and the Convention's emphasis that "[repatriation] programmes aim at avoiding re-victimisation".<sup>74</sup> The trafficking of children is examined in more detail in chapter 8. The policies and practices of the devolved administrations, namely Northern Ireland, Scotland and Wales, are outlined in chapter 9.

Due to restricted access to information in relation to each preventative measure in the UK, this report offers an analysis and evaluation of most measures adopted by the UK to prevent trafficking. It presents a qualitative assessment of prevention activities based on the experiences of professionals working either directly or indirectly with trafficked persons, and is intended to highlight good practice, gaps and areas of concern with regard to the UK Government's realisation of its obligations under the Convention. We hope that this report can serve as a trigger for the independent evaluation of existing measures and for further research into effective prevention measures appropriate to the UK. Where concerns were raised, we have endeavoured to offer recommendations for improvement.

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<sup>73</sup> Of the 80 stakeholders interviewed, 36 represented statutory agencies and 25 were from voluntary organisations. The remaining 19 comprise academics, legal experts, trade unions, international organisations and independent monitoring bodies.

<sup>74</sup> *European Convention*, *supra* note 40, Article 16.5.

## Chapter 2: Preventing trafficking

### Why prevention?

Preventing trafficking is one of the core purposes of the Convention,<sup>75</sup> and an essential component of any effective anti-trafficking strategy.<sup>76</sup> Without targeted measures to prevent the problem at source, any efforts (whether in the form of victim assistance or criminal justice initiatives) respond to its symptoms in the short-term, rather than addressing underlying causes and reducing the number of victims. To date, most anti-trafficking efforts worldwide have been channelled through a criminal justice approach. However, as noted by a former advisor on trafficking to the United Nations Office of the High Commissioner for Human Rights, “Notwithstanding the hundreds of millions of dollars already invested in the criminal justice response to the problem, we have yet to see an appreciable reduction in the absolute numbers of people trafficked worldwide.”<sup>77</sup> Prevention measures may require considerable financial investment to be effective. But as a 2004 USAID-commissioned assessment of best practices to combat trafficking in Asia found, “strategic interventions with a preventive focus are most cost-effective in the long run.”<sup>78</sup>

### What is prevention?

Trafficking is a complex problem, caused by a combination of any number of economic, social, psychological, cultural and political factors. Each of these factors needs to be acknowledged and considered when developing prevention strategies. For any prevention strategy to be successful, it needs to address a broad range of issues: from the individual empowerment of those vulnerable to trafficking and exploitation, to international political or economic relationships which create the social and economic conditions that fuel the problem.

Trafficking prevention broadly takes two forms: reducing potential victims’ vulnerability by addressing the factors that make them susceptible to trafficking, and increasing risks for potential traffickers. Every measure to protect trafficked persons or prosecute traffickers will have some preventative effect, be it the deterrent effect of a successful prosecution or high sentence on traffickers, or reducing a trafficked person’s vulnerability to further exploitation or re-trafficking through assistance. However, these measures themselves need to be complemented by other prevention-specific activities if they are to deliver a holistic anti-trafficking response.

A comprehensive prevention strategy must incorporate three levels of prevention: primary, secondary and tertiary.<sup>79</sup> Primary prevention seeks to prevent the problem from ever occurring and targets general populations, including those not determined to be at-risk. Primary prevention interventions may take the form of widespread education campaigns about human trafficking and related exploitation, the inclusion of education on human rights in national school curricula, or general poverty reduction and anti-discrimination work. Secondary level prevention targets high-risk groups, and includes tailored socio-economic initiatives such as programmes to encourage vulnerable young people to remain in education, information campaigns for migrants on safe migration or their rights in destination countries and skills training for employment. Finally, tertiary prevention aims to contain the problem once it has occurred, by protecting victims from further harm, i.e. it specifically aims to prevent re-trafficking. As such, tertiary prevention interventions overlap with protection measures, and their success is dependent, primarily, on the accurate identification of victims of trafficking.

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<sup>75</sup> *Ibid.*, Article 1(a). Also, Article 18 of the EU Directive further strengthens provisions for prevention in the areas of demand, training and awareness-raising.

<sup>76</sup> *Explanatory Report to the European Convention*, *supra* note 40, para. 4.

<sup>77</sup> Chuang, *supra* note 61, p.138.

<sup>78</sup> Gupta, R. et al. *Trafficking in the ANE Region: Problem Analysis and Proposed Framework for USAID Response* (Washington: Development Alternatives, Inc., 2004), p.16.

<sup>79</sup> Skrivankova, K., *UKHTC Prevention strategy, Elaborated by Anti-Slavery International*. Paper presented to the Home Office (2007) Unpublished, Anti-Slavery International.

Within each of these three levels, specific activities may be short-term (e.g. training border officials or health professionals in how to recognise and respond to the signs of trafficking), medium-term (empowerment programmes for young girls to counter the effects of gender discrimination or sexual violence), or long-term (interventions to address entrenched gender discrimination or wealth disparity). Nevertheless, all three levels of prevention must be addressed. In order to achieve this, specific prevention measures need to be implemented at various points in both source and destination countries: amongst the general population, within targeted sectors of society and labour markets, and at domestic and international policy level.

### **Understanding the links**

Understanding how the different strands of anti-trafficking work (prevention, protection and prosecution) are inter-dependent and inter-connected in complementing and reinforcing one another is essential to ensuring that anti-trafficking interventions are sustainable and successful. When one strand is favoured over another, or receives more attention, the ability to take an effective holistic approach is weakened. The intrinsic link between protecting victims and successful prosecution is increasingly acknowledged and has been incorporated into the Government's anti-trafficking strategy. The preventative effect (through deterrence and awareness-raising) of successful prosecutions both in the UK and in source countries is equally understood, particularly amongst law enforcement agencies. However, the link between protection - in particular, the protection of trafficked and potentially trafficked persons' human rights - and prevention, appears to be less understood or acted upon. Holistic support and assistance, and empowerment of trafficked persons reduces their vulnerability and prevents further exploitation and re-trafficking.

To date prevention has been interpreted narrowly, and the links between prevention and the other strands of anti-trafficking work have not been recognised. Consequently, opportunities are being missed to integrate anti-trafficking concerns and programming into other areas of work, such as international development, enforcement and human rights protection, poverty reduction, social inclusion and anti-discrimination strategies. Recognising the multiple sectors across which trafficking cuts, and integrating anti-trafficking efforts into existing strategies, presents a real opportunity for the future. Using existing structures to address the various socio-economic factors that contribute to trafficking would have a wider reach and longer-term impact, proving more effective and resource efficient, whilst promoting a more holistic approach. Recognising the shared aims of anti-trafficking and other policy areas would also lead to more considered discussions of the implications and consequences of different activities and would reduce the risk of contradictory government policies.

### **A human rights-based approach and gender mainstreaming**

Protecting the human rights of trafficked persons and those vulnerable to trafficking is at the heart of the Convention. Article 5.3 requires States Parties to adopt a human rights-based approach in the development, implementation and evaluation of all prevention-related activities. It is designed to ensure that the best interests of trafficked persons or children are at the forefront of any response and that no anti-trafficking measures further violate the human rights of victims.

In its first report on Cyprus, the Convention's monitoring body - the Group of Experts on Action against Trafficking in Human Beings (GRETA),<sup>80</sup> emphasised the importance of State obligations to respect, fulfil and protect human rights in their application of anti-trafficking efforts, stressing the need for States Parties to take into account the gendered dimension of human trafficking.<sup>81</sup> In addition, the UN Office of the High Commissioner for Human Rights (OHCHR) emphasises the primacy of human rights in all anti-trafficking efforts, including those aimed at preventing trafficking. The OHCHR reinforces the principle that anti-trafficking measures must not "adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally-displaced

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<sup>80</sup> GRETA was established in accordance with Article 36 of the Convention to monitor States Parties implementation of Convention obligations.

<sup>81</sup> GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus: First evaluation round* (Strasbourg: Council of Europe, September 2011), p.14.

persons, refugees and asylum-seekers.”<sup>82</sup> Furthermore, States should take “particular care to ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed with a view to ensuring that such measures are not applied in a discriminatory manner.”<sup>83</sup>

Violations of human rights set out in the 1950 European Convention on Human Rights (e.g. freedom from slavery, freedom of movement, freedom from discrimination, rights to employment, equal pay and health) may be potential causal factors that contribute to a person’s vulnerability and therefore put them at a risk of trafficking. Understood in this way, trafficking can be prevented by effectively promoting, protecting and enforcing human rights: by ensuring gender equality and equal economic and social opportunities, protecting the rights of migrants and strengthening governance and conflict resolution efforts. Gender mainstreaming, which requires incorporating measures to achieve gender equality throughout all policies, is an integral part of this process as it works to address widespread and deeply entrenched discriminatory attitudes and practices towards women, which prevents them from fully exercising their human rights in a variety of settings.

In order to ensure that anti-trafficking measures protect and promote human rights principles, States are encouraged to establish monitoring mechanisms to assess the human rights impact of anti-trafficking laws, policies, programmes and interventions. The OHCHR underlines the importance that such a body be independent, and calls on States to include non-governmental organisations (NGO) working with trafficked persons in such monitoring and evaluation.<sup>84</sup> In the UK, the Equality and Human Rights Commissions and, in the case of children, the relevant Children’s Commissioners, are able to monitor the human rights and equality impacts of anti-trafficking measures. However, given the wide remits of these organisations, such monitoring is not conducted on a routine basis; human trafficking must first be identified as a priority area.

### **Preventing child trafficking**

In addition to ensuring that the development, implementation and evaluation of all prevention measures are sensitive to the needs of children, the Convention places specific responsibilities on States Parties to reduce all children’s vulnerability to trafficking (Article 5.5). This is in recognition of the heightened vulnerability of children to exploitation and abuse, and can be addressed by creating a “protective environment” for them.

As defined by UNICEF, a “protective environment” comprises: ensuring children are protected from adverse attitudes, traditions, customs, behaviour and practices; government commitment to protection and realisation of children’s rights; open discussion on, and engagement with, child protection issues; establishment and enforcement of protective legislation; ensuring those working with and in contact with children, families and communities have the capacity to protect children; promoting and strengthening children’s life skills, knowledge and participation; effective systems for monitoring and reporting cases of abuse; and programmes and services to enable trafficked children to recover and reintegrate.

The following sections and chapters examine in more detail the specific obligations placed on the UK Government in the context of preventing trafficking and the measures that have been introduced to that effect.

### **UK efforts to prevent trafficking**

Traditionally, anti-trafficking efforts in the UK have focused on the investigation and prosecution of traffickers and on assisting people identified as trafficked. Preventing the problem seems to have been a weaker aspect of these efforts – a situation not too dissimilar from other European countries.

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<sup>82</sup> Office of the High Commissioner for Human Rights, ‘Recommended Principles and Guidelines on Human Rights and Human Trafficking’, presented to the Economic and Social Council as an addendum to the *Report of the United Nations High Commissioner for Human Rights* (E/2002/68/Add. 1), p.1.

<sup>83</sup> *Ibid.*, p.3.

<sup>84</sup> *Ibid.*

The issue is not a lack of political will nor commitment to preventing trafficking. These exist both across the UK and its devolved administrations. Moreover, the UK Government's recently published strategy on human trafficking states that its aim is to "tackle trafficking from end to end: from recruitment to exploitation"<sup>85</sup> and draws heavily on the language of prevention throughout. Rather, the lack of a strategic approach and coordination seem to be at issue. We found that the majority of those interviewed by the ATMG stated that two and half years after the entry into force of the Convention, there is still a lack of clarity on how the sustained prevention of trafficking has been built into the UK's anti-trafficking efforts on a strategic level, and that prevention is still less understood than the other two "P's" (protection and prosecution) and consequently given less attention in the UK.

Many practitioners interviewed stated that the understanding of trafficking prevention in the UK, is limited to considering it mainly as the prevention of illegal migration and organised crime and that this leads to prevention measures, comprising predominantly of law enforcement and immigration action. While trafficking cuts across both issues, neither one defines trafficking in itself. Interpreting prevention in this way overlooks the underlying causes of trafficking and hampers development of the kind of holistic and sustained approach needed to combat it. As a result, upstream work (i.e. work to prevent trafficking at source), which is at the core of the Government's anti-trafficking strategy, runs the risk of being interpreted through the narrow prism of warning vulnerable people in source countries of the dangers of (illegal) migration. This would do little to address the social and economic conditions which make these people vulnerable and push them to migrate as a means of survival. Equally, the Government's strategy seems to focus predominantly on transnational trafficking and places very little emphasis on tackling the socio-economic factors within the UK that make British nationals vulnerable to internal and international trafficking.

Devolution has further complicated the realisation of an effective prevention strategy. Human trafficking currently sits within immigration policy, a reserved matter at UK Government level. Trafficking is therefore seen across the UK through the prism of immigration in the devolved administrations. Trafficking prevention is subsequently understood as something best achieved through migration border 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 (see chapter 9 for further discussion).

In addition to victim support services, the devolved administrations of Northern Ireland, Scotland and Wales have responsibility for education, health, public safety issues, and social care, as well as, to varying degrees, local business and industry. Targeted work in all these areas plays a critical role in the prevention of both international and internal trafficking. Furthermore, the devolved administrations are well placed to coordinate local preventative activities, and contribute to local, regional and national understandings of trafficking through collecting and analysing local and regional information on human trafficking and associated issues, such as labour exploitation, migration patterns and social exclusion.

The UK Government needs to make it clear that the devolved administrations, local governments, NGOs and international organisations all have a role to play in preventing trafficking. Existing resources can be drawn upon to support and cement this proposition. For example, a 2009 report from the Society of Local Authority Chief Executives (SOLACE) clearly defined the role of local authorities in responding to human trafficking, including in the area of prevention.<sup>86</sup> The report highlights the responsibility of local authorities in preventing exploitative practices in their communities and their contributory role to awareness-raising, information gathering on the issue and strengthening local coordination. The report further notes that "effective local leadership is needed to highlight the implications of the crime for the local area and to ensure that [each] council has a comprehensive approach to assisting the victims and preventing further trafficking."<sup>87</sup>

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<sup>85</sup> Home Office, *Human Trafficking: The Government's Strategy* (London, July 2011), foreword.

<sup>86</sup> SOLACE, *The role of local authorities in addressing human trafficking. Report of the SOLACE Study Group* (2009).

<sup>87</sup> *Ibid.*, p. iii.



## Measures to increase knowledge, awareness and skills

### Convention obligations

Article 5.2 of the Convention requires States Parties to “establish and/or strengthen effective policies and programmes to prevent trafficking in human beings”. Such measures include: research, information, awareness-raising and education campaigns, social and economic initiatives and training programmes.<sup>88</sup> In recognition of their commitment to the protection of human rights, States Parties are required to “promote a Human Rights-based approach” and “use gender mainstreaming and a child-sensitive approach” throughout the development, implementation and evaluation of all preventive measures.<sup>89</sup>

The above Article provides for a mixture of short, medium and long-term preventive measures and provides States Parties with the framework for a holistic approach to preventing trafficking. Understanding a problem is essential if it is to be prevented. For interventions to be effective, they need to be based on evidence and a rigorous analysis of what the problem is, the context in which it is situated, and what interventions have proven successful in similar contexts. The methods and routes used by traffickers and the sectors of the labour market and parts of society where trafficked persons are exploited are numerous and continually evolving. As new and emerging trends are identified, research is needed to inform responses and contribute to the development of effective and dynamic prevention measures.<sup>90</sup> Similarly, accurate and up-to-date information on trafficking should be collected, analysed and shared with all relevant actors to ensure that anti-trafficking initiatives are based on the most current information.

Awareness-raising and education campaigns are identified by the *Explanatory Report* to the Convention as being important short-term measures, “particularly in the countries of origin”.<sup>91</sup> However, in order to be effective it is important that awareness-raising campaigns target high-risk groups<sup>92</sup> and that they do not simply aim to discourage migration.<sup>93</sup> Education should also be targeted at professionals and frontline workers most likely to come into contact with potential trafficked persons to ensure identification at the first available opportunity and that victims are protected from further harm.

Preventing trafficking in the long-term “demands a strategy that frames the problem within its broader socioeconomic context and takes seriously the project of targeting the root causes of this complex problem.”<sup>94</sup> Widely recognised as the most effective means by which to prevent human trafficking, social and economic initiatives should aim to address the underlying and structural causes of trafficking such as poverty, social or economic inequality, discrimination, particularly gender discrimination, and gender-based violence.<sup>95</sup> Social and economic initiatives are wide reaching and long-term in their impact and require long-term investment. They should not be overlooked in favour of cheaper and quicker actions that might yield short-term results but that have little sustained impact. Targeting the underlying causes of trafficking is not unique to developing countries; appropriate initiatives must also be directed at vulnerable communities and groups of society forming the bulk of people trafficked internally in developed countries. Skills and training programmes, aimed particularly at those most vulnerable to trafficking in both source countries and at home, are an example of a medium-term social initiative. They should aim to break down some of the barriers people face in accessing the formal labour market by increasing their education and improving their employment skills.

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<sup>88</sup> *European Convention*, *supra* note 40, Article 5.2.

<sup>89</sup> *Ibid.*, Article 5.3.

<sup>90</sup> *Explanatory Report to the European Convention*, *Ibid.*, para. 103.

<sup>91</sup> *Ibid.*

<sup>92</sup> Limanowska, B., *Trafficking in Human Beings in South Eastern Europe. 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo* (UNDP, 2005), p.23.

<sup>93</sup> *Ibid.*, p.22.

<sup>94</sup> Chuang, J., ‘Beyond a Snapshot: Preventing Human Trafficking in the Global Economy’, *supra* note 61, p.156.

<sup>95</sup> *Explanatory Report to the European Convention*, *supra* note 40, para. 103.

Evaluations of best practice in preventing human trafficking have consistently found that for such measures to be effective, particularly when resources are limited, they must be targeted and part of a holistic strategy.<sup>96</sup> Interventions delivered in isolation will only ever have a limited impact. Thus, a coordinated strategy incorporating a range of measures is vitally important. In order to develop activities and build on existing work, measures must be independently evaluated so that the strengths, weaknesses, successes and failures of different interventions can inform future activities.

### Data collection

Data collection is carried out in the UK both as a part of research projects and separately by various agencies. A lack of comprehensive data is widely identified as one of the major failings in current anti-trafficking work across all parts of the UK. This is not specific to the UK: developing useful yet manageable data collection systems which encompass all areas of work relating to trafficking is an ongoing challenge for anti-trafficking efforts worldwide.<sup>97</sup> However, accurate and up-to-date information is vital if measures to respond to and prevent trafficking are to be effective.

To build up a comprehensive picture of the scale and nature of human trafficking, information must be collected from numerous agencies and organisations. Currently, the UK Human Trafficking Centre (UKHTC)<sup>98</sup> is responsible for collating and analysing information on trafficking in order to inform the Government's strategic approach and operational response.<sup>99</sup> The UKHTC collects data submitted to them through the NRM, and law enforcement and other agencies across the UK. They publish statistics on potential and identified trafficked persons, gathered through NRM referrals, on their website. However, without statutory powers to request data from other government agencies, the UKHTC remains reliant on the limited data that is submitted to it.

Information based on NRM referrals alone is not an accurate reflection of the extent of trafficking in the UK. There are many reasons why trafficked persons may choose not to be referred to the NRM.<sup>100</sup> At face value, the NRM statistics suggest that a negative reasonable grounds decision is more probable than not. Therefore it may be advisable for a victim of trafficking to continue with an asylum claim only, to safeguard against what may be deemed as a poor quality reasonable grounds decision by the Competent Authority. As there is no appeals process built into the NRM, the only option for victims of trafficking is to pursue a complex and costly judicial review of their negative grounds decision. Moreover, it would appear that "a vast majority of these [negative] decisions [by the Competent Authority], when reconsidered are changed to positive outcomes prior to [the commencement of] judicial review hearings",<sup>101</sup> suggesting that the initial decisions were of poor quality. The ATMG will continue to highlight the need for a review of the NRM as a system so that it can be strategically linked to preventing re-trafficking by correctly identifying victims and providing them with tailored support and assistance (see chapter 6 and 7). As the Government's strategy states that it is committed to making the NRM more accessible, the above considerations need to be taken into account. These problems with the NRM can be somewhat overcome by adopting a more effective multi-agency approach to victim identification – a recommendation endorsed by the OSCE Special Representative.<sup>102</sup> This would entail allowing experienced independent NGOs to contribute their opinion to decision-making in the identification process.

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<sup>96</sup> See generally Dottridge, M., *Action to Prevent Child Trafficking in South Eastern Europe: A Preliminary Assessment* (Terre des Hommes and UNICEF, 2006), and Rosenberg, R., et al., *Best Practices for Programming to Prevent Trafficking in Human Beings in Europe and Eurasia* (Development Alternatives Inc. for USAID, 2004); Gupta, R., et al., *supra* note 78; and *Meeting the Challenge: Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-Region* (IPEC-ILO, 2008).

<sup>97</sup> Barrett, N. A., *An Exploration of Promising Practices in Response to Human Trafficking in Canada* (2010).

<sup>98</sup> The UKHTC is now an affiliate agency of the Serious Organised Crime Agency (SOCA).

<sup>99</sup> *The Government's Strategy*, *supra* note 85, para. 43.

<sup>100</sup> For a further discussion of this problem see The Anti-Trafficking Monitoring Group, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons* (2010), chap. 4.

<sup>101</sup> Hove, S. & Montier, S., 'Safety and Support of Victims of Trafficking for Sexual Exploitation in England and Wales', p.186 in Chandran, P. (eds), *Human Trafficking Handbook: Recognising Trafficking and Modern-Day Slavery in the UK* (2011). London: Lexis Nexis.

<sup>102</sup> Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *supra* note 64, p.6.

Furthermore, the number of organisations with First Responder status (which allows them to make a referral) is limited,<sup>103</sup> and participants interviewed for this research, reported that the amount of written information submitted on referral forms has been inconsistent depending on the referring organisation. Moreover, in Northern Ireland some of the First Responders listed do not operate in that jurisdiction, therefore further decreasing the pool of agencies who can actually make referrals. Equally, as its primary function is an identification mechanism for trafficked persons, the NRM is not widely recognised as an avenue for sharing intelligence, trafficking suspicions or information about ancillary issues that would contribute to a wider understanding of the context, like cases of labour exploitation exclusive of trafficking or changing migration patterns.

Recognising the limitations of the NRM as a data collection mechanism, the UKHTC has initiated a project that seeks to identify why some cases are not referred to it, with a view to considering whether an alternative process for collecting data from service providers about suspected cases of trafficking is needed and/or feasible. However, the success of such a project may be limited by the capacity of NGOs to obtain consent from the victims they support to disclose such information. Such victims may either not be contactable or are unwilling to give their consent if they are unsure how their information will be used. Although the findings of the UKHTC's project are not yet available, it has been welcomed by all participants as the first step to developing a more comprehensive understanding of the scale and nature of human trafficking into and within the UK. Again, the findings of this project should be shared, considered and used to take positive action.

Many practitioners interviewed for the report stated that the statistics published by the UKHTC require further disaggregation, particularly on children, and both regionally and thematically, and should be published more frequently.<sup>104</sup> Similarly, the format of the published statistics makes it difficult to compare year-on-year trends as, for example, the statistics from April 2009 – June 2011 are combined. The published information is useful for demonstrating the current level of understanding within the Government. However, further qualitative analysis of the data and information provided by the NRM is needed. Such analysis can aid in understanding the factors rendering individuals vulnerable to trafficking, as well as migration routes, types of coercion or deception used, and the industries or geographical areas in which trafficked persons are exploited - all whilst protecting the victims' identities.<sup>105</sup> Without such an analysis, it is not possible to observe changes in trafficking trends and patterns in the UK. The ATMG suggests that this detailed information does not need to be in the public domain, but could be shared through appropriate sub-groups so that their interventions could be more targeted and effective. Alternatively, the UKHTC could produce a report that gives detailed qualitative data analysis, as do the German Federal Criminal Police (BKA) who publish an *Annual Situation Report Trafficking in Human Beings*. A good example of data analysis in the context of the UK comes from the Child Exploitation and Online Protection Centre's (CEOP) *Strategic Threat Assessments of Child Trafficking in the UK* (see chapter 8). The ATMG suggests that the UKHTC adopts and produces reports mirroring this particular format.

In addition to the UKHTC, individual agencies and organisations collect information on trafficking. However, this information is not necessarily shared with other stakeholders. There are several reasons why this may be the case: data collection between and even within different agencies is inconsistent, the information considered important varies depending on the service; information may be stored as a mental note by caseworkers but not written down and collected on a formal basis; frontline services typically have the least capacity to collate and analyse data, particularly when they do not have sophisticated data collection processes in place; organisations may be collecting data on indicators of trafficking without recognising them as such and so they are not contributing to the overall picture of

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<sup>103</sup> Currently consisting of SOCA/UKHTC, Local Authorities, UKBA, POPPY Project, TARA, Migrant Helpline, Kalayaan, Medaille Trust, The Salvation Army, Gangmasters Licensing Authority, Police, Crown Prosecution Service, Local Children's Services, Barnardos and NSPCC.

<sup>104</sup> Currently statistics from the UKHTC are published quarterly every year.

<sup>105</sup> It is envisaged that if, for instance, a victim's nationality, age and type of exploitation in one region were revealed that this may lead to the victim's identity being discovered. It would therefore be inappropriate to share such information without the victim's prior consent.

trafficking in the UK. As discussed above, several organisations do analyse the information they collect and share it in the form of research but there is currently no mechanism to collate and analyse raw data on trafficking indicators from a variety of different agencies on a systematic basis. The ATMG proposes an independent Anti-Trafficking Commissioner, as an equivalent mechanism to a National Rapporteur as prescribed by Article 29.4 of the Convention. They would fill the void created by this piecemeal approach to data collection. The Anti-Trafficking Commissioner would be authorised to request information from all relevant bodies, thus enabling them to bring together all sources of information and thoroughly examine the nature and extent of trafficking in the UK. A full discussion of the role of the Anti-Trafficking Commissioner is contained in annex II.

Concerns were also raised that a lack of trust between law enforcement agencies and service providing organisations, particularly NGOs, makes information sharing and data collection more difficult. Service providers and NGOs may be reluctant to share information about cases with law enforcement agencies, unless absolutely necessary for fear that some of that information may compromise their service user's immigration status or have other unintended consequences, especially where their service user has decided not to be referred to the NRM. On the other hand, law enforcement agencies can be reluctant or unable to share intelligence and other restricted information with external organisations. Service providers interviewed stated that they provide law enforcement agencies with a lot of information but receive very little back, either on an individual basis or in the form of a broader analysis of trends. One notable exception to this is within the multi-agency anti-trafficking group established by Gwent police where, as a result of stronger cross-sector coordination and cooperation, levels of trust have improved and more information is shared (see box).

#### **Good practice – Sharing information in Gwent**

Gwent police have taken a proactive approach to sharing intelligence and information about trafficking with all their partners. In 2009, the police established a multi-agency group, designed to coordinate local responses to trafficking. The group comprises police, the UK Border Agency (UKBA), health, education and NGOs. In order to strengthen the group's work, the police share a regular intelligence bulletin with all members of the group. This bulletin is also made publically available to anyone who requests it. The bulletins identify recent and emerging trends within organised crime in the area without revealing any sensitive information, thereby serving to increase awareness of different manifestations of criminality related to trafficking. The information enables frontline services to adapt their training, responses or ways of working accordingly. The process of sharing information in this way has increased trust and understanding between the police and NGOs, which has facilitated more information sharing.

Information about trafficking is shared between government agencies through existing coordination and information sharing arrangements. This seems to be particularly effective amongst law enforcement agencies, through mechanisms such as the Regional Intelligence Units established to tackle organised crime, and amongst agencies involved in child protection. In the context of Regional Intelligence Units and similar mechanisms, some of the difficulties discussed above are bypassed due to their scope being limited to law enforcement agencies. Equally, there is a legal duty on agencies to share information in relation to child protection issues. While neither model can be directly replicated in the context of a multi-agency holistic approach to trafficking, such arrangements are worth further investigation to identify the factors in their processes which facilitate more efficient data sharing and analysis.

While recognising that effective data collection poses problems within small organisations let alone across different agencies and regions, it was overwhelmingly stated by those interviewed by the ATMG that the UK needs an effective mechanism for collecting, collating, analysing and sharing information on trafficking. In the absence of such a system, opportunities are being missed: information is not

collected consistently across all relevant agencies and systematically fed into a central point; information which is collected is not analysed to detect wider patterns and trends which could usefully inform future anti-trafficking responses and the range of current sources of information are too narrow for trafficking responses to be truly holistic or have a long-term impact.

As noted above, improved local, regional and national multi-agency coordination goes some way to improving information sharing. A regional or national coordinator would be well placed to map what information is needed from all relevant agencies and work with them to develop a manageable system for collecting and analysing data. Analysis needs to be shared with all actors for whom the information would usefully contribute to their work, whether they are law enforcement agencies or not. Different models, such as the information bulletins used in Gwent or the information-sharing protocols developed as part of the Government's response to child abuse, should be explored in the development of a suitable information-sharing system.

## Research

Research and data gathering are crucial to understanding the nature and scope of the problem and informing the direction of a preventative strategy. Over the past decade, a body of research on human trafficking has been built up in the UK. Research into different aspects of trafficking has been carried out to varying degrees in each of the administrations. Typically, research has consisted of scoping studies to assess the extent of trafficking in a particular area, and has predominately focused on trafficking for sexual exploitation. However, the scope of more recent research has widened to include trafficking for other types of exploitation, particularly domestic servitude and forced labour in specific sectors, such as agriculture and food processing.

Although little funding is available from central government specifically for research into human trafficking, several local authorities and statutory agencies have funded individual studies or reports (see chapter 9), and inquiries into different aspects of trafficking and forced labour conducted by the Equality and Human Rights Commissions of England, Northern Ireland, Wales and Scotland. Many law enforcement agencies employ researchers and analysts who may also look into human trafficking. The Serious Organised Crime Agency (SOCA), Scottish Crime and Drug Enforcement Agency (SCDEA), Organised Crime Task Force (OCTF) in Northern Ireland and the Child Online Exploitation Protection Centre (CEOP) all publish Threat Assessments, which include the latest intelligence on human trafficking. Moreover, in August 2010, the Association of Chief Police Officers (ACPO) published a study assessing the prevalence of trafficking in the off-street prostitution sector in England and Wales.<sup>106</sup>

In addition, NGOs, think tanks, universities and funding organisations all contribute significantly to the collective understanding through the publication of research on different aspects of human trafficking and associated issues. Civil society research plays a vital role in identifying emerging trends, framing trafficking within different disciplines or areas of work, and in identifying and evaluating best practice models and interventions from other sectors and countries. For example, Amnesty International has produced research on trafficking for sexual exploitation in Wales<sup>107</sup> and Scotland;<sup>108</sup> both the POPPY Project and ECPAT UK have published extensive research on different aspects of trafficking; and a series of papers on forced labour commissioned by the Joseph Rowntree Foundation has shed light on forced labour in the UK and opened discussions on effective ways to address it.<sup>109</sup>

Although most interviewees believe there is now ample evidence of trafficking in the UK, gaps in existing knowledge were highlighted. In particular, respondents cited the need for more research on

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<sup>106</sup> Jackson, K., et al., *Setting the Record: The trafficking of migrant women in the England and Wales off-street prostitution sector*, ACPO (2010).

<sup>107</sup> Amnesty International, *Under the Covers: Trafficking for sexual exploitation in Wales* (2007) and Amnesty International, *Trafficking for sexual exploitation in Wales: Update 2010* (2010).

<sup>108</sup> Amnesty International, *Scotland's Slaves: An Amnesty International briefing on trafficking in Scotland* (2008).

<sup>109</sup> Dwyer, P., et al., *Forced Labour and UK Immigration policy: status matters?* Joseph Rowntree Foundation (2011).

aspects of trafficking for forced labour and more generally on male experiences of trafficking. In March 2011, the Minister for Immigration announced that the Government was “investigating the feasibility” of publishing an executive summary of a government-commissioned scoping study of trafficking for forced labour in the UK.<sup>110</sup> Due for publication in April 2010, to date the study has not been published. Similarly, the summary of a scoping study into domestic servitude commissioned by the Government has also not been made public. If such studies were published they could be used to inform our understanding of these issues given the Government’s access to wider information, and this in turn could assist in developing more effective prevention measures.

Participants interviewed for this research were also keen to see more long-term analysis of trends in trafficking into and within the UK. They point to a dearth of research into the role specific sectors play in responding to and preventing trafficking, including private landlords, social housing providers, education and health providers. As part of the Government’s strategy to improve victim identification and assistance, the Department of Health (DfH) has recently commissioned research, through an organisation called Platform 51, on trafficking and its links with the health sector to develop/adapt a tool kit for health professionals with the aim of improving the health service response to victims of trafficking. This will go some way to address this gap in knowledge and will be used to inform the DfH’s future response to trafficking. Another missing piece of the jigsaw in our understating of trafficking is research into trafficking networks. Little is known about the profile of people who essentially fuel this criminal industry, what level they occupy within the criminal chain, their characteristics and personal circumstances, their reasons for becoming involved in trafficking activities, their perceptions of their activities and their opinion of those they traffic. Although such studies may be seen as difficult to conduct, they are not impossible and the knowledge acquired would greatly inform effective intervention.

While it was recognised that, between all the agencies discussed above, research into various aspects of trafficking and associated issues is regularly carried out across the UK, there is little coordination between the different areas of work. There is no single body responsible for collating and disseminating all the relevant research produced, nor for identifying gaps in knowledge or commissioning further work. The UKHTC, which works across England, Scotland, Northern Ireland and Wales, has been proposed as an alternative to a National Rapporteur or equivalent mechanism prescribed by Article 29.4 of the Convention. However, its current function is limited to the parameters of government policy where it has been assigned responsibilities predominately concerned with law enforcement. At present, the UKHTC’s mandate does not allow for timely bespoke research into apparent trends, which is something, by contrast, that an Anti-Trafficking Commissioner could undertake. The Commissioner would be well placed to coordinate existing and future research, as well as, identifying gaps in the existing knowledge base (further discussed in annex II).

Concerns were raised that in developing policies and programmes, policy makers do not always take into account all available evidence, particularly research that crosses policy areas, such as migration or labour rights: rather, they focus specifically and singularly on trafficking. Additional concerns were raised by some participants that, in the absence of an independent research-commissioning or coordinating body, research can be construed as bearing a bias towards specific interest groups and their agendas, and this can have an impact on the development of future anti-trafficking strategies and programmes. Research needs to be understood as a fundamental component informing the development of policy and practice in preventing trafficking and must be built into the Government’s anti-trafficking strategy with attached funding. The findings of research, commissioned by government and other organisations, should be made public, must be considered and, where appropriate, should result in action. Unfortunately, this approach does not seem to be followed. As such many comprehensive pieces of research do not receive the attention and action they deserve. Again, an Anti-Trafficking Commissioner or Rapporteur would have access to all research and enable them to advise the Government accordingly in respect of its anti-trafficking actions.

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<sup>110</sup> Written Ministerial Answers, Minister for Immigration, Hansard, HC Deb, 21 March 2011, c780W.

### **Good practice - Glasgow Child Protection Committee**

In early 2007, Glasgow's Child Protection Committee became concerned about anecdotal evidence of child trafficking in the city. A sub-group was tasked with gathering information about its prevalence and, 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. 75 cases were reviewed, of which 'concerns' or 'high concerns' that the child may have been trafficked were identified in 23 cases. 'Suspensions' of trafficking were noted in a further 9 cases.

The findings of the case review, published in 2009, led to a series of actions being taken by the Glasgow Child Protection Committee, including the establishment of a multi-agency child trafficking group. A series of seminars on trafficking were arranged for all frontline professionals and inter-agency guidance on child trafficking developed.

Further research on child trafficking has been conducted and the Committee's work is on-going. The multi-agency group is currently mapping the services available for trafficked children in the city to identify gaps. The Child Protection Committee now run inter-agency training on child trafficking 3 times a year, and are in the process of developing specific training for managers with the UKBA and the Legal Services Agency.

### **Awareness-raising, training and education**

Awareness-raising and education covers a vast array of work. It includes campaigns to raise awareness of the issue amongst the general population, targeted campaigns educating vulnerable groups, general awareness-raising amongst relevant government agencies and specialist training for professionals and other frontline workers in identifying trafficking indicators and referral pathways.<sup>111</sup> The OCHCR recommends that campaigns to raise awareness of human trafficking are "informed by an understanding of the complexities surrounding trafficking and of reasons why individuals may make potentially dangerous migration decisions."<sup>112</sup> It is clear that significant efforts have been made across the UK to raise awareness about human trafficking. However, most participants interviewed by the ATMG find existing efforts lack coordination. In addition, education campaigns are not always targeted and are rarely evaluated, making it difficult to assess their impact.

### **Raising awareness amongst the general public**

To date, trafficking prevention in the UK has been dominated by awareness-raising campaigns. The *Blue Blindfold* campaign developed by the UKHTC in 2007, has been rolled out in England, Wales and Northern Ireland. The campaign calls on the public to "open [its] eyes to human trafficking" and consists of a series of posters, leaflets and a website<sup>113</sup> with general information on human trafficking and the contact details for Crimestoppers. While most practitioners interviewed were aware of the campaign, 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 chapter 9). With no other evaluation available, it is hard to assess the campaign's overall impact across the whole of the UK and how well the campaign raised general awareness of trafficking amongst the general public rather than just the practitioners interviewed.

<sup>111</sup> Article 18.2 of the EU Directive goes further by stating that Member States *shall* take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking [emphasis added].

<sup>112</sup> Office of the High Commissioner on Human Rights, *supra* note 82. p.10.

<sup>113</sup> See [www.blueblindfold.co.uk](http://www.blueblindfold.co.uk) [last accessed 3 March 2012].

Practitioners pointed to a widespread public perception that trafficking is linked to the sexual exploitation of women and girls and that it only happens in London and some of the bigger cities. Although *Blue Blindfold* encompasses labour trafficking as well as trafficking for sexual exploitation, it is still stated, by those interviewed, that further efforts are needed to increase awareness and understanding of trafficking for non-sexual forms of exploitation as well as the trafficking of men. The benefits of having consistent messaging through one UK-wide campaign notwithstanding, local and regional campaigns are also needed to highlight the fact that trafficking and exploitation also happens within local communities and to encourage people to think about the issue in a more immediate way. The Government's strategy states that it intends 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>114</sup> For this exercise to take place the public's limited perception of what constitutes trafficking needs to be widened. Effective awareness-raising amongst certain sections of society can be advantageous in exposing cases which are sometimes shielded from the public eye. For instance, educating children about domestic servitude could result in a child stating that they have a child domestic worker at home. Similarly, children may be aware of a family whose children they have contact with, who have a child domestic worker and choose to speak out.

Good practice in raising awareness of human trafficking has been developed by NGOs, such as Unchosen and STOP THE TRAFFIK. Both organisations work at a national and community level (and international in the case of STOP THE TRAFFIK) and are at the forefront of awareness-raising activities in the UK. STOP THE TRAFFIK develops nation-wide awareness-raising campaigns and manages a network of community groups across England, who raise awareness and inspire action in their local communities. SOCA, through its community fund, has resourced STOP THE TRAFFIK's London Olympics campaign which will raise awareness of trafficking in the run up to this event. Similarly, STOP THE TRAFFIK has worked in collaboration with the Metropolitan Police Service's Specialist Crime Directorate (SCD) 9 unit on a poster campaign to promote SCD9's new hotline for victims of trafficking. Unchosen screen feature films and documentaries about trafficking alongside post-screening panels to generate informed discussions about trafficking, sexual exploitation and forced and exploitative labour. They run both general and targeted events to reach as wide an audience as possible.

In 2010, Anti-Slavery Day was established in the UK through a Private Member's Bill, to raise awareness of human trafficking and other forms of modern-day slavery. The Prime Minister set the day to be the 18<sup>th</sup> October, to coincide with the EU Anti-Trafficking Day. Anti-Slavery Day has become a central point for awareness-raising activities in Parliament, within communities and amongst the general public. The day has also provided a focal point for coordination of awareness-raising and preventive activities between NGOs and smaller charitable organisations.

## **Training**

Considerable effort has been put into training relevant professionals and frontline workers across the UK on trafficking, its indicators and appropriate responses. The UKHTC delivers training to police officers across England and Wales in collaboration with the National Policing Improvement Agency and the Metropolitan Police Service, and has produced a training DVD through which audiences can access a wide range of additional resources. In addition, the UKHTC is working with West Midlands police forces on a project to design a policy for the investigation of trafficking. It is hoped that once complete, this document will be adopted by ACPO and rolled out to every force across the UK. The UKBA has internal e-learning packages for all operational staff on both human trafficking and child safeguarding. In addition, the prosecution services (Crown Prosecution Service (CPS) in England and Wales) have developed internal guidance on human trafficking for prosecutors. In February 2011, the London Safeguarding Children Board published a toolkit for safeguarding trafficked children, which was disseminated to each local safeguarding board across the country. The UKHTC has also delivered awareness-raising seminars to frontline social workers and health professionals across the UK, including in Scotland. CEOP and the CPS have delivered training to frontline workers such as

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<sup>114</sup> *The Government's Strategy*, *supra* note 85, p.8.



prosecutors and police in source countries, on organised crime including trafficking and child trafficking in order to build the capacity of law enforcement agencies in source countries to respond effectively to trafficking in their jurisdictions.

Despite the materials available, many practitioners interviewed for this research are concerned that training is not always reaching those at the frontline best placed to identify trafficking.<sup>115</sup> Several areas were identified where it was stated that frontline workers are not as aware of trafficking as they should be, including among health professionals, housing providers, within local authorities and among neighbourhood policing teams. For example, research participants interviewed agreed that there is very little awareness among front-line practitioners about the age and conditions in which it is legal for children to work in the UK. ECPAT UK's research on child trafficking in Wales, published by the Children's Commissioner for Wales,<sup>116</sup> identified that cultural relativity - the belief of some practitioners that it is acceptable for children of particular nationalities to work - was prohibiting the early identification of exploitation and trafficking.

A body responsible for coordinating training either regionally or across the UK, or for evaluating existing training and education packages is absent. It is left to agencies to try to plug gaps in their training when they identify them. Furthermore, several people stated that trafficking awareness-raising and training often takes place at the instigation of an individual within an organisation, rather than being rolled out strategically. One approach to rectifying this may be to make these responsibilities post-specific, instead of relying on individuals to instigate and proactively pursue training for their organisation/department.

Concerns were raised about the sustainability of such an ad-hoc approach to training and many stressed the importance of developing organisational knowledge. The majority of participants interviewed stated that the Government needs to prioritise trafficking and fund training so that it can reach all relevant professionals. To facilitate the training of practitioners, the Government should produce a directory of training opportunities and providers, which would avoid confusion as to where practitioners can access such resources.

### **Educating at-risk groups**

Some work to identify and educate groups at-risk of trafficking in the UK has taken place. For example, the *My Dangerous Loverboy* campaign, developed by the UKHTC and partners, consists of a video, website and educational packs for schools, educating young people about sexual exploitation and internal trafficking. It has been used by both governmental and NGO partners across the UK. The impact of this initiative is currently under evaluation. In addition, several NGOs have developed education packs and tools to raise awareness of trafficking within schools and some children's charities have developed early intervention projects for children at risk of sexual exploitation, which include education for young people about grooming, sexual exploitation and trafficking. Given that the Children's Commissioner for England has indicated that 10,000 children may be affected by 'on-street grooming',<sup>117</sup> awareness-raising of this phenomenon needs to be embedded into a long-term strategy for it to be able to reach every child in current and future generations to allow them to safeguard themselves. This could be met by statutory primary/secondary education on the issue, which could be further complimented by opening the debate up to include issues relating to international trafficking. Lancashire police have developed proactive preventative tactics in response to this problem in their jurisdiction by looking for potential victims in the places where they frequent and educating them of the risks, thus trying to prevent grooming before it happens. Unfortunately, this initiative is not nationwide.

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<sup>115</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 deal with victims and potential victims of trafficking.

<sup>116</sup> Kelly, E., *Bordering on concern: Child trafficking in Wales* (March 2009).

<sup>117</sup> Children's Commissioner for England, *supra* note 72.

Further examples of good practice include the 2006 radio campaign by the Gangmasters Licensing Authority to raise awareness of their organisation amongst Polish and Portuguese workers in England, Wales, Northern Ireland and Scotland.<sup>118</sup> The Health and Safety Executive (HSE) has six outreach workers who go into migrant communities and raise awareness about the level of safety workers can expect at work and how to make complaints to the HSE. Also, projects which provide outreach services for the sex industry exist across the UK.<sup>119</sup>

Considerable work is also carried out through migrant rights' organisations, trade unions and other community groups to raise awareness amongst vulnerable workers of their rights. While many of these services are not specifically about preventing trafficking, they all contribute to trafficking prevention efforts by empowering people who may be vulnerable to exploitation and trafficking. However, several participants expressed concern that, while plenty of resources and information are available for vulnerable communities about human trafficking and associated exploitation, efforts to proactively disseminate information within vulnerable communities are limited. Many government agencies still rely on migrants and other vulnerable workers themselves to access and act on the information which is available, and such work is not always linked to a wider anti-trafficking strategy.

The Government's anti-trafficking strategy highlights the importance of raising awareness of trafficking in source communities overseas and refers to work which has already begun in this regard in China, Thailand and Malawi.<sup>120</sup> Overseas-targeted education has also been included in previous anti-trafficking projects in the Greater Mekong Sub-region funded by the Department for International Development (DfID). However, work that takes place in source countries is not linked in with other UK anti-trafficking efforts. Evaluations of overseas projects frequently raise the importance of using education in source countries and communities to raise awareness of trafficking and inform vulnerable communities about how to migrate safely, rather than simply discouraging migration altogether. Several participants 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. It is important that the impact of potential campaigns and measures on specific groups such as women, children and migrants, is assessed during the development of any such initiatives to ensure that awareness-raising and education campaigns protect and promote their human rights.

There have been other NGO initiatives to raise awareness of trafficking among high-risk communities in source countries. This includes the London-based production company Animage's animation, *Two Little Girls*,<sup>121</sup> which was created in close collaboration with and based on the experiences of trafficked women (see box).

### **Case study – *Two Little Girls***

*Two Little Girls* is a short animated film which follows two young women as they are recruited by traffickers in their home towns and taken abroad to be forced into prostitution. The animation was based on the experiences of five women who had been trafficked from Albania to the UK. Originally developed to raise awareness among young Albanian women about the dangers of human trafficking, the film has been considered so effective at communicating the risks of trafficking it has since been dubbed and aired in six Eastern European countries, including Moldova, Macedonia, Belarus and Bulgaria. It is scheduled to be used in a further seven countries in 2012.

<sup>118</sup> Bright Sparks Research, *Measuring the success of the Gangmasters Licensing Authority's Commercial Radio Campaign in August 2006* (2006).

<sup>119</sup> See chapter 9 for further discussion of good practice in educating at-risk groups in the devolved administrations.

<sup>120</sup> *The Government's Strategy*, *supra* note 85, p.15.

<sup>121</sup> This film can be viewed via YouTube: ImpressionsGallery, 'Two Little Girls (shown as part of the exhibition not Natasha)'. Available at: [www.youtube.com/watch?v=udHSutTF4Us](http://www.youtube.com/watch?v=udHSutTF4Us) [last accessed: 19 January 2012].

It is clear that the Government is committed to improving education about human trafficking, both in the form of general awareness-raising and through targeted education campaigns. While much work has been carried out in this regard, coordination of awareness-raising and training efforts needs to be improved to address ad hoc delivery and duplication of work. Existing education campaigns and training packages should be independently evaluated to assess their impact and identify ways in which future work can be improved. In particular, attention should be paid to ensure that training is rolled out within organisations, reaching all frontline workers and ensure education and training programmes cover all forms of trafficking and related exploitation. Attention should also be paid to identifying the best ways to target hard-to-reach groups. In this regard, the expertise of civil society groups should be drawn upon to develop a more proactive approach to raising awareness. For delivery to be truly effective, trafficked persons should also be consulted in developing messages and best practice (see below).

### **Social and economic initiatives**

Despite being widely recognised as the most effective way of preventing trafficking, few of the UK's anti-trafficking efforts address the social and economic conditions which underpin human trafficking. Social and economic initiatives should be an integral part of any anti-trafficking strategy as 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.

Certain NGO-led initiatives such as the HERA programme,<sup>122</sup> which supports trafficked women to enter higher education or start a business, are specifically targeted at trafficked women and women vulnerable to trafficking. Similarly, support providers such as the POPPY Project and Kalayaan run English classes for their service users and offer them support to enter or re-enter the labour market. The Helen Bamber Foundation offers a range of Creative Arts and Social Integration classes in its work with highly traumatised victims of trafficking. In addition, there are numerous initiatives, mostly through NGOs, aimed at tackling social exclusion, unemployment, poverty and inequality as well as, programmes working with children leaving care and NEETs (young people not in employment, education or training). All these interventions work to reduce marginalised groups' vulnerabilities, including to exploitation and potential trafficking, and increase their access to support, education and employment. However, minimal efforts have been made to explicitly integrate trafficking prevention into these existing areas of work. The need to integrate anti-trafficking work into such initiatives has become increasingly pressing since the uncovering of the case involving trafficked British nationals, some homeless, for forced labour. It requires increased engagement with and support for organisations coming into contact with the homeless.

The Government's anti-trafficking strategy identifies "international action to stop trafficking happening in the first place"<sup>123</sup> as one of its four key aims, and commits to exploring opportunities to work internationally to prevent trafficking at source.<sup>124</sup> However, the strategy does not appear to be linked to the Government's international development strategy despite trafficking prevention aligning with several of DfID's key issues: education, health, economic growth, governance and conflict, and humanitarian disasters and emergencies, as well as their strategic vision for women and girls. Equally, trafficking prevention has not been integrated into the Foreign and Commonwealth Office's (FCO) work on human rights.

Individual programmes aimed at preventing trafficking in source countries, which include measures to address social and economic conditions for people vulnerable to trafficking, have been funded through DfID.<sup>125</sup> However, so that the root causes of trafficking are addressed in a sustainable manner, human

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<sup>122</sup> HERA, Her Equality, Rights and Autonomy, was set up by a former IOM Chief of Mission to Bosnia-Herzegovina in 2005 and has since worked with trafficked women in Serbia, the UK, the USA, Georgia and Armenia.

<sup>123</sup> *The Government's Strategy*, *supra* note 85, foreword.

<sup>124</sup> *Ibid.*, p.12.

<sup>125</sup> Such as the International Labour Organisation's Mekong Sub-regional Project to Combat Trafficking in Children and Women and a forthcoming anti-trafficking project in India, Bangladesh and Nepal.

trafficking needs to be recognised as a priority by the UK Government, and integrated into both DfID and the FCO's existing work. Existing initiatives should be modified to embed trafficking concerns within them. More positively, in 2011 DfID launched a pilot anti-trafficking programme for South Asia. While still in its early days and modest in scope, it represents an important initiative by DfID in directly engaging with the issue of trafficking of vulnerable South Asian workers. As such, it offers DfID considerable opportunity for learning on the complexities of this issue, as well as on its own considerable potential for effectively responding to the problem.

## Other policies and programmes to prevent trafficking

### Regulation and enforcement of low-wage sectors

The Gangmasters (Licensing) Act 2004 and the establishment of the Gangmasters Licensing Authority (GLA) in 2005, are widely respected for the role they play in preventing trafficking. The GLA licenses and regulates certain sectors where workers are particularly vulnerable: namely agriculture, forestry, shellfish gathering and food processing and packaging. A *Hampton Implementation Review Report* of the GLA in 2009 found that "the GLA's impact in improving working conditions for some vulnerable workers has been impressive, particularly in view of its relatively small size."<sup>126</sup>

The GLA has been particularly commended for its intelligence-led, proactive approach to investigating abusive labour practices within the sectors it regulates. However, the GLA's remit is limited and there is little regulation or enforcement of labour standards in other sectors where workers are known to be vulnerable, such as in the construction, hospitality and care industries.<sup>127</sup> The majority of participants interviewed for this research recommend extending the GLA's remit to include other minimum-wage sectors like those listed above. The OSCE's Special Representative recently praised the work of the GLA, stating it was "effective in carrying out preventive measures aimed at eradicating deceptive and exploitative practices regarding the recruitment of migrant workers in agriculture".<sup>128</sup> She also called upon the UK Government to extend the GLA licensing regime to cover other sectors such as construction, domestic work/care and hospitality. However, it has been emphasised that any such expansion would need to be accompanied by increased resources for the Authority. These resources could be generated through an increase in the number of licenses issued in these additional sectors. Other possibilities have also been raised, such as merging the Employment Agencies Standards Inspectorate (EAS) with the GLA in stages, in order that the sectors currently regulated by the EAS come under the same level of scrutiny and enforcement as those of the GLA,<sup>129</sup> or "giving the relevant existing regulatory bodies equivalent licensing and enforcement powers."<sup>130</sup> Whatever approach is adopted, it is important that the expertise of the GLA model is built on to address exploitation in other sectors where workers are at risk of exploitation and trafficking.

Migrant domestic workers are recognised as a particularly vulnerable group of migrant workers due to, amongst other factors, their dependence on their employer and their invisibility to authorities. Until April 2012, domestic workers were afforded protection under the Overseas Domestic Worker (ODW) visa which recognised that they are workers and as such protected under UK employment law. This visa was recognised as "the single most important issue" in preventing the forced labour and trafficking of domestic workers by the Home Affairs Select Committee.<sup>131</sup> It was also supported by numerous NGOs, trade unions and workers' rights organisations. The OSCE Special Representative recently added weight to this position by describing the ODW visa as "a vital escape route from dependency on the

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<sup>126</sup> Better Regulation Office and National Audit Office, *Gangmasters Licensing Authority: A Hampton Implementation Review Report* (2009), p.4.

<sup>127</sup> House of Commons Home Affairs Committee, *The Trade in Human Beings: Human Trafficking in the UK*, Sixth Report of Session 2008-09, Vol.I, p.26, para. 55.

<sup>128</sup> Organization for Security and Co-operation, *supra* note 64, p.6.

<sup>129</sup> See Wilkins, N., *The future of the Gangmasters Licensing Authority and the Employment Agencies Standards Inspectorate: Better regulation for worker protection – Proposal for a common position*, Anti-Slavery International, Association of Labour Providers, Ethical Trading Initiative, Institute for Human Rights and Business and Oxfam GB, October 2010.

<sup>130</sup> House of Commons, *supra* note 127, para. 55.

<sup>131</sup> *Ibid.*, p.26.

employer and is therefore crucial to prevent situations of domestic servitude”.<sup>132</sup> Furthermore, the majority of participants interviewed for this research also highlighted the visa as one of the few effective prevention measures in existence in the UK. However, on 29 February 2012, the Home Office announced that it was restricting the ODW category to a six month visa with no possibility of extension and no right to change employer.<sup>133</sup> Unfortunately, this approach does not seem to acknowledge the ODW visa as a proven effective means of preventing trafficking. The ODW visa is discussed in full in chapter 5.

### **Participation of trafficked persons and at-risk communities in designing prevention measures**

Often a key voice missing from anti-trafficking work is that of those who have been trafficked or who may be vulnerable to trafficking. This is despite the fact that a trafficked person has first-hand experience and therefore holds the key to unlocking information that can be used to create an effective response. In order to fully realise the obligations placed on States Parties to protect the human rights of trafficked persons and to promote a human rights-based approach, the groups most affected by trafficking should be included in policy and programming development, and implementation and evaluation. Their involvement should form an integral part of the substance of a State’s anti-trafficking activities and approach. Meaningful participation empowers people who are typically marginalised and have been victimised, protecting them from further harm by strengthening their ability to protect themselves.<sup>134</sup> Promoting safe and meaningful participation demonstrates a commitment to a child-sensitive and human-rights based approach. It should also be recognised for the positive impact it has on the success of anti-trafficking initiatives, including preventive measures. An analysis of anti-trafficking measures in Asia found involving people who have experienced or are vulnerable to trafficking in anti-trafficking measures has “the highest impact in the shortest time in terms of prevention, protection and prosecution.”<sup>135</sup> The experiences and first-hand knowledge of routes, dynamics and local contexts available from affected groups allow for more thoughtful programming, with a view to longer-term integration and sustainability.<sup>136</sup>

The importance of including trafficked persons in the development, implementation and evaluation of anti-trafficking programmes and strategies was recognised by almost all of the participants interviewed by the ATMG. All participants recognised the difficulty of establishing meaningful and sustainable participation; however, many also thought that no significant consideration had been paid in the UK as to how it might be achieved. The participation of trafficked persons in such work in the UK is realised indirectly through NGO representation on multi-agency groups. However, NGOs are not represented on all established groups (particularly groups responsible for the strategic direction of anti-trafficking work) and NGO representation in other groups is partial. In the groups which currently exist, there are no mechanisms to allow for trafficked persons’ direct participation. The majority of civil society participants interviewed by the ATMG stated that occasional efforts to include trafficked persons have been tokenistic rather than an attempt to ensure that their opinions and experiences contribute meaningfully to policy and programme development.

### **Conclusion: Making prevention measures effective**

While it is clear that measures to prevent trafficking exist in the UK and are supported by the UK internationally, it is not clear that their role in preventing trafficking is always understood. Far more attention needs to be paid to understanding the root causes of trafficking. Information must be collected from a range of sources and analysed to build up a more comprehensive understanding of the issue. Interventions such as training and awareness-raising can then be targeted where they will have the most impact. Equally, far more attention must be paid to tackling the underlying and structural causes of trafficking, both within the UK and in developing countries. Importantly, the area of

<sup>132</sup> Organization for Security and Co-operation, *supra* note 64, p.6.

<sup>133</sup> Written Ministerial Statements, The Secretary of State for the Home Department: HC Deb, 29 February 2012, c33WS.

<sup>134</sup> Dottridge, M., *Action to Prevent Child Trafficking in South Eastern Europe: A Preliminary Assessment*, *supra* note 96, p.29.

<sup>135</sup> Gupta, *supra* note 78, p.16.

<sup>136</sup> See generally Dottridge, M., *Action to Prevent Child Trafficking in South Eastern Europe: A Preliminary Assessment*, *supra* note 96, chap. 5.4 and International Labour Organization, *Meeting the Challenge: Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-Region*, International Programme on the Elimination of Child Labour (ILO, 2008), chap. 3.7.

prevention found to be the most under-developed by the ATMG is work to address the root causes of trafficking. In this regard, opportunities to integrate anti-trafficking aims into existing policy areas such as social exclusion, discrimination and poverty have not been fully utilised. Furthermore, campaigning and other preventative work that was successful in other areas, such as prevention of drinking and driving, safe sex, campaigns to stop smoking or harm reduction measures introduced in drug prevention, offer an inspirational source of new ideas for awareness-raising material.

Finally, apart from a few exceptions, prevention measures are not currently independently evaluated to assess their impact and cost-effectiveness. In this regard, the OHCHR highlights the importance of recognising the distinction between “measures which actually reduce trafficking and measures which may have the effect of transferring the problem from one place or group to another.”<sup>137</sup> The ATMG recommends that all measures are evaluated and the findings made publicly available and be used to inform future work. The impact of measures on the human rights of victims and potential victims must remain a central feature of all evaluations and monitoring exercises.

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<sup>137</sup> Office of High Commissioner, *supra* note 82, pp.5-6.

## Chapter 3: Coordination of prevention measures in the UK

### Convention obligations

Article 5.1 of the Convention requires States Parties to “take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.” The State must coordinate all relevant government departments, agencies, organisations and NGOs with a role to play in combating trafficking.<sup>138</sup> This includes, but is not limited to: organisations that provide services to trafficked persons, migrants or other vulnerable groups in society, agencies with a role in monitoring or enforcing labour standards, criminal justice agencies, and international development organisations. This is in recognition of the fact that the consequences and manifestations of human trafficking are complex and felt in myriad ways throughout the labour market and society. In addition, Article 29.2 of the Convention states that, “Each Party shall adopt such measures as may be necessary to ensure co-ordination of the policies and actions of their governments’ departments and other public agencies against trafficking in human beings, where appropriate, through setting up co-ordinating bodies”. The purpose of coordination is to match effective policies with measures taken, including preventative ones, to combat human trafficking.

### Prevention strategy formulation

The Government’s anti-trafficking strategy should outline what needs to take place for trafficking to be effectively prevented, and coordination activity should naturally flow from this document. Unfortunately, until now the formulation of the UK’s strategy on prevention has been led by public officials and civil servants. Whilst their insight and expertise is vital, it is not comprehensive. The Government argues that NGOs were consulted for the present strategy; however, many participants stated that their input was not incorporated into the final strategy and no reason provided for this omission. As a result, the strategy is constrained as it fails to reflect the totality of the realities of trafficking and increasingly accepted best practice relating to effective preventative measures.

Article 35 of the Convention states: “Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention”. The *Explanatory Report* describes “strategic partnerships” as the establishment of cooperative frameworks through which State actors fulfil their obligations under the Convention by coordinating efforts with civil society. The evidence gathered for this report suggests that the Government’s current arrangements for engaging and cooperating with civil society fulfil the letter rather than the spirit of its obligations under Article 35.

In order to optimise the benefits that can be derived from “strategic partnerships” between government and civil society, as envisaged by the Convention, the ATMG suggests that, at a minimum, consultation with stakeholders should mean that their advice and recommendations be incorporated to the maximum extent possible: when this cannot be achieved, feedback should be provided explaining why the stakeholder’s input did not influence the decision.<sup>139</sup> Such inclusion of civil society in the process of anti-trafficking strategy formulation would enhance the UK Government’s commitment to its obligations under the Convention and, by way of collaboration, create innovative ideas for strategic action, including how to prevent trafficking in a more comprehensive and potentially more effective manner. It would also give more concrete expression to the Government’s concept of the ‘Big Society’. It is hoped that the current approach will be rectified through the Home Office’s new NGO stakeholder groups (discussed below) due to commence activities this year.

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<sup>138</sup> *Explanatory Report to the European Convention*, *supra* note 40, para. 102.

<sup>139</sup> Bryson, J., *Strategic planning for public and non-profit organizations: A guide to strengthening and sustaining organizational achievement* (Jossey-Bass, 2004) p.341.

## Coordination in the UK

### Coordinating anti-trafficking groups and multi-agency working

Good coordination of all relevant actors avoids duplication and allows for efficient information and best practice sharing, early identification of emerging trends and patterns and evaluation of activities. As stated previously, including the experiences and expertise of a wide range of professionals and civil society should also facilitate innovation and creativity in anti-trafficking programming, and allow the expertise developed in different disciplines and fields to inform anti-trafficking work. This approach can be described as multi-agency and is beneficial to anti-trafficking work because it brings together an array of disciplines and fields which look at a problem and its solution differently; this wealth of knowledge and lessons learnt can be linked to create a stronger more holistic response. Furthermore, by bringing together agencies and organisations that may not have recognised trafficking as part of their remit or that may have been unsure as to whether they are encountering it, demonstrates that an effective model of coordination has the dual purpose of increasing awareness and understanding of the issue, and consequently improving identification and developing effective preventative interventions.

The UK Government appears to recognise the importance of coordination for the effective realisation of its anti-trafficking strategy. It acknowledges the need for coordination of activities between the UK Government and devolved administrations, and also the need for multi-sector coordination.<sup>140</sup> Like in many other European countries, coordination groups have been established in each of the UK's administrations. However, the extent to which they can be interpreted as truly multi-agency is questionable. Efforts have also been made to establish and maintain coordination between various government departments, through the Inter-Departmental Ministerial and Officials Groups, and through other internal mechanisms such as the 'virtual trafficking team' (a cross-government team comprised of policy representatives with responsibility for formulating and coordinating government trafficking policy). However, some participants questioned whether some departments take as much of a lead or play as much of a role as they could. In particular, reference was made to the Departments for Education and International Development.

### Statutory coordination groups

The Inter-Departmental Ministerial Group on Human Trafficking (IDMG) is tasked with overseeing the implementation of the Government's strategy, coordinating actions and monitoring UK policy on human trafficking. This Group has also been proposed as fulfilling the primary responsibilities of an equivalent mechanism to a National Rapporteur. The IDMG brings together Ministers from various government departments including the Home Office, DfH, DfID and the FCO. This group also has representation from the Scottish and Welsh Governments and the Northern Ireland Assembly. However, the true effectiveness of the IDMG is called into question by the fact that this group has only met twice since it was formed in May 2010. More strikingly, only 5 ministers attended its first meeting with 9 apologies for non-attendance: in the second, only 6 ministers attended with 11 apologies for non-attendance.<sup>141</sup> It would therefore seem that the UK is falling short of its obligation under Article 29.2 in ensuring coordination of policies and actions overall. Similarly, infrequent meetings may impact upon the IDMG's ability to strengthen national coordination under Article 5.2 given the fast changing nature of trafficking in the UK.

Beneath the IDMG sits the strategic human trafficking board, comprising senior civil servants from each of the departments represented on the IDMG, but no civil society representatives. In 2009, the Strategic Monitoring Group (SMG) was established and chaired by the Home Office, with a view to oversee the implementation of the Convention. Representation from civil society on the SMG comprised solely of service providing organisations in receipt of government funding with the addition of the NSPCC (who can now refer potentially trafficked children to the NRM). The SMG's remit was limited to operational issues concerning victim identification and support through the NRM, rather than

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<sup>140</sup> *The Government's Strategy*, *supra* note 85, p.8.

<sup>141</sup> Written Ministerial Answers, Minister for Immigration, Hansard, HC Deb, 15 December 2011, c86446W.



allowing for strategic discussion and oversight of anti-trafficking efforts. Possibly owing to these limitations, this group is evolving into the NRM Oversight Group which the Government states will now focus on monitoring and advancing the NRM. While for operational reasons there is merit in this group being comprised of organisations contracted by the Government to provide services to victims or able to refer them to the NRM, independent actors should be brought on board for its evaluation.

In addition to these statutory groups, the UKHTC convenes three multi-agency working sub-groups. With the move of the agency to SOCA, these groups were restructured and currently include: 'Prevention' and 'Protection' groups, which both have NGO representation, and a 'Prosecution' group, which is solely made up of law enforcement agencies. It is hoped that these arrangements will be retained under the reorganisation of SOCA and the UKHTC into the National Crime Agency in 2013. 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 the 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.

Despite the existence of the groups outlined above, many participants stated their frustration at what they perceive to be a lack of coordination of anti-trafficking work overall, a lack of clarity about responsibility for coordinating activities, including prevention and, as a consequence, a lack of clarity about regional and individual responsibilities. Regional networks, such as the Bristol Counter-Trafficking Coalition and the West Midlands Regional Anti-Trafficking Network, have recently developed on their own initiative to fill the void where efforts have not been coordinated by centralised government.

Several interviewees from statutory agencies stated that coordination amongst law enforcement agencies around human trafficking is good, both within the UK and internationally. In many areas strong intelligence-sharing and operational networks have been developed; these appear to have been built on existing structures such as Regional Intelligence Units, information-sharing protocols and multi-agency groups established to tackle organised crime, and are strengthened by a clear understanding of each other's remits. An example of this is the Metropolitan Police Operation Golf team that investigated the trafficking of Romanian Roma children into the UK and highlighted the value of sharing information in a multi-disciplinary environment, with presentations at conferences and participation in meetings involving not only police but other child protection professionals. As a result, more professionals have been made aware of how to identify vulnerable children and traffickers.

### **Involvement of civil society in coordinating anti-trafficking measures**

The current make-up of multi-agency working groups contrasts with the situation prior to May 2010. Until then, the Home Office chaired an NGO stakeholders group where civil society partners could raise operational or strategic issues directly with the Minister for Immigration. However, this group has not been reconvened since the general election in May 2010 and there has been no indication from the current government that an NGO group with a similar remit will be re-established.

In November 2011, five new stakeholder groups were created by the Home Office. The new groups will focus on delivering specific themes identified as priorities in the Government's anti-trafficking strategy.<sup>142</sup> What is unknown at this stage is who will oversee the longevity of these themes, and the relationship between these groups and the sub-groups convened by the UKHTC. The process of monitoring and evaluation of the outputs and impact of these groups is also yet to be established. The exception to this general picture has been the UKHTC's efforts to include civil society, where it has proactively convened multi-agency sub-groups since its inception (see above). The UKHTC believes

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<sup>142</sup> These NGO stakeholder groups have a remit of examining public awareness-raising, international engagement, working with the private sector, tackling demand and child victims.

that these groups are one area where civil society can engage. While a prevention strategy was devised by the working group on prevention several years ago, it has not been fully operationalised. Recently, the UKHTC has also engaged with the private sector to explore how they can benefit from one another.

Few NGOs interviewed for this research reported being included in the coordination of the Government's anti-trafficking work as equal partners. The Convention and its *Explanatory Report* frequently emphasise the importance of civil society involvement at all stages of anti-trafficking policy and programme development.<sup>143</sup> Equally, the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* laid down by the OHCHR calls on States to consult with, *inter alia*, "national human rights institutions and relevant sectors of civil society in the development, adoption, implementation and review of anti-trafficking legislation, policies and programmes."<sup>144</sup> The absence of civil society representation on the Government's strategic groups is particularly concerning in relation to their responsibility to ensure all preventive measures are framed and delivered from a human rights perspective. Equally, efforts to address the gendered dimension of human trafficking are confined to sexual violence; gender mainstreaming is not yet an integral part of existing coordination and cooperation agreements.

A criticism expressed by several respondents was that current coordinating activities tend to focus around larger cities, particularly London, Glasgow and Belfast, where strong NGO and community networks were already established. There does not appear to have been any strategic attempt to coordinate civil society actors from all the relevant areas of work across the UK at a national level. NGOs in particular stated that existing coordination is very London-centric and that regional representation on national groups depends on individual organisations establishing and maintaining personal relationships.

In addition to the groups listed above, there are numerous NGO and community-led networks and groups, local statutory groups and extensive faith-based networks across the UK, which try to coordinate their work on trafficking.<sup>145</sup> There are also myriad statutory, multi-agency and private partnerships and networks, which concentrate on other areas of work but with which anti-trafficking work intersects. These include trade unions, strategic migration partnerships, Local Safeguarding Children Boards (LSCB) and child protection committees, legal networks, Regional Intelligence Units, refugee and migrant services, business networks and employment rights organisations (also see chapter 9). With many NGOs working on the issue and alliances being formed, there is a risk that duplicate activities are being carried out or not being coordinated. A clear UK nationwide prevention strategy that all organisations, groups and networks can work towards would somewhat alleviate this problem.

### **A way forward to effective models of coordination**

Practitioners interviewed for this research overwhelmingly voiced a preference for the implementation of local coordination, which would be more effective at responding rapidly and effectively to local needs. Indeed, the Equality and Human Rights Commission in Scotland's recently published *Inquiry into Human Trafficking in Scotland* highlights the need for local communities to be involved in anti-trafficking responses.<sup>146</sup> However, the majority of respondents also stated that the lead for coordinating anti-trafficking work across the UK needs to come from government in the form of a clear prevention strategy which sets out a clear remit with accompanying guidance, describing what agencies in these

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<sup>143</sup> "[Article 5.6] recognises the important role of non-governmental organisations, other relevant organisations and other elements of civil society in preventing trafficking in human beings and protecting and assisting victims. Parties, while responsible for meeting the obligations laid down in Article 5, must, as appropriate, involve such bodies in the implementation of prevention measures." *Explanatory Report to the European Convention*, *supra* note 40, para. 107.

<sup>144</sup> Office of High Commissioner, *supra* note 82, p.3.

<sup>145</sup> For example, the Greater London Authority Human Trafficking and London 2012 Network, which comprises of both statutory and non-statutory organisations, was created to manage the risk of trafficking increasing due to holding the 2012 Olympics in London.

<sup>146</sup> Equality and Human Rights Commission Scotland, *Inquiry into Human Trafficking in Scotland: Report of the Equality and Human Rights Commission* (Glasgow, 2011), p.49.

regions should be carrying out, to establish uniform action and response over the whole of the UK. This would send a clear message, in particular to those who do not consider trafficking to be part of their remit, that it is a priority and must be paid due attention. The Government and each devolved administration should ensure that all the necessary statutory agencies, government departments, NGOs and parts of civil society with any role to play in combating trafficking are included in anti-trafficking responses. This could be achieved through local networks which in turn feed into wider national coordination, as do LSCBs.

Good practice models can be found across the UK. Participants from across the UK pointed to the creation of the Human Trafficking Coordinator role in Wales as a positive development (see chapter 9). The Coordinator is responsible to the Welsh Government and Gwent Police. Although this is a positive development, some participants stated that because the role is not independent, this may limit its scope for coordinating efforts and may focus on statutory actors to the exclusion of civil society. As the post was only created in March 2011, it is too early to assess its impact; however, it is important that the effectiveness of the role is monitored to ensure that coordination is holistic and informs responses in the rest of the UK.

At a local level, the Multi-Agency Risk Assessment Conference (MARAC) model introduced to respond holistically to cases of domestic abuse was frequently cited by interviewees as an effective coordination mechanism. While the MARAC model is designed as an action-oriented response to individual cases, the benefits which arise from this multi-agency model, such as the ease with which information can be shared and the increased awareness of the complexities of the issue amongst all agencies involved, would apply equally to any strong, multi-agency anti-trafficking group. Participants generally stated that the MARAC model has been successful because all of the necessary agencies are involved. This enables a holistic response and ensures that all relevant information is shared, that there is clear understanding of each agency's remit and that agencies leave arranged MARAC conferences with defined actions which must be followed up. However, concerns remain in the violence against women sector that where the MARAC is owned or led by law enforcement or other government agencies, issues of consent, confidentiality and autonomy of victims are not adequately addressed.

Several specific tools that facilitate coordination were advanced by interviewed participants – for example national directories, such as the International Organization for Migration's (IOM) Counter Trafficking Directory<sup>147</sup> and the National Missing Persons Helpline's Counter Trafficking Directory, were highlighted as a useful means by which to coordinate work across the UK. They were stated to be particularly useful for practitioners outside of major towns and cities. It is vital that such directories are updated and it is suggested that from the examples above, the Government should create and maintain one consolidated directory to avoid duplication. Similarly, several organisations raised the possibility of creating an online resource where research, ideas and good practice could be shared outside of face-to-face meetings, such as that established by the Bristol Counter-Trafficking Coalition. The All-Party Working Group on Human Trafficking in Wales also recently established a website (see chapter 9).<sup>148</sup> In order to remain useful, such resources need to be updated regularly, requiring time and financial investment.

### **Conclusion: Coordinating coordination**

The Convention requires States to conduct prevention in a holistic and coordinated manner. Existing measures seem to lack coordination and overall strategy, both regionally and nationally, and very few measures are evaluated, making it difficult to determine their impact. This has led to fragmented efforts. However, this is not easy to achieve in the absence of a 'joined-up' approach. Improved coordination of anti-trafficking work across the board would increase the effectiveness of prevention measures. This could be achieved by adopting a model from another European country, where either

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<sup>147</sup> International Organization for Migration, *Counter Trafficking Directory for the United Kingdom*. Available at: [www.iomuk.org/doc/ct/IOM\\_UK\\_Counter-Trafficking\\_Directory.pdf](http://www.iomuk.org/doc/ct/IOM_UK_Counter-Trafficking_Directory.pdf) [last accessed 18 December 2011].

<sup>148</sup> See [www.humantraffickinginwales.co.uk](http://www.humantraffickinginwales.co.uk) [last accessed 3 February 2012].

individuals or government departments are designated as the national coordinator (see annex II). It is important that NGO and civil society actors are included as equal partners in both strategic decisions and in developing responses. Any future coordination needs to be supported by a strong governance structure to ensure that information can be shared safely, that there is a clear understanding of each department and organisations' roles and responsibilities, and that actions are allocated to these relevant departments and organisations and followed through.

## Chapter 4: Preventing trafficking by reducing demand

### Convention obligations

Article 6 of the Convention requires States Parties to introduce or strengthen measures intended to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”.<sup>149</sup> Measures may include the creation or reform of legislation (including by criminalising those who knowingly use the services of a trafficked person),<sup>150</sup> education, social or cultural interventions or administrative measures.<sup>151</sup> At a minimum, States Parties must conduct research on best practice in effective demand reduction,<sup>152</sup> look to maximise awareness of the role demand and consumer behaviour plays in trafficking through effective collaboration with the media and civil society,<sup>153</sup> target information at relevant groups to influence their behaviour,<sup>154</sup> and educate school-age children about the links between discrimination, inequality and the violation of human rights and trafficking, as well as the role demand plays in such exploitation.<sup>155</sup> Measures introduced under Article 6 should cover demand for forced labour and services, slavery and similar practices, servitude and organ removal in addition to sexual exploitation.<sup>156</sup>

The starting point in any attempt to prevent trafficking by discouraging demand is to clearly define the issue, and identify where the demand lies. In the context of human trafficking, demand has traditionally been understood as consumer demand for prostitution or sexual exploitation. However, demand for trafficked labour covers “a broad and diverse range of motivations and interests. It can refer to an employer’s need for cheap and docile labour, or to consumer demand for cheap goods and/or services, or for household labour or subsistence labour, or to any or all of these.”<sup>157</sup> Market demand for cheap labour and consumer demand for cheap produce, which could potentially encourage trafficking, has only recently started to receive wider attention in the UK.<sup>158</sup> The demand for and motivation of those who exploit trafficked labour in the production of counterfeit goods, drugs and other aspects of illegality has been considered even less. The outcomes from research conducted by the International Labour Organization (ILO)<sup>159</sup> offer valuable insight to assist with the conceptualisation and analysis of demand.

Direct analysis of demand<sup>160</sup> has shown that demand, driven by the need for cheap labour and services, is sometimes met by exploited labour. Pearson suggests that a more detailed unpacking of the issue of demand looks at all factors at the destination, i.e. recruiters, employers, unmentioned individuals in the background and consumers. The first analytical question would thus be, what enables this kind of exploitation to take place? Pearson defines demand as a desire or preference by people for a particular kind of person or service. There are three levels of demand in the context of trafficking:

- Employer demand (employers, owners, managers or subcontractors)
- Consumer demand (clients - sex industry), corporate buyers (manufacturing), household members (domestic work)
- Third parties involved in the process (recruiters, agents, transporters and those who participate knowingly in human trafficking at any stage of the process)

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<sup>149</sup> *European Convention*, *supra* note 40, Article 6.

<sup>150</sup> *Ibid.*, Article 19.

<sup>151</sup> Article 18.1 of the EU Directive also states that States shall take appropriate measures, such as, education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.

<sup>152</sup> *European Convention*, *supra* note 40, Article 6(a).

<sup>153</sup> *Ibid.*, Article 6(b).

<sup>154</sup> *Ibid.*, Article 6(c).

<sup>155</sup> *Ibid.*, Article 6(d).

<sup>156</sup> *Explanatory Report to the European Convention*, *supra* note 40, para. 108.

<sup>157</sup> Anderson, B., et al., *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, IOM, 2003, p.10.

<sup>158</sup> Article 18.4 of the EU Directive asks States to consider taking measures to establish, as a criminal offence, the use of services which are objects of exploitation where the purchaser has knowledge that the person providing the service was trafficked.

<sup>159</sup> Pearson, E., *Human Trafficking: Redefining Demand* (2005).

<sup>160</sup> *Ibid.*, carried out by the International Labour Organization and International Program for the Elimination of Child Labour.

Demand is demonstrated in practice by any one of these levels or in combination. In order to be able to reduce such demand, knowledge and understanding of all three levels is needed to identify why/how demand is met by trafficked persons. Looking at all of these factors together reveals how demand is created and what destination factors foster it. Simply put, this means that both demand per se coupled with the environment that creates or influences demand, brings it into being: the economic, cultural, social, legal and policy factors affecting employers, consumers and third parties.

The importance of tackling the demand-end of trafficking is widely acknowledged, but practitioners are divided in their opinions on how best to address it. Exploitative practices and human trafficking take place in regulated and unregulated markets, as well as in illegal sectors. As such, tackling the demand-end of human trafficking requires careful consideration and coordinated policies and programmes. Research suggests that it is not the existence of any particular product or sector that makes using trafficked labour more incentivised; rather it is the social constructs and market dynamics that facilitate and/or condone the exploitation and abuse of vulnerable people.<sup>161</sup> Similarly, it has found that punitive approaches can have unintended negative consequences, such as simply displacing the problem.<sup>162</sup> Equally, regulation “does nothing, in itself, to counteract [the] racism, xenophobia and prejudice against migrants and ethnic minority groups”, that increases their vulnerability to exploitation and society’s acceptance of it.<sup>163</sup> As such, evidence suggests that the most effective way to tackle demand is to focus on education and challenging the social constructs that tolerate or perpetuate inequality and exploitation.<sup>164</sup>

As with all anti-trafficking measures, it is important that efforts addressing the demand-side of trafficking promote rather than discourage the protection of human rights. Equally, it is essential that the gendered nature of specific markets is acknowledged and measures aim to address those factors. In the context of demand, this would include ensuring that policies take into account and address the reasons why women are disproportionately represented in certain markets, such as domestic work, hospitality and the sex industry.

### **Measures to discourage demand in the UK**

There was general consensus amongst participants interviewed for this research that tackling the demand side of human trafficking is an important aspect of prevention. However, it was stated that little thought has been given as to how best to achieve this. One of the main concerns raised is that the issue of demand in relation to trafficking is poorly defined or understood. There has been little thorough analysis in the UK of what constitutes demand or how best to tackle it in a way which reinforces gender equality and protects human rights. Research into demand for trafficking which does exist focuses on demand for prostitution.<sup>165</sup> Additionally, participants are generally of the opinion that government efforts to understand the demand side of trafficking and measures to address it have been reactive and piecemeal. It is not clear that much attention has been paid to understanding the issue of demand in broader terms or to tackling it in a comprehensive manner.

### **Legislation and information campaigns**

Most efforts that were presented to the ATMG researcher, as those aimed at tackling demand, were either legislative or in the form of a campaign. Legislative efforts so far have focused on the sex industry: section 14 of the Policing and Crime Act 2009, which came into force in April 2010, made it a criminal offence to pay for sex with someone subject to force, threats, coercion or deception in England, Wales and Northern Ireland. The offence is one of strict liability, which means that someone can be convicted even if they were unaware of the conditions someone was forced to work under. The legislation was controversial even prior to its enactment and has since divided opinion as to its effectiveness in addressing trafficking. In acknowledgement that such legislation is difficult to enforce, it

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<sup>161</sup> Anderson, *supra* note 157, p.9.

<sup>162</sup> *Ibid.*, p.43.

<sup>163</sup> *Ibid.*, p.44.

<sup>164</sup> Chuang, *supra* note 61, p.159.

<sup>165</sup> Macleod, J., 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, M., et al, *Men who buy sex: Who they buy and what they know*, Eaves and Prostitution Research & Education, (2009).

is widely accepted that the preventative effect of such a measure lies more in its educational influence.<sup>166</sup> However, 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. Official figures show that between April 2010 and June 2011, 40 people were charged under the new legislation. However, this figure also includes charges of kerb-crawling under section 16 of the Act, making it difficult to assess whether it has had an impact in relation to trafficking. A poster campaign was developed to raise awareness of the new legislation amongst men who pay for sex when it came into effect, but equally its impact has not been evaluated.

An example of a different legislative effort is the recent 2010 Transparency in Supply Chains Act in effect in the US State of California. The Act requires retailers and manufacturers who are “doing business” in California to post a disclosure on their website concerning their efforts to combat human trafficking and forced labour within their supply chains. While opinion is divided on how to encourage corporations to be more socially responsible, whether through legislation or by encouraging a culture change from within, this is an interesting development to watch in the future for its effectiveness. Given the newness of the act, we are yet to see its impact in practice.

Examples of initiatives targeting consumer demand outside of the sex industry include an IOM-led campaign, *Buy Responsibly*.<sup>167</sup> The campaign aims to raise awareness of trafficking for forced labour and encourage the public to think more critically about the products they buy, suggesting asking retailers for more social guarantees on the goods they sell. The campaign was presented in the UK in October 2011 to coincide with Anti-Slavery Day. In addition, several NGOs have led campaigns to increase public awareness of the provenance of goods and influence consumer behaviour. For instance, Anti-Slavery International and the Ethical Trading Initiative raise awareness of forced labour and exploitation in supply chains; and the *Living Wage* campaign challenges the use of cheap labour amongst businesses. All these campaigns address demand for trafficked labour in the UK and around the world in some way.

It is important that the Government recognises its role in changing behaviour through its anti-trafficking work and that this work is sufficiently coordinated with the UK’s anti-trafficking agenda. When considering the issue of demand and looking at best ways to influence public behaviour, it is recommended that the Government learns from campaigns it has commissioned in other policy areas, such as the Department for Transport’s *THINK!* road safety campaign.<sup>168</sup> These types of campaigns, which include *Don’t Drink and Drive*, have been created innovatively by Leo Burnett’s advertising agency, to spell out the consequences of actions that can be potentially damaging. These sorts of campaigns have appeared in various forms in the media over an extended period of time and have successfully influenced public behaviour when coupled with clear legislation and the resources to enforce.

### **Influencing behaviour from a young age**

Education is a devolved issue across the UK. However, none of the devolved administrations’ governments currently require mandatory education about human rights and the consequences of inequality and discrimination in their curriculums. Some governments are increasingly recognising the importance of including issues like sexual and domestic violence and child sexual exploitation in primary and secondary education as early preventive measures,<sup>169</sup> but the mainstreaming of these issues is yet to be achieved.<sup>170</sup>

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<sup>166</sup> Gallagher, *supra* note 41, p.183.

<sup>167</sup> See [www.buyresponsibly.org](http://www.buyresponsibly.org) [last accessed 3 March 2012].

<sup>168</sup> Department of Transport, *THINK!* Available at: [www.think.direct.gov.uk/](http://www.think.direct.gov.uk/) [last accessed 16 January 2012].

<sup>169</sup> See Department of Education, *Tackling Sexual Exploitation: Action Plan*, published 23 November 2011. Available at: <http://media.education.gov.uk/assets/files/pdf/c/tackling%20child%20sexual%20exploitation%20-%20action%20plan.pdf>, and Welsh Government, *The Right to be Safe, Welsh Government’s 6-year integrated strategy for tackling all forms of violence against women and domestic abuse*, March 2010. Available at: <http://wales.gov.uk/docs/dsjlg/publications/commsafety/100325besafefinalenv1.pdf> [last accessed 3 March 2012].

<sup>170</sup> Wales Violence Against Women Action Group *Steps to Safety*, July 2011. Available at: <http://walesvawgroup.com/?p=243> [last accessed 24 November 2011].

In the absence of the Department of Education's lead on this issue, teaching resource packages have been developed by numerous NGOs across the UK. They predominantly focus on healthy relationships to teach children about domestic and sexual abuse. However, ECPAT regularly updates their teaching resources on child trafficking and exploitation and Anti-Slavery International has a dedicated Education Officer who develops resources and works in schools to raise awareness about human trafficking and other forms of forced labour and slavery. Amnesty International and the Northern Ireland Human Rights Commission have a range of tools for teaching children about human rights at different stages in their schooling. The Helen Bamber Foundation regularly speaks to schools and universities about human rights violations including trafficking for sexual and labour exploitation, and their effect on the individual and wider society. UNICEF UK also runs a Rights Respecting Schools scheme with participating schools, educating children about human rights. NGOs are regularly invited into schools to speak about issues related to human rights, child abuse and trafficking, but there is currently no mandatory requirement for children to learn about the causes and consequences of exploitation and trafficking, or how their behaviour can influence it.

### **Conclusion: Preventing trafficking through tackling the demand-side**

There is wide scope for preventing trafficking through influencing demand. The most effective way to do this is by addressing the attitudes and practices in society which condone or perpetuate discrimination, inequality and exploitation. More attention also needs to be paid to understanding the best ways of influencing attitudes and public behaviour. To this end, the expertise of the voluntary sector and the impact of behaviour-changing campaigns in other policy areas, should be drawn upon. The UK Government and devolved administrations should consider including education on the causes and consequences of trafficking in primary and secondary-level education as mandatory, with a view to influencing the behaviour of future generations as part of a long-term prevention strategy. Tackling the demand-side of trafficking could also be partly achieved by engaging with prominent members of the community, such as religious leaders, to raise awareness.

Attention in the UK is increasingly being paid to the importance of addressing the demand as well as the supply side of trafficking. However, this needs to be strengthened by developing a more strategic approach. Furthermore, existing measures have yet to be evaluated in a meaningful way, making it difficult to assess how effective they have been in relation to trafficking. It was also widely reported that the measures tackling demand introduced to date have been partial, reactionary and lacked coordination. Furthermore, they have predominately focused on trafficking into the sex industry and largely ignored other types of exploitation. For example, there is a need to look at demand for social care and nursing for an ageing population and how this demand will be met, as well as its potential impact on trafficking for forced labour. Both the evaluation of such measures and broadening our knowledge of demand outside of the sex industry must be addressed as a matter of urgency. Other initiatives and research have been carried out in the devolved administrations and a discussion of these can be found in chapter 9.

The Government's strategy recognises the need to tackle demand for "inexpensive, unprotected and often illegal labour"<sup>171</sup> and pledges to "increase understanding and encourage greater corporate moral and social responsibility within the private sector."<sup>172</sup> It has also recently set up a themed NGO discussion group on tackling demand in recognition of the importance of its role in preventing trafficking. These are positive steps in the right direction. However, the details on how this will be achieved are yet to be announced.

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<sup>171</sup> *The Government's Strategy*, *supra* note 85, p.23.

<sup>172</sup> *Ibid.*



## Chapter 5: Immigration policies

### Preventing trafficking through immigration policies

As discussed in previous chapters, there is a direct link between migration and human trafficking. Although the migration involved need not be illegal or even transnational, immigration policies can have a role to play in addressing the problem. Article 5.4 of the Convention requires States Parties to take appropriate measures to enable legal migration.<sup>173</sup> In particular, States Parties must take steps to disseminate accurate information about opportunities and conditions for legal migration to their country, and about migrants' rights under UK law. This obligation is aimed at countering the misinformation traffickers use to deceive and control trafficked persons.<sup>174</sup>

In addition to raising awareness about legal migration routes, immigration policies can play a much larger role in preventing trafficking by creating opportunities for vulnerable people seeking to migrate and by ensuring protection of migrants. In its 2005 judgement in the case of *Siliadin v France*, the European Court of Human Rights acknowledged the role immigration policies can have in encouraging, facilitating and/or tolerating human trafficking.<sup>175</sup> In June 2010, GRETA further highlighted "the importance of systematically assessing the impact of immigration legislation and policy on the prevention of trafficking and the protection of victims' rights."<sup>176</sup> Human trafficking can be seen as the "opportunistic response to the tension between the economic necessity to migrate, on the one hand, and the politically motivated restrictions on migration, on the other."<sup>177</sup> Thus, with regard to international trafficking, restrictive immigration policies adopted by Western governments may exacerbate rather than alleviate the problem by forcing migrants into ever-riskier migration while failing to acknowledge or address the social and economic factors within their countries that create a market for migrant labour.<sup>178</sup>

### Labour migration into the UK

There are few legal migration routes into the UK for unskilled migrants. The UK immigration points-based system favours highly-skilled and highly-educated migrants. Indeed, since the points-based system was introduced in 2008, the Tier 3 category applicable to low or unskilled migrants has never been opened due to a recommendation from the Government's Migration Advisory Committee that the country's demand for low or unskilled labour would be met by migrants from the then newly enlarged European Union.

Several interviewed participants raised concerns that such restrictive immigration policies have a particularly adverse impact on those migrants who are already the most vulnerable to exploitation and, in particular, on women who are typically less skilled, less educated and hold fewer qualifications than men. Restricting legal routes to work does nothing to tackle the reasons why people chose to migrate in the first place nor does it tackle the demand for cheap migrant labour. As avenues for legal migration decrease, demand for other ways to enter the country to work increases. This leads to the development of illegal migration as a profitable business model for organised criminals. Migration becomes more expensive and the risk of exploitation also increases.

Research into forced labour has found that a migrant's legal status (or lack thereof) has a significant impact on their working conditions and vulnerability to exploitation.<sup>179</sup> Irregular migrants are less able to negotiate working conditions, more likely to accept exploitative work and are less likely to pursue

<sup>173</sup> *European Convention*, *supra* note 40, Article 5.4.

<sup>174</sup> *Explanatory Report to the European Convention*, *supra* note 40, para. 105.

<sup>175</sup> *Siliadin v France*, Chamber Judgment, Application No. 73316/01, 26 October 2005, para. 284.

<sup>176</sup> *Opinion No. 6/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission On the Decision of the European Court of Human Rights in the Case of Rantsev v Cyprus and Russia*, para. 8.

<sup>177</sup> International Labour Office, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (Geneva: ILO, 2005), p.46.

<sup>178</sup> Van den Anker, C., 'Rights and Responsibilities in trafficking for forced labour: Migration regimes, Labour law and Welfare States', *Web Journal of Current Legal Issues* 1, (2009).

<sup>179</sup> Dwyer, P., et al., *Forced labour and UK immigration policy: status matters?* (Joseph Rowntree Foundation, October 2011), p.20.

justice in cases of unpaid wages or abuse, for fear of making their illegal status known. Lack of legal status is also commonly exploited by employers and traffickers through threats of denunciation to the authorities. In addition to a lack of legal status, social exclusion such as living on the margins of society, has also been found to increase migrant vulnerability to forced labour, abuse and exploitation.<sup>180</sup>

### **Overseas Domestic Worker visa and Seasonal Agricultural Workers Scheme**

There are certain immigration categories which facilitate migration into unskilled work: the Seasonal Agricultural Workers Scheme (SAWS) gives A2 nationals the right to work for up to 6 months in agricultural work; and until recently, the Overseas Domestic Worker (ODW) visa, introduced in chapter 2, allowed employers to bring domestic staff with them when visiting, moving or returning to the UK.

The entry requirements for the ODW visa requires domestic workers to be employed by the employer with whom they are travelling for 12 months prior to application, and to be able to support themselves financially without recourse to public funds. Until April 2012, the ODW visa was valid for 6 or 12 months and could be renewed. The importance of this visa category in protecting domestic workers from abuse and exploitation lay in its recognition of domestic workers with rights to protection under UK employment law, as well as its provision allowing domestic workers to change employer (but not the type of employment) without losing their immigration status.<sup>181</sup> In 1998, this latter provision was made in specific recognition of the fact that migrant domestic workers are particularly vulnerable to abuse and exploitation.

Despite the role that the visa often played in protecting migrant domestic workers from exploitation, the Home Office announced its decision to restrict it to a 6 month visa with no possibility of extension and no right to change employer as of April 2012 (see annex III for the announcement). These changes stemmed from a government consultation made in the context of proposals aimed at breaking the link between temporary and permanent migration.<sup>182</sup> The reason provided for this retrograde motion in policy is that the current route runs counter to the Government's aim of allowing only highly-skilled and highly-educated migrants to work and remain in the UK.<sup>183</sup> Furthermore, the Minister for Immigration stated that he "[does] not accept that employers would be able to successfully bring in their domestic workers illegally,"<sup>184</sup> if the previous ODW category was changed. This approach seems to ignore the fact that many domestic workers have been trafficked for exploitation or brought into UK illegally by their employers. It also appears to be at odds with the Government strategy's aim to prevent and reduce trafficking, as there is a risk that these changes may lead to an increase in instances of forced irregular entry and trafficking for forced labour.

Employers who may wish to settle in the UK are likely to facilitate their domestic worker's entry into the UK through clandestine means where they have the financial resources to do so. Past experience of organisations that support exploited domestic workers confirms this. Moreover, the power imbalance between the employer and domestic worker<sup>185</sup> is likely to be reinforced as workers lose the ability to enforce their employment rights<sup>186</sup> or to change employer. Consequently, a rise in exploitation and domestic servitude is probable – as exemplified by ample evidence of the impact of tying a visa to an employer.<sup>187</sup> In addition, the reporting of abuse by domestic workers may decrease as a result of the

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<sup>180</sup> *Ibid.*, p.21.

<sup>181</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>182</sup> UK Border Agency, *Employment-related Settlement, Tier 5 and Overseas Domestic Workers: A consultation*, June 2011. Available at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/employment-related-settlement/employment-related-consultation?view=Binary](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/employment-related-settlement/employment-related-consultation?view=Binary) [last accessed 3 March 2012].

<sup>183</sup> *Ibid.*, para 7.4.

<sup>184</sup> Letter to Jeremy Corbyn, MP, from Damian Green, Minister for Immigration, 20 September 2011.

<sup>185</sup> For insight into issues of abusive employer/domestic worker relationships, see generally, Jureidini, R., *An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon* (January 2011). Available at: <http://kafa.org.lb/StudiesPublicationPDF/PRpdf38.pdf> [last accessed 3 March 2012].

<sup>186</sup> Limiting a domestic worker's stay to 6 months would inhibit their ability to see a claim in an employment tribunal to the end, which on average can take longer to conclude.

<sup>187</sup> Lalani, *supra* note 181, pp. 12-13.

position they find themselves in if they leave their abusive employer: they will become 'illegal' and therefore a criminal; and if they do not comply with their employer's demands they can be threatened with being sent away. Hence, after April 2012, domestic workers may stay underground and become invisible to the authorities. If these changes result in an increase in trafficking for domestic servitude, more strain may be placed on the NRM and extra resources will be needed to support these additional victims. Therefore it is clear that the ODW visa presents better value for money compared to the alternatives.

The ODW visa granted in respect of domestic workers in diplomatic households for up to five years, will now exclude the right to change employer within the same diplomatic mission and remove the right to settlement. Previously, these domestic workers were only allowed to switch their employment to another diplomat in the same mission had they suffered abuse. Prior to the changes, domestic workers in diplomatic households were consequently at risk of trafficking because the reality of changing employer was unfeasible. For instance, other diplomats in the same mission may already have their own domestic worker and may not require another. Moreover, it is extremely unlikely that a domestic worker would be able to speak out about their abusive relationship with their employer to other members of their employer's mission because of the perceived or actual risk of repercussions. Under the new rules even this extremely limited right has been removed. Furthermore, reports of abuse cannot be investigated as there is no way to scrutinise diplomatic missions due to the Government's obligations under the Vienna Convention on Diplomatic Relations 1961.<sup>188</sup> To put this into perspective, the ratio of diplomatic domestic workers to domestic workers in private households entering the UK is one fiftieth; however, Kalayaan's statistics show that one third of the trafficking cases for domestic servitude referred to Operation Tolerance and the NRM (between 1 April 2009 and 31 December 2010), had come to the UK with a diplomat.<sup>189</sup> The ATMG understands the restrictions placed on the Government under the Vienna Convention but efforts must be in place to tackle this type of abuse. The OSCE Special Representative called on the Government to extend the previous ODW visa to domestic workers employed in diplomatic houses as they would also benefit from it as a preventative measure.<sup>190</sup>

The Government has recently announced that it will retain the immigration restrictions on A2 nationals until the end of the transition period placed on countries joining the European Union. These arrangements have led to many Romanians and Bulgarians seeking jobs through self-employment. However, there have been reports of the exploitation of self-employed workers, who have in fact been treated by their employers as employees without the rights to which they would have been entitled to as direct employees.

### Effective enforcement

The UKBA issues *Immigration Directorate Instructions*,<sup>191</sup> which are used as internal guidance for staff when handling visa applications. Chapter 5, section 12 applies to domestic workers in private households and states that before issuing an ODW visa in the source country, an entry clearance officer at a diplomatic post<sup>192</sup> should follow a set procedure: the domestic worker should be interviewed on their own "to establish that they understand the terms and conditions of the employment and that they are willing to go to the United Kingdom";<sup>193</sup> if living in the employer's house, the employer must guarantee that the domestic worker will be provided with a separate bedroom;<sup>194</sup> and the employer must submit a signed contract of the main terms and conditions of the domestic worker's

<sup>188</sup> See generally Kartusch, A., *Domestic Workers in Diplomats' Households: Rights Violations and Access to Justice in the Context of Diplomatic Immunity* (2011).

<sup>189</sup> Lalani, M. *supra* note 181, p.32.

<sup>190</sup> Organization for Security and Co-operation in Europe, *supra* note 64, p.8.

<sup>191</sup> UK Border Agency, *Immigration Directorates' Instructions*, Chapter 5 Section 12 'Domestic Workers in Private Households', para. 3.2. Available at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter5/section12/section12.pdf?view=Binary](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter5/section12/section12.pdf?view=Binary) [last accessed 10 January 2012].

<sup>192</sup> The term 'diplomatic post' includes British Embassies, High Commissions and other diplomatic posts across the world.

<sup>193</sup> UK Border Agency, *supra* note, 191, para 2.3.

<sup>194</sup> *Ibid.*, para. 2.6.

employment.<sup>195</sup> If a visa application is successful, the domestic worker should be given an information leaflet explaining their rights under UK criminal and employment law. It is expected that these instructions will remain as ODWs will still be able to enter the UK, albeit for six months, and the Government has stated that it will strengthen “pre-entry measures to ensure that domestic workers and their employers understand their respective rights and responsibilities. Key to this will be written terms and conditions of employment that are agreed by both employee and employer.”<sup>196</sup> However, for this measure to be effective in preventing trafficking it has to be rigorously enforced. Research conducted between 2008 and 2010 on 866 Kalayaan service users, found that just over half of those issued with an ODW visa had been interviewed on application and of those, only 15 per cent were interviewed on their own, i.e. without their employer present. Fewer still (4%) received information about their rights in the UK.<sup>197</sup> This is despite clear UKBA guidance on the procedure to be followed when this particular type of visa is applied for. Furthermore, UKBA’s guidance to entry clearance officers states that an employer’s refusal to pay their domestic worker the National Minimum Wage is not a reason to deny the visa.<sup>198</sup> The Home Affairs Committee criticised this guidance in their 2009 *Inquiry* into human trafficking, noting that it “makes a mockery of the concept of a legal minimum wage”.<sup>199</sup> It nevertheless still applies. Furthermore, a review of domestic workers’ Home Office case files by the Working Lives Research Institute in 2011 found them to hold inadequate information to assess workers’ working conditions and in at least 60 per cent of the cases reviewed, the information provided to the Home Office made it clear that the National Minimum Wage would not be paid.<sup>200</sup>

The GLA was frequently cited as an effective mechanism for preventing exploitation in some sectors where A2 nationals and other vulnerable migrants are known to work. However, as discussed in chapter 2, the GLA’s remit does not cover all the sectors in which exploitation and trafficking is known or suspected to take place, and enforcement in sectors outside of the GLA’s remit is recognised as being “at best patchy and at worst non-existent.”<sup>201</sup>

### Pre-migration information

Information is made available to migrants on possible visa options and how to apply for them through the Home Office website. All successful visa applicants receive a generic information leaflet, *Your Stay in the UK*, which is also available on the UKBA’s website.<sup>202</sup> While the leaflet does include some information on human trafficking and a link to the *Blue Blindfold* campaign website, it focuses on warning migrants of the obligations on them and does not provide any information about the specific rights migrants may have. Migrants are advised not to “accept offers of employment outside your visa entitlement as this may result in you being exploited”. However, information about what to do if their employment turns out to be exploitative and relevant contact details are missing. Nonetheless, visas are granted only to highly-skilled and skilled migrants and therefore the probability of them entering an industry where known exploitation occurs is low. Migrants who fall under the Tier 3 low-skilled category, which is currently suspended, will not receive a visa grant and consequently will not receive any leaflet from the UKBA containing information on trafficking.

This leaflet is a marked change from the one developed when the ODW visa was created in 1998. That leaflet detailed migrant domestic workers’ employment entitlements and was developed in collaboration with Kalayaan and the Transport and General Workers Union (now Unite). The information previously

<sup>195</sup> *Ibid.*, para. 2.7.

<sup>196</sup> Written Ministerial Statements, The Secretary of State for the Home Department: HC Deb, 29 February 2012, c33WS.

<sup>197</sup> Lalani, M, *supra* note 181, p.18.

<sup>198</sup> The guidance states: ‘In order to defend any criticism that the Home Office encourages exploitation of workers the employer should be asked to provide a brief statement to the effect that he/she would comply with UK legislation on the National Minimum Wage once here. However a refusal cannot be maintained on the basis that the employer does not comply with this request.’ (UKBA emphasis added), *supra* note 191, para. 3.3

<sup>199</sup> House of Commons, *supra* note 127, para. 53.

<sup>200</sup> Clark, N., et al., *Turning a Blind Eye: The British state and migrant domestic workers’ employment rights* (London Metropolitan University, 2011), p.22.

<sup>201</sup> House of Commons, *supra* note 127, para. 55.

<sup>202</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].

provided to migrant domestic workers is still available on the UKBA's website;<sup>203</sup> however, it is only available in English and participants interviewed by the ATMG raised concerns about the access migrant domestic workers and potentially vulnerable migrants (and in particular children) would have to the internet and the ease with which they could navigate the Home Office website.

Leaflets and booklets detailing migrant rights and how to enforce them were produced and disseminated by trade unions and NGOs prior to the first expansion of the EU in 2008. Similarly, a generic *Travel Smart – Work Smart* guidebook providing migrants and potential migrants with information and resources about safe migration and exploitative-free work was developed as part of the ILO's counter-trafficking programme in the Greater Mekong Sub-region, funded by DfID. The guidebook was developed to be easily adaptable to different regions and countries.<sup>204</sup> The IOM and migrant resource centres also run campaigns and produce guidance on safe migration in several known source countries. In addition, the British Council, British High Commission and DfID have all been involved in safe migration campaigns in Bangladesh.<sup>205</sup> Further work needs to be carried out to establish what information is available to migrants before they migrate and ensure that information is included about human trafficking and their rights in the UK. Existing safe migration campaigns should be evaluated to understand the best methods for reaching vulnerable populations and to ensure they are being given information which will empower and support them. This should be done in collaboration with trafficked persons and the community at risk.

### **Conclusion: Using immigration policies to prevent trafficking**

Anti-trafficking experts worldwide highlight the links between vulnerability to exploitation and restrictive migration policies. The UK Government's increasingly restrictive immigration policy may potentially exacerbate trafficking and increase exploitation of migrant workers in the UK. Existing immigration policies should be assessed for how effective they are in preventing trafficking, and for the impact they have on migrants' vulnerability to exploitation. Similarly, gender impact assessments must be carried out on all immigration policies to ensure they do not disproportionately affect women. In order to do this, impact assessment tools developed by NGOs and other organisations, such as the European Union and United Nations, should be referred to and drawn upon.

Where routes are available for unskilled migration into the UK, enforcement should be stepped up to ensure migrants are protected from exploitative labour practices and abuse. Lessons should be learnt from existing enforcement models recognised for their effectiveness, such as the GLA, and future measures should build on their expertise. Similarly, recognised models of workplace inspections linked to anti-trafficking measures in other European countries, such as the Netherlands and Belgium where pro-active social inspection plays a major role in prevention and protection, should be used to inform UK policy.

Efforts to provide safe migration advice to potentially vulnerable migrants are patchy for the reasons stated above, and currently not mainstreamed within anti-trafficking measures. More work is needed to ensure that information about trafficking and protection from exploitation, including practical tips and contact details of organisations that can help if workers find themselves in exploitative situations, are included in existing resources for migrants. Such information must be disseminated in a way that reaches those who are most vulnerable to exploitation, i.e. those who lack the means to migrate legally.

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<sup>203</sup> Available at: [www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers](http://www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers) [last accessed 24 November 2011].

<sup>204</sup> International Labour Organization, *Meeting the Challenge: Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-region* (IPEC-ILO, 2008), p.20.

<sup>205</sup> Siddiqui, T., et al., *Information campaigns on safe migration and pre-departure training* (Development Research Centre on Migration, Globalisation and Poverty, 2008), pp.53-54.

## Chapter 6: Border measures

### Preventing trafficking at the border

Article 7 of the Convention places obligations on States Parties to prevent and detect trafficking at their borders. These obligations include strengthening “such border controls as may be necessary” to identify trafficking,<sup>206</sup> strengthening cooperation between border control agencies,<sup>207</sup> taking appropriate measures to prevent commercial transport carriers from being used by traffickers,<sup>208</sup> and requiring transport operators ensure all passengers “are in possession of the travel documents required for entry into the receiving State.”<sup>209</sup>

The *Explanatory Report* to the Convention highlights the fact that “better management of controls and cooperation at borders would make action to combat trafficking in human beings more effective.”<sup>210</sup> While points of entry and exit into and out of a country can be important places for interventions, trafficking cannot be prevented by action at the border alone. Border measures do nothing to address internal trafficking. Equally, many trafficked persons enter the UK unaware of the conditions or type of work they will be subjected to, and they may be unaware they have been trafficked until they reach the exploitative situation. This further limits the extent to which interventions at the border can prevent trafficking. It is important, however, to recognise that the border may be one of the few occasions a trafficked or potentially trafficked person comes into contact with a trained professional or can access information about their rights in the UK.

### Measures to prevent trafficking at the border

Preventing trafficking at the border is a dominant feature of the UK Government’s anti-trafficking strategy.<sup>211</sup> Several participants interviewed stated that the Government sees border control as the main way to prevent trafficking – by denying entry to potential victims and traffickers. While in some cases this may be a justifiable approach, the focus needs to be broader. Interventions at the border present another opportunity to protect people from harm by providing them with information about where to turn for help, should they need it. Such activity should be understood as one aspect of a holistic approach to prevention.

The strategy highlights several existing border measures in which trafficking has been integrated, such as police and security checks on visa applicants in source countries. Intelligence on known and suspected traffickers is also shared between the police, the UKHTC, and the UKBA, including their RALON (Risk and Liaison Overseas Network) officers. This should prevent such persons from entering the UK. Similarly, juxtaposed border controls have been introduced in Belgium and France to strengthen the UKBA’s presence there and “stop illegal immigrants before they get to the UK.”<sup>212</sup> The ATMG was made aware of one case where a suspected trafficker and six potentially trafficked persons were intercepted at the juxtaposed controls in France and prevented from entering the UK. The potential victims were referred to support in France, and the suspected trafficker removed to Nigeria. In the longer-term, the Government has committed to a new policing agency, the National Crime Agency, which will have a Border Policing Command responsible for disrupting organised crime, including trafficking, at the UK border. Both the UKHTC and CEOP are due to be subsumed within the new National Crime Agency in 2013.

Many participants interviewed raised concerns that the focus of the UK’s strategy is primarily on

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<sup>206</sup> *European Convention*, *supra* note 40, Article 7.1.

<sup>207</sup> *Ibid.*, Article 7.6.

<sup>208</sup> *Ibid.*, Article 7.2.

<sup>209</sup> *Ibid.*, Article 7.3.

<sup>210</sup> *Explanatory Report to the European Convention*, *supra* note 40, para. 111.

<sup>211</sup> *The Government’s Strategy*, *supra* note 85, chap 5 ‘Smarter action at the border’.

<sup>212</sup> *Ibid.*, p.17.

preventing irregular migrants, including vulnerable migrants and potentially trafficked persons, from entering the UK. The strategy states that “where potential trafficking victims are identified at the border, they are assessed for risk of return”.<sup>213</sup> The ATMG was directed to the Home Office’s policy document, *Considering Asylum Claims and Assessing Credibility*<sup>214</sup> where this assessment is included in the UKBA’s policy on considering protection claims. This document contains reasons why a person may claim asylum, humanitarian protection or another form of discretionary leave. Each of these categories usually involves the onus being on the claimant to meet the requisite (often, *de facto*, high) threshold for the aforementioned grounds for protection to be granted. It is assumed that in the case of victims of trafficking identified at the border, the victim is the person who is required to initiate the application and provide supporting evidence. This is despite the Convention pointing out that the authorities must be pro-active in victim identification and assistance.

Making such a claim may be difficult when the victim of trafficking is unaware that they are about to be exploited. Also, the situation is unclear as to what happens to a potential victim who UKBA frontline officers find at the border showing sufficient trafficking indicators but the potential victim is unaware of their situation. For a victim who self identifies, basic knowledge of our asylum system is required to initiate a claim and demonstrate eligibility before any type of support or assistance is granted. Therefore this risk assessment standard would seem inappropriate for cases of trafficking identified at the border. It is also unclear from the Government’s strategy, if a victim who self identifies at the border, having been exploited on route to the UK, will automatically be referred to the NRM. None of the service providers interviewed by the ATMG had been asked to help develop or collaborate in this risk assessment process. Furthermore, in its 2009 report, the Home Affairs Committee called on the UKBA to do more to ascertain “the real level of support for reintegration of victims into the home country in order to judge whether returning them is appropriate.”<sup>215</sup>

Assessing the risks of returning a victim of trafficking to their country of origin at this stage has serious implications for preventing further harm. Returning potentially trafficked persons at the border with no support, fails to address the reasons why such persons are attempting to migrate and therefore does nothing to reduce their vulnerability to further exploitation. This is something that cannot be addressed in the above risk assessment. In some cases the exploitation may not yet have taken place and therefore the potential victim of trafficking may not require support to recover from harm they have not yet suffered. However, if that potential victim of trafficking is returned unaware of their potential situation of trafficking, they may see themselves as a failed migrant and look to the next opportunity to migrate, possibly contacting the same trafficker to facilitate this. The trafficker may then send them to another country, where they successfully gain entry and exploitation occurs. The opportunity presented to the UKBA to stop a potential cycle of exploitation by debriefing or educating potential victims of their potential trafficking situation and link them in with a relevant NGO in their country of origin or in the UK (whichever is appropriate in the individual’s circumstances) is often overlooked. The Convention makes it clear that the act of exploitation does not yet need to have taken place for someone to be considered a victim of trafficking<sup>216</sup> and thus be entitled to some sort of support and assistance. However, the Government’s strategy fails to recognise this and may potentially be placing vulnerable migrants at risk of further harm. Moreover, in addition to the obligation to prevent trafficking and re-trafficking under the Convention, there is a *positive obligation* to prevent trafficking from occurring under the European Court of Human Rights decision in *Rantsev v Cyprus and Russia*,<sup>217</sup> including through effective border measures.

This limited risk-assessment process would, however, seem to be applied inconsistently. The recent

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<sup>213</sup> *Ibid.*, p.18.

<sup>214</sup> UK Border Agency, *Considering Asylum Claims and Assessing Credibility*. Available at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/asylum-assessing.credibility.pdf?view=Binary](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/asylum-assessing.credibility.pdf?view=Binary) [last accessed 9 March 2012].

<sup>215</sup> House of Commons, *supra* note 127, para. 113.

<sup>216</sup> *Explanatory Report to the Convention*, *supra* note 40, para. 87.

<sup>217</sup> *Rantsev v Cyprus and Russia* [2010] ECHR 25965/04 (7 January 2010).

report *Landing in Dover*<sup>218</sup> by the Children's Commissioner for England found that as early as 1995 trafficked children arriving alone at Dover were sent back to France under a bilateral "gentleman's agreement" between the UK and France, if they did not claim asylum within 24 hours. It was found that this agreement was in force at all UK Channel ports and also includes removals to Belgium. These children were often hungry, ill, exhausted and distressed with no access to social services or child protection staff. This agreement in respect of children came to an end as late as November 2011 when the practice became apparent to the Children's Commissioner. The report highlights the cases of seven Vietnamese children, who were trafficked to Britain to work as "gardeners" in cannabis factories in 2010.<sup>219</sup> These children were returned to France with social services having no knowledge of them. What is concerning is that this agreement persists with regard to adults.<sup>220</sup> This potentially means that adults who come to the UK through Channel ports and present sufficient indicators of trafficking but do not claim asylum within 24 hours, could be returned to France without undergoing any sort of risk assessment. This runs counter to the UK's obligations under the Convention: namely, Article 10.2, which states that "if the competent authorities have reasonable grounds to believe that a person has been [a] victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as [a] victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12". The designated Competent Authorities in the UK are the UKBA, where there is an immigration issue, and UKHTC, where there is not.

The premature removal of such victims may unduly expose them to a risk of re-trafficking (see chapter 7) and could therefore be construed as exposing them to a risk of slavery, as defined in Article 4 of the European Convention on Human Rights (ECHR). Indeed, after the ruling in *M.S.S v Belgium and Greece*,<sup>221</sup> a risk of "degrading treatment" under Article 3 of ECHR may be interpreted to include trafficking. Both of these articles have been incorporated into the Human Rights Act 1998. The "gentleman's agreement" may therefore, in certain circumstances, be construed as a violation of the UK's obligations under European human rights law, a breach of its own domestic human rights law and a contravention of the *rule of law*,<sup>222</sup> particularly as it applies to the use of official discretion over the application of duly constituted law. As such, this agreement could be legally challenged.

### **Training border staff to recognise human trafficking**

Significant efforts have been made to ensure that border staff are aware of human trafficking, can recognise the indicators and are able to respond appropriately. All UKBA staff receive mandatory training in the form of an e-learning package on child safeguarding and human trafficking which includes sexual exploitation, forced labour and domestic servitude. An additional training package on the NRM is available for frontline staff who suspect trafficking. RALON officers provide training to check-in staff in overseas airports to help them identify and respond appropriately to trafficking. Police from the Police Service of Northern Ireland (PSNI) and their counterparts in the Republic of Ireland who police the Irish land border as part of Operation Gull also receive training on human trafficking. In addition, some NGOs and specialist agencies have helped to develop UKBA's e-learning package and reported training border staff on an ad-hoc basis when invited. Such training should have refresher courses built into it<sup>223</sup> and training resources should be kept up-to-date and detail the types of exploitation that are becoming a particular concern, such as cannabis cultivation, street crime, benefit fraud, forced marriage and organ trafficking. Furthermore, the training needs to be updated on changes in legislation (such as extended definitions of trafficking under the new EU directive) and policy.

<sup>218</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>219</sup> *Ibid.*, pp.63 & 66.

<sup>220</sup> *Ibid.*, p.69.

<sup>221</sup> *M.S.S. v Belgium and Greece*, Application no. 30696/09, Council of Europe: European Court of Human Rights, 21 January 2011. Also see OSCE, *M.S.S v Belgium and its significant for Anti-Trafficking*. Speech made by Professor Ryszard Piotrowicz 20-21 June 2011. Available at: [www.osce.org/cthb/79032](http://www.osce.org/cthb/79032) [last accessed 7 March 2012].

<sup>222</sup> Bingham, T., *The Rule of Law* (2010). In particular, see principles 2, 4 & 8.

<sup>223</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.



Ancillary issues such as high staff turnover, the competing priorities of border staff, a high workload and a lack of translation facilities available at immigration control posts, were all recognised by interviewed participants as obstacles to effective identification of trafficked persons at the border. Participants recognised the efforts that have been made but many stated that border staff are not as well-trained on human trafficking as they should be for the border to serve as an effective prevention measure. A recent global review of entry clearance decision making, conducted by the Chief Inspector of the UKBA, found that from a review of 1,500 case files from every entry clearance post, “errors affecting decision quality [were found] in 515 cases. In a further 201 cases the lack of evidence retained on file made it impossible for me to assess whether the correct decision had been made.” He went on to say that, “In 483 cases, representing 33% of the sample examined, I found errors in the way evidence was assessed by entry clearance officers; and in 135 cases, or 9% of the sample, I consider that those errors potentially undermined the decision to refuse entry clearance.”<sup>224</sup> This may show UKBA procedures are being misinterpreted. It is therefore quite possible that similar problems are occurring in the quality of decision making when identifying victims of trafficking by frontline UKBA staff.

Dedicated anti-trafficking operations involving multiple agencies at the border such as Paladin at Heathrow Airport and Newbridge at Gatwick (see box below) were highlighted as effective by many people interviewed. 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 that needed to be considered.

#### **Case Study - Operation Newbridge**

The first Operation Newbridge was developed in West Sussex in the late 1990s to respond to concerns about the numbers of separated children arriving at Gatwick Airport and going missing soon after being placed in the care of the local authority. A refreshed Operation Newbridge was established in 2008 following police concerns that the numbers of missing children had been steadily increasing and the profile of those children were similar to children suspected or known to be trafficked, primarily from China and West Africa. Although led by Sussex Police, Operation Newbridge is a multi-agency, multi-disciplinary initiative involving the UKBA, Gatwick Intelligence Unit, West Sussex Social Services and specialist accommodation providers.

The purpose of Operation Newbridge is to identify key opportunities to prevent children from going missing. In effect, this led to an agreement including process maps and a trigger plan for all agencies involved, as well as sharing of case-based information that would not normally have taken place in practice, if at all. The first line of referral is at the Airport where the UKBA child and young person's officer will, based on the country profile, immediately inform police, social services and the Gatwick Intelligence Unit. A series of safeguarding and investigation actions are then enacted, including taking fingerprints and photographs of children (over five years), removing mobile phones and SIM cards, and checking flight manifests for other persons of interest, all the while ensuring that the child is reassured and given appropriate care at the Airport.

The police are then expected to attend immediately ensuring that all seized property and information, including what the child has said, is properly recorded and retained. Police database checks are completed, DNA samples taken, photographs collected and a data-sharing proforma is endorsed or signed by the child. While this is happening, the social worker, located at Gatwick Airport, will be making arrangements for safe accommodation and transport to take the child directly there.

<sup>224</sup> Vine, J., *Entry Clearance Decision-Making: A Global Review* (2011), UKBA: London, p.2. Available at: [http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Entry-Clearance-Decision-Making\\_A-Global-Review.pdf](http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Entry-Clearance-Decision-Making_A-Global-Review.pdf) [last accessed 3 March 2012].

Arrangements are made between agencies to hold a multi-agency strategy meeting within 24 hours. The accommodation provider is in contact with the police as well as the local authority and is a vital partner in developing the safety plan. In 2009, a multi-disciplinary review of Operation Newbridge was commissioned by ACPO. The limited review identified that although Operation Newbridge appears to have been successful in reducing the numbers of Chinese and West African children arriving and going missing, a full independent evaluation is needed to draw further analysis.

The limitations of Operation Newbridge also need to be recognised. The funnel through which children were identified at Gatwick consisted of a limited 'problem profile' using the historical profiles of children who went missing in the past, primarily Chinese and West African children. The Newbridge model was not initially open to all separated children. With fast changing patterns of trafficking and criminality, this method has significant limitations. Operation Newbridge did not focus on issues of trafficking out of the UK so data has not been collected or shared about Gatwick Airport as a hub for trafficking out of the UK. Operationally, the Newbridge model depends heavily on trained social workers being available and on location at the Airport, as well as police officers attending immediately. At the time of writing it is not known if the local authority has committed resources to a long-term placement of staff at Gatwick.

### **Providing information at the border**

The strongest preventative opportunity that presents itself at the border is direct access to vulnerable migrants and potentially trafficked persons, and the possibility of providing them with information where they have not been exposed to awareness-raising campaigns in source countries. However, little targeted information about human trafficking and associated crimes is disseminated at the border. In 2009, the Ministry of Justice produced foreign language leaflets to provide advice and support to those affected by human trafficking. However, they were inaccurate in their translation into other languages and were not widely disseminated. This highlights the importance of including trafficked persons and the community at-risk, or at least having translations carried out by a local NGO, to ensure that preventive efforts are effective.

The Department of Justice in Northern Ireland has been proactive in this regard: in October 2010, the Organised Crime Task Force ran a poster and leaflet campaign, *Visitor or Victim*, at airports, ports and train stations. In other parts of the UK this poster is currently displayed at ports of entry sporadically. The leaflets contained information in nine languages about human trafficking and the contact details for Crimestoppers. Some airports also carried *Blue Blindfold* campaign posters for specific periods; however, participants were not aware of anything being done in this regard on a sustained basis.

The Home Affairs Committee recognised the opportunity border controls present in providing information to migrant domestic workers and recommended that "immigration officers should look out for cases where adults are not holding their own passports and should make enquiries, if necessary insisting that the person not in possession of their passport be interviewed separately. Even if there is no evidence of abuse, this would enable migrant domestic workers to be informed of their rights at this point."<sup>225</sup> However, despite the ODW visa being clearly visible in a domestic worker's passport, no information is provided to them at immigration control.

To date, efforts at the border have tended to focus on airports, in particular the larger UK airports. Several participants, particularly those in Wales and Scotland, raised concerns about the lack of measures at seaports and smaller airports. Attention has recently been paid to travellers entering the UK by train and coach, but it was stated that a more coordinated approach is needed to ensure that trafficking-focused border measures also cover smaller ports of entry.

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<sup>225</sup> House of Commons, *supra* note 127, para. 119.

Multi-agency work to identify trafficking already takes place around the channel tunnel and at Victoria coach station in London, and presents a good opportunity for involving transport operators in future anti-trafficking work.

### **Identifying trafficking out of the UK**

Few respondents were aware of any measures in place to try and identify trafficking out of the UK. Since 2006, UKBA has had the right to request information about passengers and their journeys from commercial transport operators. This information is collected and analysed as part of the Government's e-borders system. It is expected that such information will allow for more targeted intelligence-led interventions, though it is not clear that the system has yet led to the identification of any potentially trafficked persons prior to their departure from the UK.

### **Work with transport operators**

Transport operators already work closely with UK border authorities to ensure passengers hold valid identification and other documents needed to enter the UK. This work has traditionally focused on prevention of illegal migration and prevention of terrorism, though recent efforts have been made to involve transport operators in anti-trafficking efforts. The Government intends to develop training on human trafficking for airline staff.<sup>226</sup> In addition, both the UKHTC and one NGO service provider interviewed by the ATMG have recently been approached by individual airlines requesting training for their staff following the formal launch of an initiative by the Minister for Immigration and Virgin Atlantic in October 2011. The initiative aims to help cabin crew spot signs of human trafficking by providing them with special training on identifying those who may be engaged in trafficking and their potential victims, and how to report them to authorities before arrival in the UK. Virgin Atlantic is the first airline to sign up to the pilot: the Government hopes other airlines will follow suit.

Some NGO-led initiatives attempt to involve transport operators in anti-trafficking efforts. STOP THE TRAFFIK's *Travel Alert* campaign encourages activists to raise awareness of trafficking in their local transport hubs and with their local transport operators. STOP THE TRAFFIK were also involved in a recent campaign in Liverpool to raise awareness of trafficking amongst taxi drivers, which they are now looking to roll out on a national basis. Lessons can also be learnt from international programmes for example,<sup>227</sup> like One Child, a Canadian NGO set up and staffed by children and young people, who developed an in-flight video on child trafficking and exploitation to be shown on Air Canada flights.<sup>228</sup> Similarly, Beyond Borders, an international initiative in partnership with ECPAT, has also provided materials on child trafficking and exploitation for in-flight magazines and has developed a *Travel and Tourism Code of Conduct* to engage the travel industry against child sex tourism.<sup>229</sup>

### **Monitoring and evaluation of border measures**

The UKBA does not keep central records detailing the number of trafficked or potentially trafficked persons identified at the border, which makes it difficult to evaluate the impact of measures which have been introduced. Furthermore, existing measures, with the exception of major Operations Newbridge and Paladin, have not been independently evaluated either for their effectiveness at preventing trafficking or for their impact on trafficked and potentially trafficked persons. This is particularly concerning given the weight that the Government's strategy places on preventing trafficking at the border. It is of particular concern with regards to the UK's policy of returning potentially trafficked persons to their country of origin before formal identification. More effort needs to be put into collecting data on trafficking at the border and rigorously evaluating existing measures and policies.

### **Conclusion: Using the border effectively to detect and prevent trafficking**

It is important to recognise that border controls constitute one element of a prevention strategy. The Government's strategy seems to overemphasise the role the border plays in preventing trafficking.

<sup>226</sup> *The Government's strategy*, *supra* note 85, p.14.

<sup>227</sup> See [www.innocentsatrisk.org](http://www.innocentsatrisk.org) [last accessed 15 December 2011].

<sup>228</sup> See [www.onechild.ca/1cprojects/index.php](http://www.onechild.ca/1cprojects/index.php) [last accessed 15 December 2011].

<sup>229</sup> See [www.beyondborders.org](http://www.beyondborders.org) [last accessed 15 December 2011].

Furthermore, several practitioners stated that the focus of border efforts is primarily to prevent illegal migrants entering the UK rather than identifying vulnerable people. Efforts to capitalise on the opportunity the border presents for providing information to potentially vulnerable migrants need to be increased. Dedicated multi-agency operations were identified as an effective way to tackle trafficking at the border and should be learnt from and built upon. Given the capacity of traffickers to adapt to changing circumstances, it is important to ensure that measures exist at smaller airports and seaports in addition to the larger airports, and that such ports are properly equipped to respond to the issue. The impact of existing border measures, on trafficking and on human rights, should also be regularly monitored and independently evaluated. Data on the number of trafficked persons, those at risk provided with information and traffickers intercepted at the border must be collected by the UKBA within the framework of the Government's anti-trafficking strategy to inform assessments and future interventions.

## Chapter 7: Preventing re-trafficking

### Return of trafficked persons

The Convention places obligations on States Parties that any return should “preferably be voluntary and with due regard for the rights, safety and dignity of that person.”<sup>230</sup> Additional protections are in place for trafficked children, to the extent that no trafficked child may be returned to a State “if there is indication, following a risk and security assessment, that such a return would not be in the best interests of the child.”<sup>231</sup>

Where trafficked persons are to be repatriated, States Parties must establish repatriation programmes which “aim at avoiding re-victimisation.”<sup>232</sup> Essentially re-victimisation in this context means that the victim of trafficking does not subsequently become a victim of trafficking for a second time and exploited elsewhere. To achieve this, States Parties must take measures to support the trafficked person’s sustainable reintegration into the society of the country to which they are returning. Reducing a trafficked person’s vulnerability to re-victimisation can be best achieved by ensuring the factors which made them more susceptible to exploitation and trafficking in the first place have been addressed, as well as addressing the resulting psychological trauma. Thus, the Convention emphasises the importance of supporting a trafficked person’s reintegration into the education system or, by improving their professional skills, into the labour market.<sup>233</sup> In the case of children, repatriation programmes should include “enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures.”

Safe return and reintegration of trafficked persons is inextricably linked with effective identification procedures: trafficked persons who have not been identified face the real possibility of re-victimisation if they are returned home with no support or assistance. Although identification under the NRM has progressed since it was established in 2009, it is still failing to identify victims of trafficking and therefore increases the risk of re-victimisation to those who remain outside of this system. While the return of unidentified trafficked persons either to their country of origin or to a third country under the Dublin II Regulation remains a cause for concern in the UK and requires further attention,<sup>234</sup> this chapter focuses on the repatriation programmes available for identified trafficked persons and on the efforts of the UK Government to ensure they reduce trafficked persons’ vulnerability to further victimisation.

### Repatriation of trafficked persons from the UK

#### Assisted Voluntary Return programmes

Since the Convention entered into force, there have been no forced removals of trafficked persons identified by the NRM. However, there is no policy to protect trafficked persons from forcible return if all other avenues enabling them to stay in the UK have been exhausted. Assisted Voluntary Return (AVR) programmes are available for failed asylum seekers, irregular migrants and foreign national prisoners. Trafficked persons who wish to return home are included in this category. The programmes are funded by UKBA but delivered through external organisations. Until 1 April 2011, the IOM managed all government-funded AVR programmes. Since 1 April 2011, Refugee Action runs the AVR programme for vulnerable migrants (including victims of trafficking), failed asylum seekers and other migrants with no status and the IOM runs the Facilitated Returns Scheme (FRS) for foreign national prisoners. In coordination with IOM offices in other EEA countries, the IOM has also recently established a Voluntary Return and Reintegration programme specifically for European victims of trafficking. An evaluation of the UK Government-funded Assisted Voluntary Return programme (AVR) for irregular migrants found

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<sup>230</sup> *European Convention*, *supra* note 40, Article 16.2.

<sup>231</sup> *Ibid.*, Article 16.7.

<sup>232</sup> *Ibid.*, Article 16.5.

<sup>233</sup> *Ibid.*

<sup>234</sup> See generally ODIHR Side Event Report “Human Rights Protection in the Return of Trafficked Persons to Countries of Origin”, *Human Dimension Implementation Meeting*, 1 October 2009, Warsaw and *Report from the Second Expert Meeting on Human Rights Protection in the return of trafficked persons to countries of origin*, 14 April 2010, Warsaw.

the factors most likely to increase the likelihood of successful reintegration were political stability, the availability of sustainable employment opportunities and acceptance from the local community.<sup>235</sup>

While repatriation programmes in themselves cannot address underlying socio-economic difficulties in a region or country, the length and appropriateness of reintegration assistance provided to a returning trafficked person can be directly linked to their vulnerability to re-trafficking.<sup>236</sup> To reduce a trafficked person's vulnerability to re-trafficking, reintegration assistance needs to be holistic, tailored to individual needs and long-term "to address the many economic and social difficulties faced by trafficked persons upon their return to their countries of origin." In this regard, the Austrian organisation, LEFÖ, has produced well considered and comprehensive quality standards<sup>237</sup> which set out a step-by-step guide to be invoked when trafficked persons are to be returned voluntarily. The purpose of these quality standards is to ensure the prevention of re-trafficking, human rights violations or other harms, in the voluntary and safe return of a trafficked person to his/her country of origin.

All 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. The programmes are designed to support long-term reintegration and so returnees are encouraged to spend the majority of their allowance on income-generating activities, but it can also be spent on education, vocational training or job placements. The extent of support varies depending on the programme and concerns have been raised amongst participants about the feasibility of long-term or sustainable reintegration with the amount of support provided. Such long-term assistance requires resources and this could therefore be carried out in conjunction with implementing other measures and programmes through DfID, aimed at addressing the underlying and structural causes of trafficking in source countries (as discussed in chapter 2).

While, to a certain extent, support packages are individually tailored, the existing programmes (with the exception of IOM's new European programme) *do not address the specific needs and vulnerabilities of trafficked persons*, which are frequently different from those of other irregular migrants. Trafficked persons have additional vulnerabilities that are directly linked to their experience of abuse,<sup>238</sup> therefore the political stability of the country might be irrelevant in their case, unless the country has effective victim protection systems in place. This makes trafficked persons particularly vulnerable when being returned, whether voluntarily or not. In addition to returning to the same economic or social circumstances that caused them to be trafficked in the first instance, further aspects directly caused by their trafficking experience such as family or community rejection, continued threats from their trafficker(s), persisting debts, and psychological and physical trauma have been identified as factors that have contributed to re-trafficking on return.<sup>239</sup> People who are returning home after being trafficked abroad have been identified as being vulnerable to both further international trafficking and internal trafficking.<sup>240</sup> Cases have also been reported of victims being compelled to recruit further victims for their traffickers as a way to repay outstanding debts. After *Rantsev v Cyprus and Russia*,<sup>241</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, as they may not be "adequate to ensure the practical and effective protection of the rights of victims or potential victims of trafficking"<sup>242</sup> where circumstances give rise to a credible suspicion of trafficking or in this case, secondary trafficking.

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<sup>235</sup> Thiel, D., et al, *Factors affecting participation in assisted voluntary return programmes and successful reintegration: a review of the evidence*, Research, Development and Statistics Directorate, Home Office, January 2010, Key Implications.

<sup>236</sup> *Ibid.*, p.56.

<sup>237</sup> LEFÖ, *Quality Standards for Risk Assessment and Safe Return and Reintegration of Trafficked Persons* (LEFÖ, 2009), Available at: [www.ungift.org/doc/knowledgehub/resource-centre/CSOs/Lefoe\\_RueckkehrFrauenhandel\\_ENGLISH.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/CSOs/Lefoe_RueckkehrFrauenhandel_ENGLISH.pdf) [last accessed 16 January 2012].

<sup>238</sup> See generally Surtees, R., *Re/integration of trafficked persons: how our work can be more effective*, Issues paper #1 (2008).

<sup>239</sup> Jobe, A., *The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database* (IOM, 2010), p.13.

<sup>240</sup> *Ibid.*, p.11.

<sup>241</sup> *Rantsev*, *supra* note 217.

<sup>242</sup> *Ibid.*, para. 284.

Similarly, the experiences of trafficked persons have not been included in evaluations of the existing programmes carried out by the Home Office, making it difficult to assess how well-adapted or effective they are to ensuring the safe and sustainable reintegration of trafficked persons. Assistance on the programmes is only provided for a limited time, and cases are followed for up to one year, which makes it difficult to assess how effective the programmes are at ensuring sustainable reintegration and preventing re-victimisation in the long term. Without effective monitoring and evaluation of AVR programmes in respect of their appropriateness and effectiveness in protecting trafficked persons from re-trafficking, the Government cannot assess whether it is fully compliant with its positive obligation under Article 4 ECHR, in light of *Rantsev*.

### **Independent return**

Several participants referred to cases of trafficked persons who chose to return independently of an AVR programme. Both service providers and police officers have 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 ensure that returns are safe and those trafficked persons can access assistance and support with reintegration.

### **Conclusion: Reducing the likelihood of re-trafficking**

There is little information available in the UK about rates of re-trafficking. In 2009, the Home Affairs Committee recommended that the Government "make an assessment of the extent of re-trafficking",<sup>243</sup> but to date no such assessment has been carried out.

Many people interviewed by the ATMG believe that not enough is known about what happens to trafficked persons once they leave the UK. While the difficulties of assessing rates of re-trafficking are recognised, it is important that efforts are made to ensure that no UK policies or practices are putting trafficked persons at risk of further exploitation in the future either in the UK or displacing the problem elsewhere. Equally, the appropriateness and effectiveness of existing return programmes for trafficked persons must be evaluated, and the findings used to inform future return and repatriation strategies.

This is a key example of where a 'joined-up' approach is necessary. Return programmes must address the social, economic and personal factors that make individuals vulnerable to trafficking and exploitation in the first place. They must also respond to issues such as trauma, safety concerns and debts which may have arisen as a result of the trafficking process. In this regard, safe return programmes must be linked in with the assistance and support available to trafficked persons in both destination and source countries to provide the highest level of protection from re-victimisation.

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<sup>243</sup> House of Commons, *supra* note 127, para. 113.

## Chapter 8: Children

### Convention obligations

Article 5.5 of the Convention places a specific obligation on States Parties to “...take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment for them”. Such a “protective environment”, would make children less vulnerable to trafficking, enabling them to grow up without harm and lead decent lives. In essence, this would prevent trafficking from occurring in the first place. Furthermore, providing this “protective environment” for children who have been trafficked in the UK reduces the risk of their re-trafficking in the future. The requirement that specific provisions be made arises from the Council of Europe’s recognition that many victims of trafficking are children. Such provisions are necessary due to the heightened vulnerability of children to the deceptive tools employed by traffickers. Similarly, special measures are also required to reduce children’s vulnerability to the forms of control employed by traffickers once trafficked. The need for effective prevention becomes more pressing given the profound and long-term consequences of such abuse that may extend well into adulthood.<sup>244</sup>

### Policy lead

Children’s organisations have expressed concern that the lead government agency for policy and strategy for child victims of trafficking (including prevention) is the Home Office and the minister responsible, the Minister for Immigration. They stated that responsibility should be held by the Department for Education (DfE), the Minister for Children and their specialist advisers, who usually hold responsibility for safeguarding policy. In November 2011, the Minister for Children launched a comprehensive action plan on the sexual exploitation of children in England,<sup>245</sup> which is officially led by the DfE and contains a detailed set of actions, with named action holders and deadlines. Yet this action plan does not acknowledge the linkages between the general sexual exploitation of children and the trafficking of children into the UK for sexual exploitation. It therefore omits to mention how this action plan relates to the Government’s strategy on human trafficking. Furthermore, the action plan fails to state how policy and data collection related to children who are trafficked for sexual exploitation will be coordinated. A number of stakeholder forums on child trafficking have been hosted by the Home Office since 2006; however, these forums, their output and outcomes have not been independently evaluated. Currently, the Government has no detailed action plan on child trafficking that outlines tasking and accountability, timelines or allocation of budgets.

## Specific measures to prevent trafficking in the UK

### Information

The data released by the UKHTC on NRM statistics has improved significantly over the past 12 months but it is still limited when it comes to the disaggregation of data on children. The most recent published data does not show a breakdown between males and females; nor does it show all 49 nationalities of children, only the ‘top 5’. This risks leading professionals into a blind spot by referring only to stereotypical profiles. While credit needs to be given to the UKHTC for improving data recording, a separate and more comprehensive table of data specifically for recording child referrals is needed and should be shared on a regular basis with LSCBs and cascaded to front-line professionals. As stated previously in this report, without detailed disaggregated data, or additional qualitative analysis it is impossible for any preventative measure to be targeted at a specific at-risk group. Without targeted responses the effectiveness of that measure decreases considerably.

<sup>244</sup> It is associated with a wide range of debilitating emotional and behavioural problems and undermines the ability of the victim to develop and maintain ‘healthy’ relationships with others, including future offspring. Abuse can lead directly to neurological damage, physical injuries, pain and disability and, in extreme cases, death. Finally, it can result in serious and permanent dislocation from family life and disrupt a child’s access to education. The knock-on effect is to seriously undermine a child’s ability to enjoy a fulfilling and productive life.

<sup>245</sup> Department of Education, *Tackling Child Sexual Exploitation: Action Plan* (December 2011). Available at: <http://media.education.gov.uk/assets/files/pdf/c/tackling%20child%20sexual%20exploitation%20-%20action%20plan.pdf> [last accessed 29 December 11].



The lack of reliable data on children who are victims of trafficking continues to be a problem across the UK. Case-based information is held by a range of different agencies but methods of recording and reporting qualitative information so that it can be shared have still not been established in any systematic way. The Child Exploitation and Online Protection Centre (CEOP),<sup>246</sup> rather than the UKHTC, has been the Government agency responsible for providing published reports on child trafficking in the UK. Unfortunately, these reports are limited by the lack of information provided to CEOP by police forces and other agencies, including the UKBA and local authorities. The CEOP 2007 *Scoping Project on Child Trafficking in the UK* report was the first government report that surveyed police forces and other statutory agencies. This resulted in 330 children from 44 countries being documented as known or suspected victims of trafficking in an 18-month period ending December 2006. A second report<sup>247</sup> by CEOP published in 2009 identified a further 325 children from 52 countries over a 12-month period to February 2008, though not all police forces responded to the survey. In fact, only 21 of 43 UK police forces responded, and of those, only 17 provided any intelligence.<sup>248</sup> The third CEOP report<sup>249</sup> published in December 2010 identified 287 children from 47 countries in a 12 month period ending February 2010. Again, only 21 of 43 UK police forces responded to the CEOP survey, with only 10 providing intelligence.<sup>250</sup> CEOP's research methodology has also been hampered by poor responses from local authorities, with 17 returns out of a possible 210 children's services – 10 of these being nil returns. CEOP has advised stakeholders that it will no longer be publishing an annual *Strategic Threat Assessment Child Trafficking in the UK* which averaged 42 pages. Instead, a *Child Trafficking Update* will be published annually consisting of around 15 pages.<sup>251</sup>

Through this information gathering, CEOP has played a key role in producing threat assessments and thematic papers on child trafficking. However, participants have expressed concern that there is a lack of clarity about the strategic and operational roles of the UKHTC and CEOP specific to child trafficking, as well as uncertainty about the way in which the two agencies coordinate information sharing in the UK and internationally. CEOP previously had a child trafficking unit, but in 2010 this was replaced with a new unit that has responsibility for all missing children as well as those that have been trafficked. It should be noted that while demand for analysis of child trafficking trends continues to grow, the number of dedicated child trafficking staff at CEOP has declined whilst the remit of the team has broadened significantly. The UKHTC has not yet published any report on child trafficking trends.

## Training

There are a number of training initiatives that have been mentioned in this report and many contain specific reference to children. However, not all are designed to be competency based, i.e. to train and test front-line professionals to be proficient in using guidance and laws specific to the protection of children. Organisations such as Barnardo's, ECPAT UK, the NSPCC and STOP THE TRAFFIK have delivered training and awareness-raising events on child trafficking to front-line professionals for several years. According to the Home Office, CEOP has seconded a law enforcement liaison officer to the NSPCC Child Trafficking Advice and Information Line (CTAIL) who has responsibility for delivering training to police forces when the officer is requested to do so by a police force. However, the ATMG was unable to establish if this post will be maintained within CTAIL for the foreseeable future.

Unlike the police or UKBA, social work, education and health teams often rely on the training provided by NGOs to bring in specialist knowledge on trafficking. Standard social work training in the UK does not include any reference to child trafficking. The ECPAT UK training programme delivered to professionals across the UK includes both introductory and advanced multi-agency training workshops

<sup>246</sup> Child Exploitation and Online Protection centre, an affiliate agency of the Serious and Organised Crime Agency (SOCA).

<sup>247</sup> CEOP, *Strategic Threat Assessment Child Trafficking in the UK* (2009). Available at: [http://ceop.police.uk/Documents/child\\_trafficking\\_report0409.pdf](http://ceop.police.uk/Documents/child_trafficking_report0409.pdf) [last accessed 13 January 2012].

<sup>248</sup> *Ibid.*, p.16.

<sup>249</sup> CEOP, *Strategic Threat assessment Child Trafficking in the UK* (2010). Available at: [http://ceop.police.uk/Documents/ceopdocs/Child\\_Trafficking\\_Strategic\\_Threat\\_Assessment\\_2010\\_NPM\\_Final.pdf](http://ceop.police.uk/Documents/ceopdocs/Child_Trafficking_Strategic_Threat_Assessment_2010_NPM_Final.pdf) [last accessed 13 January 2012].

<sup>250</sup> *Ibid.*, p.13.

<sup>251</sup> CEOP, *Child Trafficking Update* (October 2011). Available at: [http://ceop.police.uk/Documents/ceopdocs/child\\_trafficking\\_update\\_2011.pdf](http://ceop.police.uk/Documents/ceopdocs/child_trafficking_update_2011.pdf) [last accessed 3 March 2012].

and has been independently evaluated. ECPAT UK has now set up a National Training Centre in central London and has partnered with police and other professionals to ensure training delivery is multi-disciplinary. ECPAT UK has also developed an e-learning course available freely through its website with versions for England, Wales and Scotland. Currently it appears that there is no central government funding being directed specifically towards training on preventing child trafficking.

## Existing measures to safeguard children

### Practice guidance

Separate guidance on safeguarding child victims of trafficking has been published in England, Scotland, Wales and Northern Ireland, reflecting devolved powers and the different legislation specific to children:

- England – *Safeguarding children who may have been trafficked - Practice guidance*<sup>252</sup>
- Wales – *All Wales Practice Guidance For Children Who May Have Been Trafficked*<sup>253</sup>
- Northern Ireland – *Working Arrangements For The Welfare and Safeguarding Of Child Victims Of Human Trafficking*<sup>254</sup>
- Scotland – *Safeguarding Children in Scotland who may have been Trafficked*<sup>255</sup>

The arrangements for devolved administrations are similar but there are some exceptions. For example, the Northern Ireland guidance makes specific reference on the duty to appoint an independent visitor, (Article 31(1) Children Order). In considering this duty, it highlights that more “informal contact with an independent visitor may be welcomed by a child” given the number of authority figures surrounding child victims of trafficking. Scottish guidance highlights the variable legal definition of a child, which is dependent on context. In some circumstances a child may therefore be deemed a child if 16 years or under, whereas in others, a child may be defined as a person under 18 years old.

The multi-agency safeguarding guidance for England, originally developed in 2007 in consultation with NGOs, has provided a basic template for other nations. A common feature across the documents is that they are not statutory guidance: in other words, they contain recommended good practice consistent with other child safeguarding procedures but are not mandatory and do not contain set terms which detail how and when agencies are required to report.

### Case Study - England

The primary statutory guidance for safeguarding children in England and Wales is known as *Working Together to Safeguard Children*.<sup>256</sup> It says:

“Safeguarding and promoting the welfare of children – and in particular protecting them from significant harm – depends on effective joint working between agencies and professionals that have different roles and expertise. Individual children, especially some of the most vulnerable children and those at greatest risk of suffering harm and social exclusion, will need coordinated help from health, education, early years, children’s social care, the voluntary sector and other agencies, including youth justice services.”

<sup>252</sup> Department of Education, *Safeguarding children who may have been trafficked - Practice guidance* (October 2011) Available at: [www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00084-2011](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00084-2011) [last accessed 28 January 2012]

<sup>253</sup> All Wales Child Protection Procedures Review Group, *All Wales Practice Guidance for Safeguarding Children Who May Have Been Trafficked* (June 2011). Available at: [www.awcpp.org.uk/16994.file.dld](http://www.awcpp.org.uk/16994.file.dld) [last accessed 13 January 2012].

<sup>254</sup> Department of Health, Social Services and Public Safety for Northern Ireland, *WORKING ARRANGEMENTS FOR THE WELFARE AND SAFEGUARDING OF CHILD VICTIMS OF HUMAN TRAFFICKING* (February 2011). Available at: [www.dhsspsni.gov.uk/oss\\_working\\_arrangements\\_for\\_the\\_welfare\\_\\_\\_safeguarding\\_of\\_child\\_victims\\_of\\_human\\_trafficking.pdf](http://www.dhsspsni.gov.uk/oss_working_arrangements_for_the_welfare___safeguarding_of_child_victims_of_human_trafficking.pdf) [last accessed 13 January 2012].

<sup>255</sup> Scottish Government, *Safeguarding Children in Scotland who may have been Trafficked* (April 2008). Available at: [www.scotland.gov.uk/Resource/Doc/261528/0078243.pdf](http://www.scotland.gov.uk/Resource/Doc/261528/0078243.pdf) [last accessed 13 January 2012].

<sup>256</sup> HM Government, *Working Together to Safeguard Children. A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children*, p.32 (Updated version published March 2010). Available at: [www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN.PDF](http://www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN.PDF) [last accessed 28 December 2011].

In October 2011, the DfE published an updated version of the 2007 practice guidance document called *Safeguarding Children who may have been trafficked*. It is, however, not statutory guidance. Section 1.3 sets this out very clearly by stating that, “this non-statutory good practice guidance is for agencies in England which are likely to encounter, or have referred to them, children and young people who may have been trafficked”. This means that, unlike the statutory guidance contained in Part 1 of *Working Together to Safeguard Children*,<sup>257</sup> local authorities and other government agencies have an element of discretion and are not obliged to follow the child trafficking guidance to the letter. This makes the structures for cross-boundary cooperation and coordination less clear if some authorities adopt in full and others do not.

### **Local Safeguarding Children Boards**

In England, LSCBs were created under the Children Act 2004. The objective of LSCBs is to 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. Legal guidance states that the LSCB should include representatives from the local authority and its board partners, the statutory organisations required to cooperate with the local authority in the establishment and operation of the board and have shared responsibility for the effective discharge of its functions. Board partners are set out in section 13(3) of the Children Act 2004: District Councils; Chief Officer for the Police; Local Probation Trust; Youth Offending Team; Strategic Health Authorities and Primary Care Trusts; NHS Trusts and NHS Foundation Trusts; Connexions Service; Cafcass; Governor or Director of any Secure Training Centre and any prison in the local authority area. In certain cases, voluntary sector organisations such as the NSPCC will also be represented. The DfE 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>258</sup>

Although the 2011 government guidance on *Safeguarding Children who may have been trafficked* provides a useful template, it does not oblige LSCBs to ensure that there *is* a trafficking sub-group in their area or that there *are* specialist training programmes provided for all practitioners. It also does not advise the Chairperson of the LSCB to establish information-sharing protocols to share data with other LSCBs in their region or elsewhere. Moreover, there is no obligation for LSCBs to report to Ofsted<sup>259</sup> or any other central inspection body on the education, health and wellbeing outcomes for children who have been identified as trafficked outside general reporting as part of the wider cohort of looked-after children. This means that little data is held centrally or shared on what happens to children after they have been identified as trafficked and whether they are receiving education, have long-term health needs or go missing. Any evaluation of policy and guidance will be limited by not having this data collected and analysed on a regular basis.

However, the DfE guidance does suggest that LSCBs should identify Trafficking Coordinators “who can ensure a coordinated campaign of information-sharing to support the safeguarding agenda between local authorities, police and the NRM Competent Authorities to ensure a full picture is provided on child NRM referrals and secure the best safeguarding outcome for the child.”<sup>260</sup> There is no register held centrally to show whether these Trafficking Coordinators have been put into place.

<sup>257</sup> *Ibid.*

<sup>258</sup> Department of Education, *supra* note 252, p.11.

<sup>259</sup> Office for Standards in Education, Children’s Services and Skills. Ofsted report directly to Parliament and are independent and impartial.

<sup>260</sup> Department for Education, *supra* note 252, p.11.

## Reducing demand

In the context of child trafficking in the UK, reducing demand<sup>261</sup> extends well beyond the discourse on reducing the demand for prostitution and cheap agricultural labour. The role of children as victims in forced criminality, such as pick-pocketing, theft, cannabis cultivation, DVD selling, and in begging has not been addressed in any government-sponsored education campaign or in school curricula. In particular, 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. Participants have suggested that addressing the demand for domestic slavery needs to come out of the shadows and be situated in a more open debate on community attitudes and practices towards household labour, including nannies. The demand for children as domestic workers often comes from well-educated professionals using trafficked children to look after their children, as well as doing the cooking and cleaning in slavery-like conditions.<sup>262</sup>

## Border measures

### Preventing child trafficking at the border

All child trafficking awareness efforts at the border appear to be focused on children arriving in the UK, even though several criminal cases have evidenced that children are being trafficked out of the UK.<sup>263</sup> There is little analysis available on the links between children missing from local authority care and the trafficking of children out of the UK. There are a number of good practice models involving multi-agency working at airports<sup>264</sup> that have recorded success in the prevention and detection of child trafficking but as described elsewhere in this report there is no central point of coordination for the dissemination of data obtained as a result of these operations.

Data from the NRM has recorded children arriving from 49 countries: and many of these children will have transited through other countries before arriving in the UK. Upon arrival at a port of entry some children will have already experienced rape, physical and emotional abuse, deception and had their identity document removed as part of their journey to the UK. If children are not identified as vulnerable upon entering the UK or not interviewed appropriately, their experience of abuse outside the UK can be overlooked and they are at a real risk of re-trafficking.

Not only can this cause further trauma but potential for sharing intelligence with transport carriers and transit countries will be lost. Trends identified by the UKBA, police, local authorities or NGOs are rarely shared outside of their own agency unless requested for research purposes. Even then, interviewed participants reported that obtaining verifiable data about children's experience before arriving in the UK is patchy because information is often not recorded and relies heavily on anecdotal accounts. There has been no UK-wide mapping of public or private airfields, nor has there been an assessment of what child safeguarding measures are in place for children entering or leaving the UK.

### Airlines and the Eurostar

There are a number of inconsistencies in international airline practices in respect of children travelling alone or without a legal guardian, particularly the age a child can travel unaccompanied and what documents are checked when a child travels without a parent. ECPAT UK has developed an e-learning tool for the travel industry in partnership with ABTA, the Travel Association. This addresses child trafficking as part of a broader safeguarding children framework.<sup>265</sup> It is being rolled out to travel industry professionals and students of travel and tourism. In 2011, Virgin Atlantic signed up to use the UKBA e-learning package on identification of victims of trafficking in conjunction with the UKHTC. In

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<sup>261</sup> *European Convention*, *supra* note 40, Article 6.

<sup>262</sup> For an example see: Howe, M., 'Accountant and teacher kept girl, 14, as a slave' (The Independent, 2008). Available at: [www.independent.co.uk/news/uk/crime/accountant-and-teacher-kept-girl-14-as-a-slave-865802.html](http://www.independent.co.uk/news/uk/crime/accountant-and-teacher-kept-girl-14-as-a-slave-865802.html) [last accessed 13 January 2012].

<sup>263</sup> Case T20117086, *supra* note 66.

<sup>264</sup> See below for description of the Metropolitan Police Paladin Team and Sussex Police Operation Newbridge.

<sup>265</sup> See [www.everychildeverywhere.com](http://www.everychildeverywhere.com) [last accessed 20 January 2012].

April 2009, the Government acknowledged that since the juxtaposed immigration controls were introduced at France and Belgium in 2004, UKBA staff based in those countries have identified 110 cases of children and vulnerable adults (up to the age of 30) suspected of being trafficked.<sup>266</sup> To date there has been no government-sponsored awareness-raising campaign on child trafficking via Eurostar (the direct speed rail link between England, France and Belgium). There is also no child safeguarding waiting area at the Eurostar terminal in London that is away from the public platform or surrounding area where unaccompanied children can wait until a designated person comes to collect them.

### **Case Study - Operation Paladin – The Paladin Team**

The initial Operation Paladin Child<sup>267</sup> ran from August to November 2003, and was a partnership between the Metropolitan Police, the UK Immigration Service, the London Borough of Hillingdon and the NSPCC. It was established to define the nature of child migration from non-EU countries to the UK via Heathrow Airport. During the three-month period 1,738 separated children were 'landed' by immigration services, i.e. accepted into the UK. They were all children who had arrived at Heathrow Airport from outside the EU without a parent or legal guardian. Of these 1,738 children, 551 were 'risk assessed in' by the Paladin Team, meaning that there were a number of indicators showing that the child may be at risk of harm. Although this was not a trafficking operation per se, the assessments were of a broader child safeguarding nature. However, among those children who subsequently went missing and were never located, the largest unaccounted for group were African girls, confirming early fears of trafficking for domestic servitude or sexual exploitation. Following the completion of Operation Paladin Child, the Metropolitan Police and the UK Immigration Service (now the UKBA) established a joint Paladin Team based at Heathrow Airport. The Team currently has five officers and is led by a Detective Inspector. The remit of the Paladin Team is to safeguard children at some of London's ports of entry, including airports. The Paladin Team is not specifically a specialist child trafficking team; however, it has been responsible for the investigation of a large percentage of cases in the UK that have been successfully prosecuted. What distinguishes them from other human trafficking operations is that they are all specialist child protection trained police officers and immigration officers, and the Team sits under the Met's Specialist Crime Directorate SCD5, the Child Abuse Command. This is a significant point as it means they have the remit to pursue cases that on first glance may not normally reach the threshold of what is considered to be organised or immigration crime. Although the initial proposals for a multi-agency Paladin Team to be located at Heathrow included designated social workers, no agreement was reached with local authorities. Nevertheless, the Paladin Team work closely with the London Borough of Hillingdon and its social work team.

### **Participation of children and young people**

Although the concept of participation is firmly accepted as good practice at a local level,<sup>268</sup> this has not translated into practical measures to routinely involve young victims of trafficking in policy development affecting their safety and care.

A number of NGOs, including ECPAT UK and the NSPCC, have developed support groups for children who have been trafficked. The ECPAT UK Youth Group for victims of trafficking between the age of 15 and 21 meets weekly. It has input into research and reports, and has met with parliamentarians. Neither the Home Office nor the DfE consulted directly with children who have been trafficked in the process leading up to the Government's 2011 human trafficking strategy, which contains a section on

<sup>266</sup> Minister of State, Home Office. Hansard, HC Deb, 20 April 2009 c183W.

<sup>267</sup> Metropolitan Police Authority, *Paladin Child – A partnership study of child migration to the UK via London Heathrow* (London, 2008). Available at: [www.mpa.gov.uk/downloads/committees/ppr/ppr-040712-14-appendix01.pdf](http://www.mpa.gov.uk/downloads/committees/ppr/ppr-040712-14-appendix01.pdf) [last accessed 28 November 2011].

<sup>268</sup> Since 2005, local authorities in England and Wales have been under a duty under the Children Act 1989 (as amended by section 53 of the Children Act 2004) to ascertain the child's wishes and feelings and give due regard to their age and understanding when determining what (if any) services to provide under section 17 of the Children Act 1989, and before making decisions about action to be taken to protect individual children under section 47 of the Children Act 1989.

children. This is despite the fact that Article 12 of the UN Convention on the Rights of the Child 1989, which is incorporated in law in England and Wales, gives children the right to express their views about decisions that affect them.<sup>269</sup>

### **Preventing re-trafficking**

The UK has a robust child safeguarding framework that embeds multi-agency cooperation and coordination in legislation. Yet, some children who have been trafficked or go missing while suspected of being trafficked never receive the benefit of these high levels of child protection. It is acknowledged earlier in this report that tertiary prevention measures are intrinsically linked to protection measures as they protect from re-trafficking and further harm. In theory, children who may be trafficked have a safety net within the existing child protection system. However, interviews with frontline professionals show that significant gaps still exist. The two most commonly cited reasons for this given by those interviewed were that:

- a) inconsistencies in front-line practice put immigration status ahead of protection needs despite the legal requirement commonly referred to as the 'paramountcy principle';<sup>270</sup> and
- b) there is 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.

The unintended consequence of these failures to act in the best interest of the child is not only an increased risk of harm to the child but a loss of trust between agencies and a major disincentive to cooperate and share information that could lead to the identification of other victims. It appears that the burning issue is not about awareness, guidance and training, but about the overarching and immediate need to coordinate, monitor and report on the implementation of their activities to safeguarded children.

Many respondents spoke about the lack of 'joined-up' working, even within the same agency, and agreed on the need for an independent professional to support the child and be a consistent point of contact for other professionals. At the time of writing, the UK Government has stated it will not introduce a system of legal guardianship as prescribed by Article 10 of the Convention, stating that: "Introducing a further professional into the group that currently works with looked-after children would be unhelpful. Trafficked children are protected by statutory duties placed on local authorities under the Children Act 1989."<sup>271</sup> The Government contends that the issue of guardianship was discussed during the passage of the Children and Young Persons Act 2008 with a range of partners for unaccompanied asylum seeking children. However, the issue of guardianship, specifically for trafficked children, was not discussed, nor has there been any discussion of why such a system is unnecessary in the case of trafficked children. The ATMG argues that the situation of trafficked children can be markedly different from that of unaccompanied asylum seeking children and therefore this issue warrants further attention.

### **Conclusion: Preventing child trafficking**

If the UK is to meet its obligations specifically to prevent the trafficking of children, as articulated in the Convention, then greater action is required in two areas: (1) adopting a more strategic and coordinated approach to prevention, and (2) improving access to support provided to child victims of trafficking, which in turn reduces the risk of re-trafficking.

There is a lack of any coordinated approach in terms of the prevention agenda and too often it is seen as an immigration rather than a protection issue (see chapter 6 - measures to prevent trafficking at the

<sup>269</sup> In September 2011, the Scottish Government issued a consultation on The Rights of Children and Young People Bill which will establish in law the responsibilities of the Scottish Ministers to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) when exercising any of their functions. The UNCRC spells out the basic human rights of children up to the age of 18 everywhere. The Bill will ensure that all Scottish Government policy and legislation takes account of the rights of children and young people and can be framed in such a way as to promote and secure those rights.

<sup>270</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>271</sup> Letter to ECPAT UK from Right Hon. David Cameron, Prime Minister, 05 July 2011.

border). A failure to collect robust data on the number of children being trafficked into the UK or to share information between agencies and professionals, severely hampers the ability to adopt a more strategic and sustainable approach to prevention, as does the absence of a central person with responsibility for overseeing governmental activity on this issue.

That is not to say that successful initiatives do not exist, as a number of positive examples have been highlighted. However, it is too often the case that these operate in isolation and without coordination. As such, their added benefits in preventing trafficking in terms of improved service provision and shared learning are lost – those that ultimately suffer from these inefficiencies are the vulnerable children that the UK is obliged to support and protect. The existing UK child safeguarding framework is robust, and its success in providing vulnerable children with sufficient protection is built upon the principles of multi-agency cooperation and coordination. However, child victims of trafficking are failing to benefit from the strengths of this system. Since protection is intrinsically linked to tertiary prevention measures, this represents a significant barrier to the prevention of re-trafficking of children envisaged in the Convention.

## Chapter 9: Devolved policies

### Devolved responsibilities to prevent trafficking

As described earlier, human trafficking is a multi-faceted issue. For prevention measures to be effective they must cut across a number of different areas of work. Several participants interviewed for this research stated that the UK Government understands trafficking chiefly as an illegal immigration issue and secondly as an issue of organised crime, and this has limited its understanding of prevention. This in turn has led to a lack of clarity concerning devolved administrations' responsibilities for preventing trafficking, i.e. if the belief held is that prevention is mainly about border controls and inhibiting illegal migration, action to prevent trafficking need not go further than this. The Convention requires States Parties to adopt a holistic approach to preventing trafficking. This can only be achieved through a range of international, national, regional and local policies and measures.

When understood in this manner, it is clear that the devolved administrations bear responsibility for many aspects of work essential to the prevention of trafficking and that they are often better placed than central government to develop targeted measures. Furthermore, devolved administrations can use their position to influence the UK Government on reserved matters which nevertheless impact on their jurisdiction. This would include immigration policy, foreign aid priorities and, where relevant, policing priorities. This chapter summarises what measures each of the UK's devolved administrations have implemented to prevent trafficking.

### Northern Ireland

Of those matters that relate to human trafficking, the Northern Ireland Executive is responsible for economic and social issues, health, education, social services, public safety and other policing and justice matters. The Department of Justice leads the Northern Ireland Assembly's response to the trafficking of adults; the Department for Health, Social Services and Public Safety, leads its response to child trafficking. It is clear that considerable efforts have been made by the Department of Justice to respond to trafficking in its jurisdiction, and the practitioners interviewed for this research recognised the political will to tackle the problem. However, there appears to be very little coordination with civil society, which limits the impact of measures that have been introduced.

The Department of Justice leads the Organised Crime Task Force (OCTF) and the Organised Crime Strategy Group, both of which include human trafficking in their remit. The OCTF's Immigration and Human Trafficking sub-group is chaired by a police officer and is the main coordination body for anti-trafficking efforts in Northern Ireland. It comprises the Police Service of Northern Ireland (PSNI), the UKBA, the Public Prosecution Service, the Department for Employment and Learning and representatives from the Republic of Ireland's police force. It is overseen by the Organised Crime Strategy Group.

While the Immigration and Human Trafficking sub-group is recognised as coordinating law enforcement and statutory responses well, the group does not include any NGO or civil society representation. The two main organisations which provide accommodation and support to trafficked persons in Northern Ireland, Women's Aid and Migrant Help, sit on a Social Care group which is convened by the Department of Justice. This group has been described as operational, as its primary purpose is to oversee the delivery of the day-to-day functioning of the government-funded victim care package contract. There is no other arrangement for the coordination of civil society actors, a role that interviewed practitioners consider to be severely lacking in Northern Ireland. Equally, while the Minister is represented on the Inter-Departmental Ministerial Group in Westminster, agencies responding to trafficking on the ground in Northern Ireland only feel linked in to anti-trafficking efforts in the rest of the UK through civil society connections and networks. In addition, it has been reported that the Human Trafficking Foundation has visited Northern Ireland with a view to establishing an all party working group on human trafficking in Northern Ireland, much like the All-Party Parliamentary Group for Human Trafficking in Westminster.



The PSNI is responsible for collecting data on trafficking in Northern Ireland and agencies are encouraged to refer all cases of suspected trafficking to the police. Several participants interviewed were concerned that the only information on trafficking collected in Northern Ireland is based on cases referred to the police. Furthermore, it does not provide an avenue for collecting information on related issues which might add to an overall understanding of trafficking in the region (see chapter 2). NRM statistics published by the UKHTC were not considered to be helpful to agencies working in Northern Ireland as it has not been possible to obtain any statistics from the UKHTC in relation to Northern Ireland-specific referrals. Practitioners would welcome further disaggregation of data by region, to allow for a more in-depth analysis of trends and greater understanding of the extent and nature of the problem in Northern Ireland.

Over the past few years, several pieces of research have been conducted on trafficking and related exploitation in Northern Ireland. In 2009, the Northern Ireland Human Rights Commission commissioned a study into the nature and extent of human trafficking.<sup>272</sup> The Department for Employment and Learning has conducted research into the make-up, impact and experiences of migrant workers in Northern Ireland.<sup>273</sup> The Department for Justice publishes an annual *Threat Assessment* on organised crime issues, which includes the most recent information on human trafficking.<sup>274</sup> In addition, in June 2011, the Joseph Rowntree Foundation published a study looking into the extent of forced labour in migrant communities in Northern Ireland, carried out by the Institute for Conflict Research in partnership with NGOs.<sup>275</sup>

The Department of Justice published a report in 2011 in relation to sexual exploitation in Northern Ireland, part of which dealt with the subject of human trafficking.<sup>276</sup> A subsequent conference held at Stormont including a cross-section of statutory and non-statutory bodies met to discuss this, and in particular how best to tackle demand for sexual services. The Department of Justice has since hosted meetings with the Police Service of Northern Ireland and the Belfast Health and Social Care Trust on this topic and is now developing a programme of action, building on the findings of the research paper and the outcome of the conference.

Practitioners' main concerns regarding the current levels of research were the difficulties in ensuring that recommendations are acted upon and to the extent to which they were incorporated into preventative work. In this regard, there was a level of frustration at the lack of oversight of anti-trafficking efforts in Northern Ireland, to ensure research is being addressed in a holistic way.

The *Blue Blindfold* campaign ran twice in Northern Ireland and was coordinated to run at the same time as in the Republic of Ireland, to raise awareness of human trafficking among the general public. Northern Ireland is the only jurisdiction to evaluate the impact of the campaign, and it found that 35% of adults and 50% of the population aged between 16 and 34 had seen or heard the campaign.<sup>277</sup> However, some practitioners questioned whether awareness of human trafficking was that widespread in Northern Ireland, and many stated that more needs to be carried out to raise awareness of trafficking for non-sexual exploitation. Most efforts to raise awareness and educate at-risk groups are done through NGOs, generally through community groups, although the Department of Justice is looking to introduce the UKHTC's *My Dangerous Loverboy* campaign materials to raise awareness of trafficking

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<sup>272</sup> Martynowicz, A., et al., 'The Nature and Extent of Human Trafficking in Northern Ireland: A scoping study (2009), Belfast: Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland. Available at: [www.equalityni.org/archive/pdf/ECNIHRCTraffickingReport.pdf](http://www.equalityni.org/archive/pdf/ECNIHRCTraffickingReport.pdf) [last accessed 3 March 2012].

<sup>273</sup> Bell, J., et al., 'A Report on the Experiences of Migrant Workers In Northern Ireland' (December 2009). Available at: [www.delni.gov.uk/a\\_report\\_on\\_the\\_experiences\\_of\\_migrant\\_workers\\_in\\_northern\\_ireland.pdf](http://www.delni.gov.uk/a_report_on_the_experiences_of_migrant_workers_in_northern_ireland.pdf) [last accessed 13 January 2012].

<sup>274</sup> Organised Crime Task Force, 'The Northern Ireland Organised Crime Strategy: January 2012 – March 2014' (June 2011). Available at: [www.dojni.gov.uk/index/media-centre/northern-ireland-organised-crime-strategy-.pdf](http://www.dojni.gov.uk/index/media-centre/northern-ireland-organised-crime-strategy-.pdf) [last accessed 13 January 2012].

<sup>275</sup> Allamby, L., et al., 'Forced Labour in Northern Ireland: Exploiting Vulnerability' (June 2011). Available at: [www.conflictresearch.org.uk/Resources/Documents/Jarman-Forced%20Labour%20report%202655.pdf](http://www.conflictresearch.org.uk/Resources/Documents/Jarman-Forced%20Labour%20report%202655.pdf) [last accessed 13 January 2012].

<sup>276</sup> Ford, D., *Research paper investigating the issues for women in Northern Ireland involved in prostitution and exploring best practice elsewhere*. Department of Justice Northern Ireland (2011).

<sup>277</sup> Organised Crime Task Force, *2011 Annual Report and Threat Assessment: Organised Crime in Northern Ireland*, (2011), p.34.

amongst young people. Additionally, the Department for Employment and Learning convenes a migrant workers thematic sub-group which works to increase awareness of employment rights among migrant workers in Northern Ireland. The Department also runs the Employment Agency Inspectorate which has made strong efforts to reach migrant workers and inform them of their rights and the inspectorate's existence. The Law Centre Northern Ireland has also developed considerable resources to inform migrants and other vulnerable workers of their employment rights.

Efforts have been made to train professionals, particularly law enforcement officials, across Northern Ireland, and guidance, which was jointly developed by PSNI and DHSSPS, has been issued to healthcare professionals. However, each Department is responsible for their own training, with no one agency responsible for ensuring that training is reaching all the right people. The PPS has also developed guidance for prosecutors on human trafficking, which will be put out for public consultation in early 2012. Practitioners stated that very little training was available and often it depended upon one person taking an interest and seeking out training for themselves.

Trafficking is yet to be integrated into existing social and economic initiatives aimed at tackling poverty reduction, social exclusion or discrimination. Little information is known about internal trafficking within Northern Ireland nor whether Northern Irish adults or children are trafficked within the rest of the UK or internationally. As such, no social or economic initiatives specifically targeted at populations vulnerable to exploitation and trafficking have been introduced. The Human Rights Commission for Northern Ireland has developed a range of interactive tools for teaching children about human rights and related issues; they are not included as a mandatory part of the curriculum.

In Northern Ireland, where organised crime is recognised as a serious problem,<sup>278</sup> the OCTF is looking to launch the campaign, *Changing the Mindset*. The campaign is not specific to human trafficking, but it will be included as one manifestation of organised crime. The campaign is aimed at raising greater awareness amongst the public of the impact of organised crime, including human trafficking, and at influencing behaviour which condones or perpetuates it. The Department for Justice intends for this campaign to address the links between market demand for cheap labour and consumer demand for cheap produce, which is bridged by inherent exploitive labour. In order to ensure that the campaign is as effective as possible, it will include consultations on where best to target campaign material and research on best practices for challenging demand. The ATMG welcomes this campaign as a positive development and encourages the UK Government and other devolved administrations to monitor its impact. The ATMG calls on Northern Ireland's Department of Justice to independently monitor and evaluate this campaign so that lessons for future demand-side interventions can be learned.

Several respondents in Northern Ireland highlighted the challenge the Irish land border presents with regard to human trafficking, as this may make the trafficking of people between the jurisdictions fairly easy. Very little is known about what role the lack of a border plays. Strong efforts have been made by the OCTF, the Public Prosecution Service and the Department of Justice to coordinate anti-trafficking training and other activities along the border, although several practitioners think more work needs to be done to ensure trafficking is identified there. The Department of Justice in Northern Ireland has been more proactive in promoting the *Visitor or Victim* campaign: the OCTF ran it in airports, ports and train stations in October 2010.

### **Specific recommendations to the Northern Ireland Assembly**

- Appoint an independent regional Anti-Trafficking Commissioner (or a Rapporteur) on trafficking to maintain oversight of the Northern Irish response to trafficking, ensure all obligations are being met and ensure anti-trafficking efforts are comprehensive and integrated with other policy areas.
- Improve coordination of specific measures to prevent trafficking, such as research, awareness-

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<sup>278</sup> *Ibid.*

raising and training efforts to ensure gaps are addressed.

- Involve NGOs and civil society in anti-trafficking coordination groups and in the strategic development of anti-trafficking work.
- Regularly monitor and evaluate the impact of future campaigns, such as *Changing the Mindset*, including from a human rights perspective.
- Introduce education on the causes and consequences of human trafficking as mandatory in primary and secondary-level education.

## Scotland

The Scottish Government is responsible for all regional policies relating to health, education, justice, social issues business and industry.

Coordination of anti-trafficking efforts in Scotland remains partial. There are strong multi-agency groups in the West of Scotland, which includes a sub-group on child trafficking led by the Glasgow City Council Child Protection Committee. Another group is chaired by Strathclyde Police's Vice and Anti-Trafficking Unit and focuses on the trafficking of adults. This in turn has three working groups: victim care, prevention, and research and intelligence. Some participants were unclear as to the continuing remit of this latter group. The Equality and Human Rights Commission in Scotland established an Advisory Group for their *Inquiry into Human Trafficking in Scotland*, which brought together Scotland's Commissioner for Children and Young People, the Scottish Refugee Council, UKBA, SCDEA, UKHTC, TARA, the GLA, Migrant Help, the Scottish Government, the Association of Directors of Social Work, the Convention of Scottish Local Authorities (CoSLA), Amnesty International (Scotland), and the Legal Services Agency.

The Scottish Government convenes a victim care group, whose focus could be described as operational as its remit is limited to discussing the delivery of the government-funded victim care package, though its effectiveness has been called into question as the last time it was convened was May 2011. The Scottish Crime and Drug Enforcement Agency (SCDEA) coordinates Scotland's law enforcement response to trafficking. Participants in Scotland stated that, despite the various groups and political support for the issue, there is little coordination of overall anti-trafficking efforts and a lack of overall direction from the Scottish Government on the issue. Scotland is represented on the IDMG, and TARA sits on several of the Home Office and UKHTC stakeholder groups, but it was stated that this was on TARA's initiative rather than as part of a strategic approach. Other Scottish participants stated that their links with anti-trafficking work in the rest of the UK were either through TARA or through other NGO networks and they were not represented or consulted in UK-wide strategic developments.

Research scoping the extent of trafficking in Scotland has been conducted by the Scottish Government,<sup>279</sup> the Scottish Parliament's Equal Opportunities Committee,<sup>280</sup> Scotland's Commissioner for Children and Young People<sup>281</sup> and the Equality and Human Rights Commission in Scotland.<sup>282</sup> Further research into different aspects of trafficking has been carried out by NGOs,<sup>283</sup> the Glasgow's Child Protection Committee, and the SCDEA publish an annual *Strategic Threat Assessment* on all areas of organised crime. Several participants stated that existing research has tended to focus on trafficking for sexual exploitation, while little is known about trafficking for other types of exploitation in Scotland. The Equality and Human Rights Commission's recently-published *Inquiry into Human Trafficking in Scotland* found evidence that people are trafficked to and within Scotland for the purposes of sexual exploitation, forced labour including domestic servitude, and for forced criminal activity.<sup>284</sup>

<sup>279</sup> Lebov, K., *Human Trafficking in Scotland 2007/08*, Scottish Government Social Research (2009).

<sup>280</sup> Scottish Parliament Equal Opportunities Committee Report: *Inquiry into Migration and Trafficking*, 5<sup>th</sup> Report (2010).

<sup>281</sup> Wallace, R., et al., *Scotland: A safe place for child traffickers?* (Scotland's Commissioner for Children and Young People (2011).

<sup>282</sup> Equality and Human Rights Commission Scotland, *Inquiry into Human Trafficking in Scotland: Report of the Equality and Human Rights Commission* (Glasgow, 2011), p.49.

<sup>283</sup> Organised Crime Task Force, 2011 Annual Report and Threat Assessment: Organised Crime in Northern Ireland, (2011), p.34.

<sup>284</sup> Equality and Human Rights Commission Scotland, *Inquiry into Human Trafficking in Scotland: Report of the Equality and Human Rights Commission* (Glasgow, 2011), p.36.

Furthermore, the *Inquiry* found evidence of trafficking-related exploitation throughout Scotland, in cities, towns and rural areas.<sup>285</sup> The research calls on the Scottish Government to develop its own comprehensive anti-trafficking strategy and to demonstrate leadership in devolved policy areas. The ATMG supports this recommendation.<sup>286</sup> The Equality and Human Rights Commission's *Inquiry* also recommends the UKHTC publishes regional NRM statistical data as standard practice.<sup>287</sup>

The majority of participants interviewed expressed frustration at the lack of useful information available on trafficking in Scotland, both within Scotland and on a UK-wide level. There is no coordination of trafficking data within Scotland, and the lack of regional disaggregation in the statistics published by the UKHTC makes them of little use to practitioners' work. The SCDEA has made efforts to address this problem and has been in discussion with the UKHTC about the lack of disaggregation, though concerns remain among some participants that given the SCDEA's remit, such discussions would not provide an avenue for general collation and analysis of trafficking-related information.

There has been no coordination of training on trafficking across Scotland. Different agencies are responsible for training their own staff. TARA, Migrant Help and the Glasgow Child Protection Committee provide on-going training, and awareness-raising and work to identify and plug training gaps. Additionally, the Scottish Government has funded various seminars on human trafficking for frontline staff. Police officers in Scotland have also received training on human trafficking, delivered through the SCDEA, while guidance to prosecutors has been developed and issued through the procurator Fiscal Service. NHS Scotland has produced internal guidance on commercial sexual exploitation and is currently developing guidance on other forms of exploitation. However, several participants stated that the level of awareness of trafficking amongst the public and frontline workers was low, particularly in the remoter parts of the country. The Equality and Human Rights Commission in Scotland recently called on the Scottish Government to make further efforts to raise awareness of human trafficking amongst both the general public and frontline workers in Scotland.<sup>288</sup>

Trafficking is included in the Scottish Government's strategy for combating violence against women. However, no efforts have been made to integrate measures to prevent trafficking into existing poverty reduction or social inclusion initiatives. Through its International Development Fund, the Scottish Government funds work addressing vulnerability and inequality in Malawi, which will increase the recipients' resilience to trafficking. Tearfund Scotland, which receives Scottish Government funding, works with communities in the north of Malawi on issues such as child labour and early marriage, providing training on child rights and the importance of education. The Scottish Government also funds work strengthening access to justice in Malawi, through the Active Learning Centre at the University of Glasgow. Such initiatives are positive and should be incorporated into the Scottish Government's overall anti-trafficking strategy.

Efforts to discourage demand in Scotland have focused on trafficking for sexual exploitation. *End Prostitution Now*, a campaign aimed at challenging demand for prostitution and criminalising the purchase of sex in Scotland, and in turn tackling trafficking, was developed and led by Glasgow City Council.<sup>289</sup> A Private Members Bill to criminalise the purchase, advertisement and facilitation of prostitution introduced in the Scottish Parliament in November 2010 failed to get majority backing and the Criminalisation of the Purchase and Sale of Sex (Scotland) Bill was put out for further consultation. A report on the consultation published in March found the Bill to have majority support amongst public agencies in Scotland.<sup>290</sup> The campaign brought together service providers, women's rights organisations and Parliamentarians, and received majority support amongst the public for legislation to criminalise the purchase of off-street sexual services.

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<sup>285</sup> *Ibid.*, p.48.

<sup>286</sup> *Ibid.*, p.25.

<sup>287</sup> *Ibid.*, p.56.

<sup>288</sup> *Ibid.*, p.25.

<sup>289</sup> The Prostitution (Public Places) (Scotland) Act 2007 effectively already makes it an offence to pay for sex in a public place.

<sup>290</sup> Scottish Parliament, *Criminalisation of the Purchase and Sale of Sex (Scotland) Bill: Summary of Consultation Responses*, March 2011. Available at: [www.scottish.parliament.uk/parliamentarybusiness/Bills/25043.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25043.aspx) [last accessed 24 November 2011].

Several school resources have been developed by NGOs to teach children about healthy relationships and the impact of domestic and sexual violence. Glasgow City Council also funds Barnardos Scotland to deliver programmes educating children about grooming and sexual exploitation in five additional schools in the city each year. However, it is not mandatory within the curriculum to ensure that all children receive education about human rights and the impact of inequality, discrimination and exploitation.

### ***Specific recommendations to the Scottish Government***

- Appoint an independent regional Anti-Trafficking Commissioner (or a Rapporteur) to maintain oversight of Scotland's anti-trafficking response. The Commissioner would have the duty to ensure that all responsibilities under the Convention are being met, to ensure a comprehensive anti-trafficking response, and to ensure that all anti-trafficking measures promote gender equality and the human rights of all trafficked persons and those vulnerable to trafficking.
- Improve coordination of anti-trafficking work across Scotland, and specifically in relation to data collection and training of professionals.
- Integrate anti-trafficking aims into complementary policy areas to increase the reach of anti-trafficking efforts and ensure long-term impact.
- Introduce measures to address demand for other forms of trafficking, initially by commissioning research to better understand the role demand plays in Scotland.
- Introduce education on the causes and consequences of human trafficking as mandatory in primary and secondary-level education.

### **Wales**

With regard to matters relating to human trafficking, the Welsh Government is responsible for education, health and social care, business and economy and social justice.

The previous two years have seen a significant increase in anti-trafficking activity 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 the relevant government and non-governmental agencies in the area with a role to play in tackling trafficking. The group includes police, the UKBA, NGOs, health services and education representatives. The group has proved successful in coordinating activities, strengthening relationships, developing and delivering awareness-raising sessions through their networks to frontline workers and sharing information, and work to identify and close training gaps. In addition, the UKHTC has worked with the South Wales police force to build its capacity in investigating trafficking in collaboration with the Welsh Human Trafficking Coordinator (below). A Cross-Party Group on Human Trafficking has also been established in the Welsh Government. This is chaired by Joyce Watson, a Welsh Government Assembly Member, and provides an opportunity for politicians to work together on the subject in collaboration with stakeholder organisations. The Group has successfully pushed forward work on the issue, for example, being instrumental in the creation of the Welsh Human Trafficking Coordinator's role.

In March 2010, the Welsh Government made funding available for a Welsh Human Trafficking Coordinator, 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. As the Coordinator is responsible to Gwent police, there are some concerns that the position is not independent, which may limit its scope to coordinate statutory activity. It is important that the effectiveness of the role is monitored to ensure that all the relevant statutory and non-statutory organisations are brought together in an effective way.

Research on human trafficking in Wales has been conducted,<sup>291</sup> though to date it has focused solely on trafficking for sexual exploitation. Following research published by the Welsh Government's Cross-Party Group on Human Trafficking, Joyce Watson developed an online resource to act as a central point for the sharing of information on trafficking in Wales, including relevant reports, news articles, and links to anti-trafficking organisations and services.<sup>292</sup>

Trafficking is included in the Welsh integrated violence against women strategy, although no measures to prevent trafficking are integrated into other areas of work such as social justice and equality. Joyce Watson's 2010 report on human trafficking in Wales, *Knowing No Boundaries*, found evidence that one Welsh local authority includes education on the nature and effects of human trafficking in its curriculum for thirteen-year-olds.<sup>293</sup> The Welsh Government has committed to including education about violence against women in school-years education, though education on broader human rights principles and the consequences of discrimination, inequality and exploitation are not currently mandatory in the curriculum.

### ***Specific recommendations to the Welsh Government***

- Appoint an independent regional Anti-Trafficking Commissioner (or a Rapporteur) to maintain oversight of Wales' anti-trafficking response.
- Evaluate the impact of the Human Trafficking Coordinator role in improving coordination of Welsh anti-trafficking efforts of data collection, awareness-raising and training professionals. Particular attention must be paid to how well the Coordinator has managed to coordinate the non-governmental response as well as that of governmental agencies.
- Ensure anti-trafficking aims are integrated into complementary policy areas, such as social exclusion and poverty reduction.
- Conduct research on trafficking for purposes other than sexual exploitation in Wales and respond appropriately.
- Introduce mandatory education on the causes and consequences of human trafficking in primary and secondary-level education.

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<sup>291</sup> Community and Adult Services Committee, *The Trafficking of Adults for the Purpose of Sexual Exploitation* (County Council of the City and County of Cardiff, December 2010), and Watson, J., *Knowing no boundaries: Local solutions to an international crime. Trafficking of women and children in Wales 2010* (National Assembly for Wales: 2010).

<sup>292</sup> See [www.humantraffickinginwales.co.uk](http://www.humantraffickinginwales.co.uk) [last accessed 3 March 2012].

<sup>293</sup> Watson, *supra* note 291, p.9.

## Chapter 10: Conclusion and Recommendations

The research of the ATMG demonstrates that some measures to prevent trafficking have been implemented across the UK. However, the absence of a coherent, comprehensive prevention strategy appears to be the chief obstacle to effective trafficking prevention in the UK. Like human trafficking itself, prevention is complex and requires a multi-faceted approach. Some measures have been a legacy of the past: the current Government's interpretation of prevention is limited to measures mainly within immigration control and law enforcement. While these measures have their place in trafficking prevention, if applied in solitude, their unintended consequence is that some victims remain unidentified and their needs unaddressed. Furthermore, such measures impact on the symptoms of trafficking rather than its causes.

Within this, it is vitally important that measures are introduced to tackle the socio-economic factors that render people vulnerable to trafficking, both overseas and in the UK, as well as rights violations such as discrimination and inequality which further underpin the problem. The impact of existing prevention measures in these areas has been limited so far. This is a result of the lack of strategic focus on prevention and the failure to mainstream anti-trafficking work into other areas. Opportunities to integrate anti-trafficking concerns into other policy areas such as poverty reduction, education, foreign policy and anti-discrimination work, need to be identified and capitalised upon. Inclusion of trafficking prevention into existing work in these areas would have little to no cost implications, as it would simply involve modifying such programs. Where this model has been followed in other countries, it has been seen to yield results in a shorter period of time whilst ensuring that prevention efforts have a sustained impact in the future.

The Government's response to trafficking should look to address each of these factors as part of an all encompassing strategy so that all organisations working on trafficking issues, including civil society, are working to a common understanding and purpose. This would provide clarity, in the form of a clearer understanding of what prevention measures are necessary, where they must be implemented and how they work together. The UK Government would thus be able to guide and support the devolved administrations and local government bodies to develop and implement prevention measures relevant to their locality and areas of responsibility. In return, each devolved administration and local government body can filter rich information back to central government so that a real picture of trafficking in the UK can be formed.

It is clear that considerable attention still needs to be paid by the UK Government to understanding the root causes of trafficking if efforts to respond to it are to be effective. The UK Government and devolved administrations must collaborate and work to a clear, common understanding of trafficking and how to prevent it, based on a thorough analysis of its root causes. Such an analysis should take into account the range of factors that drive and influence human trafficking, both in source countries and in the UK. Equally, more attention is needed to understand and address the demand-side of the problem in a holistic way which pays due attention to demand outside of the sex industry.

A significant gap in the UK's current response to trafficking is the level of information available about the problem. Improved data collection, analysis and sharing are essential for the realisation of effective prevention measures.

Lack of coordination was an overarching theme in participants' responses. The lack of coordination has led to duplication of work in some areas and significant gaps in others, and is preventing anti-trafficking work from developing in an effective way by impeding data collection and sharing of best practices. There is also currently little oversight or evaluation of current anti-trafficking work, including of the human rights impact of measures or the extent to which they address gender-based discrimination. Equally, it is difficult to draw lessons from or build upon the experiences of existing interventions while

so many remain unevaluated. Furthermore, the absence of civil society actors input into the strategic development of anti-trafficking efforts may be construed as falling short of the Government's obligations under the Convention. Far more attention needs to be paid to ensuring that the Government's efforts to prevent trafficking have the human rights of trafficked persons and those vulnerable to trafficking as their first priority, and that all policies and measures introduced are non-discriminatory and aim to address structural gender discrimination.

The UK's approach to prevention has produced significant gaps in policy and practice which affects the ability of the authorities to act early. This results in anti-trafficking efforts being one step behind traffickers. The lack of a holistic prevention strategy benefits traffickers who are skilled in exploiting these potential gaps produced by the lack of a unified approach. Tackling this requires us to ensure that our house is in order and that we have a clear direction as to where we go from here; anything short of this would be playing into traffickers' hands.

## **Recommendations**

The ATMG addresses its recommendations to the key bodies responsible for anti-trafficking policy in the UK: government departments, devolved administrations, law enforcement agencies and the UKHTC, in seeking to encourage systemic change in the way trafficking prevention is addressed. The recommendations are also aimed at other regulatory bodies and civil society organisations. A table pairing these recommendations with corresponding European legislation and the implementing body can be found in annex I. The recommendations are designed to ensure that prevention becomes an integral element of anti-trafficking policy in the UK with an emphasis on reducing the vulnerabilities of people at-risk of trafficking and those trafficked, through a strategic holistic approach that is firmly embedded within the human rights framework.

### **The recommendations address the need to:**

1. Improve coordination and evaluation of trafficking prevention
2. Conduct trafficking prevention strategically and in a targeted manner
3. Enhance knowledge and skills
4. Improve action at the border
5. Improve targeted child trafficking prevention

## **1. COORDINATION AND EVALUATION**

- Introduce an independent oversight and monitoring body, an Anti-Trafficking Commissioner (as a mechanism equivalent to a Rapporteur), to report annually to Parliament on the implementation of anti-trafficking measures. The body shall have statutory authority to request information necessary to assess the impact of anti-trafficking measures.
- Commission an annual independent evaluation of all trafficking prevention measures, including human rights and gender impact assessments.
- Conduct an annual review of the effectiveness of coordination by the Inter-Departmental Ministerial Group; improve attendance and frequency of its meetings.
- Demonstrate that tailored guidance has been issued to all agencies named in the Government's strategy on the role they play in prevention locally, regionally and nationally.
- Assign a single point of contact on trafficking in all central and local government agencies.
- Involve civil society actors in working groups responsible for policy development in England, Wales, Scotland and Northern Ireland; include at least one civil society representative outside of the Government's service provision contract in the NRM Oversight Group.
- Investigate the most appropriate ways of enabling the participation of trafficked persons in the development of prevention and anti-trafficking strategies.

## **2. STRATEGIC AND TARGETED PREVENTATIVE ACTION**

- Develop a UK-wide prevention strategy based on research and available NRM data.
- Conduct an awareness-raising campaign on trafficking for exploitation outside of the sex



industry, including on internal trafficking and trafficking of British nationals.

- Develop preventative measures focused on addressing the socio-economic causes of trafficking (in the UK and source countries).
- Strengthen collaboration with key countries of origin on preventative activities, in particular, information sharing and measures aimed at safe/legal migration.
- Reinstate the previous domestic worker visa category and extend its provisions to domestic workers in diplomatic households. In the interim, monitor annually the impact of the 2012 changes and ensure systematic application of UKBA procedures established for this visa.
- Mainstream anti-trafficking prevention and awareness-raising into primary and secondary-level education.
- Expand the GLA's licensing and enforcement model to cover sectors where exploitation of vulnerable workers is known to take place.

### **3. KNOWLEDGE AND SKILLS BUILDING**

- Improve data collection and analysis of NRM data (e.g. further disaggregation and qualitative analysis) to inform prevention work.
- By the end of 2012, commission research on the demand that fuels exploitative labour and forced criminal activities.
- Make the outcomes of studies related to trafficking commissioned by the Government in the past five years publicly available.
- Share information on regional good practice models with other anti-trafficking networks and working groups.
- Annually update all training resources for all frontline staff to reflect new trends, policies and legislation.

### **4. ACTION AT THE BORDER**

- Develop a standard procedure and risk assessment for trafficked persons who wish to return home independently and those at risk of re-trafficking.
- Internationally distribute information on safe and legal migration and the risks of trafficking in national languages in a reader-friendly format.
- Increase human trafficking information disseminated to visitors at all ports of entry.
- Improve the quality of translation of information materials disseminated to potential victims.
- Increase understanding of human trafficking and human rights amongst frontline staff at all ports of entry.
- Cease the application of the "gentleman's agreement" at ports in respect of adults.

### **5. PREVENTION OF CHILD TRAFFICKING**

- Ensure all LSCB Chairs and equivalent in Northern Ireland, Wales and Scotland nominate focal points on child trafficking to facilitate coordination and training, and report annually. A list of focal points must be held centrally.
- Ensure that guidance and training for local authorities, police and the UKBA includes well defined thresholds for the investigation and protection of separated children arriving and departing at all ports of entry irrespective of whether the child makes a complaint.
- Ensure that a dedicated child trafficking focal point is maintained within CEOP with increased powers to task the UKHTC, police, FCO, local authorities and the UKBA to undertake enquiries and report annually.
- Ensure that every child suspected or known to be trafficked is provided with a Guardian or equivalent at the earliest opportunity; a Guardian's 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.
- Ensure that when children known or suspected to have been trafficked go missing that they are reported to a central authority and their case kept active and monitored.

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## Annex I: Table of recommendations, relevant European legislation and implementing bodies

All Change: Preventing Trafficking in the UK - Recommendations	Relevant CoE Convention Articles	Relevant EU Directive Articles	Coalition Government's Human Trafficking Strategy Actions and Key Phrases	Implementing Department/Agency
<b>COORDINATION AND EVALUATION</b>				
Introduce an independent oversight and monitoring body, an Anti-Trafficking Commissioner (as a mechanism equivalent to a Rapporteur), to report annually to Parliament on the implementation of anti-trafficking measures. The body shall have statutory authority to request information necessary to assess the impact of anti-trafficking measures.	29.4	19	Relates to all of the strategy	Government
Commission an annual independent evaluation of all trafficking prevention measures, including human rights and gender impact assessments.	1.1(a)		Relates to all of the strategy	Government; Home Office; UK Human Trafficking Centre
Conduct an annual review of the effectiveness of coordination by the Inter-Departmental Ministerial Group; improve attendance and frequency of its meetings.			<i>Enhancing our ability to act early</i>	Government; Parliament
Demonstrate that tailored guidance has been issued to all agencies named in the Government's strategy on the role they play in prevention locally, regionally and nationally.	5.1		<i>Enhancing our ability to act early</i>	Home Office
Assign a single point of contact on trafficking in all central and local government agencies.	5.1		Action 13	Government; Home Office; All government departments with responsibility in the Government's strategy
Involve civil society actors in working groups responsible for policy development in England, Wales, Scotland and Northern Ireland; include at least one civil society representative outside of the Government's service provision contract in the NRM Oversight Group.	5.1, 10.1, 10.2, 35		Actions 4 & 6	Home Office; Civil Society Organisations
Investigate the most appropriate ways of enabling the participation of trafficked persons in the development of	35	18.2	Actions 3, 4, 6	Home Office; Home Office NRM Oversight Group;

prevention and anti-trafficking strategies.				UK Human Trafficking Centre sub-groups; Home Office working groups
<b>STRATEGIC AND TARGETED PREVENTATIVE ACTION</b>				
Develop a UK-wide prevention strategy based on research and available NRM data.	5.1		Actions 1, 2, 14	UK Human Trafficking Centre sub-groups; Home Office; Home Office working groups
Conduct an awareness-raising campaign on trafficking for exploitation outside of the sex industry, including on internal trafficking and trafficking of British nationals.	5.2	18.2	Actions 1 & 2	Home Office; UK Human Trafficking Centre
Develop preventative measures focused on addressing the socio-economic causes of trafficking (in the UK and source countries).	5.2		Actions 10 & 15	Government; Home Office; Department for International Development; Department for Work and Pensions
Strengthen collaboration with key countries of origin on preventative activities, in particular, information sharing and measures aimed at safe/legal migration.	5.2		Actions 3, 8, 10, 11, 15, 24	Home Office; UK Human Trafficking Centre; Civil Society Organisations; Foreign Office
Reinstate the previous domestic worker visa category and extend its provisions to domestic workers in diplomatic households. In the interim, monitor annually the impact of the 2012 changes and ensure systematic application of UKBA procedures established for this visa.	5.2, 5.3, 5.4		Actions 7 & 17	Home Office; UK Border Agency; UK Human Trafficking Centre; Foreign Office
Mainstream anti-trafficking prevention and awareness-raising into primary and secondary-level education.	5.2, 6	18.1, 18.4	<i>Enhancing our ability to act early</i>	Government; Department for Education
Expand the GLA's licensing and enforcement model to cover sectors where exploitation of vulnerable workers is known to take place.	5.2		Action 17	Government; Department for Environment, Food and Rural Affairs; Department for Business, Industry and Skills
<b>KNOWLEDGE AND SKILLS BUILDING</b>				
Improve data collection and analysis of NRM data (e.g. further disaggregation and qualitative analysis) to inform prevention work.	5.1, 5.2		Actions 9 & 24	UK Human Trafficking Centre

By the end of 2012, commission research on the demand that fuels exploitative labour and forced criminal activities.	5.1, 6	18.1, 18.4	<i>Enhancing our ability to act early</i>	Government
Make the outcomes of studies related to trafficking commissioned by the Government in the past five years publicly available.	5.2		<i>Enhancing our ability to act early</i>	Government
Share information on regional good practice models with other anti-trafficking networks and working groups.	5.1		Actions 6 & 9	Home Office; UK Human Trafficking Centre; Inter-Departmental Ministerial Group
Annually update all training resources for all frontline staff to reflect new trends, policies and legislation.	7.1	18.3	Actions 6, 21, 23	Home Office; UK Border Agency; UK Human Trafficking Centre; Association of Chief Police Officers
<b>ACTION AT THE BORDER</b>				
Develop a standard procedure and risk assessment for trafficked persons who wish to return home independently and those at risk of re-trafficking.	16		Actions 20, 21, 23	Home Office; UK Border Agency; UK Human Trafficking Centre; Association of Chief Police Officers; Civil Society Organisations
Internationally distribute information on safe and legal migration and the risks of trafficking in national languages in a reader-friendly format.	5.2		Actions 8 & 15	Home Office; Foreign Office; UK Human Trafficking Centre; Department for International Development; Civil Society Organisation
Increase human trafficking information disseminated to visitors at all ports of entry.	5.2		Actions 8, 15, 20, 21, 23	UK Border Agency
Improve the quality of translation of information materials disseminated to potential victims.			Actions 8 & 15	Home Office; Ministry of Justice; UK Border Agency; UK Human Trafficking Centre; Civil Society Organisations
Increase understanding of human trafficking and human rights amongst frontline staff at all ports of entry.	7.1		Actions 5, 20, 21, 23	UK Border Agency
Cease the application of the "gentleman's agreement" at ports in	10.2		Actions 20 & 23	Home Office;

respect of adults.				UK Border Agency
PREVENTION OF CHILD TRAFFICKING				
Ensure all LSCB Chairs and equivalent in Northern Ireland, Wales and Scotland nominate focal points on child trafficking to facilitate coordination and training, and report annually. A list of focal points must be held centrally.	5.1	18.3	Actions 97 & 99	Department for Education; Department for Communities and Local Government; UK Human Trafficking Centre
Ensure that guidance and training for local authorities, police and the UKBA includes well defined thresholds for the investigation and protection of separated children arriving and departing at all ports of entry irrespective of whether the child makes a complaint.	10.4	11.3, 13, 18	Actions 100 & 103	Home Office; UK Human Trafficking Centre; Child Exploitation and Online Protection Centre; Department for Education
Ensure that a dedicated child trafficking focal point is maintained within CEOP with increased powers to task the UKHTC, police, FCO, local authorities and the UKBA to undertake enquiries and report annually.	5.2		Actions 99, 105, 106	Child Exploitation and Online Protection Centre; UK Human Trafficking Centre; Home Office; Foreign Office
Ensure that every child suspected or known to be trafficked is provided with a Guardian or equivalent at the earliest opportunity; a Guardian's 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.	10.4	14.2, 14.3, 15.1	Actions 97, 99, 100	Department for Education
Ensure that when children known or suspected to have been trafficked go missing that they are reported to a central authority and their case kept active and monitored.		2.2	Action 99	Child Exploitation and Online Protection Centre; Home Office; Local authorities

## Annex II: National Rapporteur/Anti-Trafficking Commissioner

The institution of a Rapporteur, which oversees the implementation of anti-trafficking policies and serves as the centre of expertise on trafficking, has occupied European anti-trafficking discourse for over a decade. The term Rapporteur derives from French meaning “a person appointed by a deliberative body to investigate an issue or situation” – which has been the function of such bodies in countries that have introduced them. Every recent piece of legislation introduced in respect of trafficking in Europe has included the function of a Rapporteur.

The Council of Europe Convention on Action against Trafficking in Human Beings states, “Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements”.<sup>294</sup> The EU Trafficking Directive goes further, stipulating that “Member States *shall* take the necessary measures to establish National Rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.”<sup>295</sup>

The concept of a National Rapporteur was introduced by the EU Ministerial Conference on Trafficking in the Hague Declaration in 1997. The Netherlands was the first country to introduce an independent National Rapporteur on Trafficking in Human Beings. Annually, the Rapporteur submits a report to the Minister of Justice. The Dutch Government is obliged to respond and to inform the parliament of its conclusions. The Dutch Government generally publishes a reaction to the Rapporteur’s report, which is then debated in plenary in the Lower House of the Parliament. Through these reports, the Rapporteur plays an important role in monitoring anti-trafficking policies and associated legislation. At a recent seminar in The Hague, Dutch Parliamentarians highlighted the importance of the work of the Rapporteur for their role in scrutinising the Government. The *Explanatory Report* to the Council of Europe Convention cites the example of the Dutch Rapporteur, emphasising its independence and objectivity: “it is an independent institution, with its own personnel, whose mission is to ensure the monitoring of anti-trafficking activities. It has the power to investigate and make recommendations to persons and institutions concerned and makes an annual report to the Parliament containing its findings and recommendations”.<sup>296</sup>

The Netherlands is not the only country to introduce a Rapporteur. Other examples of Rapporteurs or equivalent mechanisms exist in Portugal, which also fulfils the role of National Coordinator (since January 2008);<sup>297</sup> in Finland, where in January 2009 the Government appointed the ‘Ombudsman for Minorities’ to serve as the National Rapporteur on trafficking;<sup>298</sup> and in Sweden (since 1997), where the National Rapporteur sits within the National Criminal Police.<sup>299</sup> A number of countries have appointed coordinators in addition to a Rapporteur. In some cases, the body that acts as a coordinator has also assumed the role of a National Rapporteur (like in the Czech Republic<sup>300</sup> and in Austria<sup>301</sup>). In Belgium, the Centre for Equal Opportunities and Opposition to Racism (CEOOR) acts as the equivalent mechanism. The CEOOR is an autonomous public service established in 1993. It has been issuing independent annual evaluation reports

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<sup>294</sup> Article 29.4.

<sup>295</sup> Article 19, Directive 36/2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims [emphasis added].

<sup>296</sup> Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report, Council of Europe Treaty Series No. 197, 2005, paragraph 298.

<sup>297</sup> Manuel Albano, National Rapporteur for Trafficking in Human Beings, Commission for Citizenship and Gender Equality, website: [www.cig.gov.pt](http://www.cig.gov.pt) (in Portuguese) [last accessed 1 March 2012].

<sup>298</sup> Johanna Suurpää, National Rapporteur on Trafficking in Human Beings/Ombudsman for Minorities, website: [www.ofm.fi/intermin/vvt/home.nsf/pages/2CD2B8C5ACF7104FC22576C50035C62F?opendocument](http://www.ofm.fi/intermin/vvt/home.nsf/pages/2CD2B8C5ACF7104FC22576C50035C62F?opendocument) [last accessed 1 March 2012].

<sup>299</sup> Kajsa Wahlberg, Detective Inspector and National Rapporteur on Trafficking in Human Beings, Department for Police Affairs within the National Police Board.

<sup>300</sup> Minister of Interior, Security Policy Department, Analyses and Strategies Unit. Website: [www.mvcr.cz/mvcren/article/czech-republic.aspx](http://www.mvcr.cz/mvcren/article/czech-republic.aspx) [last accessed 1 March 2012].

<sup>301</sup> Ambassador Ms. Elisabeth Tichy-Fisslberger, Director General, National Coordinator on Combating Human Trafficking, Ministry for European and International Affairs. Website: [www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html?ADMCMCD\\_view=1](http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html?ADMCMCD_view=1) [last accessed 1 March 2012].

on trafficking in human beings since 1996.<sup>302</sup> In the Republic of Cyprus, the Multi-disciplinary Coordinating Group established in 2007, drafts an annual report on the implementation of trafficking legislation and on the domestic and international situation on human trafficking. The report is submitted to the House of Representatives after it has been approved by the Council of Ministers. The Multidisciplinary Coordinating Group is chaired by the National Coordinator, a function held by the Minister of Interior. There is therefore no unified format for a National Rapporteur across Europe. Rather, it depends on the specific needs of a particular State. However, the Rapporteur's mandate and staffing are among crucial prerequisites of their successful functioning. In the Netherlands, the Bureau of the Dutch National Rapporteur consists of the Rapporteur and six staff members. In Finland, the team consists of the Rapporteur and one paid staff member. Johanna Suurpää, the first Finnish National Rapporteur, stated that the Rapporteur's views have been well received despite having limited resources.<sup>303</sup>

In the UK, no one body currently fulfils the role of a Rapporteur as envisaged by the Hague Declaration. At present, the oversight role of a Rapporteur is exercised by the Inter-Departmental Ministerial Group on Human Trafficking (IDMG). However, the group's meetings are infrequent and not well attended. Fiona Mactaggart, MP, (who sat on the IDMG in the previous government) recently pointed out, "The [IDMG] has to provide information independently to Parliament, but it does not report to it. It needs to be able [to] objectively assess and report on the activities of the Government. The job of Ministers is not [to] objectively assess the Government, but to progress with the business of Government."<sup>304</sup> While the IDMG has its place in promoting cross-government engagement on the issue under Article 29.2 of the Convention, it falls short of the requirement (in the Convention and the Directive) to effectively monitor policy implementation and report the findings to wider stakeholders in anti-trafficking work. The other agency thought to fulfil part of the Rapporteur role is the UK Human Trafficking Centre (UKHTC). The UKHTC has the key responsibility for data collection and acts as a central point of coordination for intelligence, analysis and operational activities around human trafficking. However, it is not within its current remit to act as a coordinator/oversight body for all anti-trafficking work in the UK, nor does it have the capacity to undertake bespoke research into emerging trends in relation to trafficking.

The term Rapporteur is unusual in the British context. Hence, an alternative has been suggested: a Watchdog. The ATMG, however, would like to suggest another alternative: Anti-Trafficking Commissioner, as a Commissioner is a function with a precedent in the UK. The Anti-Trafficking Commissioner would act as an equivalent mechanism to a National Rapporteur as prescribed by the Convention. The role of the Commissioner would be to collate data and information on trafficking, monitor trends and the implementation of policies and laws relevant to the issue. The collected body of information would be analysed and published annually, and presented to Parliament. The Commissioner would need to have the power to request information from statutory agencies. This is not to say that agencies would not readily supply information, but this would allow the information to be obtained within a specific timeframe, under a clear mandate and for a clear purpose.

The UK is currently missing comprehensive information and comparable data about trafficking. With a Commissioner providing a regular picture of the situation, it would be possible to analyse year on year developments. In addition to information collection, the Office of the Commissioner would act as the powerhouse of trafficking knowledge and expertise, empowered to undertake its own qualitative research into emerging trends and new areas relevant to the issue. The Dutch Rapporteur argues that qualitative research is crucial in order to gain deeper insight into trafficking.<sup>305</sup> Quantitative records sometimes give a distorted view of reality. Tackling this in the UK context would mean research beyond the statistics generated through the National Referral Mechanism to obtain a fuller picture of the problem. A Commissioner would give the UK the ability to identify and act on new trends from very early on, thus having better control on the situation. At the moment, research into particular trafficking issues is left to

<sup>302</sup> Website: [www.diversiteit.be/?action=onderdeel&onderdeel=36&titel=Human+Trafficking](http://www.diversiteit.be/?action=onderdeel&onderdeel=36&titel=Human+Trafficking) [last accessed 1 March 2012].

<sup>303</sup> National Rapporteur on Trafficking in Human Beings (2010) *Human Trafficking – ten years of independent monitoring*. The Hague: BNRN, p. 20.

<sup>304</sup> House of Commons, Oral Answers to Questions, HC Deb, 19 March 2012, c580.

<sup>305</sup> National Rapporteur on Trafficking in Human Beings, *supra* note 303, p.11.

organisations without access to all the information and therefore noticeable trends may only be discovered when the situation has reached a certain level.

While Rapporteurs in certain countries may not be entities entirely separate from governments, the role itself should have independence from a particular policy or agenda. Johanna Suurpää, the first Finnish National Rapporteur, makes it clear that “to have any added value, a Rapporteur must be independent. That is an absolute precondition. In my view, the added value lies in providing an objective analysis of how human trafficking is being addressed”.<sup>306</sup> In essence, the Commissioner would become the Government’s critical friend in advancing anti-trafficking policy and practice; and the centre of continuous knowledge on the issue through their day-to-day working focus on trafficking in the UK. It is their independence, not preoccupied by an agenda or disturbed by operational responsibilities (such as victim identification or law enforcement) which attract both statutory and non-statutory organisations to cooperate with the Commissioner. Where such independent bodies exist, they have been known to successfully bridge the gap, and sometimes to share information where there is reluctance, between the government, its agencies and civil society. The present situation in the UK, where such a gap is evident, would benefit from the existence of a Commissioner. The Commissioner would have the potential to engage with all relevant actors, and connect all strands and disciplines of anti-trafficking and related fields.

The added benefit of the Commissioner is that they would raise public awareness of trafficking and send out the message that the UK stands unified against it. Anna Korvinus, the first National Rapporteur in the Netherlands stated, “The importance of appointing a Rapporteur was that it increased attention for this special offence and highlighted the subject of human trafficking and efforts to combat it for the police, the public prosecution service, politicians and the general public. There is certainly greater ‘public awareness’ of human trafficking”.<sup>307</sup> Public awareness on trafficking in the UK is still limited to the perception that trafficking relates to sexual exploitation and that it tends to be confined to bigger cities. Anything we can do to raise awareness, including establishing this role and sustaining public engagement through the Commissioner’s annual reports, will be a step in the right direction.

A similar UK model can serve as inspiration for the Anti-Trafficking Commissioner: namely, the Children’s Commissioner.<sup>308</sup> The Children’s Commissioners for England, Wales and Northern Ireland are posts created by the Children Act 2004 to promote the views of children and young people. In promoting their views, the Children’s Commissioners are granted certain statutory powers under Part 1 of the 2004 Act. These powers include involving children in their work, conducting an investigation and research into any matter relating to children, especially their wellbeing, the findings of which can be published in a report. Where recommendations are made, any person exercising a function that relates to the recommendation must outline what actions or proposals they have taken in response to it. The Children’s Commissioner for England reports to the Secretary of State, although a recent review of the role recommended that it should have greater independence from Government and should report to Parliament directly.<sup>309</sup> The Children’s Commissioner reports annually in respect of their findings, how they are carrying out their role and what they intend to research in the following year. The present Children’s Commissioner for England, through her investigations into unaccompanied children uncovered the “gentlemen’s agreement” between the UK and France concerning early returns, an agreement that impacts on trafficking prevention and protection afforded to victims of trafficking.<sup>310</sup>

The role of the Children’s Commissioner has a similar structure to that envisaged for the Anti-Trafficking Commissioner; instead of focusing on children, the Commissioner would focus on trafficked persons by investigating trafficking in the UK. Given the specific and distinct circumstances (geographical, economic, historical and social) of each devolved nation, regional Commissioners could also be considered, similar to the Children’s Commissioner structure in England, Northern Ireland, Scotland and Wales.

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<sup>306</sup> *Ibid.*, p.20.

<sup>307</sup> *Ibid.*, p.19.

<sup>308</sup> See [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk) [last accessed 1 March 2012].

<sup>309</sup> Department of Education, Review of the Children’s Commissioner for England, 1 February 2011. Available at: [www.education.gov.uk/inthenews/inthenews/a0069882/review-of-the-childrens-commissioner-for-england](http://www.education.gov.uk/inthenews/inthenews/a0069882/review-of-the-childrens-commissioner-for-england) [last accessed 2 March 2012].

<sup>310</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 23 February 2012].

## **Annex III: Announcement of changes to the Overseas Domestic Worker visa<sup>311</sup>**

E.R

Wednesday, 29th February 2012

### **HOME OFFICE**

#### **Immigration (Employment-related settlement, Overseas Domestic Workers, Tier 5 of the Points Based System and Visitors)**

**The Secretary of State for the Home Department (Theresa May):** In June last year, I published a consultation document on employment-related settlement, Tier 5 of the Points Based System and Overseas Domestic Workers. That document set out proposals to break the automatic link between coming to the UK and settling here permanently, and to reform the other routes. Today, I am setting out our plans following the consultation [...]

Turning to the Overseas Domestic Worker (ODW) routes, we will introduce changes to align these categories with our wider migration policy. At a time when we are reserving settlement for the brightest and best and moving towards a more selective system in general, it is not right that domestic worker routes should lead to settlement in the UK. In 2011, 16,430 visas were issued to ODWs in private households, including dependants, and 1,280 grants of settlement were made to ODWs and their dependants. So we shall reform the rules as follows.

ODWs in private households will only be permitted to accompany and work for visitors. They must leave the UK with the visitor, after a maximum of six months. They may not extend their stay, switch employer, sponsor dependants or settle here. ODWs in diplomatic households will be able to remain for the diplomats duration of stay, up to a maximum of five years. They may not switch employer or settle but may be accompanied by their dependants.

We recognise that the ODW routes can at times result in the import of abusive employer/employee relationships to the UK. It is important that those who use these routes to bring their staff here understand what is and is not acceptable. So we will be strengthening pre-entry measures to ensure that domestic workers and their employers understand their respective rights and responsibilities. Key to this will be written terms and conditions of employment that are agreed by both employee and employer. But the biggest protection for these workers will be delivered by limiting access to the UK through these routes. We are restoring them to their original purpose – to allow visitors and diplomats to be accompanied by their domestic staff – not to provide permanent access to the UK for unskilled workers.

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<sup>311</sup> Written Ministerial Statements, The Secretary of State for the Home Department: HC Deb, 29 February 2012, c33WS.







## 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:  
Amnesty International UK  
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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