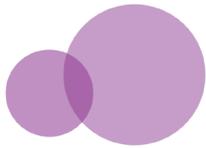




Protecting Children  
Everywhere



# Child Trafficking in the UK: A SNAPSHOT



protecting children everywhere



# CHILD TRAFFICKING IN THE UK: A SNAPSHOT

ECPAT UK  
18th October 2010



## Foreword

*This country prides itself on having a developed and compassionate approach to providing support to vulnerable people; successive UK governments have, in contrasting ways, attempted to establish welfare systems and opportunities to those in need. Whilst it is a cliché to state that it is possible to judge a society on the way it treats its most vulnerable, it is also true.*

*The phenomenon of human trafficking is a relatively unknown and hidden crime which brutalises the individuals involved in appalling ways. In recent years voluntary groups, academics, parliament and government agencies have learnt more about human trafficking and attempted to combat the problem through a combination of legislation, prosecution and provision of care to the victims.*

*The idea that children are abused in this way, sexually exploited in brothels and private homes, forced to work as slaves in houses, restaurants or in drug cultivation and made to work as criminals on the street, seems hard to believe in the modern world and yet it does happen and is happening in the UK.*

*The government has a clear legal and moral duty to look after all children in the UK and a well-established system of safeguarding children has been in place for some years, but trafficked children are slipping through this safety net. There are problems around understanding and investigating child trafficking, arrangements for looking after trafficked children are inadequate or unrealised, and there is a lack of clear leadership which currently means we are failing these children.*

*This timely report by ECPAT UK, launched on Anti-Slavery Day, forces us to examine the dreadful reality of child trafficking and will, I hope, compel us to re-double our efforts to end it.*

*Baroness Elizabeth Butler-Sloss*



## Executive Summary

The government decision to introduce a national Anti-Slavery day is important and welcome and provides a real opportunity for the UK to reflect on historic and contemporary forms of exploitation. On the occasion of the first Anti-Slavery Day ECPAT UK has published this report to provide a snapshot of an area of alarming exploitation, the trafficking of children. These are children who have faced dreadful experiences of exploitation; children who have been trafficked for sexual exploitation, domestic servitude, cannabis cultivation, forced criminal activities (including street crime and ATM theft) and benefit fraud. More than anything these children need to be treated as children and provided with the care and support that is the right of every child in the UK regardless of their nationality or immigration status. The UK has legal obligations to protect children but it is how these obligations are put into practice that makes a difference to children's lives.

ECPAT UK believes that the time is right to take stock, and as this report will demonstrate, acknowledge that much more needs to be done. There has been recent outrage from charities, including ECPAT UK, to the news that the government has decided not to 'opt in' to the new European Directive on protecting victims of human trafficking. The Directive will put in place additional protection for victims, particularly children, and strengthen law enforcement measures. Article 14 of the Directive specifically requires governments to provide every child with a representative, appointed by the court, during the investigation and any judicial proceedings. This guardianship role is essential to keep children safe and help them to navigate the maze of legal, welfare and immigration systems. It is surprising that the government sees the Directive as a burden rather than as a positive opportunity to show leadership and commitment to child victims of trafficking. Similarly the UK has yet to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. We cannot be complacent about these very important tools for protection which provide the chance for concerted international action.

The latest statistics released from the UK Human Trafficking Centre show that:

- Between 1st April 2009 and 30th June 2010, 215 (26%) of the 843 cases of potential victims of human trafficking referred under the National Referral Mechanism related to children
- The highest number of individual country referrals of children was of Vietnamese nationals with 59 (27%) of the 215 referrals

- The highest recorded exploitation type for child referrals was labour exploitation, including domestic servitude (97 children)
- 35 children were under 13 years of age at the time of referral

These are shocking figures which call for further analysis of whether these children are getting access to justice and question whether the UK is apprehending and prosecuting traffickers and protecting the children from further harm. For far too long successive government ministers have talked about child trafficking as an immigration issue and as a result there has been no significant increase in investigations and prosecutions of those that traffic and abuse children. While a handful of child trafficking cases have been successful in the courts the sentences are dismal and the trafficker is often out of prison before the child has had proper access to education or psychological support.

If 215 children have been referred to the National Referral Mechanism by police, local authorities and immigration officials then surely there should be a consistent number of police investigations across the country. But this is not the case and ECPAT UK is at a loss to know why child trafficking is not being investigated or why police inquiries are not being progressed. Urgent attention is needed because if traffickers are not prosecuted these crimes will continue and more children will suffer needlessly.

In recent months we have seen the government advance proposals to re-shape policing in the 21st century. However, there appears to be no policing plan to combat the trafficking of children. Child trafficking is not simply a subset of the trafficking of adults; the response to it requires a tactical and intelligence focus of its own and close working with other specialists. Local police forces are at the frontline of policing but there are simply too many inconsistencies about who exactly is responsible for investigation and management of trafficking cases involving children. Additionally it is hard for senior officers to argue for resources to be expended on complex trafficking investigations, often with an international aspect, when trafficking is not seen as a priority or an area where police are measured on their success.

Recent announcements by the Home Office do little to reassure us that the government intends to prioritise the policing of child trafficking including the proposed restructuring of both the UK Human Trafficking Centre and CEOP, the Child Exploitation and Online Protection Centre,

to reduce costs and bring them into a new National Crime Agency; and the closure of the National Register for Unaccompanied Children, a database used by local authorities to register vulnerable children, including those who may have been trafficked. There is a suggestion that a new border police force will be able to investigate child trafficking but scant detail exists on how this new force would address child protection. However, two excellent examples of keeping children safe at ports are the Metropolitan Police's Paladin Team and Sussex Police's Operation Newbridge. Both are multi-agency specialist teams working to combat child trafficking and the government would be wise to consider how a unique model of protection and prevention could be developed across UK ports using the lessons from these two teams.

It is those at the very frontline who are responsible for the immediate protection of children who have been trafficked and exploited. There are pockets of excellent practice across the UK, including within police and children's social services; this practice has usually evolved as a result of outstanding individuals who have taken the initiative. The Metropolitan Police's Operation Golf is a Joint Investigation Team with Romania to uncover the trafficking of children for benefit fraud and street crime in the UK. This initiative, mostly funded by the European Commission, has substantially improved the way children forced to beg and steal have been protected as victims. However, when the operation finishes at the end of 2010 it is not clear how learning will be taken forward to influence policing practice across the UK. As is so often said child safeguarding should not be a lottery and child victims of trafficking should get access to the same high levels of care and protection wherever they are found. Although government guidance on safeguarding children suspected of being trafficked was produced in 2007, there has been little attempt by the Department for Education, formally the Department for Children, Schools and Families, to embed this into practice across the UK.

Ascertaining which government minister is responsible for the delivery of policy and services on safeguarding child victims of trafficking has been confused for several years. Traditionally the Home Office take the lead on human trafficking policy, and currently the Minister responsible for policy on child trafficking is the Minister of State for Immigration, even though many trafficked children are not subject to immigration control. However, the provision of specialist local authority services to children lies elsewhere, and the Minister of State for Children apparently has no role at all. This policy confusion and lack of leadership on child trafficking in key portfolios has led to fundamental gaps in keeping children safe from harm.

The National Referral Mechanism (NRM) for identification of victims of trafficking was introduced in April 2009. However, the professionals who make vital decisions about whether a child is trafficked are usually immigration officials, not police or child protection specialists. Local authorities, police and immigration officials are requested to refer children suspected as being trafficked to the NRM to be 'formally' identified. It is unacceptable that Border Agency officials, with perhaps just one or two days training on human trafficking and virtually no specialist training on children, are making decisions about a criminal act against a child even before a police investigation has been completed. To make matters worse the Home Office set up this structure without a formal appeal process so the only way a child can challenge a negative decision is through application to the High Court. As a result a number of Judicial Reviews are ongoing, taking up valuable time and money. The final NRM decision impacts on the child's ability to access welfare and asylum support. No child who has been traumatised, raped, abused and deprived of their identity should have to go through this overly bureaucratic NRM process operated by well-meaning but inadequately trained staff. The NRM decision process, like the asylum process, often hinges on the child proving their own credibility in order for them to access their entitlements to safe accommodation and protection.

Recent NRM statistics show that out of 187 referrals of children from countries outside the UK only 32 children (17%) have been granted a positive final decision that they are accepted as victims of trafficking. This is highly irregular and needs further investigation. The recent NRM figures up to the end of June 2010 show that 83 children out of a total of 215 referrals are yet to receive a decision as to whether they are believed to be trafficked; many of these children have been waiting months to get their decisions finalised. This causes confusion and distress and puts pressure on frontline services.

As this snapshot report shows there is much to be done; the UK needs a comprehensive plan of action to safeguard child victims of trafficking, covering protection, prosecution and prevention. Of immediate concern is the lack of police investigations and prosecutions for trafficking cases involving children, there are suggestions that this could be because of lack of awareness amongst professionals but there are also implications that the legislation is not fit for purpose. As a priority, all children who are suspected of being trafficked should have one person they can trust who will work in their best interest. The government should establish a system of guardianship for child victims of trafficking which would mean that every child victim of trafficking would have someone with parental responsibility to care for and support them and take decisions based on their best interests.



## Introduction

*“Today, more than twice as many people are in bondage around the world than were taken in chains during the entire 350 years of the African slave trade. Despite the abolition of slavery, modern forms of trading in human beings continue, whether for sexual exploitation, forced labour, domestic slavery or organised crime... In the United Kingdom, many thousands of individuals are bought and sold as commodities and forced into modern-day slavery. This is commonly known as human trafficking.”*

Anthony Steen MP, House of Commons, 5th February 2010

Child trafficking is a hidden and complex crime and it is difficult to put an exact figure on the number of children trafficked in the UK. However, our ability to understand the nature and extent of child trafficking is further compromised because there are no comprehensive figures available that consolidates information held by local authorities, police services, the UK Border Agency and other bodies. Some attempts have been made to report on child trafficking using surveys and questionnaires.

In April 2009, the Child Exploitation and Online Protection (CEOP) Centre, published a ‘Strategic Threat Assessment on Child Trafficking in the UK’.<sup>i</sup> The CEOP report identified 325 children in the UK as trafficked from March 2007 to February 2008. However, CEOP suggests that this figure is far lower than the actual prevalence because of incomplete data collection.

The UK Human Trafficking Centre which has recently become part of the Serious and Organised Crime Agency (SOCA) has released raw data collected from the National Referral Mechanism (NRM) for victims of trafficking.<sup>ii</sup> According to this data 215 children from 33 countries were referred into the NRM, the government system for the identification of victims of trafficking, from 1st April 2009 until 30th June 2010. However, this figure only includes children who have been referred to the NRM and does not include those children who are not known to the authorities, or who have not been identified as trafficked children. The real number of trafficked children in the UK is likely to be far higher. This lack of comprehensive data is a significant obstacle to understanding the scope of the problem and to combating child trafficking.

In recent years the UK Government has made some important progress in combating child trafficking, introducing legislation to prosecute and convict traffickers and improving child protection procedures for children who may have been trafficked. However, there are still barriers to accessing essential services such as safe accommodation, education, healthcare, and substantial gaps in the knowledge and understanding of those professionals who are likely to encounter child victims of trafficking in the course of their work. In particular the ability and capacity of the police to investigate cases of child trafficking is hampered by a lack of officers trained in both child protection and combating human trafficking.



<sup>i</sup> Strategic Threat Assessment - April 2009, Child Trafficking in the UK, CEOP

<sup>ii</sup> <http://www.soca.gov.uk/about-soca/about-the-ukhtc/statistical-data> accessed on 28th September 2010

## Defining child trafficking

Child trafficking is most often characterised by deception. Many children (and their families) are deceived by traffickers with promises of a better life and expect to access a higher standard of education, employment and an improved standard of living when they arrive. A child may agree to travel for the purposes of work or to live with another family, not realising that they will be exploited. Once children have been trafficked they are especially vulnerable because they may be easily persuaded, or unable to challenge what an adult tells them. They often believe they must help support their family and may be in debt bondage to their traffickers.

### Definition of human trafficking;

Protocol to Prevent, Suppress & Punish Trafficking in Persons, Especially Women & Children supplementing the UN Convention against Transnational Organised Crime, (2000, Palermo Protocol)

- 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." (...)
- c) "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."

\*Significantly the means (such as threats, coercion, deception or abuse) are not relevant to children because children cannot consent to their exploitation.

Child trafficking is a global issue and there are a number of international agreements and conventions that have attempted to address the problem. The overarching international standard on upholding the rights of children is the United Nations Convention on the Rights of the Child (CRC, 1989) which obliges states to take positive action to protect children from all forms of exploitation and sexual abuse prejudicial to any aspects of their welfare. Under this Convention, a child is considered to be anyone under the age of 18. The UK became

a State Party to the CRC in December 1991. The 2000 Optional Protocol to the CRC on the sale of children, child prostitution and child pornography was developed to provide more detailed obligations regarding the protection of child victims of trafficking. The UK signed the Optional Protocol in September 2000 and ratified it in 2009 following lobbying by ECPAT UK and other children's rights groups. International and regional human rights principles formed the basis of the UNICEF Guidelines on the Protection of Child Victims of Trafficking (2006) which were developed in order to set out standards for good practice to protect and assist child victims of trafficking. The Guidelines give an overview of measures for implementing appropriate policy and practice to protect and assist child victims of trafficking.

The Council of Europe Convention on Action against Trafficking in Human Beings which the UK signed in 2008 and ratified in 2009 contains various provisions which are specific to children regarding their protection and assistance, including the prevention of child trafficking. The Convention confirms that procedures concerning children must be different from those concerning adults. The UK has also signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse but has yet to ratify this convention.

The UK is thus obligated under a range of international conventions to uphold the rights of children and to take action to combat the trafficking of children. The UK Government introduced the UK Action Plan on Tackling Human Trafficking in 2007 and this plan was updated in 2008 and 2009. The UK Action Plan was an important milestone in coordinating and directing UK efforts to combat trafficking. The Action Plan introduced 62 objectives across different government departments and included a specific chapter on child trafficking. However, there is no substantive mechanism for monitoring and reporting against these objectives as to whether these actions are achieving the desired result of protecting children, prosecuting offenders and preventing the trafficking of children.

In 2010 the European Commission developed a European Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims which further develops international anti-trafficking law by broadening definitions of trafficking to include people forced into begging or illegal activities, as well as people who face sexual and labour exploitation. The Directive also ensures comparable standards across the EU for the prosecution of traffickers and the protection of victims within criminal proceedings. In particular,

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where child victims of trafficking are concerned, states are obliged to take necessary measures to ensure that in criminal investigations and proceedings, judicial authorities appoint a special representative for the child where the child is unaccompanied or separated from their family.

The government has made a decision to not 'opt in' to the Directive and has stated that the Directive will make very little difference to the way the UK tackles the problem 'as there are

*no further operational co-operation measures which [the UK] will benefit from.*"<sup>iii</sup> However, there are clear additional benefits to opting into the Directive for the protection of children. Although specific provisions for children who are victims and witnesses within the Criminal Justice system already exist, opting into the Directive would focus the attention of the government and help to ensure a greater degree of justice for child victims of trafficking.

## Recommendation 1

The UK should opt into the European Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims and in particular ensure compliance with Article 14; protection of child victims of trafficking in human beings in criminal investigations and proceedings.



## How are trafficked children identified in the UK?

Trafficked children do not generally come to the attention of social services or the police with a complaint that they have been trafficked. Often children who have been trafficked have no idea that this is the case; many are unaware of the concept of trafficking. Trafficked children may not even understand their experience as exploitation because of trust in their traffickers or because of a lack of understanding of their rights to be protected from abuse and to access education, safety and care.

As mentioned above, in 2008 the UK Government ratified the Council of Europe Convention on Action against Trafficking in Human Beings. This Convention came into force in the UK in April 2009 and provided a framework of obligations with which the UK has to comply. As a result the Home Office introduced a National Referral Mechanism (NRM) as a system to identify potential victims of trafficking and refer these victims to agencies able to provide them with care and support. According to the most recent NRM data 215 children from 33 countries have been referred into the NRM, between 1st April 2009 and 30th June 2010. These countries are Afghanistan, Albania, Bangladesh, Bulgaria, China, Congo, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, India, Iran, Iraq, Ivory Coast, Kazakhstan, Kenya, Liberia, Malawi, Malaysia, Moldova, Nigeria, Pakistan, Romania, Sierra Leone, Slovakia, Somalia, South Africa, Sri Lanka, Syria, Uganda, United Kingdom (UK), Vietnam and Zimbabwe. In April 2009, CEOP's 'Strategic Threat Assessment on Child Trafficking in the UK' identified 325 children in the UK as trafficked from

March 2007 to February 2008. These two systems of data collection are separate and whilst useful do not provide a comprehensive picture of child trafficking.

There is no systematic process for collection and analysis of data on child trafficking. Information about trafficked children is held by local authorities and by the police; the UK Border Agency and the Crown Prosecution Service also have data on cases of children who have been trafficked but this information is not collated or analysed centrally. It is possible through Freedom of Information requests and parliamentary questions to obtain limited information but this is a piecemeal method of building data. The NRM data has provided some information about cases of children who are referred into this system but otherwise data on trafficking remains ad-hoc and disorganised and it is extremely difficult to provide a comprehensive picture of the scale of the problem.

Reliable and representative data is needed in order to fully understand and confront the scale and nature of human trafficking. This must include sufficient and reliable intelligence on trafficked children, including data disaggregated by age, gender, nationality, and forms of exploitation. The importance of this information was emphasised by the Home Affairs Select Committee in their 2009 report on human trafficking where they criticised the UK Human Trafficking Centre (UKHTC) for their failure to fulfil this role. The report stated one of the UKHTC's tasks is to 'improve knowledge of the scale and

<sup>iii</sup> <http://www.homeoffice.gov.uk/media-centre/news/trafficking-directive> accessed on 28th September 2010

nature of human trafficking... the Home Office describes the UKHTC as “the central repository of all data and intelligence on human trafficking.”<sup>iv</sup> The uncertainty around the future of the UKHTC, and whether it will remain as part of the proposed National Crime Agency is likely to restrict their ability to provide public information and means that it is unlikely to improve on its past record of collecting and publishing such information. Without a comprehensive and systematic form of data collection vulnerable children are left even more at risk as government has to make policy and allocate resources on partial and incomplete information.

There is an urgent need for the government to appoint a National Rapporteur to operate as an independent anti-trafficking watchdog, based on the model of the Dutch National Rapporteur on Trafficking in Human Beings, with statutory powers to request information from the police, the immigration authorities, social services and NGOs and to report to parliament. The advantage of having a National Rapporteur would be that the government could make policy based on clear facts as well as allocating resources to police investigations and victim support services at a level sufficient to meet the needs and scale of the problem.

## Recommendation 2

The government should establish an independent National Rapporteur on Trafficking, with a specific focus on children that ensures the systematic collection, monitoring and analysis of comprehensive and disaggregated data, and accountability to parliament.



It can be particularly challenging to identify a child victim of trafficking. A trafficked child may be found in many different circumstances, by the police in a raid on a brothel or in a cannabis factory, a child may be referred to a social worker in children’s services, or a UK Border Agency official may suspect a child at the border of being trafficked. Any child found in a situation of vulnerability should be automatically referred to the Children’s Services Department in the local authority to be looked after. This duty to look after children applies to all children in the UK, regardless of their nationality.

Child rights organisations often use the term ‘separated children’ to describe children who are not with their parents or primary care-givers. However, for immigration purposes, the government classifies children who arrive into the UK as ‘accompanied’ or ‘unaccompanied’ children. This classification can be crucial in determining a child’s care plan and it is essential that the victim identification process starts as early as possible to ensure vulnerable children are not left in the hands of traffickers or criminals.

In 2009 the government introduced new legislation to protect children. Section 55 of the Borders, Citizenship and Immigration Act 2009 placed a statutory duty on the UK Border Agency to carry out their functions with regard to safeguarding and promoting the welfare of children. This duty mirrors the statutory duty under Section 11 of the Children Act 2004 and finally brings UKBA into line with other public bodies including local authorities and the police and requires UKBA to improve their policy and practice in working with separated children.

### Immigration Barrister

*Children can come through the border, effectively describing a situation in which they have been trafficked but they won’t use the word trafficking, they might say ‘I paid him with sex’ but it won’t be picked up as a trafficking case by the border authorities or the social worker. It is usually the solicitor or barrister who discovers a child has been trafficked during the immigration or human rights legal proceedings.*

In all these situations it takes time and a sound knowledge of the issue on the part of the professional to understand the child’s circumstances. The individuals best placed to build a relationship and carry out interviews and investigations with the child are social workers and police who have received specific training in working and communicating with children. However, under the National Referral Mechanism, UK Border Agency officials with some additional training on human trafficking are given the authority to make the decision about whether a child is a victim of trafficking or not.

### Immigration Barrister

*The NRM hasn’t improved access to services, it is a ‘screening out’ process rather than a ‘screening in’ process. The NRM could have been useful but not the way it has currently been established. The biggest problem with the NRM is that it has mandated the UKBA as the competent authority which has a conflict of interest in trying to assess whether an individual is a victim of trafficking at the same time as assessing credibility for asylum claims. Making adverse decisions in the NRM can have a serious impact on asylum claims.*

<sup>iv</sup> Home Affairs Select Committee – Sixth Report, The Trade in Human Beings: Human Trafficking in the UK, 2009.

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A report published in 2010 by the Anti-Trafficking Monitoring Group which includes ECPAT UK, reviewed implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and found that the NRM system is 'not fit for purpose.'<sup>v</sup> This criticism was based on a range of factors including the heavily bureaucratic nature of the process, the quality of decision-making, the access to services for victims and the lack of an appeal process. In particular, ECPAT UK questioned the inappropriateness of individuals with responsibility for border control making decisions about child protection, which is a consequence of child trafficking remaining under the responsibility of the Home Office. Currently this responsibility is held by the Immigration Minister and the Parliamentary under Secretary of State for Crime Prevention. However, strong leadership is needed on this issue from a government department which has responsibility for child protection either in the Department for Education, which has overall responsibility for child safeguarding or the Department for Communities and Local Government, because the delivery of care and protection of children is a local authority concern.

The report of the Anti-Trafficking Monitoring Group also included an analysis of the decision-making in cases, revealing that UK citizens suspected of being trafficked were far more likely to be identified as having been trafficked than nationals

from other EU countries who in turn were far more likely to be identified than individuals from outside the EU. The report suggested that 'these figures merit further investigation by the Home Office to check that individuals from outside the EU are not being subject to discrimination in the decision making process.'<sup>vi</sup>

## Community Care Barrister

*It is not clear what the role of the UKHTC is within the NRM but UKBA is the wrong authority to be making decisions in the NRM, there is too much conflict and responsibility. The trafficking convention doesn't require immigration authorities be involved in the assessment of victims of trafficking, instead it suggests police and social workers should be involved.*

Recent NRM statistics show that out of 187 referrals of children from countries outside the UK only 32 children (17%) have been granted a positive final decision that they are accepted as victims of trafficking. This is highly irregular and needs further investigation. The recent NRM figures up to the end of June 2010 show that 83 children out of a total of 215 referrals are yet to receive a decision as to whether they are believed to be trafficked; many of these children have been waiting months to get their decisions finalised. This causes confusion and distress and puts pressure on frontline services.

## Recommendation 3

The National Referral Mechanism should be restructured to create a separate system to deal with cases of children who may have been trafficked to allow the services responsible for child protection to have the authority to make decisions as to whether a child has been trafficked.



## Recommendation 4

Overall responsibility for policy on safeguarding child victims of trafficking should be given to the government department with the lead for child protection.



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

<sup>vi</sup> *ibid.*

## How are trafficked children looked after and cared for?

Children who have been trafficked will have experienced abuse and neglect and need a high level of care and protection.<sup>vii</sup> Through our research and work with trafficked children we have identified significant protection needs of children who are likely to be suffering from fear and anxiety, as well as physical manifestations of abuse. In particular, our research has highlighted the significant numbers of children who go missing from care. ECPAT UK's research in 2007, *Missing Out*<sup>viii</sup> found 60% of children suspected of being victims of trafficking had subsequently gone missing from local authority care. Of 330 children identified by the Child Exploitation and Online Protection (CEOP) Centre in 2008, it was found that 183 (55%) had gone missing.<sup>ix</sup> *Missing Out* revealed that the high numbers of trafficked children who go missing may either still be under the control of traffickers while in care and disappear because the trafficker has regained control over them, or run away from fear of being found by the trafficker. In both scenarios the children are in highly vulnerable situations. Recent Freedom of Information requests found that 173 unaccompanied asylum seeking children (children who face a significant risk of being trafficked) went missing from Kent County Council care, 21 from Leicestershire and 20 from Bedfordshire in 2009.<sup>x</sup>

Professionals must be able to respond to a wide variety of indicators of trafficking, including trafficking for sexual exploitation, forced labour, domestic servitude and forced marriage. The danger is that if child protection intervention is not immediate the child will remain under the control of the trafficker, making it impossible to remove them from the exploitative situation. The failure of authorities to identify these children as 'at risk of significant harm' leaves them highly vulnerable.

### Immigration Barrister

*It is a problem that social workers are not particularly involved with a child's immigration or asylum case. They are rarely hands on and I have worked with a number of clients where the social worker has not been present in court, so a child is going to court without an appropriate adult to accompany them... Social workers are not instigating services for these children; it is the legal process that triggers access to services. It doesn't seem that these children are properly identified by local authorities or that local authorities are carrying out assessments to determine whether a child has been trafficked, or risk assessments that the child is in danger of being re-trafficked.*

Once identified, the needs of trafficked children should be assessed by local authority children's services in respect of the level of support and accommodation they require – this is a statutory duty under the Children Acts 1989 and 2004. Both these Acts set out the legal framework for all children 'in need' in England and Wales. The responsibilities of each agency and the mechanisms for multi-agency working are provided in the guidance '*Working Together to Safeguard Children 2010.*' Supplementary guidance regarding trafficked children was initially produced in 2007 '*Safeguarding children who may have been trafficked*' and similar guidance has also been produced for Wales and Scotland. Crucially, under these Acts, the nationality or immigration status of the child should not affect agencies' statutory responsibilities. It is clear from our work with trafficked children that they miss out on accessing local authority services because of a lack of understanding on the part of front-line workers of their needs, the complicating factors of their immigration status and the lack of an advocate who can speak on their behalf.

ECPAT UK has supported a number of children who have been trafficked and who have received inadequate assessments and limited access to services. One young person was looked after by the local authority for two years with no access to education. As a result the child is now approaching her 18th birthday and is unable to read or write. Other children we have worked with have not been allocated social workers, have out of date care plans, no pathway planning and have had limited access to education; some have not been registered with a GP whilst others have had no access to psychological and recovery services.

There is an additional concern about the assessment of a child's age which can hamper children's access to the necessary levels of care and support. Children who may have been trafficked will often not have identification documents, may have false documents or have been instructed by their traffickers to lie about their age. If a child's age is disputed by the local authority the child can be in limbo for months or even years until the age dispute is settled. Assessment of age by the local authority is critical to the asylum process, which deals with children and adults separately. The age assessment also impacts on social welfare and child protection as children are provided with varying levels of support according to their age. The difference in quality and type of care provided to a child whilst the age assessment is being undertaken is also

<sup>vii</sup> Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe, Dr Cathy Zimmerman, London School of Hygiene & Tropical Medicine's Gender Violence & Health Centre, 2006.

<sup>viii</sup> *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*, ECPAT UK, 2007.

<sup>ix</sup> A Scoping Project on Child Trafficking in the UK - Child Trafficking in the UK, CEOP, June 2007.

<sup>x</sup> Freedom of Information Inquiries made by the Leaving Care Association quoted in *The Report - Child trafficking*, BBC Radio 4 21/01/2010 <http://www.bbc.co.uk/programmes/b00pxslj> accessed on 28th September 2010.

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variable. There is no statutory guidance on procedures for assessing age or the age assessment process itself<sup>xi</sup> (there are guidelines from local authorities e.g. Hillingdon & Croydon) and there is considerable variation in procedures for undertaking formal assessments. When disputes arise age should be assessed by an independent panel of experts who have expertise in child and adolescent development and who have been trained in child appropriate interview techniques. Whilst acknowledging the difficulties in accurately assessing age when a child's age is questioned the local authority should give the child the benefit of the doubt, a provision reinforced by the Council of Europe Convention on Trafficking.

## Immigration Solicitor

*There is an inherent culture of disbelief on the part of the social work profession who automatically accept the adult's view. A child's point of view is ignored without any further investigation of the child's complaint even when there may be obvious indicators like the child not being at school. Social workers will often not pick up on the indicators that a child may have been trafficked, or carry out the relevant assessments or carry out referrals in a timely manner, if at all.*

A child trafficking toolkit, which includes an assessment framework and guidance, has been developed by the London Safeguarding Children Board. A pilot programme was run from

2009-2010 to monitor and trial the toolkit. Children's services departments from 12 local authorities took part, including authorities from outside London. The toolkit was used as a basis of making decisions to refer children suspected of being trafficked to the NRM. Feedback from the pilot programme suggests that the toolkit has helped raise awareness of child trafficking and mainstreamed child trafficking as a child protection issue. It is felt that the introduction of the NRM has encouraged greater multi-agency working between social workers, the police and border agency. However, we are aware that local authorities have found the NRM process bureaucratic and have sometimes felt their social work decisions have been undermined by the decision making process of the UK Border Agency staff of the NRM, and that decisions are not always made in the best interests of the child. We know that some local authorities have not referred cases of child trafficking into the NRM because of confusion and uncertainty about the process and whether it would be in the child's best interest. Concern has been voiced about the conflict of interest as decision-makers in the NRM process are asylum case owners who have to balance the different priorities of immigration control and child protection. Local authorities had genuine concerns that a negative NRM decision could jeopardise the child's access to services and their immigration status and therefore would make an active choice not to refer the child to the NRM.

## Recommendation 5

A designated lead manager on child trafficking should be appointed in every local authority to ensure leadership, responsibility and direction on child trafficking.



Too many child victims of trafficking are provided with inappropriate accommodation. What they require is a safe and supportive environment that affords them protection from their abusers. If support is not given they are more likely to be at risk from those wishing to harm them. The best option for child victims of trafficking is for them to be placed with foster carers who have received specialist training on the specific needs of trafficked children and on the risks that they face.

## Member, ECPAT UK youth group

*Safety has to be taken seriously, it's the main priority, there's no future if you're not safe.*

Such placements need to be provided with a robust support network of professionals who have both the skills and experience of working with trafficked children. Careful consideration also needs to be given to where (geographically) a child is placed. To ensure their safety, children may need to be accommodated in a different local authority from their traffickers.

## Immigration Solicitor

*I had a client, a young girl whose foster carers replicated the actions of the trafficker. My client was a victim of domestic servitude, she was placed in foster care and the view of the foster mother was that since the child knew how to cook and clean and look after the house that's what she would do.*

## Recommendation 6

The government should provide safe accommodation for all child victims of trafficking in the form of specialist foster care.



<sup>xi</sup> When is a child not a child? Asylum, age disputes and the process of age assessment, Heaven Crawley, ILPA, 2007.

The government believes it is compliant with the Council of Europe Convention on Trafficking obligation to ‘provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child’ (Convention Article 10:3) because of the range of professionals who can be involved in the care of a child victim of trafficking. However, the truth is that there are substantial gaps in this system of support and that children are not able to turn to any *one* responsible adult for guidance through the welfare, legal, asylum and immigration processes. A guardian would ensure that these children receive the educational, medical, practical and legal support they need. The guardian would ensure the child victim has access to legal and other representation where necessary, would advise and keep the child informed of his/her rights and provide a link between the child and various organisations which may provide services to the child.

It is important that guardians are independent, can act in the child’s best interest and are accountable to a guardianship service and not directly to government.

Significantly, the Scottish Government with additional funding from the Big Lottery Fund has recently introduced a pilot guardianship scheme for all separated children in Scotland which is being administered by Aberlour (a Scottish children’s charity) and the Scottish Refugee Council.

Member, ECPAT UK youth group

*I don't like it when my social worker keeps changing and I have to explain everything again...They shouldn't change; just one person that I can call anytime.*

### Recommendation 7

The government should establish a system of guardianship for child victims of trafficking. Such a system would mean that every child victim of trafficking would have someone with parental responsibility to care for and support them and take decisions based on their best interests.



## Police investigation of child trafficking

The Home Secretary recently announced a major restructure of policing including the development of a National Crime Agency. Although full details have not yet been published there are proposals to absorb CEOP, the Child Exploitation and Online Protection Centre which has a dedicated child trafficking intelligence function, and SOCA – the Serious Organised Crime Agency which has more recently taken over the UK Human Trafficking Centre, within this new agency. It is too early to decide whether this will enhance capabilities and capacity to undertake greater intelligence gathering and strengthen the UK’s strategic response to the trafficking of children. Experience tells us that the effectiveness of a central intelligence role is when the information is distributed on a timely basis, monitored and reported against so that failure to act does not mean failure to protect vulnerable children.

There appears to be no national policing plan to combat the trafficking of children, even though statistics on the numbers of children being identified are significant. Child trafficking is not simply a subset of the trafficking of adults, it requires a tactical and intelligence focus and close working with other specialists. Local police forces are at the frontline of policing but there are simply too many inconsistencies about exactly

who is responsible for investigation and management of trafficking cases involving children, especially when the trafficker may be responsible for more than one child being exploited in different police force areas.

ECPAT UK has closely monitored a number of police investigations involving children who have been trafficked. There have been some excellent examples of good practice, especially when from the outset the investigation has been informed by child protection procedures. However there have been some extremely poor practices across the UK with investigating officers not understanding the influence and control that traffickers have over children. A common mistake is that if a child who has been removed from their trafficker does not want to give evidence against the trafficker then police see no need for further action. However given the nature of trafficking there are other considerations, not least that there may be other children at risk and police enquiries should continue until they are satisfied no other child is being harmed. Additionally it is hard for senior officers to argue for resources to be expended on complex trafficking investigations, often with an international aspect, when trafficking is not seen as a priority or an area where police are measured on their success.

# Child trafficking in the UK: A snapshot

There is real cause for concern that so few child trafficking cases have been prosecuted – against what is a growing number of concerns reported by local authorities and others. If 215 children were referred to the National Referral Mechanism by police, local authorities and immigration officials then surely there should be a consistent number of police investigations across the country. But this is not the case and ECPAT UK is at a loss to know why child trafficking is not being investigated or why police inquiries are not being progressed. This issue needs urgent attention because if traffickers are not prosecuted these crimes will continue and more children will remain at risk.

Proactive policing is essential when trying to uncover, investigate and prosecute traffickers and trafficking networks and the police response to all human trafficking should be delivered collaboratively between forces and their international partners. However, where children are concerned this must also be situated within the context of child abuse investigations and as such any strategic lead must work within the norms and standards of child protection and safeguarding in the UK. Whilst local police forces should be equipped with the knowledge and operational capacity to investigate child trafficking as part of their child abuse investigations, the reality is that these teams are often not well equipped to deal with complex cases with an international dimension. Designated senior police officers from forces across the UK should be appointed as trafficking specialists and supported by strong leadership working to a comprehensive plan to protect children, prosecute traffickers and prevent the trafficking of children.

All children in the UK are subject to UK laws relating to the protection of children. Human trafficking can be prosecuted under the Asylum and Immigration (Treatment of Claimants) Act 2004 as well as the Sexual Offences Act 2003, however a range of other offences are also usually present when investigating the trafficking of children, including assault, rape and neglect.

## Immigration Solicitor

*I have had cases where I couldn't understand why a prosecution wasn't being taken forward. Where there seemed to be sufficient information of a clear case of trafficking yet the case was not being investigated.*

*Cases investigated by the Paladin team are usually prosecuted. Police in the Paladin team have a far higher understanding of trafficking than a local police force because they are specialists.*

## Immigration Barrister

*There seems to be a lackadaisical approach to investigating cases of child trafficking and children who disclose experiences of trafficking. The information is not routinely passed to police by social services, and when it is passed to the police nothing is done, unless the information is passed to specialist police forces. I had a case of a young Nigerian boy who had been trafficked. The police should have been automatically informed of the case by social services but there was no proactive investigation.*

Whilst all police forces must be vigilant to child trafficking, of particular concern is the vulnerability of the UK's main ports, including airports, Eurostar terminals, rail stations and sea ports. Children are trafficked through ports of entry right across the UK and this presents police, local authorities and the border agency with a unique opportunity to intervene early both as children arrive, but also on departure from the UK. However, there is still no UK wide approach to protecting children at ports.

The Metropolitan Police Paladin Team which has responsibility for safeguarding children at all London ports, including the Eurostar terminal at St Pancras station, is an excellent model of a multi-agency child protection model. It is a joint operation with the UK Border Agency and they work alongside local authorities to identify, investigate and safeguard vulnerable children, including those who have been trafficked. Likewise Operation Newbridge, established by Sussex Police, UKBA and West Sussex Children's Services to respond to missing children who arrive initially at Gatwick Airport, has been responsible for investigating suspected cases of child trafficking. Both Paladin and Newbridge are multi-agency specialist teams working to combat child trafficking and the government would be wise to consider how a unique model of protection and prevention could be developed across UK ports using the lessons learned and methods developed from these two teams.

In addition to child specific international law and conventions the UK is a signatory to the European Convention on Human Rights, which provides important protection for victims of trafficking. A significant recent case underlined states' obligations to protect against, as well as to investigate, trafficking.<sup>xii</sup>

<sup>xii</sup> Rantsev v. Cyprus and Russia, application No. 25965/04 (adjudicated in 2010).

**Rantsev v Cyprus and Russia**

The case concerned the death of a twenty year old Russian woman, Oxana Rantseva, who was trafficked from Russia to Cyprus, a destination country for women trafficked from Eastern and Central Europe for the purpose of sexual exploitation. The victim's father argued that there was no adequate investigation into the circumstances surrounding his daughter's death, that she was inadequately protected by Cypriot police while she was still alive and that there was a complete failure to punish the individuals responsible for exposing his daughter to the sexual exploitation and ill treatment which ultimately led to her death. The European Court found that Cyprus, the state of destination in this case, had not only failed to protect Ms Rantseva from being trafficked or from being unlawfully detained prior to her death, but it had also failed to adequately investigate her death.

Russia, the state of origin, was found by the Court to have failed to adequately investigate the way in which Ms Rantseva had been trafficked from its borders. The Court ordered the Cypriot Government to pay Ms Rantseva's father the sum of €40,000 in damages and the Russian Government to pay a

sum of €2,000. In its judgment, the Court clarified the obligations of states in relation to trafficking – whether states of origin, transit or destination – as well as noting the importance of cross border coordination in fighting trafficking. Noting that, as a relatively modern phenomenon, human trafficking is not specifically mentioned in the 1950 European Convention on Human Rights, the Court found that it nevertheless fell within the scope of Article 4 of the Convention (prohibiting slavery, servitude, and forced or compulsory labour). The Court elaborated on the positive obligations of states in the context of Article 4 with respect to trafficking, holding that there is a positive obligation on states to adopt appropriate and effective legal and administrative frameworks, to take protective measures, and to investigate trafficking where it has already occurred.

The European Court decision in the case of Rantsev v Cyprus and Russia opens the doors for police forces and others to be held to account for failing to investigate claims of human trafficking. It is an important decision and the implications need to be considered across UK policing.

**Recommendation 8**

Multi-agency child safeguarding teams should operate at main UK ports to combat child trafficking to identify and respond to concerns about children and young people arriving or leaving the UK.



There is a need for police agencies to cooperate at an international level to address human trafficking. Countries across Europe are starting to understand the importance of such strategic units in tackling this issue. The importance of Joint Investigation Team (JITs) in combating trafficking is demonstrated by the success of Operation Golf, a part EC funded JIT investigating Romanian Roma organised crime networks. This investigation targets one of the largest human trafficking rings in Europe which traffics children for the purposes of begging, volume crime and large scale benefit fraud. This operation is in partnership with the Romanian National Police, the Crown Prosecution Service, the UK Human

Trafficking Centre, Europol and Eurojust. On 28th November 2008 Operation Golf achieved the first conviction in the UK for the trafficking of a child and only the second conviction for 'internal' trafficking within the UK. Four members of the OCN were sentenced to a total of 24 years in prison for these offences.

There is an increasing need for UK police forces to understand more about the practical benefits of European and international investigations and tools such as JITs in the fight against international crime.

**Recommendation 9**

Joint investigation teams (JITs) should be established with police forces in source countries to investigate child trafficking.





## How is child trafficking prosecuted?

In the UK, trafficking for sexual exploitation is criminalised by sections 57–59 of the Sexual Offences Act 2003 in England, Wales and Northern Ireland, and Section 22 of the Criminal Justice (Scotland) Act 2003. Trafficking for labour exploitation is covered by Section 4 of the Asylum and Immigration Act 2004 which applies to the whole of the UK. Both offences cover trafficking into, within or out of the UK and have a maximum penalty of 14 years' imprisonment.

There were 114 prosecutions for human trafficking for the purposes of sexual exploitation in 2008–9 and 102 in 2009–10. There were 31 convictions for trafficking for sexual exploitation in 2008 and 18 convictions in 2009. There were 10 prosecutions for labour exploitation in 2008–09 and 19 in 2009–10.<sup>xiii</sup> There were 4 convictions for trafficking for labour exploitation in 2008 and 2 convictions in 2009.<sup>xiv</sup>

Whilst, as this report has demonstrated, comprehensive information on the number of children who are suspected of having been trafficked does not exist the published data suggests several hundred children are trafficked to the UK every year, yet the number of prosecutions for trafficking of adults and children are far lower, this mismatch between suspected cases of trafficking and subsequent investigations and prosecutions is troubling.

Perversely, rather than cases of child trafficking being investigated, some victims of trafficking are prosecuted themselves. For a number of years children apprehended in raids on cannabis factories have themselves been criminalised rather than provided with protection. These children are not identified as potential victims of trafficking and are instead viewed as criminals and charged with drug or immigration offences. The main offence these child victims of trafficking are likely to be charged with is the cultivation of cannabis plants under Section 6 of the Misuse of Drugs Act 1971. This can carry a maximum sentence of fourteen years. Trafficked children can also be charged with false document crimes or

for other crimes committed whilst under the control of their traffickers. Many of these children, once they have been bailed or released from custody, go missing from local authority care soon after and are at risk of being re-trafficked or exploited in other ways.

Sentences for trafficking convictions are often quite low and well below the 14 year maximum sentence. The Crown Prosecution Service is currently reviewing their response to human trafficking and it is premature to comment on what the response will be. However there are concerns across victim support agencies that prosecutors are failing to charge offences as human trafficking and not pursuing all other possible offences. In addition to human trafficking offences there could be a range of other offences to pursue including assault, rape, and neglect. We hope that this will be addressed in the CPS review. However, it is clear that there is a need for sentencing guidelines to be scrutinised and training of prosecutors and the judiciary is to be prioritised.

In 2009 Kennedy Johnson<sup>xv</sup> was sentenced to six years imprisonment in a London court for the trafficking of up to 40 Nigerian teenagers into and out of the UK for sexual exploitation, many of whom were sent to brothels in Italy and Spain, and some as young as 13. The Judge said Johnson played a key role in an international crime ring. Johnson would bring children into Heathrow and Gatwick on false documents and get them into local authority care from where they would go missing. By the time anyone noticed they would have been moved on to Italy. Many more children may have been victims than were identified as this was a prolonged and sustained criminal act. This was a landmark case that highlights the nature and extent of what one trafficking network could do – yet it received minimal media coverage and the lessons from the case have never been circulated to local authorities. The whereabouts of the child victims are mostly still unknown.

### Recommendation 10

The government should review efficacy of legislation for prosecuting human trafficking offences to ensure traffickers are prosecuted and victims are protected. This review would also ensure that guidance was followed and child safeguarding procedures were upheld to prevent child victims of trafficking from being prosecuted for crimes that they committed under coercion.



<sup>xiii</sup> Parliamentary question on trafficking prosecutions Hansard source (Citation: HC Deb, 27 July 2010, c1020W).

<sup>xiv</sup> Freedom of Information Inquiry to the South Yorkshire Police <http://www.southyorks.police.uk/foi/disclosurelog/20090598>  
Convictions for Human Trafficking Reference number: 20090598 Request date: 23 November 2009 accessed on 28th September 2010.

<sup>xv</sup> Child sex ring cut [http://www.bdpost.co.uk/news/child\\_sex\\_ring\\_cut\\_1\\_573657](http://www.bdpost.co.uk/news/child_sex_ring_cut_1_573657).

## Conclusion and recommendations

The government has made significant progress in the fight against human trafficking in recent years through the ratification of the Council of Europe Convention on Action against Trafficking and with the UK Action Plan on Tackling Human Trafficking. However, this report points out the significant gaps which still remain in the identification of child victims of trafficking, the provision of care and support, and limitations in the attempts to investigate and prosecute child trafficking crimes. Overall we believe there is a failure to properly care for, protect and uphold the rights of these children and this is a view shared by legal professionals working on cases of children who have been trafficked.

We hope that UK Anti-Slavery Day will provide an opportunity for greater public awareness and understanding of human trafficking and encourage the government to take urgent action to combat this exploitation of children. In particular we make the following recommendations;

### Recommendation 1

The UK should opt into the European Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims and in particular ensure compliance with Article 14; protection of child victims of trafficking in human beings in criminal investigations and proceedings.

### Recommendation 2

The government should establish an independent National Rapporteur on Trafficking, with a specific focus on children that ensures the systematic collection, monitoring and analysis of comprehensive and disaggregated data, and accountability to parliament.

### Recommendation 3

The National Referral Mechanism should be restructured to create a separate system to deal with cases of children who may have been trafficked to allow the services responsible for child protection to have the authority to make decisions as to whether a child has been trafficked.

### Recommendation 4

Overall responsibility for policy on safeguarding child victims of trafficking should be given to the government department with the lead for child protection.

### Recommendation 5

A designated lead manager on child trafficking should be appointed in every local authority to ensure leadership, responsibility and direction on child trafficking.

### Recommendation 6

The government should provide safe accommodation for all child victims of trafficking in the form of specialist foster care.

### Recommendation 7

The government should establish a system of guardianship for child victims of trafficking. Such a system would mean that every child victim of trafficking would have someone with parental responsibility to care for and support them and take decisions based on their best interests.

### Recommendation 8

Multi-agency child safeguarding teams should operate at main UK ports to combat child trafficking to identify and respond to concerns about children and young people arriving or leaving the UK.

### Recommendation 9

Joint investigation teams (JITs) should be established with police forces in source countries to investigate child trafficking.

### Recommendation 10

The government should review efficacy of legislation for prosecuting human trafficking offences to ensure traffickers are prosecuted and victims are protected. This review would also ensure that guidance was followed and child safeguarding procedures were upheld to prevent child victims of trafficking from being prosecuted for crimes that they committed under coercion.



## Information on ECPAT UK

ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) is a leading UK children's rights organisation campaigning to protect children from commercial sexual exploitation.

ECPAT UK works at the highest levels of government but also reaches out to practitioners and those working directly with children through research, training and capacity building.

ECPAT UK is the national representative of ECPAT International, a global movement in over 70 countries.

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