



protecting children everywhere

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HOME AFFAIRS SELECT COMMITTEE INQUIRY INTO HUMAN TRAFFICKING ECPAT UK RESPONSE

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ABOUT ECPAT UK

ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) has thirteen years experience of campaigning against the sexual exploitation of children, including child trafficking. As the only UK charity with child trafficking as part of our name and core business ECPAT UK has developed a high level of expertise in this area. We work both in the UK and with international partners to campaign, research and advise key stakeholders and train professionals on safeguarding child victims of trafficking. ECPAT UK participates in the following groups:

- The Joint Ministerial Stakeholder Group on Human Trafficking
- The Home Office Stakeholder Group on Child Trafficking
- The ACPO group on Child Trafficking
- The UK Human Trafficking Centre Independent Advisory Group
- The UKHTC/CEOP group on child protection for Pentameter 2
- Various Local Safeguarding Children Board sub-groups on Trafficking

ECPAT UK also works in partnership with NSPCC to provide the 'National Advocate for Children' during Operation Pentameter 2. This role has been approved by Gold Command to follow up, on a case by case basis, each child identified in Pentameter 2 operations.

ECPAT UK supports the All Party Parliamentary Group on Trafficking of Women and Children (APPG) by providing guidance, advice and contacts for experts in the UK and internationally. The APPG has been highly successful in raising over 100 parliamentary questions and several debates on human trafficking over the past eighteen months.

ECPAT UK has published several research reports on child trafficking including research across London (*What the Professionals Know*, 2001; *Cause for Concern*, 2004) and Manchester, Newcastle and the West Midlands (*Missing Out*, 2007). ECPAT UK and UNICEF co-published the report *Rights Here: Rights Now* in September 2007 measuring current UK policy and practice on safeguarding child victims of trafficking against the UNICEF Global Guidelines for the Protection of Trafficked Children and the Council of Europe Convention on Action against Human Trafficking.

SUMMARY OF RECOMMENDATIONS

ECPAT UK recommends that the Government:

- a. Declare which Articles of the Council of Europe Convention on Trafficking require primary or secondary legislation amendments, and begin to implement the remaining aspects of the Convention without delay while those amendments are going through the parliamentary process.
- b. Remove its Reservation to the UN Convention on the Rights of the Child on immigration and nationality and ensure that the forthcoming review process is transparent and reports to Parliament.
- c. Ratify, without further delay, the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
- d. Sign and Ratify the Council of Europe Convention on Sexual Exploitation and Abuse of Children.
- e. Immediately withdraw the recently announced Home Office policy to forcibly remove unaccompanied children under 18 who have failed asylum claims.
- f. Remove any child who is a victim of trafficking out of the immigration system whilst a decision is made about his or her future.
- g. Establish a system of Guardianship for children suspected or identified as trafficked that has a statutory duty to support the child in their legal, practical and emotional needs and who can advocate on their behalf.
- h. Establish multi-agency safeguarding teams (such as the Metropolitan Police Paladin Team) at each port to identify, and respond to, concerns about separated children and young people entering or leaving the UK.
- i. Treat age disputed young people as minors whilst they are awaiting independent assessment by a multi-agency panel.
- j. Review the use of the European Union (EU) Dublin II agreement on third country returns with respect to victims of trafficking where removal may cause harm and place young people at risk of re-trafficking.

Estimating the scale and type of activity:

Child Trafficking

1. ECPAT UK has mapped over twenty-five countries where trafficked children have originated from over the past five years. In contrast to the numerous media reports of the trafficking of Eastern European adult women into sexual exploitation, ECPAT UK's research in London (2002¹, 2004²) and Manchester, Newcastle and West Midlands (2007)³, presents a much more complex picture for children. The majority of trafficked children are already highly vulnerable in their home country before they become the targets of traffickers. Some children trafficked to the UK have already been exploited and abused, and many appear to have been living in households with adults who do not have parental responsibility. The circumstances of them travelling with traffickers are often the result of being deceived, sold or coerced rather than abduction or kidnapping.
2. Significantly, many children believe they are coming to a better life, some not having any idea they are coming to Europe, and innocently go along with offers of education or employment. Once in the UK children experience exploitation through domestic servitude, forced labour, sexual exploitation, cannabis cultivation, street crime, forced marriage and benefit fraud. ECPAT UK research shows that the vast majority of children appear to come from Africa, China and Vietnam. In Operation Pentameter, launched in 2006 to identify and rescue trafficked women in saunas and brothels around the UK, 84 foreign females were identified as victims of trafficking, 12 of these were under 18: of those 12 children 9 were of African origin and 3 were European.
3. Trends change and current information gathered from local authorities and police suggests that: the trafficking of Chinese children has increased over the past six months and coincides with the numbers of Chinese children going missing from local authority care; the trafficking of Vietnamese children for cannabis cultivation has increased and so too the trafficking of Roma children from Romania and Bulgaria for street crime such as bag-snatching.
4. ECPAT UK has been gravely concerned by the number of Vietnamese children who have been prosecuted and convicted for drug and immigration offences following raids of so called 'Cannabis Factories'. These children are victims of crime and should be seen as child witnesses' not as perpetrators, yet case evidence available to ECPAT UK shows children as young as 14, both boys and girls, being convicted for drug offences and immigration offences who have been sentenced and awaiting deportation.
5. It is important to note that UK legislation for trafficking offences included within The Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants etc.) Act, 2004 is inadequate to deal with the many offences that constitute what we now understand of child trafficking, specifically the trafficking of children for criminal activity; and the trafficking of babies and young children who cannot speak for themselves. The latter is relevant because of trafficking for benefit fraud and illegal adoption.

¹ Somerset, C (2002) 'What the Professionals Know'. ECPAT UK.

² Somerset, C (2004) 'Cause for Concern'. ECPAT UK.

³ Beddoe, C (2007) 'Missing Out'. ECPAT UK.

6. Until 2007, when the Government published *A Scoping Project on Child Trafficking in the UK (CEOP, 2007)* there were no government estimates on the number of children trafficked into the UK. The UK, with its devolved government structures, separate police forces and local authority responsibility for child care, will continue to have problems producing a national picture of trafficking until one single agency becomes responsible for analysing data provided by victim care agencies, alongside information on prosecutions and immigration statistics. Without a comprehensive annual audit of child trafficking data it is almost impossible to assess the resources needed for the development and allocation of specialist support across the country.
7. Without a national picture it will never be possible to monitor and evaluate the Government's protection and prevention strategies for safeguarding trafficked children. ECPAT UK believes that because of the covert and deceptive nature of trafficking, victim identification is a process rather than a precise moment. Children very rarely disclose they have been trafficked at the moment of entering the country or when being initially assessed by local authorities. Many children might not even know they are being trafficked or exploited. Data must be compared across agencies and over time to assess risk and reduce harm to children who may have been trafficked.
8. ECPAT UK believes that a National Rapporteur on Human Trafficking, with a specific responsibility for children, should be established with statutory powers to request information from police, immigration authorities, child protection agencies (both government and non-government) and to analyse information and report annually to Parliament.

Effectiveness of the co-ordination between public authorities in the UK:

9. Child victims of trafficking remain a highly vulnerable group within our society, even after they are identified and placed in Local Authority care. Our responsibility to them as children is not diminished simply because they come from abroad; indeed our responsibility to them is substantially greater because most trafficked children have no family within the UK; they are victims of crime and many live in constant fear of being returned to the criminals that exploit them. From our experience of working with trafficked children and their care givers, children's experience of the asylum system does not make them feel secure and away from harm.
10. ECPAT UK, along with other children's organisations, believes that a system of guardianship for separated children is the only mechanism that will ensure that all actions and decisions with respect to that child will be made in their best interests. This is particularly important for trafficked children. A Guardian would assist the trafficked child navigate across the boundaries of statutory services, legal advisors and non-government agencies to support the child in every aspect of their wellbeing. ECPAT UK research shows that when trafficked children go missing from local authority care there has been very little cooperation between agencies, and across local and international boundaries, to trace children and make contact with their families.
11. ECPAT UK has been very outspoken over the extremely high numbers of suspected and known trafficked children who have gone missing from local authority care. This remains a priority area for investigation and action.

ECPAT UK would like to remind the Home Affairs Select Committee that the solution to trafficked children going missing is much more than simply providing a safe house in a suburb. In order to bring safety to children a comprehensive package of joined-up support is required including safe accommodation (especially enhanced foster care), guardianship, expert legal advisors, qualified interpreters, physical and sexual health support and particularly mental health support. The concept of 'safeness' can only be fully realised when children believe that they have a safe haven that affords them more protection than being back on the streets or with the traffickers.

12. ECPAT UK welcomes the recent efforts of government to develop new policy on safeguarding child victims of trafficking. However, we are increasingly concerned that policy development around trafficking is being seen in a vacuum, and not seen as a cross cutting theme in related areas of policy and practice guidance. For example, on January 10, 2008 the Secretary of State for Children, Schools and Families announced a new cross-government working group on young runaways and a review of policy and practice. It is imperative that these initiatives are inclusive of children who may have been trafficked.

The treatment of those who have been trafficked but have no legal right to remain in the UK, including the requirements imposed by the Council of Europe Convention on Action against Human Trafficking:

13. A renewable residence permit system for victims of trafficking is essential to create clarity for social care practitioners, legal advisors and children themselves. A renewable residence permit system would provide children with an alternative to immediately claiming asylum and allow them to understand the options available to them without being forced down a track they do not understand, which is more often than not a dead-end. Even with residence permits, some trafficked children may well choose to seek asylum on the basis of expert legal advice but the 'breathing space' that a residence permit provides should ensure that decisions are made in the best interest of each child.
14. ECPAT UK's research on child trafficking and training workshops with social service teams across the UK clearly indicate children known or suspected of being trafficked are often already in the asylum system when their experiences of trafficking and exploitation come to light. In other words the social workers did not know at the initial intake and assessment phase and that routine plans were made without knowing the child's past history. This can lead to trafficked and exploited children being seen first as 'asylum seeking children' and placed in completely inappropriate accommodation, receiving little support and getting no expert legal advice. The nature of their exploitation often only comes to light when a child's immigration solicitor does more extensive interviews during the immigration appeal process and when discretionary leave entitlements come to an end. Children very rarely use the word 'trafficking' to explain what they have been through, and often think that they will not be believed or have been led to believe that what they have experienced is somehow normal or to be expected.
15. On the basis of past research and interviews across local authorities around the UK, ECPAT UK estimates that at any given time a minimum of 600 children, known or suspected of being trafficked, will be in the asylum system

or will have been in the asylum system before going missing from local authority care. This represents 10 percent of the Home Office quoted figure of 6,000 total number of unaccompanied asylum seeking children supported by local authorities (p6 of the 2007 Home Office consultation document called *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*). The ECPAT UK figure of 600 children is a very conservative estimate based on limited data.

16. Although some trafficked children do claim asylum upon arrival due to the tactics of traffickers, many more end up in local authority care, after what can be long periods of abuse or exploitation; being advised by non-specialist immigration solicitors to claim asylum. While some trafficked children do go on to obtain protection under Article 3 of the European Convention on Human Rights (ECHR), many do not. It is worth noting that this group of children who are victims of crime and human rights abuses are referred to the asylum system by default by UK professionals and are a long way from the picture of systemic abuse painted by the Home Office in various documents as 'those who are not in genuine need of asylum'.
17. Although it will be appropriate for some trafficked children to be voluntarily returned to family or guardians in their country of origin, many trafficked children will be living in fear of violence, stigma, sexual abuse and re-trafficking if they are forced to return to their own community. The asylum claims of trafficked children are routinely rejected. Appeals on the ground of human rights violations are often met with a culture of disbelief from the Home Office and the Asylum and Immigration Tribunal and we have regularly seen trafficked children's appeal statements being rejected and claims refused because of a basic lack of awareness and concern about human trafficking from both the Home Office Border and Immigration Agency (BIA) staff and immigration solicitors.
18. ECPAT UK would like to stress that any Home Office proposals related to **'failed unaccompanied asylum seeking children'** will have a direct impact upon trafficked children and risk increasing the harm to children unless robust child protection measures are embedded in BIA policy and practice.
19. ECPAT UK welcomes the aspirational statements on page 8 of the recent Home Office publication *Better Outcomes: The Way Forward. Improving the Care of Unaccompanied Asylum Seeking Children* (January 31, 2008) but we are appalled at the introduction of enforced removals of unaccompanied children under 18 who refuse voluntary return. This has taken away a vital safety-net for trafficked children who may well be living in fear of traffickers should they be returned.
20. It is worth noting that no conviction for a trafficking offence has taken place in the UK related to an African child victim and yet African children figure prominently in the statistics of known or suspected trafficking victims in both the governments' own research and that of ECPAT UK. There is incongruence between the numbers of trafficked children who are in local authority care and the low number of investigations and prosecutions of traffickers for child trafficking, particularly for domestic servitude. Much more examination is required to see to what extent trafficked children in the asylum system are supported as child witnesses.

Co-operation within the EU (including EUROPOL); and control of the EU's external frontiers:

DUBLIN II

- i. The Dublin II Regulation came into effect from 1 September 2003, and is part of the European Union efforts to harmonise asylum policies and processes across Europe. The Dublin II Regulation provides the legal basis for establishing the criteria and mechanism for determining the State responsible for examining an asylum application in one of the Member States of the EU (excluding Denmark, but including Iceland and Norway) by a third country national. The regulation applies to the following countries: Austria, Belgium, France, Greece, the Federal Republic of Germany, Finland, the Republic of Iceland, Ireland, Italy, the Grand Duchy of Luxembourg, the Netherlands, the Kingdom of the Norway, Portugal, Spain, Sweden and the United Kingdom.*
- ii. Asylum applicants are fingerprinted and their fingerprints checked against a European wide database that informs the UK whether a person has previously passed through another EU member state or made a claim for asylum in another member state. Under Dublin II separated children can only be returned on the basis that they previously made an asylum claim in that country. This is referred to as 'taking back'. However, children who have been age disputed in the UK by Immigration authorities can be returned on the lesser proof that the person has simply transited through the third country and this is called 'taking charge'.*
- iii. With time limits attached to the application of the regulation the opportunity to fully risk assess the child is compromised. The UK must formally request another member state to 'take back' an applicant within 3 months of the claim for asylum in the UK. A decision must be made on this request within two months and the UK has a further six months to enforce the transfer. (ECPAT UK. Missing Out, 2007)*

21. ECPAT UK is gravely concerned by the inappropriate use of the EU Dublin II regulation to return young people who may have been trafficked back to the first place they claimed asylum. Case evidence has emerged to suggest that the UK is removing unaccompanied young adults back to European transit countries where they passed through as children as a result of being trafficked.

22. ECPAT UK has raised this issue numerous times without response from the Home Office. It was included in the ECPAT UK submission to the Joint Committee on Human Rights Inquiry into Trafficking, the ECPAT UK submission to the Home Office Consultation for A National Action Plan and the ECPAT UK report Missing Out. The Home Office Third Country Unit has never provided a response to explain what actions they have taken to prevent trafficked people from being removed back to places where they first experienced exploitation.

23. At an event hosted by the All Party Parliamentary Group on Trafficking of Woman and Children, held in the House of Commons on January 29, 2008, the Director of ECPAT UK asked Lin Homer, the Chief Executive of BIA, what the Home Office policy was on using the Dublin II regulation to remove victims of trafficking. Ms. Homer was unable to answer the question and said she would ensure a written response was sent following the meeting.

24. A response was received from Ms Homer's office on 12/02/08 which included

the following statement:

‘To adopt a policy that allows a claim of trafficking to provide a blanket override of provisions of Community law in the form of the Dublin Regulation risks opening a potential area of abuse. This is why it is important that the UK does not provide a general exemption for victims of trafficking which would undermine the intent of the Dublin Regulation, but considers claims on an individual basis.’ⁱ

25. ECPAT UK strongly urges the Home Affairs Select Committee to make robust enquiries regarding Home Office third country returns and how this policy works in practice to safeguard victims of trafficking from being returned to a place of harm.
26. In addition to UK Dublin II removals, ECPAT UK is also concerned at the possibilities of trafficked children who first claim asylum in the UK, but who go missing from local authority care, and who may end up being processed as a ‘Dublin case’ in another EU country and sent back to the UK without the knowledge of police, support agencies and local authorities. To our knowledge the Dublin II process has never been interrogated for EU wide data to trace missing children, including those suspected as trafficked who have been identified as adults in Europe.
27. A recent child trafficking case being prosecuted in the Netherlands has shown just how relevant this is. The following is an excerpt from an Irish press article from January 18, 2008.

“The High Court yesterday ordered the extradition of a West African man wanted in the Netherlands for allegedly trafficking children from Africa to Europe for use as prostitutes. The Dutch authorities had sought the extradition of Jackson Smith, aka Peter Kwame Sarfo (38). They allege he is involved in the trafficking of children from Nigeria into both Spain and Italy. Yesterday, Counsel for the State, Patrick McGrath, said the Dutch authorities had claimed that, between January 2005 and October 2007, Sarfo was involved in the sexual exploitation of children and people trafficking at "a national and international level". Mr. McGrath said that the Dutch were claiming that Sarfo arranged for girls from Nigeria to travel to the Netherlands. When there they would seek asylum, and because they were minors they would be put into the care of a guardian. Then, Sarfo and others would arrange for the girls to abscond from where they were residing and end up as prostitutes in Spain and Italy.”
(<http://www.independent.ie/national-news/court-orders-extradition-of-child-trafficking-suspect-1268454.html>).

28. It is clear to ECPAT UK that children are trafficked to and through the UK on to other European countries. Greater co-operation with European institutions such as EUROPOL, EUROJUST and the European children’s charities would enhance our ability to protect children and close in on the criminals that traffic them.

ⁱ Copy of original letter attached.