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Nick Walker
Commons Clerk of the
Joint Committee on Human Rights
Committee Office
House of Commons
7 Millbank
London SW1P 3JA

13 January 2006

Dear Mr. Walker

RE: JOINT COMMITTEE ON HUMAN RIGHTS INQUIRY ON THE HUMAN RIGHTS OF PEOPLE TRAFFICKED INTO THE UNITED KINGDOM. JANUARY 2006.

Please find attached the written submission of ECPAT UK to the JCHR Inquiry on the human rights of trafficked people into the United Kingdom.

ECPAT UK represents a coalition of nine leading charities in the United Kingdom. They are Anti-Slavery International, Barnardo's, Jubilee Campaign, NSPCC, Save The Children UK, The Children's Society, UNICEF UK, World Vision UK, and The Body Shop Foundation. ECPAT UK is a UK registered charity and the UK national representative of the global ECPAT movement with partner organisations in over 70 countries around the world campaigning against the exploitation of children, including child trafficking. The views in this written submission have been agreed by the nine organisations that represent the coalition members of ECPAT UK.

As a children's rights organisation ECPAT UK will only make comments on the trafficking of children or on laws and policies as they affect child victims of trafficking. ECPAT UK has taken into consideration the following positive obligations through international agreements and instruments in developing this submission:

- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000
- United Nations Convention on the Rights of the Child, 1989
- European Union Framework Decision on Combating Trafficking in Human Beings, 2002
- Stockholm Declaration and Agenda for Action against the Commercial Sexual Exploitation of Children, 1996

- International Labour Organisation Convention 182 on the Worst Forms of Child Labour, 1999

ECPAT UK is also mindful of relevant UK, English and Welsh, Scottish and Northern Ireland legislation pertinent to children and their protection, including:

- The Children's Act, 1989, 2004
- Sexual Offences Act, 2003
- Nationality, Immigration and Asylum Act (Treatment of Claimants, etc.), 2004
- Gangmasters Licensing Act, 2004
- Identity Cards Bill, Clause 27 (5) related to false identity documents, 2004

And fully supports the principles and recommendations in the

- Council of Europe Convention on Action Against Trafficking in Human Beings, 2005

ECPAT UK has contributed to UK Government consultations on the National Framework for Safeguarding Children from Commercial Sexual Exploitation (Department for Education and Skills), the Sexual Offences Act 2003 (Home Office) and the Crime Reduction Toolkit: Trafficking of People (Home Office). In 2004 – 2005 ECPAT UK was a co-convenor of the Counter-Trafficking Victim Support Group and in 2005 a member of the advisory reference group to the London Child Protection Committee draft 'London Protocol for Safeguarding Trafficked and Exploited Children'.

ECPAT UK has produced two research reports on the trafficking of children into the UK and has enclosed these reports for reference purposes.

- 'What the Professionals Know: The Trafficking of Children into and through the UK for Sexual Purposes' (ECPAT UK, 2002)
- 'Cause for Concern – London Social Services and Child Trafficking' (ECPAT UK, 2004)

ECPAT UK uses the definition of trafficking as set down in the United Nations Protocol to Prevent, Suppress and Punish Trafficking In Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (also known as the Palermo Protocol).

“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” (elsewhere in the Palermo Protocol).

Although we use the terminology of ‘unaccompanied’ children in this paper we do so for the sake of consistency with terms and definitions used in UK legislation. When thinking about trafficking it would be more accurate to describe children as ‘separated’ (from their primary caregiver). The term ‘separated’ is more useful as it would encompass many ‘accompanied’ children who entered the UK with adults who are not their legal guardians.

ECPAT UK and some of its Coalition partners may be able to provide international contacts for the Committee to interview as part of the Inquiry proceedings. ECPAT UK will also be available to provide oral evidence to the Inquiry should you so wish.

Please do not hesitate to contact me for further information.

Sincerely,

Christine Beddoe
Director
ECPAT UK

EVIDENCE FROM ECPAT UK TO THE JOINT COMMITTEE ON HUMAN RIGHTS INQUIRY ON THE HUMAN RIGHTS OF PEOPLE TRAFFICKED INTO THE UNITED KINGDOM. JANUARY 2006.

EXECUTIVE SUMMARY

Children are being trafficked into the United Kingdom for labour exploitation as well as sexual exploitation. Currently, children who may have been trafficked do not get assessed or recorded as such in official records and lead organisations such as ECPAT UK to rely on anecdotal or case study evidence. Case study evidence suggests that children have been trafficked from countries in Sub-Saharan Africa, Eastern Europe and East Asia. The current government response to the trafficking of children into, and through, the United Kingdom (UK) is totally inadequate. As such the UK is failing to provide children with the care and protection they are entitled to as part of the UK positive obligations to ensure the safety of victims of trafficking and protect them from further violations of their human rights.

Although a number of trafficking specific initiatives have been developed by local social services across a few regions (example: Kent and West Sussex), there is still no multi-agency framework operating across the UK. As a result, there has been no national mechanism for the identification and care of child victims of trafficking. This has led to confusion amongst practitioners (including social services, health services, police and immigration) and, at best, fitting the child into a system that does not recognise trafficking through the standard assessment process. Usually treated as an unaccompanied asylum-seeking child, the trafficked victim is often 'processed' without any assessment being done to examine the threat of them being exploited or re-trafficked. Failures to detect physical threat, harm, mental illness associated with post-traumatic stress disorder and criminal behaviour are the result of a system that does not acknowledge trafficking as a human rights issue. The most pernicious outcome of this is that children are not protected; made worse by the lack of official data collected from individual cases where trafficking is evident but not seen as vital. A lack of official statistics allows policy makers to avoid investing in solutions. There is an absence of reliable statistics on children who have been trafficked due to the systemic failure of UK statutory agencies to mandatory collection of data on trafficking. ECPAT UK urges the Joint Committee on Human Rights (JCHR) panel to accept case study information as a valid source of data throughout its Inquiry.

Irrespective of the grave concerns shown by children's charities and comments made by the JCHR in 2005, the UK Government still holds its reservation on Article 22 of the United Nations (UN) Convention on the Rights of the Child (CRC), which is the provision that guarantees all the rights contained in the CRC for refugee and asylum seeking children. With this reservation in place ECPAT UK questions the commitment of the Government to upholding the human rights of trafficked children.

ECPAT UK considers that the only appropriate response to child trafficking is one that ensures the best interests of the child are paramount in determining the course of action in line with the CRC. This can only be achieved through consultation with specialist and trained professionals who understand the complex phenomenon of trafficking. This process must become a part of an overarching national strategy on child trafficking which supports a multi-agency framework and guidelines for working with victims of trafficking. However, all of these actions risk being undermined whilst there are still contradictions between immigration policy and child protection policy. Child trafficking must never be seen as immigration crime – it is a gross violation of human rights made worse because the victims are children.

The nature and extent of the problems arising from trafficking into the UK

1. In 2004, ECPAT UK published 'Cause for Concern? London Social Services and Child Trafficking'¹. This documents 35 cases of child trafficking in 17 London boroughs. Most of these children were trafficked for domestic work or for prostitution, but there were also cases of trafficking for restaurant work, benefit fraud and involvement in illegal activities. While many boroughs could not provide details of cases, 32 out of 33 boroughs in London were concerned that they had a problem with trafficked children. As can be seen throughout this report, evidence of child trafficking is usually anecdotal but there are now sufficient case studies to confirm that children are being trafficked into the UK, with the likelihood that it has increased in the past two years. It occurs as both a highly organised activity as well as ad-hoc with two or three person involvement, sometimes – family members. It involves children of all ages, both male and female, who enter the country as both accompanied and unaccompanied minors.
2. Although media stories tend to focus only on trafficking of children for sexual purposes ECPAT UK considers that trafficking of children for labour exploitation is more frequent but less documented. It is also the case that even though a child may have been trafficked for a purpose other than sexual exploitation, they become highly vulnerable to physical and sexual abuse once they have been trafficked.
3. There is confirmed evidence of trafficking of children for sexual purposes² because of police investigations of Eastern European trafficking gangs and subsequent convictions.
4. A 2005 London research study conducted by Barnardo's³ found that 12 out of 32 local authority representatives interviewed in the research were aware of cases of young people from abroad who had been sexually exploited. In addition, 20 health service and voluntary sector agencies identified 52 young people from abroad who had been sexually exploited. Both ECPAT UK and Barnardo's research agrees that it is most likely that sexual exploitation of trafficked children and young people occurs in 'informal locations' such as private flats where they are expected to have sex with groups of men.
5. ECPAT UK is aware of cases of African girls being brought to the UK for sexual exploitation on the streets but these cases have not been identified or investigated as trafficking. Social workers have concerns that the police do not investigate if it does not appear to be linked with highly organised prostitution or drug trafficking.
6. For many people, including social workers, the issue of child trafficking is often seen as related to unaccompanied children because many 'accompanied' children are not identified as being at risk of harm. According to the British Agencies for Adoption and Fostering⁴ there are between 8,000 and 10,000

¹ Copy provided with this report.

² Nigel Bunyan, Telegraph (9.05.05) *The traffickers who were jailed for stealing Elena's life* [online] and other media reports. Available from <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/05/09/nslave109.xml> [Accessed 11 January 2006].

³ Harper, Z. Scott, S (2005) 'Meeting the Needs of Sexually Exploited People in London'. Barnardo's.

⁴ Philpot, T (2001) 'A Very Private Practice: An Investigation into Private Fostering'. British Agencies for Adoption and Fostering.

privately fostered children in the UK, many of who are from West Africa. It is unknown how many of these children are trafficked but it is a large enough figure to prompt investigation. Trafficked children are being brought into the UK with an accompanying adult, often claiming to be a relative but not proved by DNA testing. As was evidenced by the Victoria Climbié case, her great aunt was looking after her, but this relationship was not enough to guarantee that appropriate care was being given. More thorough investigation and assessment at ports of entry is clearly necessary in order to identify trafficked children. This is best achieved through the development and operation of multi-agency teams.

7. The use of trafficked children for exploitative labour is often hidden within local communities and difficult to identify without the support of local communities themselves. The trafficking of African children for domestic servitude is often seen as replicating social norms within some African countries where children are used for household labour. Sadly, within the trafficking context, it often leads to physical and emotional abuse, neglect, removal of passports and documents and deprivation of freedom and education. ECPAT UK is aware of the excellent work being done by AFRUCA (Africans Unite Against Child Abuse⁵) within the UK to raise awareness of child trafficking amongst African communities, albeit limited by lack of resources. However, this is not being done with other minority and ethnic communities and local Social Services do not appear to have the links to the communities or the linguistic capabilities to engage at that level.
8. In the past six months ECPAT UK has received a significant amount of reports from social workers and police about the increase in arrivals of Vietnamese children across the UK. Police investigations have uncovered links between child trafficking and organised criminal drug manufacturing houses⁶. These reports suggest that the links between child trafficking and organised crime go beyond sexual exploitation and prostitution. Police report that they are unable to obtain detailed intelligence from the children about their background and journey to the UK because immigration services take over without allowing time for child protection teams to work closely with the child to build trust and allow for disclosure of evidence against traffickers.
9. In 2005, ECPAT UK received reports of over 20 individual cases of child trafficking into the UK and many more general concerns from social services and voluntary sector agencies across the country. Outside London the specific locations focus around major port/airport destinations and include Essex, Kent, Oxfordshire, East/West Midlands, West Sussex and Glasgow. ECPAT UK does not operate a Helpline or a referral service for child trafficking. However, ECPAT UK does provide training and seminars and the increase in reporting co-exists with the increase of our awareness raising work on child trafficking. These reports often come from practitioners who have concerns about a child but do not know how to respond appropriately. In December 2005, ECPAT UK received three separate reports⁷, in a period of one week, of female children who appeared to be victims of trafficking and were all experiencing a high level of distress. They were all treated as unaccompanied minors and two failed their asylum process. None of these cases has been officially recorded as 'trafficking' by UK Government agencies. They came from Vietnam, China and Albania.

⁵ See <http://www.afruca.org>

⁶ Tom Burgis, *The Big Issue* (14.11.05) *Vietnamese children in drug slavery*. *The Big Issue*, No. 668.

⁷ See Appendix 1 'Case Study Profiles'.

10. Reports such as these are ad-hoc and are generated by concerned individuals who have made the effort to contact ECPAT UK. In most instances a child will not disclose the full extent of their 'trafficking' story until they feel safe and secure away from the harm of traffickers or at a crisis point where they are about to be returned to their home country and they fear reprisal and further abuse. The majority of practitioners likely to be responsible for safeguarding children are not trained to identify indicators of trafficking and are unlikely to record and report the specific details that would help to provide the child with the most appropriate care, support and legal advice.
11. The consequences for children who are not removed from harm as a result of trafficking have not been fully documented within the UK. ECPAT UK is alarmed by reports of children from abroad who have gone missing from education or care services. Although not all missing children will have been trafficked, ECPAT UK is aware of missing children cases that when looked at in retrospect have a high risk indicator of trafficking, but there was no recording of this at the time they were in care. The 2005 Barnardo's research on sexually exploited young people also highlighted this problem, 'Instances were identified of disappearances of young people (from abroad) from their accommodation, which gave rise to concerns about their safety'.⁸ Protocols for looked after children who disappear need to be made relevant to child trafficking.
12. There appears to be almost no recognition by statutory agencies about the potential for internal trafficking within the UK. However, case studies show that children are entering one part of the country and being removed to another. This is even more reason to have a national perspective on child trafficking and a 'joined-up' approach. The definition of trafficking contained in the *Palermo Protocol* is inclusive of both internal and trans-national trafficking.

The Home Office Crime Reduction Toolkit: Trafficking of People⁹ states that:

Internal trafficking of UK Women and Children

"It is important to note that the definition of trafficking in people covers cases of movement of victims and exploitation within a country. It therefore applies to cases of UK women and children who are moved around the country, sold between exploiters and subject to deception and coercion."

⁸ Harper, Z. Scott, S (2005) 'Meeting the Needs of Sexually Exploited People in London'. Barnardo's. p99.

⁹ See <http://www.crimereduction.gov.uk/toolkits/tp020204.htm>

The extent to which the UK legal framework is adequate to address the problems of human trafficking

13. The UK is broadly complying with its obligations under the UN Palermo Protocol and the July 2002 EU Framework Decision on Combating Trafficking in Human Beings, which requires EU States to establish minimum penalties for trafficking for both labour and sexual exploitation. The UK introduced an offence of trafficking for sexual exploitation into the Sexual Offences Act, 2003. It has also introduced a separate offence in the Asylum and Immigration (Treatment of Claimants etc.) Act, 2004 that covers trafficking for all forms of labour exploitation.
14. However, most of the UK legislation focuses on addressing criminal activity rather than victim protection. Current UK immigration legislation and immigration policy is inconsistent with best practice on protecting child victims of trafficking. Refugee Status and Humanitarian Protection do not routinely permit trafficked children to obtain residence in the UK.
15. The UK Government continues to hold its reservation of Article 22 of the UN Convention on the Rights of the Child, the provision that guarantees all the rights contained in the UN CRC for refugee and asylum seeking children.

UK Government reservation regarding Article 22 (c):

“The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time.”

ECPAT UK notes the following comments made in the Seventeenth report of the JCHR, March, 2005¹⁰:

“48. The reservation is justified by the Government as necessary to prevent the Convention affecting immigration status. As we have made clear in previous reports, we consider the government's anxiety on this point to be unfounded. Our principal concern is that the practical impact of the reservation goes far beyond the determination of immigration status, and leaves children subject to immigration control with a lower level of protection in relation to a range of rights which are unrelated to their immigration status. Evidence to this inquiry, and to previous inquiries we have undertaken, testifies to the unequal protection of the rights of asylum seeking children under domestic law and practice. In our recent report on the Children Bill, we expressed particular concern at the exclusion of agencies dealing with asylum seeking children from the duty under the Bill to promote the welfare of children, and concluded that this exclusion amounted to unjustified discrimination against asylum-seeking children on the grounds of nationality. It is regrettable that such unequal treatment is legitimised by the continuance in force of the reservation to the CRC.”

¹⁰ See <http://www.publications.parliament.uk/pa/it200405/jtselect/jtrights/99/9907.htm> [Accessed 09.01.2006]

ECPAT UK fully endorses the view of the JCHR made in the Seventeenth Report, March, 2005¹¹:

“49. We are disappointed that the Government has failed to act on our earlier recommendation that it should withdraw the immigration and nationality reservation to the CRC. In our view, the maintenance of this reservation, which withdraws the protection of the Convention from a particularly vulnerable group of children, undermines the otherwise strong record of the Government in the advancement of children's rights, and calls into question the UK's commitment to a Convention central to international human rights protection. We reiterate our previous recommendation that the Government should withdraw this reservation.”

16. Article 3 of the European Convention on Human Rights prohibits torture, inhuman or degrading treatment or punishment. Those at risk of such treatment here or on return can qualify for humanitarian protection in the UK, although currently it appears that the risk of re-trafficking or abuse from traffickers is not seen in this category by the Home Office. ECPAT UK considers that indefinite leave to remain must be provided to trafficked children, especially those who are in grave danger of abuse, exploitation and re-trafficking if they are returned to their home country. The legislative and policy framework must acknowledge that parents or guardians are often part of the trafficking cycle and in some cases returning children to the family is not in the best interest of the child and can increase the risk of re-trafficking. ECPAT UK believes that granting indefinite leave to remain will also increase the chances that children at risk will feel secure enough to testify against the traffickers, thus having a positive impact on enforcing laws on trafficking. However, we do not think that the children's leave to remain should be conditional on the willingness to testify. Currently very few people (only a handful of cases involving organised sex trafficking) are prosecuted for child trafficking into the UK.
17. ECPAT UK is concerned that the UK government has not yet signed up to the Council of Europe's Convention on Action Against Trafficking in Human Beings. The Council of Europe, which has 45 member States, adopted the Convention on 3 May 2005 in order to design “a comprehensive framework for the protection and assistance of victims and witnesses”. The treaty identifies trafficking as a violation of human rights. The ratification and implementation of the Convention will go a long way towards establishing the necessary framework for safeguarding the human rights of trafficked people, and its adoption into law will contribute to resolving the gaps that currently exist in protecting and supporting trafficked children in the UK.

¹¹ See <http://www.publications.parliament.uk/pa/it200405/jtselect/jtrights/99/9907.htm> [Accessed 09.01.06]

The treatment of and protection provided to the victims of trafficking

GUIDANCE & TRAINING

18. Whilst acknowledging the updating of the DfES 'Working Together to Safeguard Children' document due for release in early 2006, the current situation is that there is no guidance for Social Services to identify and support trafficked children. In addition to police and social services, guidance is needed for a range of statutory and voluntary sector services. Immigration services (IND), Local Authority Asylum Teams, Local Safeguarding Children's Boards, teachers and medical professionals, especially Accident and Emergency units at hospitals all require guidance on dealing with children who may have been trafficked.
19. Most children who are considered 'trafficked' do not identify as being 'trafficked' or use the word 'trafficking'. They tell stories of being tricked, sold or threatened and of the circumstances they face when they arrived in the UK. Due to the difficulties of disclosure, especially for sexually exploited children (fear, intimidation, stigma and language problems) identifying trafficking relies on practitioner's levels of awareness and pro-active work. Lack of guidance has meant that children's stories are often poorly interpreted (sometimes literally with untrained interpreters) as being in the same category as a child who has been smuggled. There is often confusion between the definition of smuggling and trafficking and trafficked children tell of their personal stories not being believed by care professionals. Most trafficked children are put through an immigration and asylum process without recognition of their special needs as victims of trafficking.
20. The UK Asylum process recognises the 1951 UN Convention on the Status of Refugees and considers asylum applications based on fear of persecution because of race, religion, nationality, membership of a particular social group or political opinion. It currently does not recognise trafficking as a valid reason for asylum, as cause of persecution on return or trafficked children as a particular social group. Asylum cases based on trafficking are routinely rejected.
21. The primary considerations for social workers and immigration officials are the child's circumstances upon arrival in the UK and little attention is paid to the process of how the child got to the UK. Many cases of child trafficking only come to light when an asylum appeal is rejected and when the child has been interviewed again, this time by specialist immigration lawyers about the circumstances before their arrival in the UK.
22. In one asylum appeal report that ECPAT UK has seen, a 14 year old girl was sold by her mother and spent three months in the back of a lorry before arriving in the UK to be taken immediately to a brothel-like environment. Nowhere in the case notes does it explore the impact on her (physically or emotionally) of the journey and of being sold by her mother, neither was she provided with any therapeutic response in the two years she has been in the UK. The asylum case was refused on the grounds that she was not considered 'persecuted' in her home country and she did not qualify for Humanitarian Protection.
23. Children who are victims of trafficking may be suffering from both physical and psychological trauma¹². Although the physical symptoms are often identified and

¹² See Appendix 2 'The Impact on Children'.

treated with appropriate care, most often it is the psychological harm that goes unnoticed or unrecorded. This poses a major threat to the long-term health of the child. In several cases that have come to the attention of ECPAT UK in 2005 the children were never offered trauma counselling or psychological support even though they showed symptoms of post-traumatic stress disorder and were showing signs of extreme fear. It has also been noticed that there are increasing reports of pregnancies with asylum seeking children and young people. ECPAT UK is aware of a number of cases where pregnancies have been the result of rape. The psychological impact of trafficking and exploitation may manifest in abnormal or anti-social behaviour and that requires a great deal of understanding and professionalism by foster carers, case workers and officials responsible for determining their future. Currently, there is no/very little training for foster carers and social workers to understand the psychological impacts of trafficking on children and how to identify, record and report manifestations of extreme fear.

POLICE GUIDANCE

24. ECPAT UK is disappointed that the 26 recommendations from The Metropolitan Police following Operation Paladin Child in 2004 have not been fully realised. Operation Paladin Child monitored child migration and risk assessed the arrival of unaccompanied children into Heathrow airport from non-EU States over a period of three months, August to November 2003. In total, 1904 unaccompanied minors arrived at Heathrow in this period, 1738 were risk assessed and 28 of the children could not be traced by the end of the operation in January 2004¹³. The Metropolitan Police recommendations highlight the gaps and challenges that police face when dealing with the potential for child trafficking. In light of this the 2005 Police Guidance on Investigating Child Abuse and Safeguarding Children¹⁴ appears totally inadequate. Section 1.3.19 states:

“People trafficking is the practice of transporting people into, out of or within the UK in order to exploit them using deception, intimidation or coercion. Forms of child exploitation associated with trafficking include:

- Bonded labour or servitude
- Commercial sexual Exploitation
- Facilitation of Benefit Fraud
- Trade in Human Body Parts
- Religious Practices

Trafficking is often accompanied by violence or threats of violence against the victim and their family. For that reason, officers should be alert to the possibility that the victims may not fully co-operate with an investigation for fear of reprisals. Offenders may also attempt to abduct or coerce the child while the investigation is on going and while the child is being cared for by the local authority. For further information see the ACPO (2005) Practice Advice on the use of Immigration Powers Against Crime.”

ECPAT UK strongly recommends that a new policing portfolio for child trafficking be held within the newly formed Child Exploitation and On-Line Protection Centre (CEOP), lead by the National Crime Squad under the Serious and Organised Crime Agency (SOCA). With appropriate resourcing CEOP should be able to provide a

¹³ Available from http://www.londoncpc.gov.uk/documents/Executive_Summary_000.pdf [Accessed 30.11.05]

¹⁴ Produced for the Association of Chief Police Officers (ACPO) by the National Centre for Policing Excellence (2005) ‘Guidance on Investigating Child Abuse and Safeguarding Children’. p20.

mechanism for centralised intelligence support, training and guidance for law enforcement agencies as well as become the interface with Interpol and international policing organisations.

ACCOMMODATION AND SUPPORT

25. There continues to be no 'safe house' facilities for child victims of trafficking in the UK. Safe accommodation is the central point around which every other service should co-ordinate. ECPAT UK considers the appropriate Safe House model to be a holistic and integrated approach with other support services that can provide an interface with specialist legal, interpreting, medical and counselling services. In some cases the child will also require secure accommodation to safeguard them from the threat of traffickers. Young people need to feel safe and secure before disclosing their story or giving evidence. A range of accommodation options should be developed including safe houses and specialist foster care with appropriately trained foster carers.
26. Under the current system, the support provided by Social Services depends on the age of the child. Those under 16 years are accommodated under Section 20 (S20) of the Children's Act and are termed 'looked after', whilst those over 16 are supported under S17 unless deemed as being vulnerable. Under 16's are placed in foster care or residential homes. Currently, foster carers receive no specialist training on trafficking and the quality of care in residential homes does not match that required for the needs of trafficked children. Over 16's are placed in accommodation according to their needs and how independent they are. This type of accommodation is lower cost, often of lower standard in shared housing, hostels or bed and breakfast. With the current system lacking guidance on child trafficking there are clear gaps where children from abroad, aged between 16 –18 years, are still being placed in totally unsuitable accommodation because they have not been identified as at risk of or vulnerable to trafficking. Where they have been identified as vulnerable, provision does not always match assessment, placing children at risk of further exploitation and abuse.
27. Department of Health Guidance issued in May 2003 states that children who are in the UK should be looked after under S20 regardless of their age if: a) there being no person who has parental responsibility for him; b) his being lost or abandoned; c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason from providing him with suitable accommodation and care)¹⁵. This ruling should prevent vulnerable children being placed in unsuitable accommodation such as bed and breakfast accommodation.

PRIVATE FOSTERING

28. The current system relies on the parents and the foster carers to notify the local authority of a private fostering arrangement (preferably before, but certainly within 48 hours, of the child arriving to stay). However, only a very small proportion of placements are notified, and private fostering remains an underground activity, ideal for people who traffic children. Staff or volunteers in an agency who have concerns that a child may be trafficked and privately fostered should contact Children's Social Services, who can investigate under their regulatory duties in relation to private fostering (Children Acts 1989 & 2004). These duties are: to identify private fostering arrangements, inspect the home and assess the

¹⁵ Department of Health (May 2003) 'Guidance on Accommodating Children in Need and Their Families'. Local Authority Guidance.

suitability of the arrangement in terms of the child's welfare, visit the child regularly and monitor and keep records of the placement. Section 7a of the Children Act 2004 requires local authorities to raise awareness of the notification requirements within local communities and to ensure that staff or volunteers in all agencies encourage notification.

AGE ASSESSMENTS

29. Age assessments continue to be a source of confusion and concern. Young people's ages are regularly disputed by the Home Office and Social Services. Assessing a person's age is difficult where young people arrive without identification documents or with false ones. Age disputes are usually about whether a child is under or over 18 and this determines how a young person is supported and whether they are referred to the National Asylum and Support Service (NASS) to follow the adult asylum procedures and dispersed around the country. It is recognised that age assessment is an inexact science and that the margin of error can be up to 5 years each way¹⁶. But for young people who may have been trafficked this is a critical factor in receiving appropriate care and ensuring protection from harm. Children who have been trafficked but who turn 18 years of age whilst in the UK or are age assessed as 18 should still be considered vulnerable to exploitation and entitled to protection and assistance even if they are no longer considered a minor. We ask that services be provided according to vulnerability to exploitation, and need, rather than age alone.

PROCEEDS OF CRIME

30. ECPAT UK is aware that between 2004-2005 approximately £4.5 million of criminal assets were seized as a result of Operation Reflex¹⁷. ECPAT UK recommends Government to redirect proceeds of crime into providing the best possible care and protection for child victims of trafficking, but cautions against any initiative that relies on a self-funding system.

¹⁶ Kings Fund, 1999 quoted in Save the Children (2005) 'Young Refugees – A guide to the Rights and Entitlements of Separated Children'. p.32.

¹⁷ Baroness Scotland of Asthal. House of Lords Hansard text for 13 Dec 2005 (51213-03 Column 1118). Available from www.publications.parliament.uk [Accessed 14.12.2005]

The law and practice for the deportation of the victims of trafficking

- 31. Dublin II Convention.** With effect from 1 September 2003, 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. ECPAT UK is extremely concerned about returns of children and young people who may have been trafficked into the UK, having transited in another EU member state and then returned there under the Dublin II agreement. This agreement needs to be examined in light of the evidence of trafficking and the impact it will have on children and young people being forcibly returned to a country where they have no connection or family to look after them. ECPAT UK is aware of at least one case where an African young person was returned to Spain because he was trafficked to UK from Africa via Spain. The only people he had contact with in Spain were his traffickers and people who had exploited and sexually abused him.
- 32. Home Office, IND proposal for enforced returns of failed unaccompanied asylum seeking children to Vietnam.** ECPAT UK is extremely concerned by the development of this programme to forcibly return children to Vietnam without rigorous assessment to determine whether the children were trafficked into the UK or how they will be safeguarded from exploitation and re-trafficking upon their return. ECPAT UK is aware that this programme is intended to be implemented in early 2006 and calls for an immediate expert, independent investigation into the risks posed by returning children in this way. The underpinning immigration policy to support this forced returns programme is contradictory to positive obligations to protect child victims of trafficking and undermines all efforts to safeguard children.

RECOMMENDATIONS

ECPAT UK calls upon Her Majesty's Government to acknowledge that child trafficking is a human rights abuse and not immigration crime and that all strategies and policies regarding the treatment of child victims are developed in the best interest of the child to ensure that the rights and dignity of victims are protected at all times.

ECPAT UK recommends the following responses to child trafficking:

POLICY

1. A national strategy on child trafficking must be developed from a child protection perspective and considered a priority within the forthcoming National Plan on Trafficking.
2. The national strategy should identify a multi-agency framework and protocols for all professionals who may have contact with child victims of trafficking.
3. A mapping exercise should be undertaken to identify inconsistencies between immigration policies and child protection policies and inconsistencies rectified to prioritise safeguarding children.
4. A lead co-ordinating agency should be appointed that has the leadership and sufficient resources to ensure implementation of strategy, policies and co-ordination across different government agencies and who can work with children's organisations and support services in the voluntary sector
5. The UK government should immediately ratify the Council of Europe Convention on Action Against Trafficking in Human Beings.
6. The UK Government should immediately withdraw its reservation from the UN Convention on the Rights of the Child (Article 22).

PRACTICE

7. Multi-agency safeguarding teams should operate at ports of entry to identify and responds to concerns about children and young people.
8. Guidance and Practice Manuals should be developed and provided to a wide range of statutory and voluntary sector agencies
9. Multi-agency training programmes should be developed to ensure cross-sectoral understanding of child trafficking issues, in addition specialised training must be given to those working directly with trafficked children including social workers, police, legal, interpreters and medical services.
10. Children identified as trafficked should be appointed a Guardian who has a statutory duty to support the child in their legal, practical and emotional needs and who can advocate on their behalf.
11. Children identified as trafficked should be offered free specialist and experienced legal representation from an early stage and be provided with information on their legal rights as a victim of trafficking under UK and international law.
12. Appropriate specialist accommodation, including Safe House accommodation must be provided across the UK with highly trained staff.
13. A multi-agency panel should determine what is in the best interest of that particular child, together with the participation of the child.
14. The lead co-ordinating agency should facilitate or appoint a national Helpline for professionals on child trafficking that can assist in referrals to specialist support such as legal advice, counselling and accommodation
15. Measures should be put in place to harmonise existing policy with good practice and procedures on the treatment of victims of trafficking. For example: Protocols

for looked after children who disappear need to be made relevant to trafficked children.

16. Young people who are age disputed should be treated as minors whilst they are awaiting independent assessment.

RESEARCH

17. The lead co-ordinating agency should facilitate or appoint a national focal point for gathering, analysing data and reporting annually on child trafficking.
18. In England, Wales and Northern Ireland, Local Child Safeguarding Boards should be tasked to identify possible cases of child trafficking in their area, document and report.
19. Cases of failed asylum seeking children, specifically unaccompanied asylum seeking children, should be retrospectively analysed for evidence of trafficking.
20. The role of enforcement agencies should be further developed to gather and share intelligence on the trafficking of children.
21. Research should be undertaken of the nature and extent of internal trafficking within the UK.

PREVENTION

22. The UK government should actively encourage and support public education and awareness raising campaigns in the source countries of trafficked children, to alert children and their families to the type of deception and tactics normally used to lure them abroad. The Department for International Development and the Foreign and Commonwealth Office should be seen as partners in a multi-agency response and should free up budgets to ensure trafficking prevention is part of the UK's development aid responsibilities.

APPENDIX 1**CASE STUDY PROFILES – CHILD TRAFFICKING,
CASES REPORTED TO ECPAT UK, 2- 9 DECEMBER 2005.**

Sex/Age of Child	Country of Origin	Who Reported and Why	Indication of Trafficking	Child's Profile
Female Currently 16 - Entered UK at 14	Vietnam	Immigration Solicitor. Asylum Refused. Needs advice and expert opinion on whether child will be in danger if returned.	Yes	Lived alone with her mother in poor rural village, mother sold her to stranger. Travelled 3 months by lorry to UK. Once in UK taken immediately to house that appears to be a brothel, with other girls. She was shown pornographic video's (grooming). She ran away and was living on the streets for a short while then taken by a stranger to a police station. Physical health appears okay – Mental health concerns, extremely distressed, no counselling provided or specialist support provided whilst in UK.
Female, 17	China	Practitioner, Psychiatric Hospital. Thinks she is trafficked but doesn't know what to do for her. Needs contact details of specialists who can talk to her.	Yes	Girl admitted under Section 2 of Mental Health Act after attempting to jump in front of a train. Assessment shows no sign of psychiatric illness and girl will be released within 2 days. She claims she owes large sum of money to Chinese gang. Appears extremely scared. Many Chinese visitors coming to the hospital claiming to be relatives/friends but stories inconsistent. She refuses to talk to staff while 'friends' there. She refuses to have medical examination or take off her clothes.
Female, 17 ½	Albania	Church minister. Girl disclosed trafficking and rape to him while asking for the baby to be christened. He wanted advice on who she could contact for help.	Yes	Girl, who gave birth 4 weeks ago. Pregnancy a result of rape. Asylum claim refused. Girl is distressed and does not want to return to Albania for fear of being traced by traffickers. Does not know where to go for legal or accommodation support when she has the baby. Granted Discretionary Leave until she is 18 (baby will be under 6 months by her 18 th birthday)

APPENDIX 2

Taken from the DRAFT London Protocol for safeguarding trafficked and exploited children. LCPC, 2005.

9. THE IMPACT OF TRAFFICKING ON CHILDREN

Trafficked and exploited children are not only deprived of their rights to health and freedom from exploitation and abuse – they are usually also deprived of their right to an education and the life opportunities this brings.

Once children have been trafficked and exploited, they are vulnerable to:

9.1 Physical Abuse and Neglect

- This can range from inappropriate chastisement, not receiving routine and emergency medical attention (partly through a lack of care about their welfare and partly because of the need for secrecy surrounding their circumstances);
- Children in the sex industry are open to sexually transmitted infections, including HIV/AIDS; and for girls there is the risk of early pregnancy and possible damage to their reproductive health;
- Children frequently suffer physical beatings and rape;
- Children also frequently suffer physical deprivations, including beatings, sensory deprivations and food deprivation;
- Some trafficked children are subdued with drugs, which they then become dependent on. They are then effectively trapped within the cycle of exploitation, continuing to work in return for a supply of drugs;
- Children often develop alcohol addictions;
- Victims can suffer physical disorders such as skin diseases, migraine, backache etc

9.2 Psychological Harm

- Children become disorientated after leaving their family environment, however impoverished and difficult, and arriving in the Western world. This disorientation can be compounded for some children who have to assume a new identity or have no identity at all;
- Children can be isolated from the local community in the UK by being kept away from school and because they cannot speak English;
- Trafficked and exploited children are living in fear both of the adults who have control of them and of the discovery of their illegal immigration status;
- Victims lose their trust in all adults;
- Trafficked and exploited children will all suffer from a form of post traumatic stress relating to their sense of powerlessness and the degree of violence they experienced at the hands of their traffickers, which can be extreme;
- Many trafficked and exploited children develop dependant relationships with their abusers;
- They suffer flashbacks, nightmares, anxiety attacks, irritability and other symptoms of stress, such as, nervous breakdowns;
- Trafficked and exploited children experience a loss of ability to concentrate;
- They can become anti-social, aggressive and angry, and/or fearful and nervous – finding it difficult to relate to others, including in the family and at work;
- Victims have very low self-esteem and believe that the experience has ‘ruined’ them for life psychologically and socially. They become depressed, and often suicidal; and
- The children worry about people in their families and communities knowing what has happened to them, and become afraid to go home.

All children who have been exploited will suffer some form of physical or mental harm, usually, the longer the exploitation, the more health problems that will be experienced. Although in some cases, such as contracting AIDS or the extreme abuse suffered by Victoria Climbié, fatal damage happens very quickly.