

Crossing Borders: The Trafficking of Children into the UK

ECPAT UK

The story of Elena, a 15-year-old East European girl lured to the UK, is a graphic example of the millions of children caught up in the abusive and exploitative world of trafficking. Lured from her native Lithuania by prospects of a better life, but deceived about the true nature of her work, Elena ended up being sold seven times in three months, physically and sexually abused by her 'owners' and forced into prostitution. Unlike most others, she managed to escape. Today three of the men who abused her are serving sentences of seven to 18 years. Elena, however, remains deeply traumatised and devastated by her experience¹.

BACKGROUND

Trafficking in persons - the recruitment, transport, or sale of human beings into all forms of forced labour and servitude – is an issue of global concern. It involves grave human right violations, including slavery, forced labour, sexual and physical abuse, torture, arbitrary detention, and risks to life and security of person. A minimum of 2.45 million people are victims of trafficking annually and children represent 50 percent of the victims of this highly lucrative (US\$ 32 billion each year) human rights abuse². European countries are increasingly aware of the national and regional scope of the problem, but it remains a challenging area to research and assess in terms of figures and trends due to its covert and illegal nature.

A myriad of complex factors make children particularly vulnerable to trafficking, and these include violent and dysfunctional families, poverty, gender inequality, demand for cheap labour, growth of technology and sex tourism, political and economic instability in countries of origin and the promise of a better future abroad.

INTERNATIONAL LEGISLATION

All source, transit or destination countries, with respect to trafficking, are required under international law to enact specific measures to end this harmful practice. It was first clearly defined by the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the *United Nations Convention against Transnational Organized Crime (2000)*. Also known as the

¹ News Telegraph (9.05.05) *I've run out of tears, says girls sold around Britain as a sex slave at the age of 15* [online]. Available from: <http://www.news.telegraph.co.uk/news/main.jhtml?xml=/news/2005/05/09/nslave09.xml>. [Accessed 24 May 2005].

² International Labour Organisation (2005) *A Global Alliance against Forced Labour*, Geneva: International Labour Organisation.

Palermo Protocol or the Trafficking Protocol, it defines a child as any person under 18 years of age and is the basis for changes in national law. According to Article 3 (a):

“‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control 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.”³

Article 3 (c) states:

“The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.”

Therefore, it is irrelevant whether force has been used or the child has been misled.

Furthermore, under the *United Nations Convention on the Rights of the Child*, children’s needs are recognised as being distinct from those of adults: Articles 34 and 35 deal with the offences of sexual exploitation and require States to prevent the sale, trafficking and abduction of children.

Another legally binding piece of legislation is the *Council of Europe Convention on Action against Trafficking in Human Beings*⁴. It is currently open to signature, with 15 member States having signed as of July 2005, and will enter into force after 10 ratifications. This convention provides the minimum protection standards for trafficking victims. For example, if a victim’s age is uncertain he or she should be presumed to be a child until verified and not returned to a State where he or she would be at risk. The convention also addresses broader issues of prevention, such as discouraging the demand leading to the exploitation of women and children and developing a “protective environment” for children to reduce their vulnerability to trafficking.

UK LEGISLATION

³ United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Conventions against Transnational Organised Crime*, New York: United Nations.

⁴ Council of Europe Treaty Series – No. 197 (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*, Warsaw: Council of Europe. Available from: http://www.coe.int/T/E/human_rights/trafficking/.

The UK has addressed trafficking offences through legislation. Initially the *Nationality, Immigration and Asylum Act 2002* covered the offence of trafficking, but it was only meant to be a temporary piece of legislation and was replaced by the *Sexual Offences Act 2003*. This Act criminalises trafficking for sexual exploitation and makes it an offence to traffic into, within and out of the UK.

The maximum sentence is 14 years and a child is defined as someone below 18 years (not 16 as in the case of the *Sexual Offences Act 1956*). However, the sentence is higher for those paying for sex with a child below 16 years. In addition, the *Asylum and Immigration (Treatment of Claimants etc.) Act 2004* makes it an offence to traffic in all forms of labour exploitation and carries a maximum penalty of 14 years.

In January 2005, two Albanian traffickers were prosecuted under the *Sexual Offences Act 2003* and received sentences of nine and 18 years in prison. However, in this case the victims were willing to testify, which is rare, given threats to their families and their personal safety and security. The 2005 Council of Europe Convention⁵ includes victim and witness protection measures safeguarding trafficking victims and thus securing more prosecutions.

PATTERNS OF TRAFFICKING INTO THE UK

ECPAT UK⁶ (End Child Prostitution, Pornography and Trafficking) conducted research both in 2001 and 2004 into the trafficking of children into the UK to ascertain the extent of the problem, its awareness and mechanisms for dealing with it by UK social services and other authorities⁷. In the UK the issue of trafficking of children first emerged when West Sussex Social Services reported the disappearance of 66 unaccompanied asylum-seeking children from their care in 1995. Since then, UNICEF UK has estimated that some 250 children have been trafficked into the UK over a five-year period⁸, while a Home Office study in 2000 concluded that the scale of trafficking of women (some of whom may include young girls) may range anywhere from a hundred to some thousands annually⁹. However, the true scale of the problem is difficult to assess due to a lack of updated statistics.

In addition, there is no clear or constant trend demonstrating a pattern on the routes taken or the nationalities involved. The 2004 research indicates that girls, in particular, are being brought from Africa and Eastern Europe for purposes of domestic servitude and

⁵ Ibid

⁶ ECPAT UK is a children's rights organisation that represents a coalition of nine UK organisations working on children's issues. The member organisations are: Anti-Slavery International, Barnardo's, Jubilee Campaign, NSPCC, Save the Children UK, The Body Shop Foundation, The Children's Society, UNICEF UK and World Vision UK.

⁷ Somerset, C (2001) *What the Professionals Know: The Trafficking of Children into, and through, the UK for Sexual Purposes*, London: ECPAT UK; Somerset, C (2004) *Cause for Concern: London Social Services and Child Trafficking*, London: ECPAT UK.

⁸ UNICEF UK (2003) *End Child Exploitation: Stop the traffic!* London: UNICEF UK.

⁹ Kelly, L and Regan, L (2000) *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK*. (Police research series, paper 125.) London: Home Office.

prostitution. There were 35 cases of child trafficking within 17 boroughs of London, including nine children under 16 years of age; there are many more reported cases that social services did not disclose. Increasingly, an influx of young Vietnamese, Chinese and Thai children, particularly boys, has been noticed by various agencies. In addition, ECPAT UK has received reports indicating the issue is not confined to London.

Traffickers appear to utilise a number of ways in which to traffic children into the country through different airports and other ports of entry. The UK has become both a destination and transit country for trafficking.

Unaccompanied Minors

From 1995 to 2001, West Sussex Social Services came across a number of cases of unaccompanied minors claiming asylum as soon as they arrived at the airport. Most of the children were Nigerian girls and were taken in by West Sussex Social Services. However, many went missing between one day and six months of being in care. There were indications that they were being further trafficked to other parts of Europe, especially Italy. Those remaining in care were not considered to be safe as some were suspected of having contact with traffickers and being prostituted or dealing drugs. Therefore, care accommodation was considered insecure for such children. The traffickers maintained control over the children by creating a deep distrust of authority, using threats of violence or a fear of voodoo. The fear of voodoo is very real to many of the African children. They are told that the only way of getting rid of the voodoo curse is by paying back a 'debt' to the trafficker. These debts are huge sums of money that are impossible to pay off: some girls owe as much as £25,000.

Police assistance was considered ineffective in cases where social workers reported suspicious or abusive characters around children. Some felt that the police viewed the children only as asylum-seekers and not as child protection cases.

Accompanied Minors

In 2001, the case of Adam, a young boy thought to have been trafficked for ritual sacrifice, led police to carry out an investigation into the disappearance of young African boys. They discovered that between July and September 2001, 300 African boys disappeared from schools around London. There is no evidence to suggest that these missing children were trafficked or abused, but the case highlights a systemic failure in communication and exchange of information by agencies responsible for the care and protection of children. This ties in with concerns raised about traffickers bringing in children under the guise of the West African practice of sending children abroad to live with a relative or friend for a better education or future. Reportedly, children from Central Africa are brought into the country to be exploited in domestic work and prostitution. Although private fostering regulations require that unrelated guardians of a child inform social services, many fail to do so. The British Agencies for Adoption and

Fostering estimates that there are between 8,000 and 10,000 privately fostered children in the UK¹⁰.

It is often difficult to prove a relationship between a guardian and a child: DNA testing is not the norm. Even when family connection is proven, this is not a sufficient guarantee that a child is safe, as the case of Victoria Climbié – severely abused by her great aunt – so tragically demonstrated¹¹. ECPAT UK found that both the local and immigration services are not entirely clear about their respective roles and responsibilities with regard to carrying out identity checks on children’s guardians.

Additionally, there are documented cases of Eastern European women (whose exact ages are difficult to establish and may be well below 18 years) being trafficked into the UK, especially from Albania, Kosovo, Russian, Lithuania, Romania and Bulgaria. The case of Albanian children is of particular interest since they have been targeted by a Home Office pilot return’s programme for unaccompanied asylum-seeking children, which will be extended to include other countries¹². Such a scheme could expose trafficked children to continuing abuse if suitable child protection structures are not in place in their home countries. The women or girls coming into the UK are often accompanied by their trafficker or meet the trafficker soon after arriving. They invariably have a prior relationship with the trafficker who uses coercive tactics, including deception, threats, the use of physical or sexual violence and debt bondage to control the women and girls. Debt bondage is characterised by the victim having to pay back increasingly high costs to the trafficker.

Those assisting these women believe a number of them are younger than the 18 years that they claim to be; age is particularly difficult to measure in older girls and age disputes have been reported in nearly all the boroughs in the ECPAT UK research. Local authorities expressed concerns that immigration services tended to judge a child to be older than he or she was and this undermined the level of support the child would receive. Concern was also expressed regarding s. 55 *Nationality, Immigration and Asylum Act 2002*, which requires asylum seekers to make their claim immediately, otherwise they would be ineligible for benefits. It was felt that many trafficked children cannot make an immediate claim and if their age is also disputed then they further lose out on any measure of support.

CONCLUSION

Various authorities are now focusing on the issue of trafficking of children. The strategies need to concentrate on child protection and prevention, not just law enforcement. An

¹⁰ Philpot, T (2001) *A Very Private Practice: An Investigation into Private Fostering*, London: British Association for Adoption and Fostering.

¹¹ BBC News (2000) *Girl, 8, 'Tortured' to Death* [online] Available from: http://news.bbc.co.uk/1/hi/in_depth/uk/2002/victoria_climbié_inquiry/default.stm [Accessed 24 May 2005]

¹² BBC News (2005) *Asylum Children to Face Returns* [online] Available from: http://news.bbc.co.uk/2/hi/uk_news/4248029.stm [Accessed 11 July 2005]

important element in developing these initiatives is the cooperation and coordination between governmental and non-governmental agencies at the local and national level.

The UK urgently needs to develop a national perspective on child trafficking, including its data collection and documentation. ECPAT UK recommends training for relevant agencies, producing good practice guides, effective support services for trafficking victims, and better information collection and management by agencies tasked with the protection and care of children.

On a wider regional and international level, greater synergy and cooperation is vital. The implementation of existing legislation is necessary, as is including effective protection measures for victims in national plans of action.