



IT HAPPENS HERE

Equipping the United Kingdom to fight modern slavery

A policy report by the Slavery Working Group

March 2013



THE CENTRE FOR
SOCIAL
JUSTICE

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About the Centre for Social Justice

The Centre for Social Justice (CSJ) aims to put social justice at the heart of British society.

Our policy development is rooted in the wisdom of those working to tackle Britain's deepest social problems and the experience of those whose lives have been affected by poverty. Our Working Groups are non-partisan, comprising prominent academics, practitioners and policy makers who have expertise in the relevant fields. We consult nationally and internationally, especially with charities and social enterprises, who are the champions of the welfare society.

In addition to policy development, the CSJ has built an alliance of poverty fighting organisations that reverse social breakdown and transform communities.

We believe that the surest way the Government can reverse social breakdown and poverty is to enable such individuals, communities and voluntary groups to help themselves.

The CSJ was founded by Iain Duncan Smith in 2004, as the fulfilment of a promise made to Janice Dobbie, whose son had recently died from a drug overdose just after he was released from prison.

Managing Director: Christian Guy

It Happens Here: Equipping the United Kingdom to fight modern slavery

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Preface

Slavery is the ultimate state of impoverishment. To lack basic liberty is to be deprived of personal opportunity and hope. A number of nineteenth-century British politicians sought to abolish the international slave trade and end one of the most deplorable practices in history. Their hard-fought victory remains one of our Parliament's finest achievements.

Today many people assume slavery is a problem of the past or a crisis confined to foreign lands. They are wrong. As this report reveals, that tragic trade continues on its destructive path. And it happens here.

Modern slavery is a disturbing and complex problem. Breaking the lives of the vulnerable and voiceless, it represents a grave abuse of human rights and basic dignity. Victims in the UK represent the damaging effect of the five pathways to poverty. Many we have encountered during the course of this research have come from broken families, leaving them less protected from attachments to those who wish them harm. Some have been unable to find work, leaving them more vulnerable to exploitation. Others are serious addicts, some struggle with unmanageable debt and many have never experienced decent education.

We have been shocked by many of our findings. A leadership vacuum at the heart of Westminster; a messy legislative framework; frontline professionals – however well meaning and brilliant in some areas – forced to swim against a tide of indifference if they want to fight this crime; official bodies failing in their duty of care, with little idea about the scale of the problem; UK-born children being trafficked and abused; a fragmented charitable sector with some organisations struggling to work together; far too little support and care for survivors; and major supply chains within the business community devoid of basic transparency.

A once great nation of abolitionists is a shameful shadow of its former self. This report sets out more than 80 recommendations for transformation. We cannot, with integrity, claim our place as a world leader in the fight against modern slavery unless these proposals are taken seriously. This change should begin in government, but our work is a siren to many. It is for police forces, social workers, NGOs and statutory agencies across the country. It is a wakeup call to the business community and the general public. Because ending modern slavery means all must play a part.

In publishing this report I want to thank the CSJ's Slavery Working Group. We have been privileged to work with leading experts who have given their time, energy and dynamism

to this process. I am especially grateful to Andrew Wallis, the review's Chairman, who has balanced his pioneering work for Unseen in Bristol with his vision for national reform. This team has been supported brilliantly by our researcher and author Lucy Maule. But I save our deepest appreciation for those who have given evidence to this review, particularly the survivors. Their stories and determination to fight back has been a remarkable inspiration to everyone at the CSJ. It is for them, and for those still trapped who deserve that very same freedom, that we call for action. Slavery is not a scar on the face of Britain – it is an open wound.

Christian Guy

Managing Director

Members of the CSJ Slavery Working Group



Andrew Wallis, Unseen (Chairman of the CSJ Slavery Working Group)

Andrew Wallis is the CEO of Unseen, a charity established to disrupt and challenge modern slavery by bringing safety, hope and choice to survivors. He advises and collaborates with statutory agencies and businesses on how to combat and eradicate modern slavery. He has also worked with politicians and the CSJ to bring the Transparency in UK Company Supply Chains (Eradication of Slavery) Bill before Parliament. He works internationally with NGOs and businesses to develop a coordinated response to modern slavery. Prior to founding Unseen Andrew had a career in business analysis followed by commercial management in the retail sector with House of Fraser, and project management with the University of the West of England. He currently serves on the board of a number of charities.



James Ewins (Deputy Chairman of the CSJ Slavery Working Group)

James Ewins is a barrister, called to the Bar in 1996 and currently practicing in London. From 2009–10 James worked as the Director of International Justice Mission's (IJM) Bangalore office where he coordinated the field operations to rescue, release and rehabilitate the victims of bonded labour in partnership with local law enforcement agencies. He also coordinated research and analysis on the collaborative casework model used by IJM to remedy structural defects which impede the delivery of legal provisions to provide for bonded labourers' reintegration into society. He continues to work for IJM UK as an Advocate. He is married with four children.



Lucy Maule, Author and Researcher

Lucy Maule is a policy researcher at the CSJ and has been part of the organisation since 2010. Lucy has worked in the past with organisations which aim to put a stop to human trafficking and modern slavery. In 2007, she spent time in Thailand working for a small charity offering vocational training and support to women trapped in prostitution in Phuket's red light district. She read History and International Relations at the University of Exeter.



Pam Bowen, Crown Prosecution Service (CPS)

Pam Bowen has worked for the CPS since 1986. Having worked in CPS Merseyside for many years, she moved to East Midlands in 1993 and CPS HQ in 1999 to work on a national re-organisation. After a 12-month secondment to HM CPS Inspectorate she joined the Policy Directorate as a senior policy adviser in 2001. Her work has involved a wide range of topics, mostly supporting victim initiatives. She has worked in developing policy on human trafficking, organised immigration crime, forced labour, slavery and prostitution since 2006.



**George Haddo and Sam Lawson Johnston,
FORE Partnership (Cording Group)**

Sam Lawson Johnston and George Haddo are both members of a small campaign group which was formed in 2010 to raise funds and help facilitate the abolition of modern slavery. Having researched the issue and networked with a number of organisations and individuals, the group identified a need for an independent review, as published by the Centre for Social Justice. Both work in FORE Partnership (Cording Group), an independent real estate investment management business based in London.



Professor Satvinder Juss

Professor Juss is a human rights expert focusing on policy-oriented work. He contributed as a renowned expert at the invitation of the Home Affairs Committee to a pioneering seminar on Human Trafficking at the Houses of Parliament on 14 May 2009. He was also Consultant in April 2009 to the International Organisation for Migration (IOM) in a programme funded by the British Embassy in Ankara, Turkey, on issues of expulsion, re-admission and voluntary return of migrants. In 2010, he advised the Government of Bermuda on legislation. Professor Juss has taught at a number of Universities in the UK and the USA, including Harvard Law School and Indiana University in Bloomington. In 2010 his name was added to the Panel of the Arbitrators of the Indian Council for Arbitration. Professor Juss seeks to incorporate the role of scholar, practitioner and activist in all the various fields of his expertise. Professor Juss is the author of *Human Trafficking, Asylum, and the Problem of Protection*.



Nick Kinsella QPM LLB Cert.Ed.

Nick Kinsella has been involved in anti-human trafficking work for many years. He is a current Board Member of the United Nations Global Trust Fund for Victims of Human Trafficking and the anti-trafficking adviser to several organisations including Crime Stoppers International.

He is the founder and former CEO of the UK Human Trafficking Centre (UKHTC). As a former senior UK police officer and Assistant Director at the National Criminal Intelligence Service, Nick has extensive experience of investigating serious and organised crime, and working with key partners both at the national and international level. Nick is a qualified teacher, international speaker, trainer and consultant and continues to combat human trafficking today. He was awarded the Queen's Police Medal (QPM) in the 2009 UK New Year Honours List.



Charlotte Kirkwood, Migrant Help

Following a career in management in the private sector Charlotte Kirkwood joined Migrant Help in 2008. In the same year, Migrant Help began supporting a pilot law enforcement operation that rescued 49 victims of labour exploitation from a farm. Since then Charlotte has established support services for male and female victims of modern slavery for the purposes of sexual exploitation, forced labour and domestic servitude. During that period Charlotte has overseen the care and support of 525 victims. These services now exist across England, Wales, Scotland and Northern Ireland. Charlotte sits on a number of forums and working groups including the Home Office NRM Strategic Monitoring Group and various UKHTC subgroups. She has supported police operations throughout the UK, often accompanying entrance teams at premises. In 2009 Charlotte visited Latvia, France and Ghana to meet with other organisations and individuals working to eradicate modern slavery.



Matt Stephens, Love146

Matt is a Trustee of Love146, a global charity working to abolish child trafficking and exploitation. Matt actively uses his business, charity and political experience to achieve Love146's UK goals of practical prevention and care provision solutions for trafficked and at-risk children. Matt runs an Employee Engagement and Communications company whose clients include Aviva, RSA Insurance, AXA PPP, Morrisons, Deloitte and E.ON. In 2010 Matt stood for Parliament in Don Valley.



Detective Chief Inspector Nick Sumner, Metropolitan Police

Nick Sumner began his police career in the Metropolitan Police Service (MPS) in 1989 when he joined as a police cadet. His first posting was to South Norwood in South London where he soon began his career as a Detective. In 1999 he was posted to Homicide Command before being promoted to Detective Sergeant in 2001 and transferred to the Royal Borough

of Kensington and Chelsea. Nick returned to Homicide Command in 2005, was promoted to the rank of Detective Inspector and became qualified as a Senior Investigating Officer. Whilst on the Homicide Command he led the investigation into a number of murders across London and achieved promotion to the rank of Detective Chief Inspector in 2010. During this period Nick graduated with a Masters Degree in Homicide and Critical Incident Management at Middlesex University. Since July 2010 his portfolio has included the operational lead for the MPS's response to human trafficking.

Special thanks

The CSJ would like to thank the many people and organisations who kindly gave their time to contribute evidence during the course of this review. Our thanks go to the Working Group for their continued time and support. Particular thanks go to Andrew Wallis, the Group's Chairman, for his incredible commitment to the review. We would like to thank David Arkless, special adviser to the Working Group, for his insight into our work on the role of business in tackling modern slavery and Kevin Bales, special adviser to the Working Group, for sharing his knowledge on the global impact of modern slavery.

The CSJ would like to express special thanks to the SR Foundation and the individuals and organisations who gave their support through the Foundation; we are deeply grateful for their generosity. We are also very grateful to ManpowerGroup and to the Doha International Institute for Family Studies and Development, member of Qatar Foundation, Qatar, for their kind support for this paper.¹



Special thanks also go to Alex Burghart, CSJ Director of Policy, for his invaluable help and support, and to Tom Gatzert for his help during the latter part of the research.

Finally we would like to express our gratitude to the survivors, and those working tirelessly to support them, who gave their time to us during this review. We are humbled by your resilience and most grateful to you for sharing your experiences.

¹ The author of this research is fully responsible for its content which does not necessarily reflect the views of Doha International Institute for Family Studies and Development.

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ManpowerGroup is the world leader in innovative workforce solutions with a proud 65-year history of connecting people to meaningful work to help our clients win. Our company stands FOR the dignity of work and employment opportunities for all. Our company stands AGAINST practices that exploit people and limit opportunities for individuals to fully enjoy the dignity of work. That is why our company took a stand against human trafficking and modern slavery. This reprehensible form of modern-day slavery runs contrary to our values as it takes away the basic human right to decent work. ManpowerGroup was the first company to sign the Athens Ethical Principles, which declare a 'zero-tolerance' policy for working with any entity which benefits in any way from human trafficking and modern slavery. As well as implementing these principles throughout our company, our efforts to engage more companies in support of the Principles has resulted in more than 12,000 organisations signing up directly, or through the commitment of their industry federation. In addition to making a lasting positive impact through raising awareness of modern slavery within the business community, ManpowerGroup has also entered into numerous joint ventures to provide trafficked and at-risk persons with access to education and training to help them transition to decent work.

About ManpowerGroup

ManpowerGroup™, the world leader in innovative workforce solutions, creates and delivers high-impact solutions that enable our clients to achieve their business goals and enhance their competitiveness. Our \$21 billion company creates unique time to value through a comprehensive suite of innovative solutions that help clients win in the Human Age. These solutions cover an entire range of talent-driven needs from recruitment and assessment, training and development, and career management, to outsourcing and workforce consulting. ManpowerGroup maintains the world's largest and industry-leading network of 3,500 offices in 80 countries and territories, generating a dynamic mix of an unmatched global footprint with valuable insight and local expertise to meet the needs of its 400,000 clients per year; across all industry sectors, small and medium-sized enterprises, local, multinational and global companies. By connecting our deep understanding of human potential to the ambitions of clients, ManpowerGroup helps the organisations and individuals we serve achieve more than they imagined — because their success leads to our success. And by creating these powerful connections, we create power that drives organizations forward, accelerates personal success and builds more sustainable communities. We help power the world of work. The ManpowerGroup suite of solutions is offered through ManpowerGroup™ Solutions, Manpower®, Experis™ and Right Management®. Learn more about how the ManpowerGroup can help you win in the Human Age at www.manpowergroup.com.

Foreword

By Andrew Wallis

Human trafficking is the recruitment and movement of people by means such as violent force, fraud, coercion or deception, or abuse of their vulnerability with the aim of exploiting them. It is modern slavery. Despite Wilberforce's campaign in the UK a little over 200 years ago, we face the reality that there are still slaves in our sophisticated society today. The abolitionist, Ralph Waldo Emerson said: 'If you put a chain around the neck of a slave, the other end fastens itself around your own'.² The chains may no longer be visible, but psychological ones still hold many in slavery in the UK today.

Our report explains how modern slavery in the UK manifests itself and the various forms it takes. Taking evidence from over 180 individuals and organisations across all sectors involved in anti-slavery efforts, this review is about what needs to be done if we are collectively going to eradicate modern slavery. There are no simple solutions, but we present a series of inter-related measures that, if collectively and consistently applied, will help stop modern slavery.

Of fundamental importance is the understanding that modern slavery is not primarily an issue of immigration. Yet the lead in government is the Immigration Minister and the UK Border Agency has significant input on decisions over whether or not a person has been trafficked. This sends completely the wrong message. We have heard that law enforcement is often confused as to how to proceed, perceiving incorrectly the issue as one of immigration. Increasingly we are seeing that UK nationals are also forced into modern slavery, without crossing any international border. Victims of modern slavery have had a crime committed against them and our response must be the same as it would be towards any other victim of crime, regardless of their country of origin.

Modern slavery has been allowed to grow and develop in the UK because of demand. Together we have allowed human beings to be bought and sold as mere commodities for profit, gain or gratification. Systemic issues around the demand for modern slavery must be addressed and these will take a generation to deal with, but in the interim we must begin the hard work of making the UK as hostile a place as possible for these criminals to operate in, turning this crime from one of 'low risk, high return' to 'high risk, low return'.

² Emerson RW, *Essays, First Series* [accessed via: <http://www.gutenberg.org/files/2944/2944-h/2944-h.htm> (21/02/13)]

This review is not about quantifying the scale of modern slavery in the UK; an exact number will never be possible given the hidden nature of the crime. The view of the Working Group is that the UK must be more proactive in looking under the stone. We therefore examine existing practices and measures currently in place to identify victims, assessing their effectiveness and making recommendations that will help us to free those who are enslaved and prevent people from becoming victims in the first place. We note that during the course of this review much has changed and been developed by government in the areas of legislation and survivor care, but there is still much more to be done.

We recommend the passing of a single Modern Slavery Act. This will enable law enforcement agencies to see the law more clearly, and not have to reference immigration law for the appropriate offence if they wish to prosecute for trafficking for non-sexual exploitation. The Modern Slavery Act should also include a mandatory duty to investigate all possible cases of potential modern slavery, and a statement of non-prosecution of victims who had no choice but to commit a criminal offence whilst they were enslaved. The symbolic statement of such an Act would reinforce the UK Government's intention to be at the forefront of the fight against modern slavery, reflecting the serious criminality of trafficking for any form of exploitation and demonstrating that modern slavery will not be tolerated in contemporary British society.

The review highlights the very clear need for strategic leadership, accountability and coordination to combat trafficking and we strongly challenge the Government to change its stance on this matter. We call for the role of an independent Anti-Slavery Commissioner to be created under the Modern Slavery Act in order to bring much needed non-partisan leadership and consistency to this issue. Whilst we acknowledge some progress by the Inter-Departmental Ministerial Group on Human Trafficking, we fail to see how this group can give the necessary lead and independence on these matters. It is also vital that through the Commissioner the voices of survivors are clearly heard so that responses to their needs are met.

We also propose measures to develop a more accurate picture of the scale of the problem. We recommend that better engagement with the National Referral Mechanism is fostered through investing Competent Authority decision-making powers into one body. We also recognise that more has to be done to help survivors recover and fully reintegrate. Any society is judged on the basis of how it treats its weakest members, especially the most hidden and silent.

With particular reference to law enforcement and statutory agencies, we note that much has been written both in terms of procedures and guidelines but often remains at the theoretical level; there is little understanding or practical implementation on the ground. Our review seeks to correct this by making practical recommendations for local police forces, chief constables and Police and Crime Commissioners to implement; a proactive model for combatting modern slavery focused on the fact that modern slavery is a crime with a victim at the centre.

What surprised the Working Group most was the scale and complexity of child trafficking both into and within the UK. Child victims of modern slavery often go unrecognised and

an appalling number go missing from care. Current child protection measures are not being consistently applied. If they were, a more successful approach to identifying and keeping children safe from harm would be developed. Child trafficking is serious child abuse, and must be recognised and responded to so that children are kept safe from harm. The provision of safe accommodation and aftercare is a vital next step that needs to be urgently taken. This report highlights the disturbing cases of the internal trafficking of British children for sexual exploitation, and makes recommendations for tackling this appalling crime through properly equipping police and social services.

The private sector also has a significant role to play in ensuring that modern slavery is eradicated. It is essential that businesses ensure that supply and product chains as well as business practices are slave-free. We recommend that the Transparency in UK Company Supply Chains (Eradication of Slavery) Bill be enacted in the UK. This Bill sends a positive message to the business world, not negatively forcing companies' hands but encouraging them to look into the problem. Best practices that exist can be shared, increasing the positive social impact of companies. This Bill actively engages the business sector in the fight against modern slavery. This is not about regulation, but about transparency. The Bill allows consumers and investors to make informed decisions, and gives space for companies already doing good work to showcase their efforts to ensure their supply chains are free from slavery.

During the review process many NGOs were consulted and gave evidence. Whereas many helpfully contributed to this report, some did not. Constructive engagement by all parties in both the private and public sector and government and non-governmental sectors is vital if there is to be a successful response to the issue.

The Prime Minister has stated that he wants the UK to lead the world in confronting modern slavery.³ We commend this report to the Prime Minister and Government in its entirety. Implementation of our recommendations would be a radical step forward for the UK.

Finally, I want to thank the members of the Working Group for their hard work and contribution to the whole process. We didn't always agree, but worked through to a healthy consensus. Special thanks must go to Lucy Maule at the Centre for Social Justice who has worked tirelessly as the lead researcher on this project. I also want to thank James Ewins, Deputy Working Group Chairman, for his commitment and time during the course of this review. This was a new venture for the CSJ but an important one: modern slavery is the major social justice issue of our day and must be not just exposed, but abolished.

3 The Independent, *UK signs trafficking directive after ten-month delay*, 27 March 2011 [accessed via: <http://www.independent.co.uk/news/uk/crime/uk-signs-trafficking-directive-after-10month-delay-2254137.html> (21/02/13)]

Executive summary

This is the Executive Summary of *It Happens Here: Equipping the United Kingdom to fight modern slavery*. To download the full report, please visit www.centreforsocialjustice.org.uk.

I. Modern slavery: the gravest injustice

'It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery.'

President Barack Obama, September 2012¹

The Centre for Social Justice fights for people trapped in social breakdown and poverty. We seek to understand the root causes of deprivation and promote transformative solutions. This report exposes the shocking plight of those who are trapped in modern slavery in the UK. The national response to this problem is currently inadequate to the task of eliminating it. Our review seeks to breathe new life into the fight against modern slavery. It proposes a revitalisation of every aspect of our country's approach, including by:

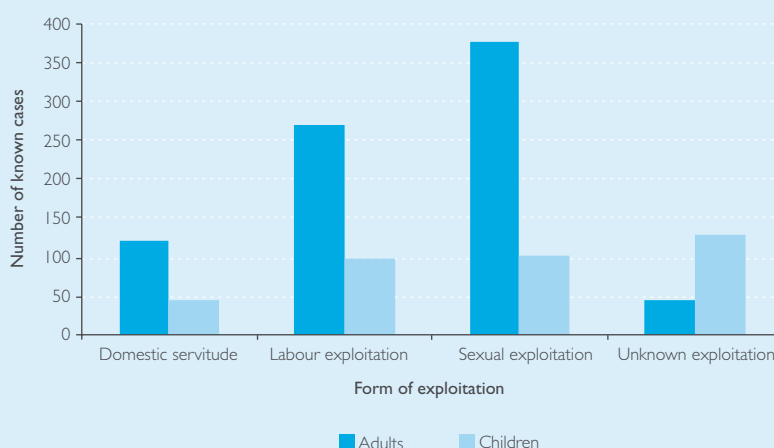
- Injecting new and effective leadership to match the seriousness of the crime;
- Developing better information about the extent and pattern of modern slavery in the UK in order to bring clarity and transform our national and local responses;
- Equipping those on the frontline to recognise modern slavery and act;
- Offering more compassionate and radical support to rebuild the lives of survivors;
- Ensuring that the business community plays its part to stamp out this crime, including by ensuring transparency in their global supply chains.

¹ Speech by President of the United States, Barack Obama, Remarks by the President to the Clinton Global Initiative, 25 September 2012

2. Modern slavery in the UK

Modern slavery exists in the UK and destroys lives. It manifests in an appallingly wide range of forms. Adults and children – UK nationals and those from abroad – are exploited in the sex industry, through forced labour, domestic servitude in the home, and forced criminal activity. The CSJ has gathered evidence on numerous cases of exploitation in factories, fields, construction sites, brothels and houses.² Our research shows that a large proportion of cases are never recognised or reported, and do not appear in any statistics or measures of the size of the problem. There is no consistent grip on the numbers; agencies charged with such responsibility are groping in the dark for a sense of scale. The figures used below reflect the small number of cases known about, but are a pale reflection of the true size of the problem.

Figure 1: Adults and children in modern slavery in the UK 2012



Jess and Hannah

Jess and Hannah, two UK-born school children, met a small group of young men who began to flatter and treat them, and convince the girls that they were in love. Before long, the girls began to be pressured and forced into performing sexual acts on the young men and their older friends. One weekend the girls were driven to a flat and told that they must have sex with whoever arrived at the property. Jess was menstruating, and so was forced to sit outside the room. Hannah had no option and, over the weekend, was raped by 90 men. Both of these girls were victims of modern slavery within the UK.³

² In all case studies used in this report all names have been changed.

³ Case study submitted by Mike Hand, former Tactical Adviser on child trafficking cases at the UK Human Trafficking Centre, in evidence to the CSJ, November 2012

Mary

Mary was born and grew up in Nigeria. After her mother's death, Mary was forced to move to the country's capital in order to make some money. It was there that she met Tony. He told her he could offer her a good job in England. Tony organised her plane ticket, and they both left for the UK. Hours after her arrival, Mary was taken to what appeared to be a house. It was actually a brothel. She was then forced, under threat, to have sex with men who paid money to Tony. Before Mary even realised she had been deceived, she was trapped. For many months she was locked in her room and forced to have sex with as many men as Tony dictated – often up to ten or 12 men a day – and she was never allowed to say 'no'. After some time Mary fell pregnant. When Tony found out he was furious; he attacked Mary and tried to abort her baby by force. These attempts were not successful. One evening after this ordeal, Tony and his friends had a party at the brothel. Mary took her chance to escape and, with the men too drunk to notice, fled the property.⁴

2.1 Definition

The CSJ uses the term modern slavery to include all definitions below.

Modern slavery

Human trafficking

1. Recruitment, transportation, transfer, harbouring or receipt of persons;
2. By means of 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; (where a child is involved, the above means are irrelevant)
3. For the purposes of exploitation, which shall include (*non-exhaustive*):
 - a. Prostitution;
 - b. Other sexual exploitation;
 - c. Forced labour;
 - d. Slavery (or similar);
 - e. Servitude etc.;
 - f. Removal of organs.

Slavery

The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (129 Convention; approved in defining Art 4 ECHR: *Siladin v France* (ECHR, 2005)).

Servitude

An obligation to provide one's services that is imposed by the use of coercion, and is to be linked with the concept of 'slavery' described above (*Siladin v France*, ECHR (2005)).

Forced labour

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

⁴ Case study submitted by the William Wilberforce Trust, in evidence to the CSJ, March 2012

3. Filling the leadership vacuum

There is an urgent need to improve the strategic leadership in the UK to combat modern slavery; there is nobody who is leading the fight. Responsibility in government lies with the Minister for Immigration. This is wrong. Modern slavery is first and foremost a crime and not an immigration issue. **We recommend that the remit for human trafficking and modern slavery be transferred from the Minister for Immigration to the Minister for Policing and Criminal Justice** to reflect the serious criminality of this issue and undo the harmful perception that modern slavery is primarily an immigration problem.

3.1 Consistency, accountability and coordination: the Anti-Slavery Commissioner

To bring effective leadership in the UK **the CSJ recommends that the Government establish an Anti-Slavery Commissioner** to oversee and impact the UK's response to the problem. The Anti-Slavery Commissioner should be free from political influence and able to draw in key agencies and organisations to gather information. Crucially, it would offer consistency in the UK's approach, which currently fluctuates and stalls with changes in government and officials. It would be the single point of contact for the modern slavery agenda and would independently drive improvements in strategy, awareness, training and information gathering. The Commissioner should promote the views of those who have been trafficked into and within the UK, in order that the experiences of victims and survivors help shape policy. **This role should thus be modelled on the position of the Children's Commissioner** which is statutorily obliged to give voice to the interests of children in the UK. The Anti-Slavery Commissioner should do the same, shaping a political and national response that is proportionate, unwavering and effective. Further, the Anti-Slavery Commissioner should not be a political appointment. It should be able to launch inquiries and publish its findings without regard to the political implications.

64 per cent of people we polled would support the appointment of one person with sole responsibility to oversee efforts to combat modern slavery in the UK.⁵

The Anti-Slavery Commissioner should:

- Keep the Inter-Departmental Ministerial Group on Human Trafficking accountable, helping to coordinate department activity across government;
- Launch independent inquiries (with or without the permission of Secretaries of State) and require independent inspections, such as requesting that Her Majesty's Inspectorate of Constabulary inspect a particular police force's ability to respond to human trafficking and modern slavery;

⁵ CSJ/YouGov polling, November 2012

- Coordinate the gathering of national information, particularly ensuring that data from outside of the National Referral Mechanism (NRM) is captured, and present an annual report of findings to Parliament;
- Ensure transparency amongst the voluntary sector and identify and ameliorate tensions that may be hindering coordination, including funding competition and communication barriers;
- Give voice to victims of modern slavery, within government and statutory agencies such as the police, to ensure their interests are met.

3.2 From Parliament, for practitioners: a new Modern Slavery Act

‘Human trafficking for non-sexual exploitation is the only immigration crime that has a victim.’

Pam Bowen, Crown Prosecution Service, in evidence to the CSJ

Legislation relating to human trafficking and modern slavery currently lies under three different Acts.⁶ Confusion caused by this separation is compounded by the fact that offences of human trafficking for non-sexual exploitation fall under immigration law.

This separation is unhelpful, and creates unnecessary confusion for those whose job it is to implement the legislation. It also perpetuates the misunderstanding of modern slavery as primarily an immigration – not a criminal – problem. This holds our country back.

The CSJ recommends that the Government passes the Modern Slavery Act. This Act should include:

- All human trafficking and slavery offences, in order to symbolically reflect the criminality of human trafficking for any form of exploitation and to highlight that modern slavery is not tolerated in British society;
- Provisions for ensuring that victims of human trafficking are not prosecuted for crimes they may have committed as a direct consequence of their trafficking situation;
- Provisions for the obligation to identify victims of modern slavery and human trafficking, and investigate the circumstances of their victimisation;
- The outlined role of the Anti-Slavery Commissioner, including its authority to conduct unannounced visits and launch independent investigations with or without the permission of Secretaries of State, and its obligation to promote awareness of the interests of victims of modern slavery.

⁶ Section 57, 58, 59 of the Sexual Offences Act 2003 criminalise trafficking into, within and out of the UK for sexual exploitation, section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 criminalises human trafficking into, within and out of the UK for non-sexual exploitation and section 71 of the Coroners and Justice Act 2009 criminalises holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour

4. Lifting the fog: clear data and useful information

It is vital that better information is collected about the extent and locality of modern slavery in the UK. The nature of modern slavery is such that details about its levels and extent are very hard to gauge. The NRM is currently a gateway to some support services for victims who choose to make a referral. It is also the system through which the NRM Competent Authorities – the UK Human Trafficking Centre (UKHTC) or the UK Border Agency (UKBA) – decide on whether someone has been a victim of trafficking. However the CSJ believes there is untapped potential in the NRM, and that a much more detailed picture of modern slavery can be built up by adapting it. We recommend that the Government should:

4.1 Introduce a two-tier NRM

This will help information about modern slavery to be effectively captured. An anonymous 'first-tier' referral would be designed to receive information on cases of modern slavery whether or not a victim consents to a named referral. A 'second-tier' referral would be for those who wish formally to access support through the NRM and would be a named referral, as per the current format.

4.2 Strip the UK Border Agency of its Competent Authority status

This will ensure that the first decision made about a victim of modern slavery is not related to their immigration status, but is a welfare decision based solely on their need for support. They are victims first. Too often the CSJ has been told that UKBA involvement in the NRM process acts as a major barrier to victims to make a referral. This further damages the UK's grasp on the scale of the problem, since many will choose not to be referred. The fact that any potential victim is required to make their welfare case to the very agency that may at the same time be considering their immigration status is a denial of the right to have an independent decision concerning whether they have been trafficked. A single Competent Authority making decisions on whether a person has been trafficked into exploitation, regardless of their immigration status, will ensure that the UK's response is victim-centred and compassionate. It will also improve engagement with the NRM, helping the UK to build a clearer picture.

5. Frontline professionals are ill-equipped to recognise modern slavery

'It is widespread and is in all communities – people don't know what's right in front of them, or how to spot the signs.'

Assistant Chief Constable Olivia Pinkney, ACPO lead on Migration and Associated Matters, in evidence to the CSJ

It is crucial that frontline agencies are equipped with the training, skills and knowledge to identify the indicators of modern slavery, giving the person the best possible chance of freedom.

5.1 Lack of awareness

The CSJ has been shocked at the low awareness among professionals and has seen that many are not equipped to fulfil their responsibility. We have encountered unacceptable levels of ignorance and misidentification of victims among the police, social services, the UKBA, the judicial system and others whose responsibility is to identify victims and ensure they are protected. This is a grave hindrance to the UK's response to the victims hidden within its communities and the traffickers who seek to exploit them.

'One girl escaped from a brothel and went to a police station to tell them that she had been trafficked. She had no passport. Under these confusing circumstances, we chose to arrest her for being an illegal immigrant.'

Deputy Chief Constable, in evidence to the CSJ

'In any room of 30 to 40 social workers across the 70 local authorities we have trained, when asked if anyone knows what the NRM is no more than one or two will raise their hand.'

Children's charity, in evidence to the CSJ

Social workers across the country are not equipped to identify cases of modern slavery. The CSJ recommends that **trainee social workers should be taught about the risks of child trafficking in the UK as part of their qualification, and existing social workers should be trained effectively through an agreed programme.** This training should form part of a social worker's continued professional development.

An appalling outcome of such failure on the frontline is the fact that numerous victims of modern slavery are being prosecuted for offences they have committed as a result of being trafficked. This may include immigration offences or, in cases where people – often minors – are trafficked into the UK to work in one of the thousands of British cannabis farms, drugs offences. This is a distressing miscarriage of justice: more must be done to ensure that vulnerable victims of modern slavery are not criminalised. **The CSJ recommends that under the Modern Slavery Act provisions should be made for ensuring that victims of modern slavery are not prosecuted for crimes they committed as a direct consequence of their trafficking situation.**

5.2 British children in modern slavery are not being found

In 2011, 42 per cent of the UK citizens who were trafficked were girls trafficked for sexual exploitation.⁷

The CSJ has been just as disturbed by evidence of British children being trafficked within the UK for sexual exploitation. We have also been alarmed to learn that many of these children are viewed as being complicit in their exploitation. This is absurd and unacceptable. Elements of control in these cases can be subtle and difficult to identify. They frequently take the form of sexual or other forms of violence, physical or emotional abuse, threats of violence towards family members or threats of public shaming – perhaps by the publication of humiliating photographs of the abuse that has taken place. In the midst of such abuse, one perpetrator may play ‘good cop’, thus becoming the victim’s main controller through a misplaced loyalty or the semblance of a relationship. This often means that the victim is beholden to the perpetrator’s demands, however abusive, demeaning or illegal. It is crucial that practitioners are able to identify and respond to this horrendous abuse which makes children a commodity.

‘The controls I have seen exerted on British children who have been trafficked for sexual exploitation are virtually the same as those I see on adult victims who are trafficked to the UK from abroad for sexual exploitation.’

Mike Hand, Former Tactical Adviser at the UKHTC, in evidence to the CSJ

It is also essential that the laws on human trafficking in the UK are recognised as relevant in cases such as these. The CSJ has heard of a damaging lack of leadership on tackling this crime, and recommends that **police should be more widely trained on the relevance of human trafficking offences in addressing the internal trafficking of British children.**

5.3 New direction for law enforcement

‘Human trafficking is not a performance indicator for police. Until it is, there is more incentive to investigate a shed burglar...than there is a human trafficker.’

Anonymous former law enforcement officer, in evidence to the CSJ

⁷ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p4

Whilst the review has found some impressive examples of work by local police forces, it has also revealed that in many areas police are unaware of the issue, or treat it as a low strategic priority. We are convinced that the recently elected Police and Crime Commissioners (PCCs) present a valuable opportunity to ensure that modern slavery is kept on the agenda. Though modern slavery may not yet be of pressing public concern, PCCs are required to ensure that issues of a national and international nature are not left behind at the local level.

Police in some areas do not take ownership of investigations into modern slavery. Smaller area units often shy away from cases due to a lack of awareness of the evidence needed and the sometimes international and often complex nature of the crime. Until it is made clear to forces exactly who has primacy in investigating cases of human trafficking and modern slavery, investigations are at risk of stalling. A simple and clear protocol for each force, **underpinned by a national strategy**, will enable forces to bring a consistent and effective approach to investigations into modern slavery, and support victims through the NRM. The Government has stated that each police force has identified a responsible senior police officer for human trafficking – a Single Point of Contact (SPOC).⁸ However, in our research we have found that only half of the 33 forces which responded were able to give any information about their SPOC.⁹ This must be urgently rectified: **every force should have an identified SPOC**. This role must be embedded and must not be lost when an individual moves on.

6. Rebuilding the lives of survivors

‘These are some of the most faceless, voiceless, helpless people that we have in the country.’

Chief Superintendent John Sutherland, Metropolitan Police, in evidence to the CSJ

6.1 A strategy for adult survivors

Once victims are identified it is vital that they are provided with specialist aftercare support. Survivors need help to recover from their experiences and to ensure that they do not fall back into exploitation. Whilst some support services exist, there is a pressing need to rethink the approach to reintegration and resettlement for survivors of modern slavery. **Standardised and long-term provision to enable survivors to rebuild their lives must be developed across the country, and outcomes must be better measured.** This will tackle the ‘postcode lottery’ that currently exists and ensure that survivors are given the support they need to move forward. Similarly, survivors who return to their home country are in dire need of better support in order to be protected from re-trafficking. Shamefully there is no guaranteed assistance for those from outside the EU who are returning home through the UKBA returns programme. There is

⁸ Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p51

⁹ Results of CSJ Freedom of Information request, August 2012

no returns assistance at all for EU nationals who wish to go home. The CSJ recommends that **all trafficked victims from outside of the EU are offered assistance through a return and reintegration scheme when returning home. A return and reintegration scheme should also be developed for EU nationals who have been trafficked and want to return home.**

The CSJ also recommends that **the Anti-Slavery Commissioner should work with Government to ring-fence international assistance with conditions for countries which are persistently top source countries for victims of modern slavery in the UK.** Ring-fencing international financial assistance to ensure that a portion of funds are used to reintegrate survivors of modern slavery who are returning home will mark a key development in the UK's recognition of the international nature of this human rights abuse. If failure persists, further action should be taken to restrict or sanction international aid to these countries.

6.2 Rebuilding the future for children

The CSJ has been outraged to hear of the number of trafficked children who go missing from local authority care. This is a national scandal. Much more must be done to make sure that these children are kept safe.

'If they're still with you in two weeks then you've achieved something.'

Children's Services Manager, in evidence to the CSJ

It is estimated that 60 per cent of trafficked children in local authority care go missing.¹⁰ Between 1 April and 31 August 2011, for example, 25 potentially trafficked children went missing from care in one local authority alone – five children per month in that time.¹¹ Trafficked children who go missing are highly likely to be returning to exploitation: the CSJ has heard how they are often so terrified and 'brainwashed' by their trafficker that they will leave at the first possible opportunity and return to their abuser. In one case described to the CSJ, a boy who had been trafficked into the UK disappeared on a visit to the dentist: he had climbed out of the window in a desperate attempt to return to his abuser.¹²

A serious problem voiced to the CSJ by those from children's services, the police and NGOs is the complete lack of appropriate accommodation for children who have been trafficked. This contributes significantly to the shocking number of children who have gone missing.

The CSJ has identified excellent practice in the Barnardo's Safe Accommodation Project, which uses trained and specialist foster carers to look after children who have been trafficked. **The CSJ recommends that this model be duplicated in the UK, and that more specialist foster placements are made available.**

¹⁰ House of Commons, Home Affairs Committee (2009) *The Trade in Human Beings: Human Trafficking in the UK*, Sixth Report of Session 2008–09, Volume 1, London: House of Commons

¹¹ The Guardian, *Children lost from care in human trafficking cases, says Council*, 19 October 2011

¹² Anonymous child safeguarding practitioner, in evidence to the CSJ

Secure accommodation, for the most serious cases, can go some way to ensuring the safety of a trafficked child in the first instance. In some cases where absconding or re-trafficking are a serious risk, a welfare placement in a secure children's home may be in the best interests of the child whilst a long-term protection plan is formulated. The CSJ has heard that empty beds are common in secure children's homes which are solely for welfare placements, and are not for young offenders. However many social workers still view these homes as punitive. This unhelpful perception must be dispelled, and **secure accommodation should be more widely considered as an option for keeping a child victim of modern slavery safe in the immediate and short term.**

"The misguided perception is I am 'denying a child their freedom', rather than 'I am keeping a child safe'."

Keith Smith, Chair of Secure Accommodation Network, in evidence to the CSJ

Trafficked children in secure accommodation

Two Vietnamese children were placed in a secure children's home after being arrested under drugs charges. This secure home was for young offenders, and was not a welfare placement. In time it transpired that both children had been trafficked. Though they were safe in the secure home, they were immediately removed and placed in a children's home. Within days they had disappeared.¹³ Though this example involves a secure home for young offenders, the principle remains that whilst the children were in the secure home, they did not go missing.

The CSJ has heard that once a placement has been found for a child, therapeutic services are distinctly lacking and difficult to find. Specialist foster carers told the CSJ of their exasperation at the lack of available and appropriate support for a trafficked child. One foster carer spoke of taking it upon herself to chase up appointments and find a counsellor. In this case, the foster carer eventually decided to pay for a private counsellor for the child in her care with her own money rather than wait any longer. **The availability of quality therapeutic care tailored to the needs of trafficked children must become a priority. It must be improved.**

'I'll phone them up and chase them. Meanwhile, she's getting worse trying to deal with things in her head that she can't sort out.'

Foster carer, in evidence to the CSJ

¹³ Case study submitted by Keith Smith, Vinney Green secure children's home, June 2012

'It is absolutely critical that we recognise and respond to the need for ongoing support and that we get it right so we do not fail yet another generation.'

Sheila Taylor, Director, National Working Group for Sexually Exploited Children, in evidence to the CSJ

7. The role for business

The CSJ has worked with politicians and charities to draft and promote the **Transparency in UK Company Supply Chains (Eradication of Slavery) Bill** (the TISC Bill) which requires companies with annual worldwide gross receipts exceeding £100m to engage positively and safely with the anti-slavery agenda without fear of reprisal. The TISC Bill simply requires these companies:

- to make annual statements of measures taken by them to eradicate slavery, human trafficking, forced labour and the worst forms of child labour from their supply chains;
- to provide customers and investors with information about measures taken by them to eliminate slavery, human trafficking, forced labour and the worst forms of child labour;
- and to provide victims of slavery with necessary protections and rights.

82 per cent of people we polled would support the Government requiring large companies to report on the efforts they are making to ensure modern slavery is not in their supply chains.¹⁴

We recommend that the TISC Bill be enacted by Parliament because it is good for: victims of modern slavery; consumers and investors who wish to make responsible and informed decisions; and responsible businesses who want to promote their actions. This Bill is modelled on successful legislation passed in the state of California, where companies such as Walmart and ExxonMobil have engaged with this new transparency agenda.

The CSJ understands that the Government is concerned about over-regulating the private sector. However, if there is one basic reason for overseeing business activity it must be to ensure that supply chains are free from modern slavery. The CSJ suggests that the concepts in the TISC Bill could be included as part of wide-ranging deregulation reforms should this be more politically agreeable, with only the most pressing and serious areas overseen through legislation. This legislation encourages self-regulation of businesses, and would not demand any direct government involvement.

¹⁴ CSJ/YouGov polling, November 2012

Noble Foods

In 2012, workers from Lithuania were kept in appalling conditions in and subject to 'a climate of fear', threats and violence whilst working to provide eggs to some of the UK's most prominent retailers and restaurants.¹⁵ Noble Foods, which supplies eggs to companies including McDonald's, Tesco, Sainsbury's, Asda and Marks and Spencer, used a licensed labour provider to supply workers to catch chickens on sites all over the UK. This labour provider subjected migrant workers to debt bondage, giving them no option to leave the squalid house in which they were forced to live and sleep.

*'When they were brought back to their accommodation in Kent at weekends, they reported living 15 men to a small house in damp, squalid conditions. Mattresses on the floor were infested with bed bugs and fleas.'*¹⁶

The firm's exploitation of the workers was 'so extreme' that the Gangmasters Licensing Authority (GLA) ordered the firm to stop supplying workers immediately.¹⁷ Two individuals were arrested for human trafficking offences and reportedly perpetrated 'one of the worst cases of exploitation the GLA has ever uncovered in the food supply chain.'¹⁸

The reality of modern slavery in the UK is stark and shocking. It must be exposed and ruthlessly challenged. Our review makes over 80 recommendations to equip the nation to fight this shameful crime and restore hope to its victims.

For a list of all recommendations, see p215 in the full report.

The report can be downloaded at www.centreforsocialjustice.org.uk.

¹⁵ Gangmasters Licensing Authority, Press Release, *Kent based gangmaster stopped from trading for serious exploitation of workers*, 30 October 2012, [accessed via: <http://gla.defra.gov.uk/PageFiles/1373/Revocation%20press%20release%2030-10-12f.pdf> (09/01/13)]

¹⁶ The Guardian, *Workers who collected Freedom Food chickens 'were trafficked and beaten'*, 29 October 2012

¹⁷ Gangmasters Licensing Authority, Press Release, *Kent based gangmaster stopped from trading for serious exploitation of workers*, 30 October 2012, [accessed via: <http://gla.defra.gov.uk/PageFiles/1373/Revocation%20press%20release%2030-10-12f.pdf> (09/01/13)]

¹⁸ Ibid

chapter one

Modern slavery in the UK

'It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery.'

Barack Obama, President of the United States, September 2012¹

1.1 Introduction

The Centre for Social Justice (CSJ) has seen a shocking variety of ways in which innocent adults and children are being exploited in modern slavery in the UK. Every case is different, involving a range of pressures on the individual and varying forms of coercion and force. This section defines human trafficking and modern slavery, and gives an overview of the problem in the UK, describing the forms of trafficking and modern slavery that are taking place and drawing on case studies that the CSJ has gathered. In all case studies used in this report all names have been changed. The hidden nature of this crime means that building an accurate picture of the problem and its scale is a serious challenge. For this reason the CSJ decided not to estimate the number of victims of modern slavery in the UK since any number will be misleading and inaccurate. Current figures on the size of the problem are already ambiguous, with government figures reporting a small percentage of cases and some organisations portraying poorly calculated estimates as fact.² The Working Group has instead provided a snapshot of the problem, with verified case studies, to highlight the dreadful reality of modern slavery and the suffering it causes.

¹ Speech by President of the United States, Barack Obama, Remarks by the President to the Clinton Global Initiative, 25 September 2012

² UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p16

I.2 Definitions

There are a number of internationally agreed understandings of human trafficking and modern slavery. The United Nations Palermo Protocol 2000 was the first internationally binding instrument to define human trafficking, providing an agreed interpretation of the term, and establishing the protection to be afforded to victims. It also recognised the severity of human trafficking as an organised crime. The Palermo Protocol definition of human trafficking asserts that:

*“‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.*³

This definition covers the act, the means and the purpose involved in trafficking a person and exploiting them. The consent of someone who has been trafficked becomes irrelevant where any of the listed means are used to exploit someone. In other words:

*‘Trafficking involves ongoing exploitation and even if the person might have consented at some stage, this consent is meaningless, because of the deception and coercion involved’.*⁴

The Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) was agreed in 2005, in order to help Member States to develop a consistent policy against human trafficking.⁵ The UK ratified the Convention in 2008 and brought it into force in April 2009. It provided guidance on prevention, national coordination and cooperation between different agencies, protection and assistance to victims and an obligation to criminalise human trafficking. In particular the Convention required the introduction of measures to identify and support victims, which led to the establishment of the UK’s National Referral Mechanism (NRM). The NRM’s functions are addressed in Chapter Three. In 2010, the EU Directive on preventing and combating trafficking in human beings and protecting its victims (the Directive) introduced further measures including a more serious approach to prevention and prosecution and the protection of victims’ rights.⁶ It also included specific measures for child victims. The UK is under an obligation to be fully compliant with this Directive, which compliments the Council of Europe Convention, by April 2013. The Directive drives much of the Government’s action on human trafficking; the Government will be subject to infraction proceedings for each day it fails to implement the Directive.⁷

3 United Nations, *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organised Crime*, 2000

4 Craig G et al, *Modern Slavery in the United Kingdom*, York: Joseph Rowntree Foundation, 2007, p19

5 Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (09/01/13)]

6 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [accessed via: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (23/01/13)]

7 Pam Bowen, Crown Prosecution Service, in evidence to the CSJ, November 2011

A position of vulnerability

The internationally agreed definition of human trafficking highlights the significance of a position of vulnerability. The EU Directive explains the position of vulnerability as 'a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved'.⁸ This is recognised as being a common feature across all types of human trafficking; positions of vulnerability are compelling factors in this type of crime. A pre-existing position of vulnerability may be poverty, a lack of job opportunities, age and even, in some cases, gender. A position of vulnerability may be created through fostering a romantic relationship, developing personal dependence, or even forcing drug abuse to create an addiction. Numerous cases of human trafficking in the UK display this abuse of a position of vulnerability. A position of vulnerability should be considered by investigators and prosecutors as a significant element of any investigation into human trafficking. Consideration should be given to what forms of evidence would be needed to support this element of the process of trafficking.

1.2.1 Modern slavery defined

The CSJ uses the term modern slavery to include all definitions below:

Modern slavery

Human trafficking

1. Recruitment, transportation, transfer, harbouring or receipt of persons;
2. By means of 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; (where a child is involved, the above means are irrelevant)
3. For the purposes of exploitation, which shall include (*non-exhaustive*):
 - a. Prostitution;
 - b. Other sexual exploitation;
 - c. Forced labour;
 - d. Slavery (or similar);
 - e. Servitude etc.;
 - f. Removal of organs.

Slavery

The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (129 Convention; approved in defining Art 4 ECHR: *Siladin v France* (ECHR, 2005)).

Servitude

An obligation to provide one's services that is imposed by the use of coercion, and is to be linked with the concept of 'slavery' described above (*Siladin v France*, ECHR (2005)).

Forced labour

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

⁸ Article 2.2, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [accessed via: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (23/01/13)]

Under this definition, modern slavery encompasses human trafficking, as defined in the UN Palermo Protocol and the Council of Europe Convention and as made illegal in UK legislation under the Sexual Offences Act 2003⁹ and the Asylum and Immigration (Treatment of Claimants) Act 2004.¹⁰ It also includes cases of slavery and servitude as made illegal in the Coroners and Justice Act 2009, which criminalises holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour.¹¹ Throughout the report, when the CSJ refers to modern slavery, it encompasses all of the above forms of human trafficking, slavery and servitude that have been defined in national and international laws and agreements.

International example: the USA

*'The United States Government considers trafficking in persons to include all of the criminal conduct involved in forced labour and sex trafficking, essentially the conduct involved in holding someone in compelled service. Under the Trafficking Victims Protection Act (TVPA), and consistent with the UN Palermo Protocol, individuals may be trafficking victims regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. **Despite a term that seems to connote movement, at the heart of the phenomenon of trafficking in persons are the many forms of enslavement, not the activities involved in international transportation** (emphasis added).'*¹²

1.3 Why didn't you leave?

During a trial observed by the CSJ, three individuals were charged with trafficking a man from Romania to the UK and forcing him into work and criminality. During the trial a frequent question from the defence was 'Why didn't you just walk away?'. The focus was largely on whether physical restraints were exerted upon the individual, and the defence cited a number of instances where the victim had walked to the local shop and returned to the house. Understanding the more subtle psychological controls that are exerted so often over people who have been trafficked is absolutely crucial in cases such as this. The CSJ was encouraged to observe that, in this particular case, all three defendants were convicted of human trafficking.¹³

'Control of the mind is more effective than a pair of handcuffs.'

Nick Kinsella, founder and former head of the UK Human Trafficking Centre and board member, United Nations Voluntary Trust Fund for Victims of Human Trafficking

9 Section 57, 58, 59, Sexual Offences Act 2003 [accessed via: <http://www.legislation.gov.uk/ukpga/2003/42/part/1> (22/11/11)]

10 Section 4, Asylum and Immigration Act 2004 [accessed via: <http://www.legislation.gov.uk/ukpga/2004/19/section/4> (22/11/11)]

11 Section 71, Coroners and Justice Act 2009 [accessed via: <http://www.legislation.gov.uk/ukpga/2009/25/part/2> (22/11/11)]

12 US Department of State website [accessed via: <http://www.state.gov/j/tip/what/index.htm> (19/12/12)]

13 The Daily Mail, *Horrific case of girl, seven, dubbed the Romanian Cinderella after being trafficked to Britain to work as a slave*, 4 February 2012

1.4 Myths of modern slavery

Throughout its research, the CSJ has heard varied accounts of the size and shape of modern slavery in the UK, and during its analysis of the true problem facing the country today has uncovered several common misunderstandings or 'myths'. These myths may be present among the public, police officers, the UK Border Agency (UKBA), the Government or within local authorities. Whilst there has been some progress in understanding what modern slavery is and is not, the following myths must still be dispelled:

1. **Modern slavery only takes place across international borders.** Internal trafficking – the recruitment and exploitation of UK and non-UK nationals within the country – is taking place in the UK and is a substantial problem, explored in this review.
2. **Modern slavery only affects women and children.** In 2011, of the 2077 potential victims of modern slavery identified by the UK Human Trafficking Centre (UKHTC), 40 per cent of the individuals were male.¹⁴ This problem can no longer be viewed only as a manifestation of violence against women, and must be recognised as a significant issue for vulnerable men as well. The provision of accommodation and support for male as well as female victims of modern slavery through the Salvation Army's subcontracting model is to be welcomed – the contract is discussed in Chapter Six.

'We weren't aware it could happen to men.'

Megan Stewart, Reconnections Manager, Thames Reach

3. **Modern slavery is only another word for 'prostitution'.** It must be understood that those trafficked into sexual exploitation are not given a choice, but are made to submit to the abuse that they have been caught up in. In these cases of modern slavery, it is irrelevant whether the individual knew they might be brought to the UK to work in the sex industry; if the person is coerced or deceived, or subject to threats or controlled, their 'consent' means nothing.

The debate over the links between prostitution and modern slavery is complex and ongoing. It draws in a range of groups, from those who support prostitution to those who call for its abolition. It was however the decision of the Working Group to focus solely on cases of human trafficking for sexual exploitation, of which there have been many in the UK. Whilst links exist between prostitution and modern slavery, the two states can be mutually exclusive and the Working Group agreed that it was beyond the scope of this report to look into the UK's approach to prostitution. Modern slavery exists in countries where prostitution is illegal, where prostitution is legal, and where the

¹⁴ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p6

approach is 'tolerant' but ambiguous.¹⁵ However, across all of these countries including the UK, 'human trafficking always remains illegal even if prostitution becomes legal.'¹⁶

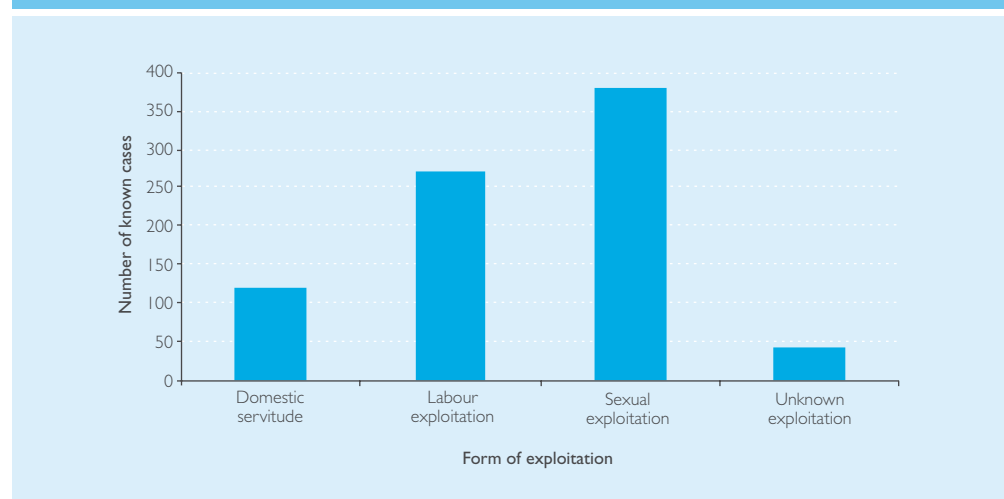
4. **Modern slavery exists only within the sex industry.** Cases have also been recorded of trafficking for forced labour; for slavery in a private household, for street crime and benefit fraud, and for drug cultivation. This diverse range of exploitation reflects a much broader problem of the commodification of people for the profit, gain or gratification of others.

1.5 Modern slavery in the UK

The ways in which adults and children have been exploited in modern slavery in the UK are explained and exemplified below. In each case, the figures cited are mainly drawn from government statistics. However, these are a guide only since, for reasons explored in Chapters Three and Four, government figures for the number of modern slavery victims in the UK do not represent the true scale of the problem.

Adult victims are exploited through forced labour; in the sex industry, through domestic servitude in the home and through forced criminal activity. The CSJ has gathered evidence on numerous cases of the exploitation of adults in factories, fields, construction sites, brothels and houses. The limited figures available suggest that sexual exploitation may be the most prevalent form, accounting for almost 50 per cent of all known cases, as the below figure shows.¹⁷

Figure 1.1: Forms of adult modern slavery in the UK in 2012



The trafficking of children into modern slavery is also a global problem to which the UK is not immune. The exploitation of children through forced labour, criminality and sex is prevalent in

¹⁵ Cho S, Dreher S and Neumayer E, 'Does Legalized Prostitution Increase Human Trafficking?', *World Development*, 41, 2013, pp67–82

¹⁶ Ibid, p68

¹⁷ UKHTC, *United Kingdom National Referral Mechanism Provisional Statistics 2012*, p2 [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (11/02/13)]

the UK. A prominent children's charity, working with vulnerable and at-risk children in the UK, reports that over 95 per cent of its services have encountered cases of child trafficking since 2009.¹⁸ In its Human Trafficking Strategy published in July 2011, the UK Government pledged to 'prevent and safeguard children from the threat of child traffickers and... ensure that, where child victims are identified, they receive the best support and protection the UK can provide'.¹⁹ Provisional statistics for known cases among children in 2012 show that sexual exploitation is the most common form of modern slavery, where the type of exploitation is known.²⁰

Figure 1.2: Forms of child modern slavery in the UK in 2012



It is crucial that there is a coordinated and transparent approach to tackling this problem, particularly given the wide range of agencies that hold responsibility for the safety of children.

1.5.1 Forced labour

There are numerous documented cases of trafficking for forced labour in the UK. The International Labour Organisation (ILO) defines forced labour as: 'All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.²¹ Forced labour is one of the most prevalent forms of known exploitation in the UK, forming 22 per cent of all exploitation types in 2011 according to the UKHTC.²² It involves UK nationals as well as people from outside of the UK. In cases of forced labour, 'the power of the employer to impose conditions and rules is absolute and the worker is unable to refuse without facing some kind of punishment, i.e. is under the menace of penalty'.²³

¹⁸ Barnardo's, *Puppet on a String: The urgent need to cut children free from sexual exploitation*, London: Barnardo's, 2011, p9

¹⁹ Home Office, *Human Trafficking: The Government's Strategy*, London: Home Office, July 2011, p7

²⁰ UKHTC, *United Kingdom National Referral Mechanism Provisional Statistics 2012*, p2 [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (11/02/13)]

²¹ International Labour Organisation, *Forced Labour Convention*, 1930, No. 29, Article 2.1

²² UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p4

²³ Skrivankova K, *Between decent work and forced labour: Examining the continuum of exploitation*, London: Joseph Rowntree Foundation, November 2010, p7

Indicators of forced labour

- Threats or actual physical harm to workers;
- Restriction of movement and confinement to the workplace or to a limited area;
- Debt bondage, where the worker works to pay off a debt or a loan, and is not paid for his or her services;
- Withholding of wages or excessive wage reductions that violate previously made agreements;
- Retention of passports and identity documents, so that the worker cannot leave, or prove their identity and status;
- Threat of denunciation to the authorities, where the worker has an irregular immigration status.²⁴

Case study: Forced labour in the UK

Four men from the Czech Republic were offered work in Birmingham. When they arrived their documents were taken from them and they were forced to live in a house together, in squalid conditions. Every day, they were driven to Bedfordshire to work in a bread factory. The gangmaster who had seized their documents registered all four men with the worker's registration scheme, and forced the men to pay all their wages to him. When one individual began to question his lack of wages, he was chained to a radiator and beaten. He was also burned with cigarettes. The four men eventually escaped the situation when, on the journey to Bedfordshire, travelling in the back of a van, one man feigned illness in order to make the driver stop. When the doors were opened, the four ran in different directions and escaped.²⁵

Given that forced labour can also often be seasonal, with workers trafficked to the UK at certain peak times during the farming season, the CSJ recommends that police forces explore the option of short-term 'crackdown and consolidation' teams, in areas which may frequently display indicators of modern slavery. This would help forces to target resources to address the crime and employ coordinated partnership programmes to maintain a longer-term prevention plan.

Debate exists over the 'grey areas' in cases of forced labour; some find it helpful to understand it in terms of a 'continuum' of labour, from decent work to labour exploitation to forced labour.²⁶ It is however important to understand that:

*'Coercion and deception are the fundamental elements of trafficking and are used to control and exploit victims. It is these practices that distinguish victims of trafficking for labour exploitation from individuals merely working in poor conditions. It is the lack of free will or involuntary nature of the employment and conditions endured that indicate a trafficking situation, compared to the voluntary nature of those employed in other poor or illegal conditions.'*²⁷

24 International Labour Organisation, *Human Trafficking and Forced Labour Exploitation: Guidelines for legislation and law enforcement*, Geneva: ILO, 2005, pp20–21

25 Case study submitted by Thames Reach, in evidence to the CSJ, August 2012

26 Skrivankova K, *Between decent work and forced labour: Examining the continuum of exploitation*, London: Joseph Rowntree Foundation, November 2010, p16

27 Home Office, *Trafficking for the purposes of labour exploitation: a literature review*, London: Home Office, 2007, p13

The menace of penalty is key in understanding the lack of choice for victims of forced labour. Whether this be physical violence or other threats, the menace of penalty may not be immediately obvious but will have a significant impact on a victim's perception of their ability to leave. The Joseph Rowntree Foundation has conducted substantial levels of research into this area of exploitation, exploring the experience of victims of forced labour; discussing the way in which business models may facilitate and perpetuate forced labour; and furthering the debate about what can be done to counter it.²⁸

'[Forced labour] is truly a hidden scandal in modern labour economics and enforcement of workplace rights.'

The Gangmasters Licensing Authority, in evidence to the CSJ

In a recent analysis of cases it is aware of, the UKHTC stated that the most prevalent area of exploitation in forced labour was in the tarmacking and block-paving industries by members of the UK traveller community.²⁹ Other forms of forced labour include exploitation in factories, agriculture, the food processing industry, in restaurants, nail salons, construction and door-to-door leaflet delivery – the common feature being that they are generally low or unskilled occupations.³⁰ As with other forms of modern slavery, forced labour is under-reported due in large part to the fact that vulnerable victims are unlikely to speak out, and also due to a lack of awareness of agencies on the indicators of forced labour and what to do if they do identify it. One London-based charity working with vulnerable and homeless men from Eastern Europe told the CSJ that of the 39 men they have so far seen who have shown indicators of modern slavery, just seven (18 per cent) have been referred to the government system for identifying trafficked people and meeting their immediate needs – the National Referral Mechanism (see Chapter Three).³¹

Ben

A British man called Ben, who was unemployed and living on the streets of a major UK city, was approached at a soup kitchen and offered work and accommodation by a couple who ran a block-paving business. Ben was socially isolated, having broken up with his girlfriend and lost his job in a short space of time: he lacked any form of support network. Seeing no other option, he agreed to go. He was taken to a site many miles away where, upon arrival, he was subjected to intimidation and violence. He was forced to work paving driveways, and was paid little or often nothing for his labour. He was terrified of the consequences of trying to leave, so submitted to this abuse for a long time.³²

28 Joseph Rowntree Foundation research programme, *Forced Labour: Contemporary slavery in the UK* [accessed via: <http://www.jrf.org.uk/work/workarea/forced-labour> (13/06/12)]

29 UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p11

30 Ibid

31 Anonymous charity, in evidence to the CSJ, August 2012

32 'Ben', in evidence to the CSJ

‘We were very surprised – we thought everyone would be from another country, not from the UK.’

Staff member, Midland Heart Anti-Human Trafficking Project, in evidence to the CSJ

Recommendation:

- Police forces should develop short-term ‘crackdown and consolidation’ teams in areas which frequently display indicators of modern slavery due to seasonal work.

1.5.1.1 Children in forced labour

Children are also trafficked into, and within, the UK for forced labour, though this remains an area with some intelligence gaps.³³ According to a 2011 assessment by the Child Exploitation and Online Protection Centre (CEOP), in the nine months to 15 September 2011, ‘56 children and young people trafficked into the UK have been subject to labour exploitation ... This includes exploitation in agriculture, construction, hospitality and in nail bars’.³⁴ Children have also been exploited in factories in the UK: half of Slovak victims of trafficking for labour exploitation in a factory in 2011 were children.³⁵ Children trafficked into labour exploitation are also made vulnerable to other forms of exploitation, including criminality, domestic servitude and benefit fraud.³⁶ These are explored below.

‘We have worked with children who have been exploited working in takeaway restaurants, garages and a butcher.’

Anonymous children’s charity, in evidence to the CSJ

1.5.2 Sexual exploitation

Sexual exploitation is reportedly the most prevalent form of modern slavery in the UK. People trafficked for sexual exploitation may be forced to work in brothels based in private rented houses or flats, or in massage parlours or other establishments that offer sexual services. Some victims are advertised on the internet and ‘delivered’ to customers. In 2011, six per cent of those identified as trafficked into sexual exploitation were men.³⁷

33 Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on human trafficking*, London: Home Office, October 2012, p71

34 CEOP, *Child Trafficking Update, 2011*, London: CEOP, October 2011, p10

35 UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: SOCA, August 2012, p11

36 CEOP, *Child Trafficking Update, 2011*, London: CEOP, October 2011, p10

37 UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p9

Mary

Mary was born and grew up in Nigeria. Her mother was a witch doctor responsible for carrying out female genital mutilation procedures on girls in their village. As she grew older, Mary was pressured by the elders of the village to take over her mother's job. Mary did not want to as she thought it was wrong, but she was subjected to voodoo rituals to force her to take on the role – the scars of these rituals remain today. After her mother's death, when Mary still refused to take on the role, the village elders took her to a remote place and raped her. Fearing for her life, Mary fled her home. Making a small amount of money selling newspapers on the street in the country's capital, Mary was able to sustain herself for a while. It was then that she met Tony. He told her he could offer her a good job in England, and that she wouldn't have to be homeless any more. Tony organised her plane ticket, and they both left for the UK. Hours after her arrival, Mary was taken to what appeared to be a house. It was actually a brothel. She was then forced, under threat, to have sex with men who paid money to Tony. Before Mary even realised she had been deceived, she was trapped. For many months, she was locked in her room, forced to have sex with as many men as Tony dictated – often up to ten or 12 men a day – and she was never allowed to say 'no'. After some time Mary fell pregnant. When Tony found out he was furious; he and his friends attacked Mary and tried to abort her baby by force. These attempts were not successful. One evening after this ordeal, Tony and his friends had a party at the brothel. Mary took her chance to escape and, with the men too drunk to notice, fled the property.³⁸

Juju: a method of control

Support workers have voiced their concerns at the control measure exerted predominantly on young women from West Africa: juju. Often used in cases of sexual exploitation, juju is a tradition involving superstition and witchcraft. It encompasses a range of rituals typically conducted by a witch doctor, either to summon good fortune or to call upon evil spirits. It has been used to secure the obedience of individuals before they are trafficked out of the country. Widespread belief in juju makes it an effective tool of control for traffickers:

'At the ritual, the woman is made to take oaths of allegiance, secrecy, confidentiality, and repayment of the costs of her journey and other incidental expenses, as solely determined by the trafficker'.³⁹

Recent cases have exposed the effectiveness of juju as means of securing compliance. Osezua Osolase, a resident of Northfleet, Kent, recruited and raped a number of orphans in Nigeria, performing juju rituals which included cutting the young girls with a razor and taking their blood:

'The native doctor cut the girls' arms, drawing blood, and scarred their chests. He told them to swear they would not run away, that they would work to pay back the money they owed and that they would never tell who had helped them. The man then took locks of their head and pubic hair and pared their finger and toe nails, warning them that he was keeping a part of them and if they broke their word they would die'.⁴⁰

38 Case study submitted by the William Wilberforce Trust, in evidence to the CSJ, March 2012

39 Falola T and Afolabi N (eds), *The Human Cost of African Migrations*, New York: Routledge, 2007, p181

40 The Observer; *If you break your promise, lightning will kill you*, 30 July 2003 [accessed via: <http://www.guardian.co.uk/uk/2003/jul/30/ukcrime.children> (25/09/12)]

Osolase then brought the girls to the UK to sell them into the commercial sex industry. His victims were told that they would be found and killed if they disclosed anything about their ordeal. The rituals ensured that 'invisible power' was held over the young girls, allowing 'control at whatever distance'.⁴¹

Not only does this form of witchcraft render victims terrified and compliant with the abuse they face; it also makes police investigation very difficult, since many will refuse to speak about their experience even when they have been removed from their traffickers. Support providers have also told the CSJ of some victims who have suffered night terrors and severe emotional trauma linked directly to juju.⁴²

1.5.2.1 Children in sexual exploitation

'When a child is concerned, no possible consent should ever be considered valid.'

Preamble to the EU Directive on preventing and combating trafficking in human beings and protecting its victims⁴³

Children are also being trafficked into sexual exploitation in the UK. Since the Government began attempting to record information on cases of modern slavery, hundreds of children are known to have been forced into this form of exploitation.⁴⁴ This includes children from the UK and abroad. The abuse is simple but brutal: child victims of sexual exploitation are lured away from safety with promises of education, employment, accommodation, attention or love; in some cases children have even been 'locked in a property and forced to have sex with strangers in exchange for money'.⁴⁵

The CSJ has been appalled to hear that the sexual exploitation of children has been at times described as 'child prostitution'. This is deeply wrong and is a misleading and archaic misnomer. A child cannot consent to any form of sexual activity; any apparent consent will have been illegally procured. The term 'child prostitution' masks the repeated rape and sexual abuse of children, often for the commercial gain of others. It can have no place in today's conversation about human trafficking, modern slavery and the sexual exploitation of children and efforts should be made, especially in the media, to eliminate its use.

British children are also being trafficked into sexual exploitation within the UK. This issue is explored further in Chapter Four, section 4.8. Their loyalty is often secured first through the semblance of a loving relationship, making them vulnerable to the control of their abusers. This crime, which amounts to modern slavery, demands a coordinated response from police, social

41 The Independent, *Man 'used witchcraft to traffick children for prostitution'*, 18 September 2012

42 Anonymous aftercare provider, in evidence to the CSJ, July 2011

43 Paragraph 11, Preamble to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [accessed via: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (23/01/13)]

44 UKHTC National Referral Mechanism statistics [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (06/02/13)]

45 Child Exploitation and Online Protection Centre, *Child Trafficking Update*, London: CEOP, October 2011, p14

services and other agencies. Understanding this form of abuse as human trafficking can help in the prosecution of perpetrators and can also significantly contribute to the understanding of the victims, who are too often seen as 'promiscuous' or misunderstood as consenting to the exploitation they experience.

Constance

Constance was 15 years old when her mother died in her home country in Africa. After her mother's death, she was befriended by a neighbour who told her that she was going to be educated in the UK and would then be given a job. In reality, he sold her to traffickers. A woman she didn't know organised documents for her and travelled with her to the UK. Upon her arrival she was taken to a house and was told by a woman she had not met before that in order to repay her debt of £50,000 she would have to sell her body for sex. She had no idea what the sum meant and initially refused to obey, but the woman starved Constance until she had no choice. Constance was forced to work in numerous brothels and forced to be available 24 hours a day, seven days a week. She was 'rescued' when the brothel she was working in was raided by the police. She was arrested, spent the night in a police cell, was released in the morning and told to go home. Disorientated and unsure where she was, she approached a member of the public who directed her to an African church. The vicar and his wife allowed her to stay in the church. She stayed there for a few weeks until she was eventually referred to a support organisation who then referred her to the Refugee Council, as she told them she was a child. Constance was initially subject to an age dispute by the UKBA, but social services later concluded that she was a child, and took her into care.⁴⁶

1.5.3 Domestic servitude

Trafficking into a private household for the purpose of domestic servitude – working as a household 'servant' for a family – is another manifestation of modern slavery in the UK. Whilst there are numerous examples of legitimate domestic work in the UK, trafficking for domestic servitude involves exploitation and unacceptable treatment of the worker. Generally not an example of organised crime in the UK, trafficking into this form of exploitation can reflect cultural practices in a wide range of countries; an individual is treated as a house slave, paid little or nothing and required to work as many hours as their 'employer' dictates. Though culturally acceptable in some countries, this practice is completely unacceptable in the UK, and must be identified and stopped. Trafficking for domestic servitude represents a labour market that is out of sight and predominantly beyond regulation. A lack of English language skills and, frequently, little knowledge of their rights in the UK means that those forced into domestic servitude in the UK can remain invisible to the public and to the police. According to recent assessments, 222 potential victims of domestic servitude were identified 2011, though this is a small proportion of the actual number.⁴⁷ Evidence to the CSJ from the Metropolitan Police has indicated that individuals keeping domestic workers in a state of modern slavery are in many cases of the same nationality as the victim.⁴⁸ Recent changes to the visa rules for overseas domestic workers have left serious questions about the safeguards available to these workers who may be vulnerable to abuse. This issue is explored in Chapter Four, section 4.3.3.1.

⁴⁶ Case study submitted by Vesna Hall, Young Women's Adviser, Refugee Council, in evidence to the CSJ, April 2012

⁴⁷ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p6

⁴⁸ Police officer, Metropolitan Police, in evidence to the CSJ, January 2013

Amita

Amita lived in poverty in India and left her husband and four young children behind to earn money working for a family in Qatar. She accompanied her employers to the UK in 2009.

Amita started work at 7am. She cooked, cleaned, ironed and looked after the many guests of the house. She finished work between 10pm and 12am. However, she was on call throughout the night.

'If the family went out and came back late, or if guests stayed over I had to serve them.'

'I slept on a mattress in the hall, and was often woken up by people coming in and out of the house. I did not have a single day off during the 3 years. My feet would swell up due to the lack of rest.'

After three years, one day the family threw her out with nowhere to go. When she came to Kalayaan, a charity offering support to migrant domestic workers, she was destitute. In the three years she worked for the family she was paid a total of £900: this equates to an average of just 82 pence per day. Kalayaan explained her rights and that she was able to change employer. This was very important to Amita.

'I am the breadwinner for my family. If I could not have changed employers I would have had to stay and face the abuse as I needed the money I was promised for my family. If I could not change, where would I go?'

Amita found a new employer and felt confident enough to take a legal action against her previous employers. This was settled out of court and Amita regained some of the money she was owed.⁴⁹

Tom

Tom was about five years old when he was taken from Nigeria and forced to work at a home in Haringey for an African woman who told him she was his aunt. Tom, now 23, said:

'I would be upstairs and my aunt would shout up to me to come downstairs. She would order me to change the channel with the remote control which was right in front of her. Or else she would wake me up at two in the morning to clean the house. Even if there were just two plates in the sink she would get me up. Her husband used to beat me. He would hit me regularly. He would say my parents were dead and it was my fault because I was evil. I don't even know if my 'aunt' was a relative or not.'

Tom was eventually removed from the situation and given indefinite leave to remain in the UK on his twenty-first birthday. He went on to receive an upper second class degree in animation production from a university.⁵⁰

1.5.3.1 Children in domestic servitude

Although there have been some efforts to tackle the problem of children in domestic servitude, many agree that there has been 'comparatively little focus on hidden children in the UK who are exploited on a non-commercial basis in private houses'.⁵¹ Children trafficked

49 Case study submitted by Kalayaan, in evidence to the CSJ, October 2012

50 Robert Mendick, *Life as a slave... student reveals hidden world of trafficked children*, London Evening Standard, 5 August 2009, in Organisation for Security and Cooperation in Europe, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Vienna: OSCE, 2010, p11

51 Child Exploitation and Online Protection Centre, *Hidden Children: The trafficking and exploitation of children within the home*, London: CEOP, 2011, p4

from outside the UK for the purposes of domestic servitude are also often unaware of their rights. Concepts such as a minimum working age or a national minimum wage are unknown. Once in the UK, they may not be aware that they have any rights at all, and will be completely subject to the demands of those they are staying with. The only rights a child in domestic servitude will be aware of will be 'those attributed through their families or carers'.⁵²

'Instead of the better life and the good education promised, only a childhood of exploitation awaits.'

Debbie Ariyo, AFRUCA⁵³

Tabitha

Tabitha was 11 years old when she was taken from her home in Africa to the UK with a man she was told was her 'uncle', who had promised her a good education. Tabitha arrived in the UK with a false passport claiming she was an adult, and she was allowed into the country. She was then forced to be a domestic servant for a family in London, before being moved to different houses to work for the family's friends. Tabitha was repeatedly subjected to violence and was also raped. She eventually escaped the situation and travelled to a town in the north of England in search of safety. It was only then that she was taken in by a concerned individual and put in touch with an organisation offering help to vulnerable children.⁵⁴

'Added to the lack of parental care given by the exploiters, many child victims exist in an emotional vacuum, with no love, no affection, no attention ever demonstrated towards them by their exploiters. The deceit, abuse and exploitation experienced at the hands of those they expected to care for them and help them achieve a better life result in a deep emotional and psychological scarring.'

Debbie Ariyo, AFRUCA⁵⁵

In some cases it is not until the child is older and has been exploited for many years that they come to the attention of children's services. The 2009 report from the Children's Commissioner for Wales, *Bordering on Concern* highlighted this issue:

52 NSPCC, *Breaking the Wall of Silence: Practitioners' responses to trafficked children and young people*, Bedfordshire: University of Bedfordshire, June 2009, p19

53 Ariyo D, *Child Domestic Slavery: A growing phenomenon in the UK*, London: AFRUCA, date unknown [accessed via: www.africanigeria.org/images/Child%20Domestic%20Slavery.doc (16/01/13)]

54 Case study submitted by Vesna Hall, Young Women's Adviser; Refugee Council, in evidence to the CSJ, June 2012

55 Ariyo D, *Child Domestic Slavery: A growing phenomenon in the UK*, London: AFRUCA, date unknown [accessed via: www.africanigeria.org/images/Child%20Domestic%20Slavery.doc (16/01/13)]

*'A number of children have come to work as house servants and then they've got older and come to our attention. But they have been there for years before anyone was aware.'*⁵⁶

Victims of domestic servitude often do not believe they are being exploited, since domestic chores and beatings may have been the norm in their home country.⁵⁷ It is difficult for government and law enforcement to communicate to these vulnerable children that levels of abuse that may be acceptable (or ignored) in other parts of the world constitute an offence in the UK, and that they deserve protection and help. The problem remains, however; that until these children become visible, building trust with them and encouraging disclosure of their circumstances will be impossible. Children trafficked into domestic servitude may be found in a house, perhaps through a visit from social services. They may alternatively be identified through attendance at school; the CSJ has heard evidence that children in these situations are not always kept in the house and may – if sporadically – attend school. It is crucial that those with whom such a child may come into contact, however briefly – including social workers, GPs and teachers – are aware of the signs of this form of abuse and know who to contact if they have suspicions that a child may have been trafficked in this way.

Sara

17-year-old Sara does not remember her parents and is not sure if they are still alive. She remembers working on a farm in her home country for an abusive relative from a very early age – possibly as young as six. She was later taken in by a cousin who looked after and arranged for her to work as domestic help for a family in the country's capital. She lived with the family for a few years, looking after their children. At the age of 13 or 14 the family arranged for her to travel to the UK to work for a family there. Sara worked for the family in the UK for a couple of years during which they severely physically abused her. She was made to work 18 hours a day, sleep on the floor, eat leftovers, cook for and look after the family's children. She was beaten and stabbed by the family, and was on occasion made to sleep in the garden – including during the winter. She was never allowed out of the house. One day, after an argument, Sara was thrown out and was found wet, dirty and shivering from the cold by a member of the public who contacted the police and social services. Sara's fingerprints were matched to the visa application and passport obtained for her by the family she worked for. The documents had a different name and different date of birth making Sara several years older. Her claimed age and story was not believed; she was subject to an age dispute and treated as an adult by the UKBA. A charity working to support unaccompanied children from abroad conducted a further age assessment and Sara was found to be 16 years old. She is now in care of social services.⁵⁸

1.5.3.2 Private fostering

There is a long-standing tradition of children being sent from certain parts of the world to live with 'relatives' or friends in the UK in order to access education, healthcare and opportunity – this is called private fostering.

⁵⁶ ECPAT UK, *Bordering on Concern: Child Trafficking in Wales*, London: ECPAT, March 2009, p36

⁵⁷ Child Exploitation and Online Protection Centre, *Hidden Children: The trafficking and exploitation of children within the home*, London: CEOP, 2011, p4

⁵⁸ Case study by the Refugee Council, in evidence to the CSJ, April 2012

Children Act 1989 – Section 66

A private fostering arrangement under the Children Act 1989 means that a child who is under the age of 16 is cared for and provided with accommodation by someone who is not a parent, a person with parental responsibility or a close relative. A child is only privately fostered if they have been in the person's care for more than 28 days.⁵⁹

However, the CSJ has heard of the risk of unchecked private fostering arrangements for children who have been trafficked, and practitioners have noted 'the need to be cautious about an uncritical assumption that private foster care arrangements [are] acceptable because carers [are] part of the child's family'.⁶⁰ The CSJ has heard that in many cases, a person who may be referred to as an 'aunt' or 'uncle' is actually of no relation to the child at all.

Children brought into the UK can be kept in private fostering arrangements, whereby the 'fosterer' is under no obligation to declare the arrangement for at least 28 days and, even then, is unlikely to be approached by a local authority since the onus is on the 'fosterer' to inform the local authority of the arrangement. Only a very small proportion of the estimated number of foster placements are in fact declared to local authorities: in the year to 31 March 2012 there were 2,840 new arrangements declared in England. This equates to an average of just 8.71 known private fostering arrangements per local authority area.⁶¹ One children's charity has told the CSJ that there are an estimated 10–12,000 undeclared private foster placements in the UK, and in as many as a third of cases children may be at risk of exploitation or abuse.⁶² This charity shared its fears that this form of care is 'not fostering – it's the random looking after of some children by some adults'.

This means that children may be brought into the UK, fostered by a person who is unrelated to the family, and become invisible to the local authority. A visitor visa is often used for children in private fostering arrangements in the UK; Children and Families Across Borders – an organisation working to help safeguard vulnerable children who are present in the UK from abroad – has stated that in around 75 per cent of the cases of private fostering they have seen, the child has an expired visitor visa.⁶³ The Home Office keeps no record of the number of children who are residing in the UK on expired visitor visas. In July 2012 alone, 48,846 UK visit visas were issued to children (under the age of 18 from countries all over the world), however the UKBA does not hold centrally any information on the number of children within this figure who are still in the UK on expired visas.⁶⁴ In short, it is not difficult to bring a child into the UK as a visitor and keep them in the country for an indefinite period.

⁵⁹ Section 66, Children Act 1989 [accessed via: <http://www.legislation.gov.uk/ukpga/1989/41/contents> (11/02/13)]

⁶⁰ NSPCC, *Breaking the Wall of Silence: Practitioners' responses to trafficked children and young people*, Bedfordshire: University of Bedfordshire, June 2009, p65

⁶¹ Department for Education, *Private Fostering Arrangements in England: Year Ending 31 March 2012*, London: Department for Education, 2012, p5, Table 1

⁶² Andy Elvin, CEO of CFAB, in evidence to the CSJ, January 2013

⁶³ Ibid

⁶⁴ Freedom of Information request submitted by the CSJ to the UKBA, September 2012

'If you are looking after a child who has no long-term leave, is on an expired visa and who you are exploiting, why on earth would you let the authorities know about it?'

Andy Elvin, CEO of Children and Families Across Borders, in evidence to the CSJ

Whilst it is certainly not the case that every child in a private fostering arrangement has been trafficked, the CSJ is seriously concerned about this 'loophole' which allows children to live with adults who are not their parents for indefinite periods of time. Although local authorities have a statutory responsibility to identify and check private fostering arrangements, if a local authority does not know about a private fostering arrangement, they cannot check it: *'those who normally protect and safeguard these children may not even know they exist – and certainly will not know that the child has no parents in the UK.'*⁶⁵ A proactive approach to seeking out those who are fostering children in this way is unlikely, given the time and resource constraints that local authorities are under.

It is therefore the CSJ's recommendation that local authorities close this loophole by developing more proactive identification processes for children in private fostering arrangements, through partnerships with schools and health services. The CSJ has been told that schools in Glasgow will take a copy of the passport and visa of any child from overseas who is being registered at a school mid-way through the term. This information will then be passed to children's services duty teams, who are then able to check on the private foster placements that may be in place. The CSJ recommends that this system be replicated in schools across the UK. This is not to make schools take an active role in immigration concerns, but is part of their duty to safeguard and protect potentially vulnerable children. If a school knows that a child may be in a private fostering arrangement, this information must be communicated to children's services.

The CSJ also recommends that local authority responses to private fostering arrangements in their area be included in the criteria for Ofsted inspections. This will help local authorities to recognise their statutory responsibility to ensure that children in private fostering arrangements are identified and, where it is necessary, are protected from harm.

Recommendations:

- Local authorities should develop more proactive identification processes for children in private fostering arrangements, through partnerships with schools and health services, based on the model in Glasgow;
- Local authority responses to private fostering arrangements should be included in the criteria for Ofsted inspections.

⁶⁵ Children and Families Across Borders [accessed via: <http://www.cfab.org.uk/fundraising/programme-areas/private-fostering/> (15/01/13)]

1.5.4 Forced criminal activity

There is evidence of adults and children being trafficked into criminal activity in the UK such as pickpocketing, metal theft, drug cultivation and begging. This creates the particular issue of victims of this form of modern slavery being forced to themselves commit crimes. Law enforcement agencies are then faced with the significant challenge of properly identifying victims and ensuring that they access protection and support, and are not simply treated as criminals.

Josef

A 53-year-old Romanian man named Josef was working as an electrician in Romania. In March 2010 he became unemployed and was looking for work; he met and was given work by another Romanian man. Josef was badly treated and assaulted from the outset of their working relationship. In October 2010, Josef travelled with his employers to the UK. He was threatened with violence by them if he did not do as they said. When he got to the UK, Josef was taken to a house and forced to live in the shed in the garden. This shed had no heating or lighting. He was given no food or bedding and was forced to use a hole in the ground as a lavatory. Josef was then forced to work for the family, stealing and doing work around the house.



The shed that Josef was forced to live in

In December 2010 Josef was in the shed whilst there was a party taking place in the house. During the party he went to the back of the house and stood at the window to ask some of the guests for food, but was refused. He returned to the shed and went to sleep. A short while later he woke up to find two of the men standing over him. They kicked and punched him repeatedly telling him he should not have asked for food, and then made him eat his own faeces. He was then raped. Josef was later taken to hospital with serious injuries, but the men responsible for the attack attended with him and, because Josef could speak no English, translated only what they wanted the doctor to hear and manipulated his words. In March 2011 Josef finally found a chance to go to the police. He was then housed at a safe location outside London. All four perpetrators were convicted of human trafficking into the UK for exploitation under section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 and were sentenced to terms of imprisonment between nine and 13 and a half years.⁶⁶

1.5.4.1 Benefit fraud

A further form of trafficking into criminality is for benefit fraud. Victims are brought to the UK with the promise of jobs, have benefits registered in their names and are then left destitute, without jobs or homes. It is estimated by police that millions of pounds are being removed from the UK in the form of benefits paid to individuals who do not receive any of the money, however the Department for Work and Pensions is unable to give a figure for the amount of money procured through benefit fraud involving victims of modern slavery.⁶⁷ Trafficking

⁶⁶ Metropolitan police case study, submitted in evidence to the CSJ, October 2012

⁶⁷ Department for Work and Pensions, in evidence to the CSJ, January 2013

for benefit fraud demands a coordinated response, including disruptive activity from the Department for Work and Pensions and Her Majesty's Revenue and Customs.

1.5.4.2 Children trafficked into benefit fraud

Children have also been trafficked into the UK for the purposes of benefit fraud, which can be a lucrative form of exploitation for traffickers. Children may be trafficked into several different households in order to make as much money as possible.

Case study: Trafficking children for benefit fraud

Four traffickers from Afghanistan brought a number of children into the UK in order to exploit them through benefit fraud and forced labour. When the local authority began to investigate the problem, it transpired that five children under the age of 15 were used to procure four council houses, and other properties were also being rented by the traffickers. Income support benefits were claimed for all five children, and supplementary housing and council tax benefits were claimed at five properties. Between £58,000 and £65,000 was paid out in benefits for these children and in housing and council tax benefits. In this case practitioners believe that only about 20 per cent of the benefit fraud was uncovered. Traffickers had control of an identified 11 addresses in one local authority alone. A number of further properties in other parts of the UK were also linked to the traffickers, though benefit fraud at these properties could not be proved. It is suspected that the exploitation of further children was taking place, however this could also not be confirmed at the time.⁶⁸

Evidence suggests that this exploitation often goes hand in hand with other forms of abuse such as forced labour or forced criminal activity.⁶⁹ Social workers and others in children's services often do not recognise benefit fraud as a form of exploitation; unless the child is subject to neglect, they may not appear to be at risk. This therefore makes it very difficult for social workers and wider children's services to formulate a response, highlighting a lack of recognition of the vulnerability of such children to other forms of abuse.

'You have to accept the limits on your powers. Sometimes you absolutely know there is something bad going on but you cannot prove it.'

Assistant Director in a large Children's Services department, in evidence to the CSJ

The trafficking of children for benefit fraud often reflects family links, with several children from the same family experiencing this form of exploitation. A recent assessment has claimed that 'the number of children exploited for benefit fraud is therefore inflated by large numbers of individuals from single families being trafficked into the UK'.⁷⁰

⁶⁸ Case study submitted by Philip Ishola, Counter Human Trafficking Bureau, in evidence to the CSJ, July 2012

⁶⁹ CEOP, *Child Trafficking Update*, 2011, London: CEOP, October 2011, p10

⁷⁰ Ibid

1.5.4.3 Children trafficked into drug cultivation



A cannabis farm in the UK where Vietnamese minors were discovered

A number of children have been trafficked into the UK in order to cultivate cannabis in one of the UK's thousands of illegal cannabis farms. The number of cannabis farms discovered by police in the UK has more than doubled in the last four years, with an average of 21 identified every week in 2011.⁷¹ The production of cannabis in the UK is a significant criminal problem – the UK is now an exporter of cannabis as a result of its high levels of cultivation – and there is evidence that children and young people, notably from Vietnam, are being trafficked into the UK to work as 'gardeners' in a number of these illegal farms.⁷² Between 2009 and 2012, Vietnam was the most common country of origin for children who were identified and referred to the NRM.⁷³ Vietnamese criminal gangs and networks are prominent in the cannabis trade in the UK and recognition of this emerging trend must accompany any strategic response to child trafficking in the UK.⁷⁴ An issue particular to this form of trafficking is the prosecution of children for illegal activities they may commit during the time they are being exploited; this is explored in Chapter Four, section 4.4.5.

'We had one child who was trafficked into a cannabis farm. I assessed her as a child. She was then placed in custody until she was taken into a foster placement. She then went missing and was moved around the country. She was then exploited in the sex industry where she became pregnant. She was found again when she was admitted to hospital having fallen ill with the pregnancy.'

Paul Hadaway, social worker, in evidence to the CSJ

⁷¹ Association of Chief Police Officers, *UK National Problem Profile: Commercial Cultivation of Cannabis 2012*, London: ACPO, April 2012, p3

⁷² The Sunday Times, *Homegrown boom turns UK into cannabis exporter*, 9 October 2011

⁷³ UKHTC National Referral Mechanism statistics [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (06/02/13)]

⁷⁴ CEOP, *The trafficking of women and children from Vietnam*, London: CEOP, 2011, p25; see also The Guardian, *Police 'can't cope' as Vietnamese flood drugs trade*, 11 September 2005 [accessed via: <http://www.guardian.co.uk/uk/2005/sep/11/ukcrime.drugsandalcohol> (26/09/12)]

The safety and health risks for these children and young people are severe; exposed electric wiring and toxic fumes create an extremely dangerous environment. Children trafficked into forced criminality in the UK are also very vulnerable to other forms of abuse.

1.5.4.4 Children trafficked into 'street crime': forced begging, pickpocketing and selling illegal products

Children are also trafficked into street crime in the UK. In many cases children can be trafficked by their own families and sent out to beg or steal: parents will move to the UK with their children and then force them into street crime. The CSJ has heard that children in this situation will often think this activity is normal, having been trained and groomed for this activity from a very young age; police have identified children who have been sent out to beg from the age of six years old.⁷⁵

'These children are commodities – they can make a lot of money.'

Detective Sergeant Dan Wright, Metropolitan Police Safer Transport Command, in evidence to the CSJ

The crucial point is that such children are unable to consent to their own exploitation. Even if the child does not object to this activity and believes their parents are causing them no harm, this is modern slavery and these children should not be forced onto the streets.

"There is no consent, but from their perspective they think 'these are people I know, they are providing me with food, accommodation and a job'. Professionals can get caught out by assuming that those children are making a choice."

Stuart Barker, social worker at Merton social services, in evidence to the CSJ

The rights that are enjoyed by so many children in the UK must be available and applied equally to those children who are kept away from school and denied a childhood in order to beg and steal money on the streets of the UK. Children trafficked for street crime may also be used for benefit fraud. This form of exploitation also leads to issues of identification for social workers. In these cases, the exploitation may not be obvious and the fact that children are victims may be missed, as one police officer explained to the CSJ:

'We will go to an address with social services, and they're clean, so in the eyes of social services they're not being neglected or abused. What they don't see is that the underlying reason they are here is to go and steal. That's exploitation'.⁷⁶

⁷⁵ Detective Sergeant Dan Wright, Metropolitan Police Safer Transport Command, in evidence to the CSJ, July 2012

⁷⁶ Police officer, in evidence to the CSJ

The CSJ has also been told of cases of children forced to sell illegal products such as DVDs. This can be perceived by the child as a way to earn money, but in reality fosters their exploitation and puts them at risk of arrest; the criminalisation of children is explored in Chapter Four, section 4.4.5.

1.5.5 The removal of organs

Recent reports on the forms of trafficking into the UK have included two cases of trafficking for the removal of organs to be used in transplants.⁷⁷ Given that there were no documented cases of this in the UK when the CSJ began its review, we have not explored this form of crime. It is, however, of great concern that there have been two cases identified since our research commenced. The CSJ recommends a review, led by the Human Tissue Authority, to be conducted into the safeguards available to prevent the forcible removal of organs and tissue. The CSJ recommends that this is part of a wider investigation into 'transplant tourism' and the pressures exerted on the health service to meet the demand for organs and tissue.

Recommendation:

- The Human Tissue Authority should conduct a review to look at the safeguards available to prevent the forcible removal of organs and tissue, in light of two recent cases of trafficking for organ removal.

1.6 Conclusion

There is an urgent need for the UK to identify and understand the ways in which modern slavery manifests itself, in order to eliminate it. There are many ways in which a person can exploit and abuse another, treating them as a commodity from which to profit or gain. This report will set out measures for tackling this gross abuse of human rights, making practical and realistic recommendations for how this complex crime can be addressed and its victims' lives restored and rebuilt. A wide variety of agencies and organisations must be involved: a multi-agency approach is crucial, and is the only way to solve the growing and substantial problem of modern slavery.

1.7 Recommendations

- Police forces should develop short-term 'crackdown and consolidation' teams in areas which frequently display indicators of modern slavery due to seasonal work.

⁷⁷ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p16

- Local authorities should develop more proactive identification processes for children in private fostering arrangements, through partnerships with schools and health services.
- Local authority responses to private fostering arrangements should be included in the criteria for Ofsted inspections.
- The Human Tissue Authority should conduct a review to look at the safeguards available to prevent the forcible removal of organs and tissue, in light of two recent cases of trafficking for organ removal.

chapter two

Effective strategic leadership

2.1 Filling the leadership vacuum

Measures to address modern slavery and human trafficking and provide support for its victims and survivors in the UK are the remit of numerous government departments, local government agencies and a wide range of NGOs from across civil society. Such diverse activity requires independent oversight and coordination for it to be effective. The deep social problem of modern slavery in the UK is characterised by a failure of leadership at the national level, including within the political arena.

The CSJ has encountered repeated examples of the current failure of such coordination, meaning that the utterly unacceptable impact of modern slavery on its victims is not strategically addressed. There is, for example, an alarming 'postcode lottery' in the recognition of victims of modern slavery and the quality of their care. There is also a lack of coordination between government departments (and even within departments), and a plain lack of cooperation between NGOs. This must change, and change on this scale requires leadership. The EU Directive on preventing and combating trafficking in human beings and protecting its victims expressly advocates an 'integrated' and 'holistic' approach to combatting modern slavery which the CSJ believes can only be delivered effectively by independent, strategic leadership in the form of an Anti-Slavery Commissioner.¹

64 per cent of people we polled would support the appointment of one person with sole responsibility to oversee efforts to combat modern slavery in the UK.

CSJ/YouGov polling, November 2012

¹ Preamble, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

2.2 The current government response

The government remit for human trafficking is held by the Immigration Minister in the Home Office. Within the Home Office also exists a Human Trafficking team, under the Organised and Financial Crime Unit (OFCU), which works to develop and implement policy. In October 2011, the Home Office established a Strategic Board in an attempt to monitor the progress of the UK's Human Trafficking Strategy (published in July 2011), and compliance with international agreements on human trafficking. This Strategic Board is also designed to identify issues and emerging risk and to feed into the Government's Inter-Departmental Ministerial Group on Human Trafficking (IDMG).²

2.2.1 The Government's Human Trafficking Strategy

In June 2011, the British Government released its strategy to tackle human trafficking. The strategy outlined a number of key aims, namely:

- Improving international action to put a stop to trafficking in source countries;
- Working at the UK border to stop trafficked people being brought into the UK;
- Tougher law enforcement in order to disrupt the criminal networks behind trafficking;
- Improved identification of victims and better care and support for those who have been trafficked.

It also gave significant emphasis to the development of work in source countries in order to address the 'supply' issue that modern slavery and human trafficking presents.

2.2.2 The Inter-Departmental Ministerial Group on Human Trafficking

Currently, the diverse government departments which have human trafficking within their remit meet in the Inter-Departmental Group on Human Trafficking (IDMG). This group was reconvened by the Coalition Government in 2010, having been first convened in 2005.³

This group also claims to fulfil the role of 'National Rapporteur' as required by Article 19 of the EU Directive, which requires that member states establish either this or an 'equivalent mechanism' responsible for monitoring the anti-trafficking activities of state institutions.⁴ This was intended to ensure that anti-trafficking actions could be measured, and statistics gathered.⁵

2 The activity of the Home Office and the OFCU team is closely detailed in Inter-Departmental Ministerial Group on Human Trafficking, *The first report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012 [accessed via: <http://www.homeoffice.gov.uk/publications/crime/human-trafficking-report?view=Binary> (08/11/12)]

3 Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, First evaluation round*, Strasbourg: GRETA, September 2012, p17

4 Article 19, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

5 Ibid

2.2.2.1 The IDMG report

The IDMG published its first report in October 2012.⁶ Though this was a helpful exercise in gathering the relevant information into one place, it contains a disappointing lack of self-reflection and strategic as well as operational recommendations and targets. The report makes just three recommendations, with very little detail as to how they are to be achieved and implemented:

- Training and awareness-raising for frontline professionals;
- Coordination of prevention activities;
- Better capture of data.

During a Westminster Hall debate on the IDMG report, consensus from MPs from across parties was that, whilst useful in putting all available material into one place, the report contains insufficient insight to be effective: 'If we look at the chief inspectors of prisons and of schools... we can see that we have pioneered independent reporting mechanisms. Yet the [IDMG] is not one of those, and the report is weaker for that, because it does not have a comprehensive picture of all that could be or is being done'.⁷

2.2.2.2 Limitations of the IDMG

Despite having considerable potential, the IDMG has a number of significant limitations. The IDMG suffers from a great deal of membership churn. The individuals represented on the group will alter with each change of Government or each reshuffle, risking the repeated loss of understanding and strategic direction. This is not the case elsewhere; the current National Rapporteur in the Netherlands, for example, has been in post for six years. In contrast, there have already been two Chairs of the IDMG since the 2010 general election alone.⁸

'There is all the difference in the world between a group of ministers occasionally coming together to debate a topic of the day, and having a person with a small number of staff and the responsibility to drive the policy.'

Rt Hon Frank Field, MP for Birkenhead⁹

The CSJ is also concerned that this group, being made up of Ministers and civil servants for whom human trafficking represents a small part of their portfolio, does not have capacity to provide the necessary gravitas in leadership required. The IDMG does not include or engage dedicated individuals whose sole priority and responsibility is to monitor proactively the issue, initiate critical reflection and drive change.

6 Inter-Departmental Ministerial Group on Human Trafficking, *First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012 [accessed via: <http://www.official-documents.gov.uk/document/cm84/8421/8421.pdf> (01/11/12)]

7 Hansard, Fiona MacTaggart MP, Westminster Hall debate, 20 December 2012 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/halltext/121220h0001.htm> (17/02/13)]

8 Hansard, Written answers and statements, 7 January 2013 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130107/text/130107w0005.htm#13010716000198> (17/02/13)]

9 Hansard, Rt Hon Frank Field MP, Westminster Hall debate, 20 December 2012 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/halltext/121220h0001.htm> (17/02/13)]

Objections have also been raised over the levels of attendance at IDMG meetings: attendance has been poor since the IDMG was reconvened by the Coalition Government.¹⁰ During one IDMG meeting in April 2012, there were eight attendees and seven apologies.¹¹ Furthermore, the lack of participation from 'relevant civil society organisations' – NGOs working to tackle modern slavery – represents not only an absence of trust in the IDMG (anecdotally connected to the lack of political independence) but also a failure to elicit sustained engagement from those groups that are fulfilling a significant element of Government strategy. As Peter Bone MP explained in a Westminster Hall debate: 'an independent rapporteur might also be more approachable by non-governmental organisations that might be sceptical of a Government-led organisation, which would lead to greater data sharing and a better picture of the real number of trafficking victims'.¹²

'Just imagine what it would be like if there were a ministerial group working with and supporting a rapporteur, advancing their interests and backing them when they are in difficulties. Might that not begin to match the issue we face?'

Rt Hon Frank Field, MP for Birkenhead¹³

Finally, the IDMG does not have adequate data upon which to carry out its mandate to assess trends, measure results and provide meaningful reports (wider issues of data and information are dealt with in Chapter Three). As such, the IDMG does not, and indeed cannot, fulfil the role of 'national rapporteur or equivalent mechanism' as required by the EU Directive. Its inability to provide an independent review of Government strategy and its failure to work in close cooperation with relevant civil society organisations represent significant obstacles in the monitoring and improvement of anti-trafficking efforts in the UK.^{14, 15}

Crucially, the IDMG is not politically independent. Though the EU Directive does not specifically require this, it is clear that members of the IDMG are subject to substantial political pressure and are unable to report without political bias. The Group is therefore not at liberty to launch inquiries into areas of concern that may be politically awkward or difficult. It is thus unable to be self-critical to any degree.

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- 10 See, for example: The Anti-Trafficking Monitoring Group, *All Change: Preventing Trafficking in the UK*, London: Anti-Slavery International, April 2012, p40; and Hansard, Westminster Hall debate, 20 December [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/halltext/121220h0001.htm> (17/02/13)]
- 11 Hansard, Written answers and statements, 11 June 2012 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120611/text/120611w0003.htm#12061210000031> (17/02/13)]
- 12 Hansard, Peter Bone MP, Westminster Hall debate, 20 December 2012 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/halltext/121220h0001.htm> (17/02/13)]
- 13 Hansard, Rt Hon Frank Field MP, Westminster Hall debate, 20 December 2012 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/halltext/121220h0001.htm> (17/02/13)]
- 14 Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, First evaluation round*, Strasbourg: GRETA, September 2012, p32
- 15 Article 19, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

It is important that the IDMG continues its work as a point of coordination of the Government's response to modern slavery. However, given that it is not possible for the IDMG to become actively politically neutral, the CSJ recommends that, as a counter-balance to the IDMG, there is politically independent analysis available to the Government in the form of a 'critical friend'. This function would be best served in the form of an Anti-Slavery Commissioner.

2.3 International provisions for a national rapporteur or equivalent mechanism

There are a number of provisions outlined in a range of international agreements for a national rapporteur or an equivalent mechanism, reflecting the internationally perceived value in the ability to report to government and to help drive change.

The Hague Ministerial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation, April 1997 recommended that a national rapporteur is appointed for each state:

- Provide or explore the possibilities for the appointment of national rapporteurs, who report to governments on the scale, the prevention and combating of trafficking in women.
- Develop criteria for reporting on the scale, nature and mechanisms of trafficking in women and the effectiveness of policies and measures concerning this phenomena.
- Encourage the cooperation of national rapporteurs on a regular basis.¹⁶

The UN General Assembly Resolution A/RES/59/166 of 10 February 2005:

- Also invites Governments to consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organisations, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women, in particular trafficking.¹⁷

Article 29 of the Council of Europe Convention on Action against Trafficking in Human Beings states that:

- Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.¹⁸

Article 19 of the European Directive on preventing and combating trafficking in human beings and protecting its victims requires that:

- Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.¹⁹

¹⁶ The Hague Ministerial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation, April 1997 [accessed via: <http://legislationline.org/documents/action/popup/id/8747> (09/01/13)]

¹⁷ UN General Assembly Resolution A/RES/59/166, *Trafficking in women and girls*, 10 February 2005, [accessed via: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/59/166&Lang=E (09/01/13)]

¹⁸ Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (09/01/13)]

¹⁹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims [accessed via: <http://eurlex.europa.eu/LexUriServ.do?uri=OJ:L:2011:L101:0001:0011:EN:PDF> (09/01/13)]

2.4 Non-Governmental Organisations

The CSJ has, throughout its evidence gathering, recognised the commitment and the crucial role of Non-Governmental Organisations (NGOs) working in the area of modern slavery. Engagement with the NGO sector by government, statutory authorities and business is essential in developing a strong national response to this problem; a number of NGOs sit on cross-government groups to inform discussions. Therefore, any analysis of UK strategy must include reference to the NGO sector and address its strengths and weaknesses. A number of NGOs exist to raise awareness and promote events, conduct research and contribute to policy developments through campaigning and lobbying for change. There are also NGOs who provide safe accommodation and support for survivors. Some NGOs are formally recognised as First Responders for the NRM and contribute to the process of identification of victims, before their referral to relevant support organisations.²⁰ Some of these receive public funding in order to provide dedicated support to victims.

Human trafficking and modern slavery is viewed by different NGOs and lobby groups through the lens of differing social and political concerns and priorities, giving rise to a range of agendas.²¹ For example, some NGOs place the issue high on their agenda because they view it as central to and responsible for the increasing globalisation of female sexual exploitation. Other NGOs are activists on a broader range of human rights and child rights abuses and engage in the specific political and media interest in human trafficking and modern slavery as a part of these wider remits. Some labour organisations use the problem to campaign against abusive working conditions, arguing for example that restrictive migration policies fuel markets for the trafficking of migrants. Resources and media attention are increasingly available to those working on issues of human trafficking and modern slavery, and this can provide NGOs with a financial incentive to develop programmes and initiatives in this area; 'human trafficking' thus becomes a vehicle for pursuing their more general agendas.

The CSJ has heard evidence from NGOs, government, police and local authorities, that rather than this rapid proliferation of NGOs being a dynamic and positive force, it is at times detrimental to progress. Despite the significant numbers of NGOs working in the field, there remains a lack of coordination and collaboration and at times an unwillingness to share intelligence, information and resources, both between NGOs themselves and with other statutory authorities. This is often due to a lack of trust between agencies, and a need for more open information-sharing practices.

These factors can too frequently manifest themselves as a culture of conflict. The CSJ is concerned that the current atmosphere, which often denies NGOs the benefits of greater collaboration, adversely impacts on the positive development of work to support the UK's response to modern slavery and human trafficking, a sentiment which was shared by numerous NGOs themselves in evidence.

The CSJ recognises the need to encourage a more productive and collaborative environment between NGOs, law enforcement and government officials in this sector. Our evidence from

20 NGO First Responders include: The Poppy Project; TARA Project (Scotland); Migrant Help; Kalayaan; Unseen; Barnardo's; The Salvation Army

21 Anderson B and O'Connell J, *Trafficking: A demand-led problem? A multi-country pilot study*, Stockholm: Save the Children, 2002

NGOs suggests that the key to achieving this is found in providing an independent and credible forum through which they can interact. This will engender greater trust, cooperation and collaboration. The CSJ has heard that the current lack of motivation to engage in such collaboration is born out of a belief that such engagement will not lead to any meaningful benefit. For reasons such as these the Government's IDMG group lacks buy-in and support from a significant proportion of the NGOs working in this sector. The CSJ is convinced that these problems would be alleviated by the independent, effective strategic leadership that an Anti-Slavery Commissioner would provide. The effects of greater cooperation and collaboration will directly improve the UK's response to modern slavery.

2.5 Proposal for an Anti-Slavery Commissioner

The Home Office is forced to attempt to coordinate its own activity and that of a whole host of government departments.²² This leads to slow progression and a risk that when key civil servants or officials move on – an inevitable reality – progress on tackling the problem is further hindered. Given this complexity and stagnation, the appointment of an Anti-Slavery Commissioner will mark a significant step forward by providing continuity of expertise and independent advice.

There is significant need in the UK for the appointment of a single individual to oversee efforts to fight modern slavery in the UK, in light of the disparate national response of which the CSJ has heard. This response will be unpacked in subsequent chapters, but some of the most pressing problems which an Anti-Slavery Commissioner could monitor and ameliorate include:

- Policing modern slavery across the country sees a patchy response, largely determined by the awareness of individuals in the force rather than sustainable structure;
- Locally-based aftercare providers for survivors of modern slavery take a variety of unmonitored approaches to care and resettlement support, the provision of which is largely dependent on variable local partnerships;
- Child victims of modern slavery are given a complete range of help and support, depending upon the awareness of individual children's services professionals, the availability of appropriate and safe accommodation or the presence of supportive NGOs in the area;
- Government implementation of policy developments on modern slavery is dictated by basic compliance with the EU Directive, with no independent monitoring of regional variations in activity.

Recommendation:

- **The Government should establish an Anti-Slavery Commissioner. This position should work independently from but in partnership with government departments, encourage engagement and the sharing of information with NGOs and communicate the UK's stance on fighting modern slavery at a European and international level.**

²² The departments are: the Department of Health, the Foreign and Commonwealth Office, the Department for Education, the Ministry of Justice, the Department for Work and Pensions, the Department for Communities and Local Government, the Department for International Development, Her Majesty's Revenue and Customs and the Attorney General's Office.

The Anti-Slavery Commissioner would offer stability from government to government. It would be free from political influence and able to draw in key agencies and organisations to gather information. Where responsibility for modern slavery currently falls across several departments, the Anti-Slavery Commissioner would offer independent oversight across the whole of the UK's government and non-government response to modern slavery, helping to improve its strategic coherence and continuity.

In order to ensure that the experiences of victims and survivors help shape policy, the Commissioner should enable the voices of those who have been trafficked into and within the UK to be heard and heeded. This role should thus be modelled, in some part, on the position of the Children's Commissioner which is statutorily obliged to promote awareness of and give voice to the interests of children in the UK. The Anti-Slavery Commissioner would do the same: representing the best interests and concerns of the vulnerable victims of modern slavery in the UK; enabling their experiences to be heard and learnt from; and helping the Government to provide a response that is proportionate, appropriate and effective. Further, the Anti-Slavery Commissioner should not be a political appointment; it should publish any findings without regard to the political implications.

2.5.1 The Children's Commissioner: a blueprint

The Office of the Children's Commissioner (OCC) was established under the Children Act 2004. It has a statutory duty to promote awareness of the views and interests of children and young people in England.²³ The Children's Commissioner has a UK-wide responsibility for non-devolved issues that affect children and young people. The Office of the Children's Commissioner is administered as a non-departmental public body (NDPB) and is sponsored by the Department for Education. The budget is set by the Secretary of State for Education; in 2011–12 the annual budget reduced from £3 million to £2,674,632.²⁴ This total resource allocation equates to 23 pence per year for every child and young person in England.²⁵ Responsibilities of the Children's Commissioner and the Department for Education are set out in a framework agreement which supports the work of both organisations and ensures the Children's Commissioner's independence and value for money.

Precedent for the independent monitoring of Government activity can also be seen in the Office for Budget Responsibility (OBR). The OBR was established in 2010 to bring improved accountability and clarity to the UK's public finances. This independent oversight body is designed to hold the Government to account on its progress towards fiscal targets, and to scrutinise and challenge the decisions of the Treasury.

23 Children and young people are defined as aged 0–18 (or up to 21 for young people in care or with learning difficulties)

24 The Office of the Children's Commissioner, *Annual Report and Financial Statements for 2011–2012*, London: The Office of the Children's Commissioner, July 2012, p23

25 Ibid

2.5.2 International examples

The Netherlands

The Bureau of the National Rapporteur on Trafficking in Human Beings was established in the Netherlands in April 2000.²⁶ Its mandate is to gather and disseminate information in order to highlight problems and offer solutions to the problem of human trafficking and modern slavery. The Rapporteur reports annually to the Government, with information on legislation, criminal investigations, prosecutions, victim support and prevention efforts. Police and the prosecution office, under the authority of the Minister for Security and Justice, are required to give information to the Rapporteur. The National Rapporteur has three data experts who analyse and refine data.²⁷

‘People see that we have an independent position. We don’t have to hold back, we don’t have to follow orders and we are not politically influenced or biased by what we do. It gives you a very strong position.’

Maarten Abelman, Head of the Bureau of the Dutch National Rapporteur, in evidence to the CSJ

During its visit to the Bureau of the Dutch National Rapporteur in The Hague, the CSJ discussed the crucial need for independence. Independence from government allows the National Rapporteur to take a position without concern for the political implications, publishing research that may not be politically palatable and highlighting the responsibility of different government departments in countering human trafficking and modern slavery. The National Rapporteur also functions as an intermediary between the Government and other political parties. It encourages engagement from MPs, and does not voice the ideas or opinions of any one political party. Since the National Rapporteur was established in 2000, it has made 200 recommendations as a result of its research and monitoring. 160 of these have been adopted.²⁸

‘You’re not gone once the Government has gone, like in the UK where they are all Ministers who change when the Government changes. We stay, and we maintain continuity and build trust.’

Maarten Abelman, Head of the Bureau of the Dutch National Rapporteur, in evidence to the CSJ

26 Website of the Bureau of the National Rapporteur on Trafficking in Human Beings, [accessed via: <http://english.bnrm.nl/about/> (26/11/12)]

27 M Abelman, Head of Bureau, in evidence to the CSJ, November 2012

28 Ibid

The CSJ visits the Bureau of the Dutch National Rapporteur



The Dutch National Rapporteur: example of impact

The National Rapporteur recently completed a report addressing the awareness and response of judges in cases of human trafficking. It found that many judges weren't aware of the specifics of the different elements of the Dutch legal definition of human trafficking. In several cases, judges were involved in just one case of human trafficking per year; and expertise was distinctly lacking. The National Rapporteur's investigation into this issue gave the Minister for Security and Justice an independent level of insight into an issue which, politically, would have been difficult for him to look into himself.

'If you had asked the Minister for Security and Justice if we should do this research or not ... I don't know that he would have done it.'

Maarten Abelman, Head of the Bureau of the Dutch National Rapporteur, in evidence to the CSJ

The National Rapporteur recommended specialist training for judges. This recommendation was taken up, and there will now be specialised judges on human trafficking in the Netherlands. The Head of Bureau for the Dutch National Rapporteur said: 'this report was about presenting judges with a mirror... 'We didn't want to attack the judges, we wanted to show them what is happening and what the difficulties are when dealing with human trafficking cases'.²⁹

The National Rapporteur has also been able to identify discrepancies in sentencing, demonstrating that, though recent policy developments have increased sentences for human trafficking, in reality the sentences being handed down are decreasing in length.

The importance of continuity also became apparent during the CSJ's visit; the current National Rapporteur – Corinne Dettmeijer-Vermeulen – has brought consistent oversight to the problem for six years.

A further significant benefit to the role of the Dutch National Rapporteur is its ability to coordinate and communicate with other equivalent mechanisms in countries such as Finland and Belgium, where individuals have also been appointed. This allows coordination at an international level; a key element in countering human trafficking and modern slavery.

²⁹ Maarten Abelman, Head of the Bureau of the Dutch National Rapporteur, in evidence to the CSJ, November 2012

'They can see what you do, and we can see what they do...
It's important that you have that network and that you provide
each other with information.'

Maarten Abelman, Head of the Bureau of the Dutch National Rapporteur, in evidence to the CSJ

All funding for the Dutch National Rapporteur comes from the Finance, Interior, Security and Justice, Healthcare and Social Security Departments, it receives no funding from the EU. The Bureau of the National Rapporteur employs a total staff of 15. This is to cover the remit of human trafficking and sexual violence against children. The National Rapporteur is part of the Dutch Taskforce on human trafficking, along with the head of the prosecutions office, and a number of judges. Representatives of the biggest cities in the Netherlands are also part of this group. It is a forum for information sharing and discussions about obstacles to an effective response.

The United States

In May 2009, Ambassador Luis C. de Baca was appointed by President Obama to coordinate US government activities in the global fight against contemporary forms of slavery. He serves as Senior Advisor to the Secretary and directs the State Department's Office to Monitor and Combat Trafficking in Persons, which assesses global trends and provides training and technical assistance. This office is statutorily mandated to coordinate US government activities in the global fight against contemporary forms of slavery.³⁰

Section 105 of the Trafficking Victims Protection Act 2000 provided for the appointment of an Ambassador through the creation of the Anti-Trafficking Task Force.³¹ The Task Force is focused on measuring and evaluating the progress of the United States and other countries on the topics of prevention, protection, assistance and prosecution. It was also designed to collect data. It addresses issues of demand, and aims to develop cooperation among countries of origin, transit and destination. Reintegration is also a focus of the Task Force.

The Ambassador publishes an annual report into the efforts made by countries across the globe to tackle modern slavery. This Trafficking in Persons (TIP) report ranks countries according to the measures that they have in place to prosecute perpetrators, protect victims and prevent situations of modern slavery from occurring. For countries which fail to improve their ranking, sanctions to foreign assistance from the US may be applied.³²

Rapporteurs, or variations, also exist in countries such as Sweden (within the National Criminal Police), the Czech Republic (within the Ministry of the Interior), Austria (as head of the Task Force on human trafficking) and Belgium (as part of the Centre for Equal Opportunities and Opposition to Racism).³³

30 Trafficking in Persons (TIP) Office website [accessed via: <http://www.state.gov/j/tip/about/index.htm> (27/12/12)]

31 Section 105, Trafficking Victims Protection Act 2000 [accessed via: <http://www.state.gov/j/tip/laws/61124.htm> (10/12/12)]

32 TIP Office website, *Penalties for Tier Three countries* [accessed via: <http://www.state.gov/j/tip/rls/tiprpt/2012/192352.htm> (17/02/13)]

33 The Anti-Trafficking Monitoring Group, *All Change: Preventing trafficking in the UK*, Anti-Slavery International: London, April 2012, p93

2.5.3 What would an Anti-Slavery Commissioner do?

Roles:

- Coordinate the gathering of information from across Government, statutory and other sectors, particularly ensuring that data from outside of the NRM is captured;
- Present an annual report of findings to Parliament, which would be debated;
- Work in partnership with and hold to account the IDMG, helping to coordinate department activity across government;
- Coordinate and encourage transparency amongst the voluntary sector;
- Require independent inspections, for example requesting that Her Majesty's Inspectorate of Constabulary to inspect a particular police force's ability to respond to human trafficking and modern slavery (see Chapter Five, section 5.2.2);
- Promote the views of modern slavery victims to government and statutory agencies such as the police, and ensure their best interests are met;
- Monitor the implementation of national legislation;
- Independently oversee National Referral Mechanism decisions;
- Ensure complete compliance with the EU Directive which requires a national monitoring system;
- Launch independent inquiries (without the permission of Secretaries of State);
- Identify and ameliorate tensions that are hindering coordination, including funding competition and communication barriers among NGOs;
- Work to ensure that modern slavery is not viewed primarily as an immigration issue.

The Anti-Slavery Commissioner should be a statutory position, written into legislation, with an obligation to represent the best interests of victims of modern slavery. At present, there is no formal or sustainable way for the experience and opinions of victims to be collected. The CSJ calls for a new Modern Slavery Act to bring coordination and clarity to the response to this national problem. This is discussed in full in Chapter Five, section 5.7. The role of the Anti-Slavery Commissioner should be outlined under this Act, giving it a statutory duty to promote the views and interests of victims of modern slavery.

2.5.4 A Commissioner with influence

Working with the voluntary sector

The CSJ believes it is essential for the Anti-Slavery Commissioner to engage with NGOs working in the area of anti-trafficking. It should act as a helpful intermediary between government and the voluntary sector, facilitating coordination. The Anti-Slavery Commissioner should also encourage transparency in the work of NGOs and offer a forum for the sharing of information. There is much good work amongst NGOs in this sector; however the CSJ has heard reports of some damaging territorialism that serves to hinder a coordinated response on the ground. The Anti-Slavery Commissioner should also serve as a central hub of information on the activity of anti-trafficking NGOs working in this field. The Anti-Slavery Commissioner should be given a mandate to collate information on the different approaches to survivor care, awareness-raising and training of the myriad of organisations working in the sector; and to bring a new level of transparency and inclusion. In doing so the Commissioner

would become the repository of best practice. In time it may be appropriate for the Commissioner to take on a more active role in monitoring and even accrediting NGOs working in this field. This work would build on the resources recently made available by the Home Office to 'fund awareness-raising activities for front-line professionals to standardise key anti-trafficking messages and assist them in identifying potential victims of modern slavery'.³⁴

The National Referral Mechanism

The Anti-Slavery Commissioner should maintain independent oversight of the decisions of Competent Authorities in the NRM.³⁵ It should also help to overcome the current conflict of interests that comes with the Home Office attempting to monitor its own mechanism.³⁶

International accountability

There is a significant need for a network of national reference points to be developed at a European and global level in order to improve information sharing. At present, the UK presents a confusing picture on the international stage. Other equivalent roles have registered concerns that there is no nationally accountable individual for them to communicate with in the UK, specifically on issues of modern slavery. The UK must, as the Prime Minister has asserted, become a 'world leader' in the fight against modern slavery, and cease to lag behind other nations who have recognised the need for an independent national figure to harness efforts to tackle the crime.³⁷

Holding source countries to account

The source countries for victims of modern slavery fluctuate according to varying international and geo-political factors. However, there remain some countries which are consistently at the top of the list. The Anti-Slavery Commissioner should work with the Government to explore ring-fencing international financial assistance to top source countries in order to ensure that a portion of assistance is committed to developing safeguards against human trafficking and modern slavery, and is also used to support survivors who are returning to their country of origin. Returns are explored in Chapter Six, section 6.10. Recognising the need for the worst-offending countries to engage with the problem of modern slavery is crucial if the UK is to tackle the root cause of the problem. The Anti-Slavery Commissioner should press these countries to bring in reforms to reduce modern slavery. Sanctions should also be considered for countries which persistently feature as source countries for victims, in the event that ring fencing is not effective.

Holding government to account

Like the Children's Commissioner, the Anti-Slavery Commissioner should have statutory authority to request information and conduct unannounced visits. This approach has already yielded results for the Children's Commissioner who, using their statutory powers, exposed the damaging 'Gentleman's Agreement' at Dover port, which shockingly allowed UKBA

³⁴ Home Office, information letter for funding for awareness-raising activities, submitted by Kalayaan in evidence to the CSJ, December 2012

³⁵ Current Competent Authorities are the UK Human Trafficking Centre and the UK Border Agency; both are given the authority to make decisions over whether or not a person is a victim of human trafficking and in need of support. Competent Authorities and the National Referral Mechanism are discussed in Chapter Three

³⁶ See section 3.6 in Chapter Three

³⁷ The Independent, *UK signs trafficking directive after 10-month delay*, 27 March 2011 [accessed via: <http://www.independent.co.uk/news/uk/crime/uk-signs-trafficking-directive-after-10month-delay-2254137.html> (06/02/13)]

officers to send children back to France or Belgium before they had claimed asylum, been risk assessed or even been referred to social services or the NRM, under an agreement between the three countries. The Children's Commissioner called for the immediate cessation of this practice, and it was stopped.³⁸

Future remit

As is the case for the Children's Commissioner for England, the Anti-Slavery Commissioner should be subject to an independent review – the CSJ recommends that this be conducted two years after it is established – to ensure that it is adding value.³⁹ Additional elements of the Anti-Slavery Commissioner's role which could be considered in the future, after the position has been assessed, may include the accreditation of NGOs, the hosting of a national hotline, and a role in monitoring minimum standards of aftercare and reintegration for aftercare providers.

2.6 Recommendations

- An Anti-Slavery Commissioner should be established to develop independent monitoring and reporting on the UK's response to modern slavery.
- Effective coordination should be developed between the IDMG and the Anti-Slavery Commissioner.
- More effective information and intelligence sharing should be established within the NGO sector, through encouraging engagement with the independent Anti-Slavery Commissioner.
- The Anti-Slavery Commissioner should work with the Government to develop ring fencing or sanctions on international financial assistance to countries which are persistently top source countries for victims of modern slavery.
- An independent review of the Anti-Slavery Commissioner should be conducted after it is established, to ensure that it is adding value.

38 Office of the Children's Commissioner, *Landing in Dover: The immigration process undergone by unaccompanied children arriving in Kent*, London: Office of the Children's Commissioner, January 2012, p8

39 Dunford J, *Review of the Office of the Children's Commissioner (England)*, London: Department for Education, December 2010

chapter three

Building a clearer picture: enhancing the National Referral Mechanism

3.1 Introduction

During the course of its evidence gathering, the CSJ has been shocked at the number and range of people and organisations to register serious concerns about the lack of effective data and information available on modern slavery in the UK. The National Referral Mechanism (NRM) is often used as a point of reference when talking about the size and shape of the problem, but the figures and information produced by the NRM do not paint an accurate picture. More effective gathering of data is crucial if the UK is to develop an effective, proportionate response to modern slavery.

3.2 The National Referral Mechanism

The NRM was established in the UK in 2009, in response to the Council of Europe Convention, to provide a mechanism for potential victims of human trafficking to access appropriate services and support.¹ The creation of the NRM marked a significant step forward in the UK's response to modern slavery, providing a formalised procedure to offer support for victims where previously there had been none. The Government's Human Trafficking Strategy cites the importance of the NRM in facilitating information sharing.² Other international agencies have also highlighted the significance of the NRM in building a

¹ Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (09/01/13)]

² Home Office, *Human Trafficking: The Government's Strategy*, London: Home Office, July 2011, p9

clearer picture of the problem and developing the response to it: 'Part of the overall goal of a NRM is to bring about a change in perspective in how to deal with human trafficking, so that it is considered not only as a problem of criminality but as a grave abuse of the human rights of victims'.³

3.2.1 The functions of the NRM

The NRM is a gateway to state provision of aftercare services. It is therefore currently restricted to those individuals who wish to seek such assistance; for adults, a referral to the NRM is voluntary.⁴ Evidence provided to the CSJ suggests that many people do not want to engage with the NRM. They may instead wish to return straight to their country of origin, or may be fearful of authority and will not engage with the NRM for this reason. These and additional factors are explored in more detail below.

For those that do agree to a referral, the NRM process has three main stages:

1. A person who has been identified as possibly trafficked – perhaps by the police, social services, an NGO or the UK Border Agency (UKBA) – is referred by a First Responder to the UK Human Trafficking Centre (UKHTC). The UKHTC then determines which of the two NRM Competent Authorities should make the decision – either the UKHTC itself or the UKBA – and will forward the case to the relevant Competent Authority.⁵
2. Once the Competent Authority receives the referral form, they may take up to five days to make a 'Reasonable Grounds' decision. The Competent Authority must decide during this time if they 'suspect but cannot prove' that the person has been trafficked.⁶ This is not the final decision on whether the person is a victim of trafficking. If the Competent Authority decides to make a positive 'Reasonable Grounds' decision, the person is given a 45-day 'reflection period'. This time is given so that the individual can begin to recover and consider what to do next. During this 45-day period, accommodation and support is offered.
3. Finally, a 'Conclusive Grounds' decision is made, which is the final decision on whether or not the individual has been trafficked. The Competent Authority will inform the person of their decision in writing. If the 'Conclusive Grounds' decision is positive – if it is decided that the person has been trafficked – the individual's next course of action will depend on their nationality, their immigration status and whether they are helping police with any investigations into their perpetrators.

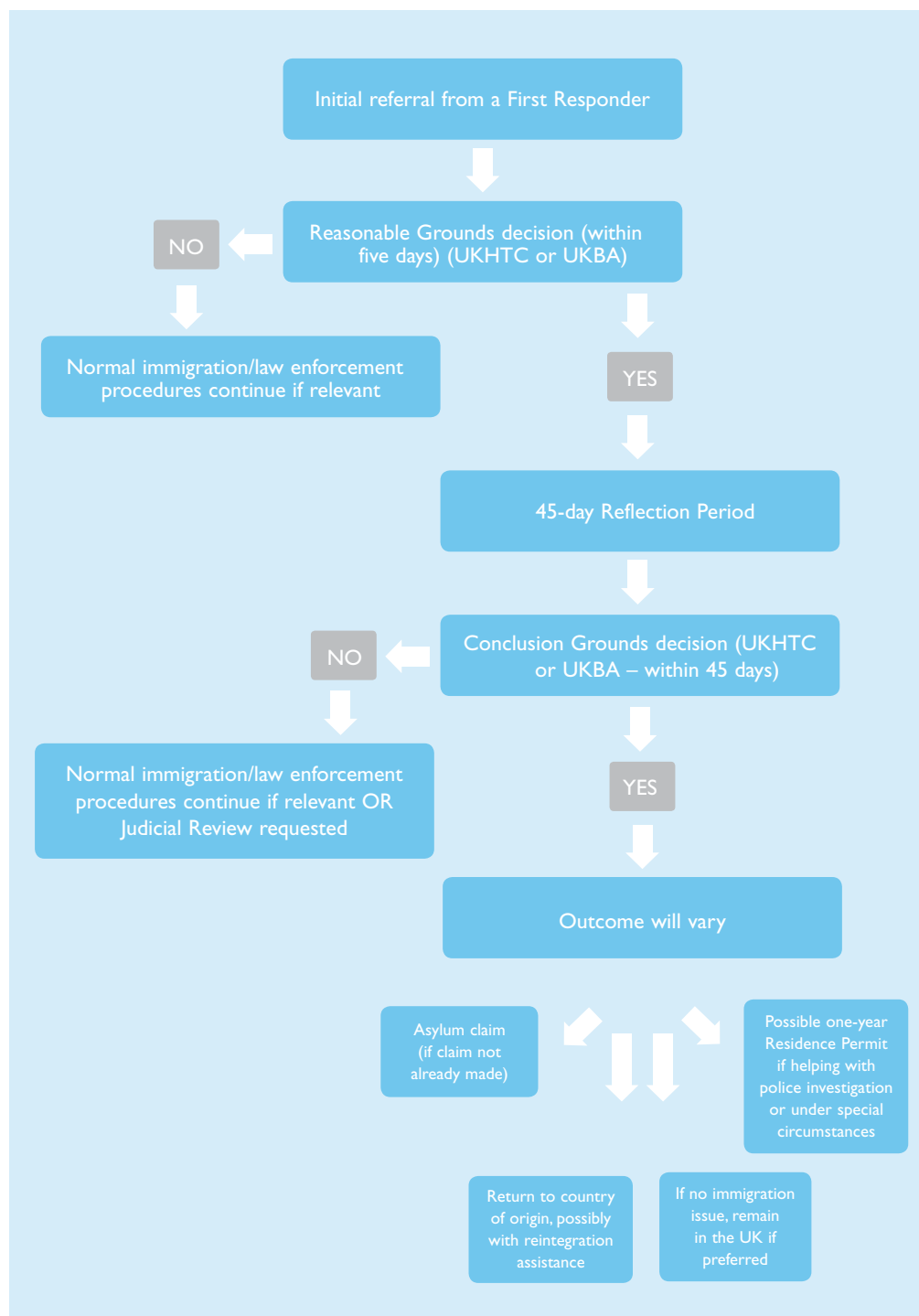
3 Office for Security and Cooperation in Europe, *National Referral Mechanisms: Joining efforts to protect the rights of trafficked persons, a practical handbook*, Warsaw: OSCE, 2004, p17

4 A child's consent is not required for a referral to the NRM to be made.

5 NRM referral forms for adults and children can be accessed on the UKHTC website [accessed via: <http://www.soca.gov.uk/about-so-ca/about-the-ukhtc/national-referral-mechanism> (10/01/12)]

6 UK Border Agency, *Victims of Trafficking: Guidance for frontline staff* [accessed via: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/cross-cut/protecting-vulnerable/04-victimstrafficking?view=Binary> (13/09/11)]

3.2.2 The NRM process



3.2.3 How well does the NRM work?

After almost four years in operation, there are clear lessons to be learned from the NRM's performance to date. The NRM needs significant development in order to vastly increase its use and improve its value in enhancing current knowledge on this crime. In addition to better meeting the purpose for which it was established – that is allowing victims access to

support services – the CSJ recommends that the NRM should be developed to become a better central hub of information and intelligence. Until now this has been a crucial missed opportunity.

'A NRM should not be a static structure but...be continually improved through monitoring and suggestions from all participants, including, of course, the victims themselves.'⁷

Statistics produced by the NRM are not reflective of the scope of victims in the UK; the real number is much higher.⁸ There is therefore a significant risk that government responses to the problem are proportionate only to the relatively small number of cases that have been identified and referred to the NRM.

The CSJ has received a significant amount of anecdotal information highlighting a number of victims who are missing from the NRM figures:

- A charity working with vulnerable people from outside of the EU estimates that, of the individuals they meet during their support work and drop-in sessions showing indicators of modern slavery, 33 per cent had not been referred to the NRM, despite engaging with agencies that should know about it.⁹
- Researchers addressing the problem of migrant women in prisons and detention centres found that of the 43 women interviewed who were identified by the researchers as possible victims of modern slavery, 74 per cent were not processed through the NRM.¹⁰ For many of these individuals, disclosures about modern slavery 'had not been identified as such within the criminal justice system'.¹¹ Again, these women would have been in contact with the UKBA and other agencies who have a responsibility to make referrals to the NRM.

The NRM should serve a dual function: to ensure access to support for vulnerable and traumatised victims, and also to help build up the picture of modern slavery in order to inform and impact the response. This is the potential of the NRM; at the moment, it is not being realised. The following sections outline how the NRM can better reflect the picture through: improved awareness of the Mechanism, particularly amongst First Responders; a new ability to make anonymous referrals so that more information is captured; and enhancing the NRM's independence to ensure that victims and support agencies utilise it.

7 Office for Security and Cooperation in Europe, *National Referral Mechanisms: Joining efforts to protect the rights of trafficked persons, a practical handbook*, Warsaw: OSCE, 2004, p11

8 UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: SOCA, August 2011, p16; and Institute for Public Policy Research, *The UK's Response to Human Trafficking: Fit for purpose?*, London: IPPR, July 2012, p4

9 Anonymous charity supporting vulnerable asylum seekers, in evidence to the CSJ, August 2012

10 Hales L and Gelsthorpe L, *The Criminalisation of Migrant Women*, Cambridge: Cambridge University, August 2012, p3

11 Ibid, p4

3.2.4 Improving awareness

There is a shocking level of ignorance of the existence and purpose of the NRM amongst key professionals. If victims of modern slavery are to be given the opportunity to be formally identified and given access to the support they need and deserve, it is crucial that the NRM is widely known about and used by those who may encounter victims. Evidence given to this review has indicated a failure amongst a range of agencies and organisations to raise awareness of the NRM.¹² It is a travesty that any potential victim of modern slavery may lose the opportunity for assistance simply because the authorities with whom they come into contact do not know what provision is available or how to access it.

“I asked if they’d made a referral to the NRM, and it was like ‘the what?’. I asked the Detective Inspector, the Detective Sergeant and the Detective Chief Inspector, and nobody had made a referral. This matter has been addressed urgently.”

Anonymous senior police officer, in evidence to the CSJ

‘I didn’t know about the NRM until a children’s charity told me about it.’

Paul Hadaway, social worker, in evidence to the CSJ

The UKHTC Baseline Assessment

In its recent ‘Baseline Assessment’ to gauge the extent of human trafficking in the UK, the UKHTC reported that of the 2,077 potential victims identified in 2011, 54 per cent had not been referred to the NRM.¹³ The assessment does not analyse the impact of low awareness of the NRM as a contributory element to the proportionately low number of referrals made out of the total number of potential victims. However, in light of evidence given to the CSJ review, it is clear that low awareness of the NRM plays a significant part in this lack of referrals. That over half of potential victims identified in this review were not known to the NRM is a helpful but extremely worrying finding, and highlights the need for greater engagement with the NRM in order for more victims to be supported and a more complete picture to be built. Low awareness will certainly not be the only factor contributing to the lack of NRM engagement – other factors are explored below – but it is an element that should be vastly and urgently improved.

¹² Article 1, Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/I-Htm/I197.htm> (09/01/13)]

¹³ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: SOCA, August 2011, p7

3.3 First Responders

First Responders are agencies and organisations that have been identified by the Home Office as likely to encounter victims of modern slavery and have consequently been given the authority to make direct referrals to the NRM. The CSJ has heard of a worrying lack of awareness even among these key agencies. Though they are invested with the authority to make referrals, many still do not know what the NRM is, or what their responsibilities are. First Responder agencies include:

- SOCA/UKHTC;
- Local authorities;
- UKBA;
- The Poppy Project;
- Migrant Help;
- Kalayaan;
- Medaille Trust;
- The Salvation Army;
- The Gangmasters Licensing Authority;
- All UK police forces;
- Local authority children's services;
- NSPCC – the Child Trafficking Advice Centre (CTAC);
- Barnardo's;
- Unseen;
- Health and Social Care Trusts (Northern Ireland);
- TARA Scotland.¹⁴

The number and range of First Responders has increased since the NRM was introduced, reflecting an essential broadening of the catchment area both geographically and across sectors. However the variety of cases about which the CSJ has received evidence indicates that victims of modern slavery would be better served by widening the range of First Responders. In particular, the CSJ recommends that Her Majesty's Prison Service – including all Foreign Nationals Officers and Prison Governors – should be granted First Responder status and sensitised to issues of modern slavery. The detection of potential victims of modern slavery should also be a criteria addressed during prison inspections, including Young Offender Institutions (YOIs). Youth Offending Team (YOT) workers in a YOI in the South West have registered concerns with the CSJ that a number of young people showing indicators of modern slavery have been sent to the YOI without having been identified or referred to the NRM, meaning that YOT workers are identifying these potential victims but do not have the authority to refer them to the NRM.

'No-one in the community completes a NRM referral ahead of remand, hence the YOT have had to do it despite being officially unable to.'

Chris Good, former Youth Offending Team Senior Practitioner, Ashfield YOI, in evidence to the CSJ

¹⁴ UKHTC website, *the National Referral Mechanism* [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism> (25/02/13)]

Recommendations:

- Her Majesty's Prison Service should be granted the status of First Responder, being given the authority to make referrals to the NRM. This should include all Foreign Nationals Officers, Prison Governors and YOTs, who should be trained to identify the indicators of modern slavery;
- The detection of potential victims of trafficking should be a criteria addressed during prison inspections made by Her Majesty's Inspectorate of Prisons.

3.3.1 First Responder training

Despite the fact that First Responders are chosen because they already work in areas where they are likely to encounter victims of trafficking, the CSJ has seen a significant range of awareness and competence amongst First Responders. In this context, it is appalling that First Responders are given no formal – and certainly no standardised or accredited – training on the issues and indicators which they must look for.

This failure cannot be allowed to persist. The CSJ recommends that a First Responder training pack be developed, drawing on the expertise of existing high-standard First Responders who have recognised and taken on this responsibility. Sharing such expertise will ensure that all First Responders are well-equipped to deal with the responsibility of their role in their particular sphere. In the short term, the CSJ recommends that this training be developed and overseen by the UKHTC, but that in the long term the Anti-Slavery Commissioner holds First Responders to account for the levels of awareness they develop and the number of referrals they are making.

Recommendation:

- An agreed First Responder training package should be developed, which should include guidance on the indicators of modern slavery and on the appropriate levels of information which should be included on the NRM referral form. This should be monitored by the UKHTC in the short term and by the Anti-Slavery Commissioner in the long term.

3.3.2 Quality of referrals

'50 per cent of the forms completed were poor and did not give the individual a chance. So in those cases we acted and informed the Competent Authority of further information, even though the referral had already been made.'

Anonymous charity working with victims of modern slavery, in evidence to the CSJ

Concerns have been voiced to the CSJ over the inadequate nature of information frequently submitted by First Responders on the NRM referral form. If referral forms are not filled out

satisfactorily then the relevant Competent Authority's ability to reach a fair decision will be impeded.

Improving the quality of referrals will better serve victims of modern slavery. It will also lead to more accurate and consistent decisions by the NRM, which will reduce the number of challenges and judicial reviews of NRM decisions. As one charity working with survivors of modern slavery explained: 'Even with the so-called First Responder; they are missing the point that the more information the better; the more information the first time, the better chance your application stands... We've had a number of cases where we've looked at the NRM application and thought 'this woman doesn't stand a chance' – the form is not properly or comprehensively filled out'.¹⁵

'We really have to get the completed NRM referral form to the standard of a quality piece of information where possible (it's not always possible due to the state of the potential victim at that time). There are comprehensive guidelines to help First Responders fill in the form, but it's important that the interviewer knows how crucial the information they collate on the form can be... the fuller the picture the more likely that an accurate decision will be made. It's often because there's a lack of confidence that the decision makers have all of the necessary information that so many reconsiderations are being asked for.'

Anonymous aftercare provider, in evidence to the CSJ

3.4 Improving the number of referrals

It is widely accepted that the statistics produced by the NRM do not reflect the full extent of victims of modern slavery in the UK.¹⁶ Although there has been a 33 per cent increase in the number of referrals to the NRM from 2010 to 2011, these figures are still far from showing the real number of victims.¹⁷ It is also essential to note that this increase in referrals has seen no increase in funding or resourcing for the UKHTC or the UKBA, as Competent Authorities who process the referrals.

Modern slavery is by its nature a hidden crime. There are numerous damaging barriers still to be removed which are stopping victims from speaking out about their experiences and are preventing NRM referrals from being made.

¹⁵ Anonymous charity working with victims of modern slavery, in evidence to the CSJ, April 2012

¹⁶ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: SOCA, August 2011, p16

¹⁷ Inter-Departmental Ministerial Group on Human Trafficking, *First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p74

3.4.1 Fear

One of the most pressing reasons why victims of modern slavery do not want to be referred to the NRM of these is their fear that interaction with any kind of authority may result in repercussions from their traffickers.

‘When you go to a police station in my country nothing good happens to you.’

Victim of modern slavery¹⁸

Psychological control by traffickers, debt bondage, perceived or actual threats to themselves or their family, or an experience in the country they have come from where police and authorities may not be trusted and may be corrupt, can all contribute to a serious fear of any kind of interaction with ‘authority’. Regardless of nationality, immense pressure is often placed on a victim which can seem insurmountable and lead to a perceived inability to speak about their situation or take any action to end it.

‘It is so frustrating when we believe there are indicators of trafficking but the victim will not engage.’

Tina Newman, Vice Liaison Officer, Avon and Somerset Police, in evidence to the CSJ

“Her ‘boyfriend’ had her passport, paid for everything and told her not to leave the house during the day as she would get lost. She wouldn’t say anything about her situation or against her ‘boyfriend’, and would not agree to a NRM referral.”

Andrew Wallis, CEO of Unseen, in evidence to the CSJ

This is a difficult issue to counter since the entrenched fear of a person who has been trafficked cannot simply be ‘undone’. However, those who may identify someone who has been trafficked must give the person as many opportunities to agree to a referral as possible. It is important that support organisations work in partnership with police and other authorities; the CSJ recommends that police draw on the experience of NGOs, allowing well-trained NGO workers to accompany them on visits to properties or venues where modern slavery is suspected to be taking place. A victim of modern slavery with a reason to mistrust the police or authority figures may feel safer disclosing information to somebody who does not ostensibly represent authority.

¹⁸ Case example submitted by Hope for Justice, in evidence to the CSJ, July 2012

“You can try and make a NRM referral, but it depends on how strong a grip their pimp or ‘boyfriend’ has over them.”

Anonymous senior police officer, in evidence to the CSJ

Recommendation:

- Police should explore the development of partnerships with NGOs, allowing well-trained and experienced NGO workers to accompany police on visits to places where modern slavery is suspected to be taking place.

3.4.2 Choosing not to refer

Additionally, the CSJ heard evidence to suggest that some agencies choose not to make a referral for a victim, as they cannot see any benefit for them.

- A charity working with migrant domestic workers reported that of the 157 workers identified as possibly trafficked in the UK, 102 (64 per cent) chose not to be referred into the NRM.¹⁹
- A homelessness charity working in London with vulnerable men from Eastern Europe saw 39 clients in a year who showed indicators of modern slavery. Of these, only seven (18 per cent) were referred to the NRM.²⁰

Some victims from outside of the EU are frightened of being referred to a process that includes the UKBA because they are worried that their immigration status will play a part in the decision; the idea of being referred to the immigration authorities can be terrifying. The Working Group has heard evidence that some NGOs advise victims against referring for that reason. This issue is explored further in section 3.6.

‘Before they were referred into the NRM they almost felt they had more freedom because they weren’t accountable to the UKBA. Before the NRM referral they obviously had the threat of being removed hanging over them, but once they are in the NRM process the decision of whether they are seen as a victim and whether they remain or return is out of their hands.’

The Poppy Project, in evidence to the CSJ

¹⁹ Kalayaan, *Ending the Abuse: Policies that work to protect migrant workers*, London: Kalayaan, May 2011, p7

²⁰ Anonymous charity working with vulnerable and homeless people, in evidence to the CSJ, August 2012

3.5 The case for a ‘two-tier’ NRM

At present when people choose not to be referred through the NRM there is no mechanism to capture information about them. This means that crucial details about cases where professionals such as the police or NGO workers suspect modern slavery has taken place is not collected in any formalised way. The NRM is, however, ideally placed to collate this information. The CSJ therefore recommends that the NRM becomes a two-tier system that is able to receive information on suspected cases even when a victim is not willing to make a full referral.

This two-tier system would work as follows:

1. An anonymous ‘first-tier’ referral would be designed to receive information on cases of trafficking whether or not a victim consents to a named referral;
2. A ‘second-tier’ referral would be for those who wish formally to access support through the NRM and would be a named referral, as per the current format.

A ‘first-tier’ NRM referral would not be a referral to support services. Rather, it would be an anonymous referral for information-gathering purposes only. This would contain anonymous information with sufficient detail to permit the Competent Authority to log the referral in such a way that it would not subsequently be duplicated. A guide to the level of detail needed for this anonymous ‘first-tier’ referral could be the same level of information required to make a Reasonable Grounds decision (see section 3.2.1).

Through this system, the risk of valuable information being lost is mitigated and the NRM, which is overseen by the UKHTC, could more effectively contribute to the development of a robust picture of the state and scale of modern slavery in the UK. A further significant benefit of this two-tier system is that it could enable the NRM to become self-reflective; ‘first-tier’ referrals could capture explanations as to why the individual does not wish to make a full referral, helping to develop understanding as to the victim’s perceptions of the NRM and thereby increasing its victim focus. This reform also relies upon and encourages the engagement of all First Responders to enhance the NRM’s impact.

Recommendation:

- The Government should create a two-tier National Referral Mechanism (NRM) system which allows information about a person’s experience of modern slavery to be gathered through an anonymous referral, which does not require the person’s consent. If the potential victim then wishes to make a full referral to access support services, they may give their consent and a ‘second-tier’ referral can be made.

3.6 Immigration and the NRM: ensuring independent decisions

The independence of decisions made regarding whether people have been trafficked should also be questioned as part of the significant NRM reforms to improve its ability to refer victims to support, make fair decisions and build up a better picture of modern slavery in the UK. At present,

an individual who may have been trafficked but who also has an uncertain immigration status is referred to the NRM Competent Authorities in the UKBA. These Competent Authorities are in fact full-time asylum case owners. Though there is some training for UKBA Competent Authorities, the reality is that these Competent Authorities spend the majority of their time working on asylum issues; they are asylum case owners by vocation. This role involves a very different evidence process and burden of proof: combining the two roles is not therefore a natural fit.

'If you know somebody's got a messy immigration claim, you're hesitant to refer them to the NRM.'

Anonymous charity supporting survivors of modern slavery, in evidence to the CSJ

Overlapping the role of asylum case owner and Competent Authority may be an 'efficient' approach for the UKBA, but it creates a fundamental conflict of interest. This dual role creates a situation whereby UKBA Competent Authorities are attempting to balance their existing heavy caseload of asylum claims with the important decision of whether a person has been trafficked.²¹

'It's difficult if you're working on asylum cases to get the other work done...you're constantly interrupted.'

Anonymous UKBA Competent Authority, in evidence to the CSJ

Some UKBA Competent Authorities have developed a weekly rota for making NRM decisions, where an asylum case owner will be rotated into the role of Competent Authority for one week every month in an attempt to ensure that decisions are made in a timely manner. One Competent Authority representative said of this rotation system:

*'We're under-staffed... This is a good way of meeting our obligations with the NRM.'*²²

This rotation system does not allow sufficient time for staff to make all the NRM decisions that are referred to them, creating a serious backlog of NRM decisions for some UKBA Competent Authorities who can take months to work through the accumulated cases. An aftercare provider has reported to the CSJ that one UKBA Competent Authority has taken up to 14 months to make a decision.²³ Understaffing and a lack of resources are significant contributors to the slowing of this process.

The pressures already exerted on the UKBA to tackle the high number of unresolved asylum cases are significant. In November 2012, a report by the Chief Inspector of Borders and

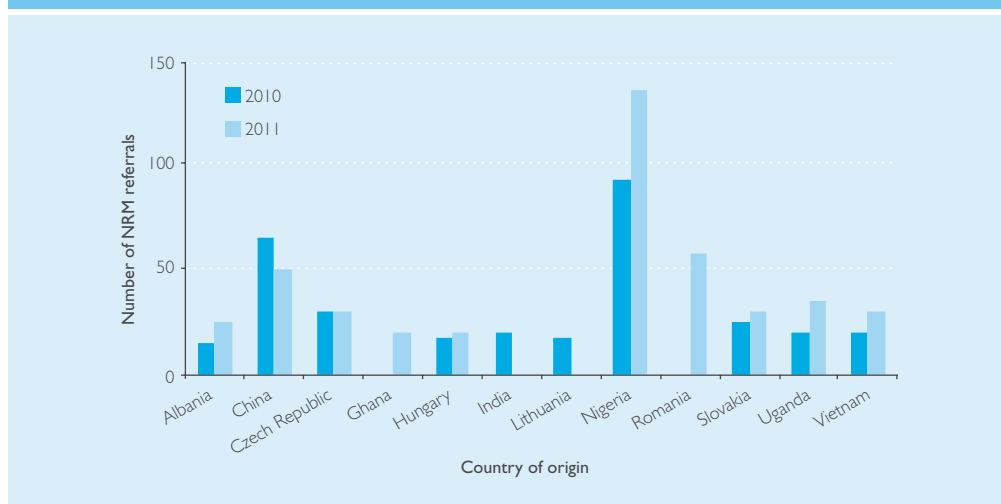
21 The Guardian, *UKBA condemned over asylum and immigration backlog*, 22 November 2012 [accessed via: <http://www.guardian.co.uk/uk/2012/nov/22/border-agency-asylum-claims-backlog> (10/01/13)]

22 Anonymous UKBA Competent Authority, in evidence to the CSJ

23 Anonymous aftercare provider, in evidence to the CSJ

Immigration found that 100,000 pieces of correspondence relating to unresolved asylum claims remained unopened due to under resourcing in the Agency.²⁴ A further backlog of 16,000 further unresolved cases was discovered in January 2013.²⁵ When added to this the increasing number of victims being referred to the NRM – the UKHTC marked a 33 per cent increase in referrals from 2010 to 2011 – it is only right to bring the most intense scrutiny to bear on the UKBA's role as a Competent Authority.²⁶ It is important to note that the 33 per cent increase in NRM referrals from 2010 to 2011 included an increase in potential victims whose country of origin is outside of the EU. This means that their NRM decision is likely to be made by the UKBA. As Figure 3.1 shows, there was a 46 per cent increase in NRM referrals of people from Nigeria, a 47 per cent increase in people from Vietnam and a 76 per cent increase in people from Uganda.²⁷ Provisional statistics for 2012 also indicate Nigeria, Vietnam and China remain in the top five source countries.²⁸

Figure 3.1: Top ten countries of origin – 2010 and 2011



Furthermore, in some cases, UKBA Competent Authorities are not clear on how to make a decision about human trafficking, because the standards of proof for making these decisions are not clearly outlined as they are when making an asylum decision. It is understandable that there may be challenges in gathering verifiable stories from the person in question, however some Competent Authorities have highlighted a gap in the guidance needed to help them assess the credibility of a modern slavery victim's experience. In addition to being under-resourced, UKBA Competent Authorities are ill-equipped to make decisions about whether a person has been trafficked.

The CSJ has heard frequently of the substantial lack of faith in NRM decisions made by the UKBA. Despite the ostensible safeguards the UKBA appear to have in place to give a

24 John Vine QPM, Independent Chief Inspector of Borders and Immigration, *An inspection of the UKBA's handling of legacy asylum and migration cases, March – July 2012*, London: Office of the Independent Chief Inspector of Borders and Immigration, November 2012, p44

25 BBC News, *UKBA backlogs: Inspectors find thousands of new cases*, 24 January 2013 [accessed via: <http://www.bbc.co.uk/news/uk-21170495> (24/01/13)]

26 Inter-Departmental Ministerial Group on Human Trafficking, *First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p74

27 Ibid

28 UKHTC website, *United Kingdom National Referral Mechanism, Provisional Statistics 2012* [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (08/02/13)]

'second pair of eyes' to NRM decisions, the serious conflict of interest is almost impossible to overcome; aside from capacity issues there is a substantial problem of perception and credibility.²⁹ Evidence for this lack of faith is seen in the number of judicial reviews that have been requested of the UKBA for decisions made by them through the NRM. Every judicial review conducted in this area since the NRM was established in April 2009 has been for UKBA Competent Authority decisions; there have been none for UKHTC Competent Authority decisions.³⁰ This reflects fears among victims and support agencies that immigration status may unduly influence UKBA decisions. Whilst it is acceptable for the UKBA to contribute relevant information to the decision over whether someone is a victim of modern slavery, and whilst it may have a legal role to play in legitimising the immigration status of an individual during their reflection period, the decisions themselves should not be made by this agency. Frustration at the incapacity of the UKBA to fulfil this role is palpable across the field.

Judicial reviews

A judicial review is a procedure through which an individual is able to challenge the decision or exercise of power by a public body such as a local council, a Minister or, in cases of human trafficking, the NRM. If an individual feels the decision of one of these bodies is unlawful or represents a violation of their rights, they may apply to the Administrative Court (a division of the High Court) for a judicial review of the decision and have the decision withdrawn. A court may also make orders to compel the authority to do its duty or to stop it from acting illegally. A judicial review is not a reconsideration of the NRM decision but rather makes a judgment over whether the decision itself was made 'legally'. A specific appeal process would be needed if a potential victim of trafficking is to have an official route made available to them to challenge a NRM decision and have their evidence reconsidered. Judicial reviews are essentially a challenge to the way in which a decision has been made, rather than addressing whether the decision itself was right or fair. Some aftercare providers registered fears that, upon receiving a negative Conclusive Grounds decision, an individual's support under the Convention will end, giving little access to support if they wish to begin a judicial review process. If a formal process of appeal was established for the NRM, individuals should be supported through the process as part of measures to ensure victims of modern slavery are protected and offered a fair hearing.

The division of cases on grounds of immigration status between the UKHTC and the UKBA is wrong and unfair. It undermines national efforts to fight this tragic crime. The fact that any potential victim is required to make their welfare case to the exact same agency who may at the same time be considering their immigration status is a denial of the right to have an independent decision concerning whether they have been trafficked. This causes significant concerns amongst organisations who are supporting victims; those working with such organisations, such as the police, are also aware of such apprehensions:

29 Inter-Departmental Ministerial Group on Human Trafficking, *First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p82

30 Hansard, Written answers and statements, 31 October 2012 [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121031/text/121031w0002.htm#12103179000046> (10/01/13)]

In order to eliminate the risk that immigration concerns and welfare decisions are confused, and to ensure continued transparency and independence within the NRM, the CSJ recommends that the UKBA is relieved of its role as Competent Authority. One single Competent Authority – under the UKHTC – should oversee all decisions. There is no justification for the UKBA to have a Competent Authority role in the NRM.

‘How can you have an organisation making decisions on a victim of trafficking when they have a performance indicator that marks them on how many people they get to leave the country?’

Former Detective Inspector Huw Watkins, Gwent Police, in evidence to the CSJ

It should not matter where a person is trafficked from; their experience as a victim of a human rights abuse should be addressed first by the single Competent Authority responsible for making all decisions, regardless of their country of origin or status in the UK. For a person who may – as has been reported – have been trapped in modern slavery through threats related to their immigration status and deportation or prison, a referral to the UKBA is wholly contradictory to the UK’s aims to put victims first.

‘One of the biggest threats by those who held them was to hand them over to the police or immigration.’³¹

The single Competent Authority should draw on the expertise of representatives from welfare organisations, psychological experts and those trained in interaction with vulnerable victims of abuse. This would be a vast improvement on the current situation. The single Competent Authority should also establish sustainable channels of communication through which to approach all relevant agencies to gather information and make an informed decision. The consistent message from NGOs providing care, First Responders who make referrals, and others working to tackle modern slavery, is that a single Competent Authority is crucial to the independence and legitimacy of the NRM. Investing the decision-making remit in one Competent Authority will mitigate the risk that internal pressure on the UKBA will impact on NRM decisions. The UKBA is currently under-resourced to fulfil this role, and many asylum case owners lack the capacity to make decisions; this cannot continue. Removing the UKBA as a Competent Authority will encourage better engagement from agencies tasked with making NRM referrals; it is crucial that there is increased trust in NRM decisions if it is to fulfil its role properly in helping to effectively safeguard victims and building an improved picture of the problem in the UK.

31 Hales L and Gelsthorpe L, *The Criminalisation of Migrant Women*, Cambridge: Institute of Criminology, University of Cambridge, August 2012, pp45–46

Recommendation:

- The UKBA should be removed as a Competent Authority for the NRM. The single Competent Authority under the UKHTC should approach all agencies to gather information and make a decision on whether or not an individual has been trafficked.

3.7 Conclusion

Considerable reform of the NRM is required if it is to fulfil its full potential. Its existence and experience to date represent the right foundation upon which an improved NRM can be built. Implementing the recommendations in this section will enable the NRM to provide a world-class victim-focussed mechanism for identifying victims of modern slavery. Increasing awareness of the NRM among First Responders, and enhancing its independence which will substantially remove the disincentives to refer will significantly improve the UK's response. In addition, developing the NRM's ability to process anonymous referrals of information will vastly help to build the picture of modern slavery in the UK. These reforms are essential if victims of modern slavery are to be better identified and supported.

3.8 Recommendations

- The Government should create a two-tier National Referral Mechanism (NRM) system which allows information about a person's experience of modern slavery to be gathered through an anonymous referral, which does not require the person's consent. If the potential victim then wishes to make a full referral to access support services, they may give their consent and a 'second-tier' referral can be made.
- The UKBA should be removed as a Competent Authority for the NRM. The single Competent Authority under the UK Human Trafficking Centre should approach all agencies to gather information and make a decision on whether or not an individual has been trafficked.
- An agreed First Responder training package should be developed, which should include guidance on the indicators of modern slavery and on the appropriate levels of information which should be included on the NRM referral form. This should be monitored by the UKHTC in the short term and by the Anti-Slavery Commissioner in the long term.
- Her Majesty's Prison Service should be granted the status of First Responder, being given the authority to make referrals to the NRM. This should include all Foreign Nationals Officers, Prison Governors and YOTs, who should be trained to identify the indicators of modern slavery;
- The detection of potential victims of trafficking should be a criteria addressed during prison inspections made by Her Majesty's Inspectorate of Prisons.
- Police should explore the development of partnerships with NGOs, allowing well-trained and experienced NGO workers to accompany police on visits to locations where modern slavery is suspected to be taking place.

chapter four

Identifying victims

4.1 Introduction

'It is widespread and is in all communities – people don't know what's right in front of them, or how to spot the signs.'

Assistant Chief Constable Olivia Pinkney, ACPO lead on Migration and Associated Matters

This chapter considers how services can identify victims of modern slavery more effectively. It is imperative that the identification of victims is enhanced through increased awareness and developed training, to ensure that the hidden victims of this crime are discovered, freed and supported through recovery. The UK has taken some steps to increase its ability to identify victims, but there is much more work to do; significant obstacles still hinder the identification of people caught in modern slavery in the UK. This chapter outlines the main issues with identification and makes recommendations for mass improvement.

4.2 Misinterpreting the problem: a damaging conflation with immigration

A serious challenge to identifying victims is the widespread misperception that modern slavery is an issue of immigration. This misdiagnosis is a dangerous mistake. Responsibility for modern slavery is held by the Minister for Immigration. The Inter-Departmental Ministerial Group (IDMG) on Human Trafficking (discussed in full in Chapter Two, section 2.2.2.) is also chaired by the Minister for Immigration. This is a wrong fit. Modern slavery is not primarily an immigration issue; it is a breach of human rights and the gravest of crimes. The CSJ recommends that responsibility for modern slavery becomes the remit of the Minister for Policing and Criminal Justice, who should also chair the IDMG.

Recommendation:

- Responsibility in government for human trafficking and modern slavery should be transferred from the Immigration Minister to the Policing and Criminal Justice Minister in the Home Office.

Diagnosing modern slavery and human trafficking as an immigration problem is not just a mistake made in Whitehall. Evidence suggests that too many police officers fall into the same trap.

'One girl escaped from a brothel and went to a police station to tell them that she had been trafficked. She had no passport. Under these confusing circumstances, we chose to arrest her for being an illegal immigrant.'

Deputy Chief Constable Giles York, Sussex Police, in evidence to the CSJ

'The central problem is the excessive focus on trafficking as an immigration crime.'

Detective Chief Inspector Sean O'Neil, Bedfordshire Police

Serious concerns were raised by some police officers that, when it becomes apparent that a potential victim – adult or child – has absent or forged travel and immigration documents, this immigration offence takes precedence over the fact that they are a victim of crime. They may then be passed on to the UKBA to enforce immigration restrictions before the consequences of their victimisation are considered or even recognised.

'If a foreign national is trafficked, unfortunately they often get the 'immigration' label.'

Assistant Chief Constable Olivia Pinkney, ACPO lead on Migration and Associated Matters, in evidence to the CSJ

'So what do we do when we find them? We charge them; we nick them. Is that the best victim care?'

Anonymous police officer¹

'You'd think the victim would be the most important thing but that's not always the case.'

Anonymous senior police officer, in evidence to the CSJ

Treating a potential victim of modern slavery as an illegal immigrant is utterly counter to a victim-centred approach. It shows the stark case for more effective training for officers to recognise the signs of human trafficking and modern slavery, look beyond the individual's

¹ Senior police officer, in a speech to practitioners, 28 March 2012

immigration status and ask questions about their safety and security. It is crucial that modern slavery is separated from immigration in such a way that victims are better understood, and that the problem is responded to. Understanding modern slavery as an immigration issue is also unhelpful not least because a large portion of documented cases in the UK involve UK nationals or people from EU member states, where immigration is not a concern.

4.3 Equipping our frontline

EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, paragraph 25

*'Officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims. That training obligation should be promoted for members of the following categories when they are likely to come into contact with victims: police officers, border guards, immigration officials, public prosecutors, lawyers, members of the judiciary and court officials, labour inspectors, social, child and health care personnel and consular staff, but could, depending on local circumstances, also involve other groups of public officials who are likely to encounter trafficking victims in their work.'*²

Training and awareness support for frontline staff must be improved if the UK is to find victims and fight this crime. For adults, this includes the police, the UKBA and those working in the criminal justice system.

4.3.1 Identification by the police

'Generally the country doesn't want trafficking and we're at a stage where they're trying to reduce the cost of policing by 25 per cent, so you don't want to be finding new problems.'

Senior police officer³

Police officers have frequently told the CSJ about their concerns in regard to the lack of knowledge in their force, and the confusion over what human trafficking or modern slavery is. Police should be able to make an assessment when faced with this type of crime, so that victims can be identified and referred to the National Referral Mechanism and an investigation can commence. Without a basic level of training about human trafficking and modern slavery, officers' responses, their ability to conduct an appropriate investigation and, most significantly, their knowledge of how to offer protection and support to a potential victim will be severely compromised.

2 Directive 2011/36/EU of the European Parliament and of the Council, of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Paragraph 25

3 The Independent, *Police report into brothels dismissed as 'amateurish'*, 15 August 2010 [accessed via: <http://www.independent.co.uk/news/uk/crime/police-report-into-brothels-dismissed-as-amateurish-2053046.html> (13/03/12)]

'A lot of police forces don't know about the NRM – they haven't heard of it. I think at this stage, they should have heard of it.'

Michelle Hitchcock, Migrant Help, in evidence to the CSJ

The size of the task before police officers is considerable; modern slavery is by its nature very hidden, and can take on numerous forms.⁴ Victims are often terrified, have been conditioned to tell a particular story, do not often see themselves as victims and may have secondary immigration issues. It is not an easy topic to tackle from a policing perspective, particularly in a climate of diminishing police resources.

'There is...a lack of knowledge in how to identify a trafficking victim...The more you deal with it, the more you recognise these things, but then other people are completely oblivious to it.'

Senior police officer, in evidence to the CSJ

The Metropolitan Police has developed an e-learning package, delivered through the National Centre of Applied Learning Technology (NCALT) which provides an easy-to-use module to raise awareness of the problem. However, some forces have reported that just two officers in the force have undergone this online training.⁵ Other forces have reported higher numbers – 229 officers in one force area – which is encouraging, though this remains a proportionally low number of the entire force.⁶ Recent reports have shown that almost 90 per cent of officers in England and Wales have not accessed the training.⁷ We recommend that a modern slavery e-learning package becomes mandatory for all forces, in order to ensure effective sensitisation to this problem; the NCALT training package is an example of a cost-effective way of circulating training.

It is also the CSJ's recommendation that more targeted and detailed training – as opposed to mere sensitisation – must be given to specific officers, as a matter of priority. The officers assigned to investigate these matters must have the necessary skills to manage the seriousness and complexity of the crime with an appropriately victim-centred approach. Senior Investigating Officers (SIOs), all immigration crime teams, all vice and drugs teams where they exist, and all custody sergeants should be aware of the indicators of human trafficking and modern slavery and the process to be followed upon identifying the victim(s) and investigating the crime. This training must include an awareness of the resources of the UKHTC. The CSJ acknowledges that this will be a challenge given the cuts to police resources

⁴ See Chapter One

⁵ Results of CSJ Freedom of Information request, August 2012

⁶ Ibid

⁷ Hansard, Written answers and statements, 11 February 2013 [accessed via: [\(14/02/13\)](http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130211/text/130211w0002.htm#130211w0002.htm_spnew2)]

that have taken place and continue to be implemented.⁸ However the human cost of modern slavery is too great to be side-lined any longer, and must become a force priority across the country; adequate training is therefore a crucial first step. There should be a role here for businesses and their corporate social responsibility (CSR) agendas: the training of police is a key area for improvement in the UK's approach to modern slavery and new and innovative funding streams should be explored.

'A lot of people think trafficking is being snatched, tied up and put in a boot and locked in a room – there is an element of freedom which I think they struggle to understand. But what about being ruled by fear? Fear of ending up in a shallow grave.'

Detective Constable Stuart King, West Yorkshire Police, in evidence to the CSJ

Currently, the limited training available for police is ad hoc and unmonitored, with some forces accepting training from NGOs who are not under any quality assurance standards or from private consultancy companies which are unaccredited. One police officer gave evidence to the CSJ voicing their concerns at the messages that were being communicated by campaigning NGOs.⁹ This is an inefficient use of time and resources, is not cost-effective and can have a damaging effect on frontline services' awareness levels which will then vary depending on what standard of training they have received. The CSJ recommends that the Anti-Slavery Commissioner should develop a system of monitoring or accreditation of available training, ensuring accurate core content, whilst recognising the need for localised specialisms developed by various NGOs and other groups.

'The nuances of theft are understood among the police. The nuances of human trafficking are less easy to understand.'

Detective Inspector Keith Roberts, Kent Police, in evidence to the CSJ

Evidence taken by the CSJ reveals how police officers can easily overlook modern slavery victims when engaged with issues related to, for example, brothels or cannabis farms. They are not trained to identify the signs and they are not being tasked to look for it. This, combined with the fact that victims in these situations have often been conditioned to stay silent or repeat a fabricated story, creates a worrying set of circumstances whereby an unknown number of modern slavery victims are not being identified. As one police officer candidly explained: "We do ask if they are a victim of trafficking, but have been told 'no'. Whether that's true or not, I'm not sure".¹⁰

⁸ Metropolitan Police Service, *Policing in austerity: One year on*, London: Metropolitan Police Service, 2012, p3

⁹ Senior police officer, Metropolitan Police, in evidence to the CSJ

¹⁰ Detective Constable, Nottinghamshire Police, in evidence to the CSJ

It is important to highlight the challenges here – it is understandable that police officers treat those who appear to be cultivating drugs, for example, as people who are breaking the law. However it is imperative that the added perspective of potential victimisation is included in any police activity that engages with those who may be in situations of modern slavery. An example of a model of best practice can be seen in Bristol, where voluntary sector organisation Unseen has supported the work of Avon and Somerset police. This partnership approach ensures that the police force liaises with Unseen when it is planning an operation on a cannabis farm in the area. During briefings before a raid, officers are informed of the indicators of modern slavery and their duty of care is explained. Unseen has also established an on-call service whereby police are able to call at any time if they suspect they may have identified a victim of modern slavery.¹¹

‘We should be looking for the story behind this person, not looking for a quick fix...who is giving this person the opportunity to talk?’

Team member, Sussex Police, in evidence to the CSJ

Recommendations:

- All officers should be sensitised to the basic indicators of modern slavery and human trafficking, and be aware of who they should speak to if these indicators are present; this will be fulfilled by every officer completing, on a mandatory basis, the National Centre for Applied Learning Technologies (NCALT) e-learning package (or equivalent). This should form part of police officers' Continued Professional Development;
- The Anti-Slavery Commissioner should develop a system of accreditation of training packages used by statutory authorities such as the police;
- There should be more detailed, practical training for Senior Investigating Officers, vice teams, drug teams and Custody Sergeants.

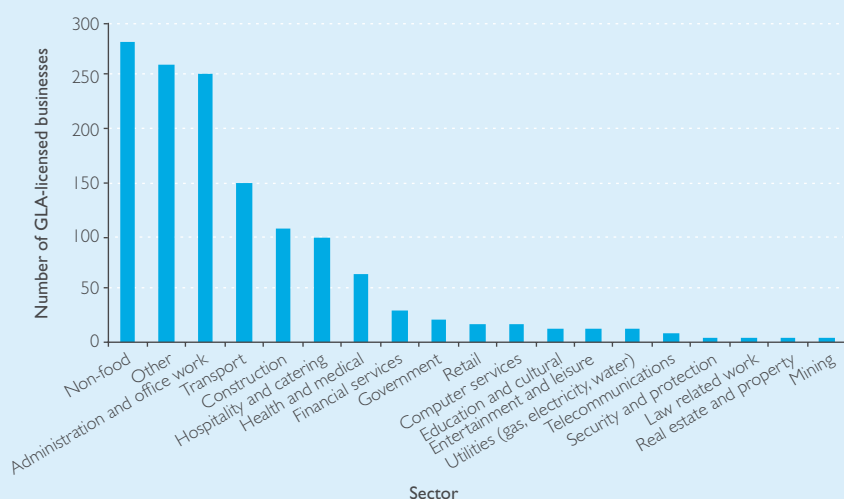
4.3.2 Identification by the Gangmasters Licensing Authority

The Gangmasters Licensing Authority (GLA) was established in 2005 under the Gangmasters (Licensing) Act 2004, following the death of a number of Chinese workers forced to pick cockles in Morecambe Bay in northwest England. The unpredictable tides swept many out to sea, and 23 were drowned. During the resulting investigation, it came to light that these individuals had been trafficked into modern slavery and were forced into accommodation, driven to the bay and made to work long hours for very little pay. The GLA was subsequently set up to protect workers from exploitation through a system of licensing which helped to regulate labour providers supplying workers to the fresh produce supply chain (agriculture, horticulture, forestry, fish processing, gathering shellfish, dairy farming and packaging/processing food and drink products) and those who use these workers. The GLA regulates this form of employment to help in the identification of potential vulnerabilities.

11 Kate Garbers, Co-Founder and Project Director, Unseen, in evidence to the CSJ, December 2012

The GLA estimates that up to 55 per cent of the businesses it licenses also operate in sectors outside of its remit, without similar levels of accountability or regulation; Figure 4.1 is a graph, based on data submitted by the GLA to the CSJ review, showing the additional sectors in which GLA-licensed businesses also operate. These include non-food manufacturing, administration and office work, transport and construction.

Figure 4.1: Additional sectors of work for GLA-licensed businesses



‘There is a risk that slave gangmasters will move away from food production to avoid the regulatory regime of the GLA. This will result in vulnerable exploited workers being moved into sectors which are scrutinised less and therefore criminal activity will be difficult to identify and eradicate.’

The GLA, in evidence to the CSJ

It is unrealistic to expect that a large proportion of labour providers which operate outside sectors that the GLA regulates are applying the standards expected by the GLA to those other sectors. The CSJ is troubled by this disparity and reiterates the call for an extension to the remit of the GLA to include additional sectors where high volume, cheap labour is employed. This is not to create a more restrictive environment for businesses, but is simply to ensure that existing standards are being implemented and workers are being protected. Increased transparency in these sectors will also be a step towards improving the picture of modern slavery in the UK; the GLA holds valuable information on the exploitation of workers in the sectors it currently monitors, and it is essential that similar information is gathered in sectors which are currently beyond its remit.

'If both the victim and society do not recognise a problem it becomes very difficult to tackle its root causes, yet the gangmasters who use these slaves profit from it personally, defraud the Exchequer, undercut legitimate businesses and, of course, abuse the individual workers.'

The GLA, in evidence to the CSJ

Identifying modern slavery in the non-food manufacturing sector

A company in England began to raise concerns when they realised that one of their Lithuanian employees – a man named Darius – was arranging travel for other Lithuanians to come and work for the company. This came to light after Darius attempted to bribe a staff member, asking for £100 every time he brought a new worker to the company. It soon became clear that Darius was charging others to travel to the UK, and providing accommodation for every person. This involved up to nine men living in a two bedroom house, each paying £50 per week. He also took an additional £50 per week for an unspecified reason. Darius would then take each person to the bank, acting as a translator to enable them to open a bank account. He then took control of their bank cards and, each time their wages were paid into the account, withdrew them from a cash machine. He would then pay the workers a small amount and keep the rest of the wages. This control of workers and theft of their wages was taking place without the knowledge of the employers, who believed they were paying fair wages to each worker.¹²

Recommendation:

- The remit of the GLA should be extended to include additional sectors where high volume, cheap labour is employed, such as non-food manufacturing, the hospitality industry and construction work.

4.3.3 Identification by the UKBA

It is essential that those working at the border and within the UKBA are equipped to spot the signs of modern slavery. In cases that involve deception from the outset, indicators of human trafficking and modern slavery at airports, seaports or train stations will be very subtle. In cases where a person is trafficked from another country, border authorities often may not pick up any indicators upon their arrival. They may arrive on a visa that appears to be legitimate, and show no signs of fear or distress since they may not be aware of the reality of their situation; many cases of modern slavery involve significant levels of deception. It is often only after entry into the UK that the true nature of the person's experience comes to light, and by this time they have too often disappeared into a community or household. Further, there are cases where people may arrive in the UK completely concealed in vehicles, through ports of entry such as Dover. In these cases, victims are essentially invisible.

However, the CSJ is concerned that, for those identified by the UKBA either at a port of entry or once they have entered the country – through a raid by immigration control, for example

¹² Medium-sized business owner, in evidence to the CSJ, May 2012

– the obvious immigration issues may overwhelm any more subtle modern slavery indicators. The CSJ recommends that training for UKBA staff is focussed on widening the understanding of modern slavery to ensure that staff understand that a trafficked person is a victim first and foremost, not an illegal immigrant.

'The mentality at the border agency is that this has been a choice. This culture needs to be broken.'

CEO of charity working with trafficked women, in evidence to the CSJ

In some cases, a quick reaction at the border can make the difference between whether or not a potential victim of modern slavery disappears into exploitation, as the following case study illustrates.

Natalie

In July 2007 Natalie, originally from Russia, escaped from an organised criminal network that had lured her from her home country with the false promise of finding her legitimate work in the UK. Upon arrival in the UK Natalie had been forced into sexual exploitation and held to a debt bond of £80,000. She was made to work in brothels in West London. Her passport was taken from her and she was not allowed to reclaim it. Police investigations identified that the man controlling her – named Andrei – took all of the money she earned. Financial investigations revealed that Andrei had purchased 23 flights since his account was opened in 2008. The majority of these flights were one way from Europe into the UK and the passenger details were all female.

In March 2009, Andrei was stopped by the border authorities at Vienna Airport, with two Eastern European females. Both of these females were intending to travel to the UK on false Bulgarian ID cards provided to them by Andrei's criminal associates. When he was stopped, Andrei was found to have seven mobile phones in his possession. When the women were interviewed they stated that the reason for their travel was in response to advertisements on the internet in Russia. One responded to an advert claiming 'We invite young girls to England' and the other, 'Agency-legal-save, confidential, £3000 a month, a broad range of employment opportunity, help to legalise your stay, assistance with favourable acquaintances, assistance in obtaining documents'. They were told that they would earn 10,000 Euros a month in England working as escorts and as dancers in London clubs. On application for this work, they were asked to send passport photos and copies of their passports. These same images later appeared on their false Bulgarian ID cards. They were instructed to make their way to Moscow railway station, where they were met by two of Andrei's associates, who handed them the false ID documents. The two females went by bus to Frankfurt and here they were picked up by Andrei and driven to Vienna. At the airport in Vienna, Andrei removed the false Bulgarian ID card from one of the females when he saw that her friend was experiencing problems at the check-in.

In August 2011 Andrei was convicted of numerous offences including Conspiracy to Traffick into the UK, Conspiracy to Control Prostitution and Removal of Criminal Property (several charges totaling in excess of £300,000). Andrei received a custodial sentence of 10 years with numerous sentences to run concurrently.¹³

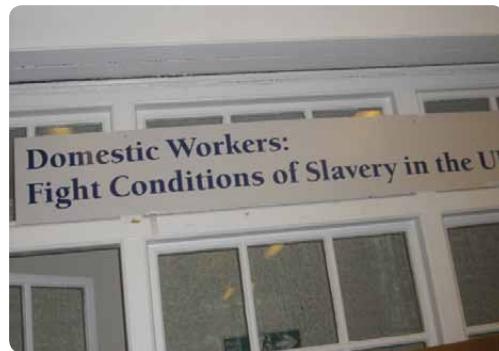
¹³ Case study submitted by the Metropolitan Police, in evidence to the CSJ, July 2012

Recommendation:

- Training for UKBA staff should be focussed on widening the understanding of human trafficking and modern slavery to ensure that staff understand that a victim is not, first and foremost, an illegal immigrant.

4.3.3.1 The Overseas Domestic Worker visa

The Overseas Domestic Worker (ODW) visa was introduced in 1998 with cross-party consensus, and gave the right for foreign domestic workers to legally exit the employment



contracts for which they entered the UK and take up work for a new employer. This helped to guard against exploitative employment relationships by giving workers the power to leave an unfair or abusive employer.¹⁴ It was widely agreed that 'maintaining a legal channel of migration for domestic workers is vital to stop a return to mass trafficking and illegal migration'.¹⁵ Under the ODW visa, domestic workers were able to enter the UK with

their employers if they had been continually employed for a year or more outside the UK with their employer – this constituted proof of an existing working relationship. The ability to change employer, according to evidence and accounts from NGOs, police and domestic workers, offered an essential protection from abuse and exploitation:

'The ability to legally change employer is a fundamental safeguard against a return to bonded labour'.¹⁶

The Home Affairs Select Committee on human trafficking in 2008 stated in its inquiry that 'to retain the Migrant Domestic Worker visa and the protection it offers workers is the single most important issue in preventing the forced labour and trafficking of such workers'.¹⁷ This visa was cited as best practice by the International Labour Organisation and the United Nations Special Rapporteur on the Human Rights of Migrants.¹⁸ The CSJ therefore has serious fears over the changes made to the ODW visa on 6 April 2012.¹⁹

Under the new visa rules, a domestic worker arriving in the UK can only remain in the country if they stay with their original employer. This presents serious risks that the informal

¹⁴ Joshi B, *Looking in the wrong direction? Changes to the Overseas Domestic Worker Visa and its consequences*, 5 March 2012 [accessed via: <http://www.migrantsrights.org.uk/migration-pulse/2012/looking-wrong-direction-changes-overseas-domestic-worker-visa-and-its-consequences> (14/01/13)]

¹⁵ MacTaggart F & Lawrence M, *Service not Servitude*, October 2011 [accessed via: <http://www.fionamactaggart.org.uk/uploads/d1b4992c-e69e-3784-b9c2-8c43818fbd3d.pdf> (01/11/12)]

¹⁶ Ibid, p8

¹⁷ Home Affairs Committee, *The Trade in Human Beings: Human Trafficking in the UK Sixth report of session 2008–9*, Volume 1. House of Commons, p26

¹⁸ UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to the United Kingdom of Great Britain and Northern Ireland*, 16 March 2010, A/HRC/14/30/Add. 3

¹⁹ UKBA website, *Domestic Workers in Private Households* [accessed via: <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers/> (14/01/13)]

and unregulated nature of this form of work will increase, disempowering workers through restricting their freedom to leave an abusive employer and fostering increased cases of modern slavery. An already hidden workforce is at risk of becoming almost invisible. Domestic workers with abusive employers are now left with three choices: to remain in the situation and submit to the abuse their job entails; to leave the UK and return home (this is very often not seen as a viable option for domestic workers who are under significant financial pressure with dependents at home); or to leave their employer and their home (many migrant domestic workers live with their employers) and face the prospect of living and working illegally in the UK. The option of reporting their abuse is effectively non-existent as they would have nowhere to live and no right to earn money legally while their complaint is investigated.²⁰ The removal of the protections inherent in the ODW visa, given the particular vulnerabilities of this group of workers, makes workers less visible, less accountable, and fundamentally less safe:

*'Domestic workers who are brought here by employers will become undocumented and vulnerable to violence and exploitation if they flee abuse rather than remaining visible and contributing through their taxes.'*²¹

The removal of this visa has increased the vulnerability of the 'already isolated and dependent worker' and removed any bargaining power they had over their employer through 'attaching' their immigration status to their employer.²²

'If we were unable to change employer, we will suffer abuse and we will not be treated like any other employee in the UK. We have this right, we are safe now, why change something which helps people?'

'Lalita', migrant domestic worker²³

'I didn't have the guts to leave...they would call the police and put robbery claims on me.'

'Sahima', migrant domestic worker²⁴

The Government's idea that scrapping the ODW visa would stop the number of domestic workers travelling to the UK is not based on reality; evidence taken by the CSJ has suggested that domestic workers will simply be brought over by other means, legal and illegal. Though this was a problem before the ODW visa was abolished, the absence of a protective option for domestic workers has undoubtedly increased their vulnerability.

20 Jenny Moss, Community Advocate, Kalayaan, in evidence to the CSJ, October 2012

21 Kalayaan, open letter to Damien Green MP, former Minister for Immigration, December 2011

22 Kalayaan, Overseas Domestic Worker Briefing, June 2011

23 Migrant domestic worker, cited at Kalayaan website [accessed via: www.kalayaan.org.uk (10/07/11)]

24 'Sahima', in evidence to the All Party Parliamentary Group on Human Trafficking, September 2011

'We are not going to stop this form of migration overnight by removing the visa. It's naïve to think that will happen. Employers will find other means of bringing help over, which offer far less protection to the vulnerable migrant worker.'

Anonymous senior police officer, in evidence to the CSJ

Furthermore, the level of information on workers' rights that a domestic worker is given before they travel to the UK is unacceptable. The current information letter, which should be a key safeguard against exploitation, is not even issued in some cases and contains no information about the protections offered to an individual if they are a victim of modern slavery. It has very little clear information about the rights of workers in the UK, and also offers incomplete details for where additional information can be found. For example, the letter references the 'ACAS helpline' with no explanation of the acronym, or what help this organisation can offer.²⁵ It is essential that a robust process is put in place in the British embassy or equivalent in the worker's country of origin to ensure that they understand their rights. These include their right to maintain possession of their passport, their right to the national minimum wage and the protections that are available to them if they are treated unfairly or are being exploited.

Recommendations:

- Given the risks of exploitation of overseas domestic workers, the Government should restore the ability for domestic workers to change employers. In these cases, the domestic worker should be allowed only to access other domestic work;
- Clear and concise information should be given to all domestic workers arriving in the UK, outlining their rights and providing clarity on how to access help should they require it.

4.3.4 Identification by the criminal justice system

Numerous practitioners from the police, the prosecution service and the voluntary sector have encountered individuals who have been trafficked into modern slavery and are subsequently arrested, charged and imprisoned or detained for offences they have committed as a result of being victims of modern slavery. These examples are in large part a result of failures among numerous agencies including the police, the UKBA, prosecutors, criminal justice practitioners and the prison service in recognising a victim of modern slavery and taking the appropriate steps.

*'Victims of trafficking in human beings should...be protected from prosecution or punishment for criminal activities such as the use of false documents, or offences under legislation on prostitution or immigration, that they have been compelled to commit as a direct consequence of being subject to trafficking.'*²⁶

Preamble to EU Directive on preventing and combating trafficking in human beings and protecting its victims.

25 UKBA information letter, submitted by Kalayaan in evidence to the CSJ, October 2012. ACAS is the Advisory, Conciliation and Arbitration Service

26 Paragraph 14, preamble, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

Victims of modern slavery may be prosecuted for immigration offences such as possession of false documents. Adults and children who have been trafficked into modern slavery for the purposes of such criminal activity as cannabis cultivation, shoplifting, begging and benefit fraud may also inadvertently be prosecuted for the crimes they commit under duress. This issue must be addressed in order to avoid those who are victims of crime being treated as the perpetrators of crime. Of particular concern here is the risk that the new 'Stop Delaying Justice!' scheme, designed to streamline trials in magistrates' courts, will give less time and space for defendants to disclose their experience of trafficking.²⁷ It is essential that this is guarded against. One solicitor told the CSJ of their fears that 'getting an adjournment can be difficult when they are trying to process cases as quickly as possible'.²⁸

Recommendation:

- Prosecutors should have a wider awareness of the protocol in prosecuting individuals who are showing indicators of modern slavery. Swift hearings in magistrates' courts under the 'Don't Delay Justice!' initiative should not hinder the ability to halt proceedings if modern slavery is suspected.

The Working Group has identified seven key stages where identification could – and should – occur in order to prevent a possible victim being imprisoned for illegal activity they have been forced to commit.

1. **At the scene:** Police or UKBA officers may identify a potential modern slavery victim. In this case, the individual should be removed to a place of safety and referred to the NRM.
2. **In interview before charge:** A person's responses during a pre-arrest interview may suggest that a person may have been a victim of modern slavery. UKBA or police must be aware of the particular indicators or behaviours, and know how to respond to them. Additionally, duty solicitors, social services and interpreters may be alerted.
3. **After interview before decision to prosecute:** A prosecutor may be alerted to the circumstances of arrest and request further enquiries to be made. This requires prosecutors to be aware of the risks of modern slavery. Information may come to light from a variety of sources: a related NGO, a psychologist, law enforcement, a Competent Authority or defence solicitors; all must be aware of the risks of erroneously criminalising a victim of modern slavery. The Code for Crown prosecutors now has provisions for defence solicitors to provide information to inform prosecutors decisions.
4. **After the decision to charge and prosecute:** Even at this stage, further information may come to light and the prosecutor is permitted, under Crown Prosecution Service policy, to discontinue the prosecution following receipt of further relevant information or evidence. This evidence might be given by defence solicitors, the Competent Authority or a related NGO; this is however contingent upon any modern slavery issues being recognised.

²⁷ BBC News, *Lawyers claim new policy causes miscarriages of justice*, 14 April 2012 [accessed via: <http://www.bbc.co.uk/news/uk-17690404> (22/01/13)]

²⁸ Cassandra Bligh, Dalton Holmes Gray Solicitors, in evidence to the CSJ, October 2012

5. **At court during or after trial:** When instructions are given to legal representatives or counsel, modern slavery may be raised as mitigation. The correct process should be to request an adjournment and refer the person to the NRM for a decision to be expedited, so that the prosecutor may review the decision to prosecute in light of this new information.
6. **After conviction before sentence:** Modern slavery may be disclosed by a victim when Pre-Sentence Reports are being prepared. Again, it is essential that the probation service and members of the judiciary, as well as prosecuting and defence advocates, understand modern slavery and the indicators that may present at this stage.
7. **After sentence:** An outreach worker or member of staff in prison, a Young Offender Institution or detention centre may identify indicators of modern slavery in a victim. At this stage, legal representatives should apply for leave to appeal the conviction or sentence. This can be done even in circumstances where the sentence has been served, since the recorded conviction can continue to have a 'punishment' effect. The conviction should be quashed and cleared from their record if it transpires that the person has been a victim of modern slavery and committed the offences as a direct result of this. This is important, as a conviction might have serious long-term consequences, particularly if it is drug-related.

The above stages reflect not only the need for greater awareness, but the substantial challenge faced by a vulnerable victim in communicating the reality of their situation once they have entered the criminal justice system. There is also a clear role for the voluntary sector organisations who may be offering support during criminal proceedings; any indicators picked up by these organisations should be passed to police and the prosecution service.

'You're being processed through a conveyer belt, and unless you've got someone to hold your hand you're lost.'

Liz Hales, Institute of Criminology, Cambridge University, in evidence to the CSJ

As one police officer explained, if a victim is not forthcoming with the details of their situation, and they are under arrest, "the attitude can be to 'get them dealt with because we've got three burglars coming in at lunch'".²⁹ The enduring challenge, as discussed in previous chapters, is the question of how a victim can be persuaded that they are safe enough to disclose their experience. However, a failure to disclose one's victimisation does not diminish the harm done to them, nor the duty owed to that victim to provide help, protection and recovery. It is for that reason that professionals involved need to be acutely aware of the relevant indicators and possibilities that lie behind a non-disclosing victim.

²⁹ Anonymous police officer, in evidence to the CSJ

4.3.4.1 *The importance of non-prosecution*

The CPS has in place guidance to advise on the non-prosecution of potential victims of modern slavery, contained within its policy document on prosecuting cases of human trafficking.³⁰ However, this policy is not widely known about, and does not necessarily have the reach that it needs in order to adequately inform and direct all professionals in the criminal justice system. The CSJ has been alarmed by reports that some police and prosecutors have neither seen nor heard of this guidance.³¹ Policy at the centre may be developed, but practitioners on the ground must be aware of it.

The CSJ recommends that provisions should be made for ensuring that victims of human trafficking are not prosecuted for crimes they committed as a direct consequence of their trafficking situation. Whilst the creation of the CPS policy has provided an invaluable step in highlighting the responsibility of police and judiciary towards potential victims of modern slavery, the reality is that this obligation is not being adequately implemented across the criminal justice sector. In order to eradicate the number of gaps through which so many victims may fall (see seven stages of identification in section 4.3.4), such a policy must apply equally to all parts of the criminal justice system. Creating a statutory statement of policy establishes a consistent obligation to implement the policy across all of the criminal justice system, police, duty solicitors, prosecuting and defence advocates, judiciary and prison officers. If the UK is to take its duty of non-prosecution of victims of modern slavery seriously, then this statutory protection is crucial. This proposal is not a recommendation for wholesale immunity from prosecution. Instead it creates a clear statement of the public interest that in each case a potential victim of modern slavery deserves to have their status as victim considered and formally identified. It is also essential that the offences for which they have been arrested and charged are viewed and considered in light of the pressures exerted on them through their experience of modern slavery. This recommendation also takes into account that an appropriate threshold must be maintained so as not to create a loophole for individuals who may seek to exploit this provision. The CSJ recommends that expertise in areas such as domestic violence and child abuse should be considered in developing the understanding of the coercion involved in modern slavery and the impact of this on the subsequent actions of both adults and children. This statutory statement of policy should be included under the CSJ's proposed Modern Slavery Act, discussed in Chapter Five, section 5.7.

Recommendation:

- **A statutory statement of policy of non-prosecution of victims of modern slavery, creating an obligation across all sectors of the criminal justice system, should be encased within the Modern Slavery Act, discussed in Chapter Five, section 5.7.**

4.3.4.2 *Potential victims of modern slavery in prison or detention*

An additional issue that has been raised is the treatment of victims of modern slavery who have been detained or imprisoned.

30 Crown Prosecution Service, *CPS Policy for Prosecuting Cases of Human Trafficking*, London: Crown Prosecution Service, May 2011, p30

31 Anonymous charity, in evidence to the CSJ

Jasmine

Jasmine was detained in Yarl's Wood Immigration Removal Centre for over seven weeks before disclosing to a charity working with immigration detainees that she had been trafficked to the UK and made to work as a prostitute, and that after some time in the trafficking situation she attempted to leave the UK and was arrested on suspicion of possessing a false identity document. She was convicted of this offence and sentenced to twelve months in prison. She was then detained by the UKBA as soon as her sentence was served. Jasmine told the charity that she was often beaten up by the man who trafficked her, and that she was suffering from pain in her legs, hands and shoulders because of this. She also explained that she had gynaecological and stomach problems. Six weeks after being detained, Jasmine had disclosed to the UKBA that she had been trafficked and claimed asylum. A month later, a UKBA case owner conducted an asylum interview with Jasmine. After she had been in detention for three months, the UKBA refused an application from Jasmine's solicitor for her release on bail. The next day, they wrote to her saying 'You have been identified as a possible victim of human trafficking' and briefly explained the process the UKBA would follow to consider her trafficking claim. Jasmine's Monthly Progress Report from the UKBA states that after a further month, her 'asylum application was transferred to a specialist to consider [her] case as a possible victim of human trafficking'. After two more months, at which point Jasmine had been in detention for over six months, a Monthly Progress Report from the UKBA stated that 'Your asylum application as a possible victim of human trafficking is under consideration and it has been agreed there are reasonable grounds to your claim'. However, despite this, the Report concluded that 'it is considered that detention for the purposes of deportation is reasonable'. Jasmine was not released from detention until over two weeks after this Report was written.

The UKBA document 'Victims of Trafficking: guidance for frontline staff' explains that an initial decision about a trafficking claim must be made quickly: 'The Competent Authority has 5 working days from the receipt of the referral to reach a decision. Where a case needs to be fast tracked, e.g. the person may be detained, the Competent Authority is expected to treat the case as a priority and reach the decision as soon as possible'.³²

Despite this, Jasmine was detained for over four months after she disclosed to the UKBA that she had been trafficked, and for two weeks of the 'recovery and reflection' period which followed her reasonable grounds decision.³³

The CSJ received evidence to show that Reasonable Grounds decisions which should take five days to complete often take much longer when an individual is detained. Some practitioners suggested that this was due to the fact that the individuals 'weren't going anywhere' so there was no hurry to complete their referral.³⁴ This is shocking, given that victims of modern slavery who have been unfairly detained are in an extremely vulnerable position and should be removed from detention or prison as soon as possible. The current delays run completely counter to a victim-centred approach, and highlight the enduring issues of awareness of victim rights and the need for speedy decisions regardless of the immigration status of the individual. All potential victims of modern slavery should be treated the same, whether they are detained, imprisoned or otherwise.

32 UKBA Competent Authority Guidance, p27 [accessed via: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/competent-guidance?view=Binary> (08/02/13)]

33 Anonymous charity working with immigration detainees, in evidence to the CSJ, July 2012

34 Anonymous charity, in evidence to the CSJ, July 2012

Though the CPS has an agreement to ensure decisions for those detained or in custody are made within 24 hours, the CSJ has been told that this is not happening on the ground, and that decisions are not being made as quickly as they should be in these cases.³⁵

Alicia

Alicia was imprisoned at HMP Bronzefield after being stopped at Heathrow airport for being in possession of false documents. After eight months in prison, she disclosed that she had been trafficked. Her NRM referral was then submitted by a First Responder. Alicia had to wait for two months for a Reasonable Grounds decision. She then received a negative Reasonable Grounds decision which was contested by her lawyer. Six weeks after this, Alicia's negative Reasonable Grounds decision was overturned. She was finally released from prison days later and was taken into safe accommodation.³⁶

'We are seeing women like this – women who have been trafficked – every day...the offence will often take precedence over the claim of trafficking.'

Anonymous charity working with vulnerable foreign national women in prison and detention

Recommendation:

- Detained or imprisoned individuals should be removed from detention or prison upon a NRM referral, recognising that delays in these cases are unacceptable.

4.3.4.3 Guilty pleas

The CSJ also heard worrying evidence that individuals in the criminal justice system are advised to register a guilty plea, most commonly for reasons of speed and efficiency. However, in cases where a person has been trafficked into modern slavery, a guilty plea is both unjust and unhelpful; if they then wish to disclose that they have been trafficked, the guilty plea creates a substantial obstacle, and may add to the culture of disbelief that has been cited as prevalent among some law enforcement agencies. The CSJ has been shocked to hear that in many cases, defence solicitors who do not understand the complexities of modern slavery, or are working with clients who have not disclosed anything, are advising clients to submit early guilty pleas for offences they have not committed.³⁷

'Pretty much all of them are advised to plead guilty.'

Anonymous charity working with victims of modern slavery

³⁵ Ibid

³⁶ Case study submitted by anonymous charity, in evidence to the CSJ, December 2012

³⁷ Pam Bowen, Strategy and Policy Directorate, Crown Prosecution Service, in evidence to the CSJ, July 2012

The Law Society has now published a Practice Note, which reflects the obligations of defence solicitors in identifying victims of modern slavery who they may be representing as a defendant when they have committed a criminal offence.³⁸

Stacey

Stacey was born in Zimbabwe but her father died when she was young and she moved to Nigeria with her mother who died two years later. Stacey ended up living on the streets, where she experienced physical and sexual abuse. She was eventually brought into the UK to do what she told was 'housework' but she was actually taken to a brothel. She managed to escape from the brothel and was able to buy false papers in order to get work. However, she was arrested in 2010 at one of the places she found work and was detained in an immigration removal centre.³⁹

Overall, it is clear that there is a dangerous combination of low awareness among frontline professionals and reluctance or fear of victims to disclose their experience of modern slavery. The CSJ is convinced that sustainable training for each of the agencies and organisations mentioned above is of critical importance to ensure that practitioners are doing all they can to help a trafficked victim overcome that fear and speak out about their experience. Generating a feeling of safety, reassuring a potential victim that they are not in any trouble and helping them to understand what is going to happen next will be key elements in working towards a disclosure. However, the awareness of these agencies must first be raised and embedded.

4.4 Identifying child victims of modern slavery

Children from outside and within the UK are being bought, sold, transported and exploited. Children in modern slavery are too often not identified by key agencies including the UKBA, the police and local authorities. Fears remain about the way in which these children are treated when they have not been appropriately identified. For those children who are trafficked into modern slavery from abroad, their status as foreign children, often without correct immigration documents or even identification papers, can take precedence over their vulnerabilities and victimisation. For British children trafficked within the UK, the warning signs may not be recognised, and the exploitation is often hidden behind difficult behaviour or episodes of going missing that are not properly responded to.

'People often won't see it on their doorstep, because they don't think it happens here.'

Anonymous children's charity, in evidence to the CSJ

38 Law Society website, *Criminal Prosecutions of Victims of Trafficking* [accessed via: <http://www.lawsociety.org.uk/advice/practice-notes/victims-of-trafficking/> (20/02/13)]

39 Case study submitted by Yarl's Wood Befrienders, in evidence to the CSJ, July 2012

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.⁴⁰

United Nations Convention on the Rights of the Child

'It doesn't matter if I change my hair colour or wear something more expensive; it [experience of trafficking into the UK] will be with me until the day I die.'

Child trafficked to the UK⁴¹

The NSPCC has suggested that a wall of silence is often present for children and young people who have been trafficked into modern slavery:

'On one side of the wall there are children and young people who are afraid or unable to speak, exploited by traffickers who are skilled at remaining concealed themselves. On the other side there can be a lack of awareness by the general public and some practitioners, enhanced by a culture of disbelief. This culture of disbelief is invariably entwined with questions about the age of the child or young person and their immigration status'.⁴²

This 'culture of disbelief' must be overcome if children in modern slavery are to be found and freed.

4.4.1 Obstacles to the identification of children

'Our project can't help trafficked children if they cannot be identified in the first place.'

Anonymous voluntary sector worker in evidence to the CSJ

The nature of child modern slavery means that victims are often kept away from statutory agencies, or if seen, are conditioned to fabricate a story.⁴³ Children who have been trafficked will often 'disappear' and depending on the form of exploitation they are trapped in, will not be visible to those who may be able to offer help. It is crucial that for those children who are particularly hidden and at high risk of exploitation and harm, the obstacles to finding them, protecting them and supporting them through recovery are recognised and, as far as

⁴⁰ United Nations Convention on the Rights of the Child 1989, Article 3

⁴¹ Child Trafficking Advice Centre, Listen to Me film, viewed July 2012

⁴² NSPCC, *Breaking the Wall of Silence: Practitioners' responses to trafficked children and young people*, Bedfordshire: University of Bedfordshire, June 2009, p82

⁴³ London Safeguarding Children Board, *London Child Protection Procedures*, 4th Edition, London: London Safeguarding Children Board, 2010, p252

possible, are removed. The UKBA, the police, teachers, health professionals and local authority children's services all have a responsibility. It is the case that 'at one point or another, many victims of trafficking do come to the attention of different agencies – be it social services, schools, doctors and others... their experiences are compounded by the inability of many practitioners they came into contact with to identify the indicators of abuse and exploitation and to safeguard them'.⁴⁴

'Even when they do alert frontline professionals including the police, teachers and social workers, many are unwilling to help, disbelieve the seriousness of their situation or do not know where to refer them for advice.'

Ilona Pinter, Children's Society, in evidence to the CSJ

4.4.2 Identification at the border: children trafficked into modern slavery from outside the UK

Children are trafficked in modern slavery from outside of the UK, brought into the country through airports such as Heathrow, seaports such as Dover and via rail and road routes through the Eurostar or Victoria coach station. The sheer volume of visitors to the UK every year makes identifying potential victims extremely difficult. Dover seaport alone has almost 13 million people travelling through it every year.⁴⁵ At borders such as these, the presence of trained border staff and police to help in the identification of vulnerable children is crucial, yet currently this presence is low at major ports such as Dover. Often the priority at such major ports is to identify and report 'illegals' and terror suspects, making it difficult to go 'hunting for trafficking'.⁴⁶

The CSJ has heard of cases of children being brought into the UK on a coach from Romania, on a plane from Nigeria and on a ferry from Europe having been trafficked from Vietnam. Children will often present no signs of distress, being unaware of what is to come, and may also have valid documents to present to the Border Force. The CSJ does not underestimate the enormity of the challenge at our borders.

'At the border, children often will not say anything, either because they have no idea they are being trafficked, or they are in fear of their situation. As such rarely would any disclosure be made at a frontier.'

Detective Inspector Keith Roberts, Kent Police Special Branch, in evidence to the CSJ

⁴⁴ Ariyo D, *Child Domestic Slavery: A growing phenomenon in the UK*, London: AFRUCA, date unknown [accessed via: www.africanigeria.org/images/Child%20Domestic%20Slavery.doc (16/01/13)]

⁴⁵ Department for Transport, *Factsheet: Maritime Statistics*, London: Department for Transport, 2012, p1

⁴⁶ Anonymous police officer at a major port, in evidence to the CSJ

The London Child Protection Procedures, which are statutory guidance, state that 'Immigration officers are empowered to refer children to local authority children's social care in the area the port is located, if a child's immigration documentation is incorrect or if the officer has concerns about the child's welfare. However, officers have a very limited opportunity to assess the child's welfare, and adults bringing children into the country illegally are adept at concealing irregularities in their relationship with the child, including using threats to ensure that the child presents appropriately'.⁴⁷



Artwork created by trafficked children in the Netherlands

The CSJ has heard concerns registered by children's services professionals and voluntary sector organisations about the risks of vulnerable children being missed when they arrive at the border. One organisation spoke of a number of cases of trafficked children with whom they have worked, who arrived in the UK with false passports and were not identified by the UKBA:

'Passports can make them ten years older, then the girls are dressed up to look as old as possible. We've had some passports saying they are 30, when they are actually 14'.⁴⁸

Some details on the correct protocol for the UKBA to follow when faced with children who may be trafficked into modern slavery are found in the UKBA 'Change for Children' guidance.⁴⁹ This guidance marks a positive step in engaging the Border Agency in the problem of child trafficking, and highlighting the duty of care of the Border Agency and their 'significant safeguarding role'.⁵⁰ However, this guidance must filter down to those who may be seeing vulnerable children at the border and missing the signs.

'The UKBA needs to do more work on understanding that these are vulnerable kids, not just illegal kids.'

Anonymous social worker, in evidence to the CSJ

In light of the significant concealment of children arriving at the border, efforts to identify children are failing and many ports may present an 'open door' to traffickers since there is little or no child safeguarding presence, particularly with any focus on modern slavery. As part of its evidence gathering, the CSJ visited the Netherlands, where it learnt about safeguarding at ports of entry from the charity Nidos, which works in partnership with the Netherlands' equivalent of the UKBA.

⁴⁷ London Child Protection Procedures, 4th Edition, London: London Safeguarding Children Board, 2010, p252

⁴⁸ Vesna Hall, Young Women's Adviser, Refugee Council, in evidence to the CSJ, April 2012

⁴⁹ UKBA, *Every Child Matters: Change for Children*, London: UKBA, November 2009

⁵⁰ Ibid

Nidos – the Dutch approach

Nidos is a charity in the Netherlands which is mandated to take parental responsibility for every unaccompanied child entering the country from abroad. This will include a number of children who have been trafficked. Nidos works with the border police and the immigration service to ensure that children who are unaccompanied and vulnerable are placed in safe accommodation and effectively protected from anyone who may wish them harm. Nidos enables a multi-agency approach to children at the border; with border staff drawing on the expertise of the Nidos team to help identify children who have been trafficked. Trafficked children arriving in the Netherlands will be placed in a safe house with effective protection measures in place. These include the removal of mobile phones, no internet access, a high staff to child ratio, a relational approach to children staying in the house and a strict

routine to help children feel safe. During its visit to the Nidos project, the CSJ was struck by the increased accountability this system has helped to develop in the Netherlands; the co-located team at Schiphol Airport in Amsterdam helps to ensure that relevant expertise and knowledge is combined to find an outcome that is in the best interests of the child. Nidos is responsible if a child goes missing, meaning that placements are carefully thought out and managed.



Decorations at the Nidos protected unit

'Everybody has signs they are looking for. All those signals come to the Nidos team member, who sees the child the same day they arrive. When signals point to extra vulnerability or a risk the child was trafficked, the child will be sent to the protected shelter.'

Nidos team member, in evidence to the CSJ

However, to simply focus efforts at the borders is dangerous. Any prevention efforts and training for UKBA staff should be part of a wider approach involving children's services and the police. The UKBA at the border should be much more than just a point of immigration enforcement; it is crucial that it recognises its role as a means of safeguarding vulnerable children. A child who may have been trafficked who is identified at a border should not be made to feel frightened, but should be protected from harm and given the support they deserve. UKBA officers must be equipped to assist the vulnerable, not just to enforce immigration rules.

A further problem is authorities' disbelief of children's stories upon entering the UK. The consistency of a child's story is likely to vary hugely depending on how tired the child is, when they last had something to eat, how fearful of authorities they are and what they have been told to say by their traffickers.⁵¹ Border officials and police must be alert to the specific barriers to disclosure that exist for trafficked children, and there must be a more flexible, responsive approach from these agencies to ensure a trafficked child is treated fairly and appropriately, given their potentially traumatic and harmful experiences. Social workers

⁵¹ A number of issues surrounding disclosures by children are explored in Children's Commissioner, *Landing in Dover: The immigration process undergone by unaccompanied children arriving in Kent*, London: Office of the Children's Commissioner, January 2012

contacted during our review discussed the need for an increased multi-agency approach, where children's services are included in the response to unaccompanied children, and to those who may be showing indicators of trafficking. A good example of coordination between UKBA and other agencies at the border, and a concerted effort to identify and safeguard children who may have been trafficked, can be seen in the work of the Paladin Team, under the Metropolitan police, which is based at Heathrow airport.

Operation Paladin

The Paladin Team is a joint Metropolitan Police Service and UKBA team, based at Heathrow and the Asylum Screening Unit (ASU) at Croydon. The co-located team of police and UKBA officers at Heathrow airport has developed information-sharing protocols which mean that vulnerable children arriving with adults at Heathrow can be identified and safeguarded. The Paladin team are able to target flights, identifying potential traffickers through gathering intelligence in partnership with the Border Agency. An example of this in practice is the ability of the team to track suspicious individuals arriving at Heathrow with children – if the same individual tries to leave the UK without those children, Paladin is able to identify them and apprehend them before they leave the country.

The Paladin team is an essential part of the UK's response to human trafficking; a dedicated team for the identification of vulnerable children should be a prerequisite for every major port. However, there exist no equivalent teams at other large ports, leaving many of these exposed to use by traffickers. Though Paladin has in the past acted as an informal advisory service for other ports of entry who wish to draw on the experience of the team, this is not a sufficient response. It is essential that cooperation and coordination is facilitated across the UK, ensuring that valuable information can be shared, and that the developed expertise on the Paladin team is not simply concentrated in one central area.

'The bigger airports in the UK would be naïve to think trafficking isn't happening at their ports.'

Former Detective Chief Inspector Sue Inwood, Metropolitan Police Operation Paladin, in evidence to the CSJ

For ports operating without Paladin equivalent teams, the Working Group is not able to say how vulnerable and potentially trafficked children are safeguarded or protected. This alone is seriously worrying.

Recommendation:

- Multi-agency child safeguarding teams, modelled on the Paladin team, should be introduced at all major ports of entry, and support, advice and training should be available to UKBA and police at smaller ports.

4.4.2.1 Age assessments

Age assessments of unaccompanied children who have arrived in the UK have been a subject of debate for many years. It is beyond the scope of this paper to address the full extent of issues with the process of age assessments however it is important to mention that age assessments may be a significant element of a trafficked child's experience in the UK. A recent report by the Children's Commissioner stated that 'Many of the separated migrant

children/young people who arrive in the UK do not hold valid documentary proof of their age, and many find that their stated age will be disputed by either the immigration or social services. This has led to disputes over age which have been very difficult to resolve, and have significant ramifications for the young people involved'.⁵² Given that UKBA policy is to refer any person claiming to be under the age of 18 to social services, and since police will do the same if they identify an unaccompanied child, those conducting an age assessment are in a prime position to contribute to spotting the indicators of modern slavery. In evidence to the CSJ, a social worker who is experienced in conducting age assessments spoke of a case that he missed:

'If I had known the indicators to look for in relation to a young person being trafficked, I would have contacted the relevant agencies and authorities to voice my concerns that the person being age assessed may have been trafficked. We are now becoming more aware of the different trends and indicators to look out for'

Anonymous social worker, in evidence to the CSJ

Social workers on assessment teams who are conducting regular age assessments are well-placed to apply learning and potentially identify trafficking risks early.

'Before it was just a straight age assessment, but now when you look at it you have to consider both sides – could this child have been trafficked?'

Social worker, in evidence to the CSJ

Recommendation:

- Social workers conducting age assessments should be trained to identify indicators of modern slavery, and should know what the NRM is and how to make a referral.

4.4.3 Identification of children in modern slavery by the police

For children who are trafficked into modern slavery in the UK and who are not identified before their exploitation takes place, the police may be the first contact a trafficked child has with authorities. It is part of police responsibility to identify British children trafficked into modern slavery within the UK, who are being exploited in areas across the country.

52 Children's Commissioner, *The Fact of Age: Review of case law and local authority practice since the Supreme Court judgment in R (A) v Croydon LBC [2009]*, London: Children's Commissioner, July 2012, p9

Child victims may present in a variety of situations and circumstances, and there is significant need for a universal basic understanding of the indicators. Most police areas do not have a dedicated child trafficking unit or a specific officer responsible for cases of child trafficking. This may be due to the fact that child trafficking represents a variety of crime types, including sexual exploitation, neglect and forced labour; and therefore is not viewed as the remit of one specific unit, but it is also down to the absence of direct tasking in addressing this crime: 'Child trafficking offences are committed at varying levels of organisations, from informal familial offending to highly sophisticated organised crime'.⁵³

The subtle indicators of modern slavery, and the many conflicting appearances of criminality that may be present, cause significant challenges to the police. In cases where the child is identified as conducting illegal activity, it is essential that the police understand the possible risk factors associated with modern slavery and do not prosecute children who are committing crimes only as a result of being trafficked. In evidence to the CSJ, police have registered views that they are not always equipped to identify the hidden vulnerabilities of children.

'We're experts at enforcement; we're not experts in identifying people who've been trafficked. Once they get into custody those opportunities are limited because we're working against the clock.'

Detective Chief Inspector Steve Jeffries, Avon and Somerset Police, in evidence to the CSJ

This underlines the essential role of multi-agency work; police, social services and the voluntary sector must work together to ensure that potentially trafficked and exploited vulnerable children are safeguarded and protected. An example of this multi-agency approach can be seen in Bristol, where local anti-trafficking charity Unseen has supported Avon and Somerset police to enhance their recent push on disrupting the illegal cultivation of cannabis in the area. Details of this arrangement can be found in section 4.3.1.

Children trafficked into modern slavery within the UK may present to police in different ways, including through anti-social behaviour such as under-age drinking, drug use or shoplifting. Evidence to the CSJ has suggested that in these cases, it is difficult for police to see past the 'nuisance' and understand what may be going on. Past research has highlighted the dangers of repeated episodes of petty criminality being ignored by police.⁵⁴ As any parent will know, disruptive behaviour is often a symptom not a cause, and whilst it may be unrealistic to expect every police officer to bring that perspective fully into every case, a basic awareness of indicators that may flag up a more serious concern should be embedded in the training of every officer.

53 Association of Chief Police Officers/National Policing Improvement Agency, *Guidance on Investigating Child Abuse and Safeguarding Children*, Second Edition, London: ACPO, 2009, p32

54 Pearce J, Hynes P and Bovarnick S, *Breaking the wall of silence: Practitioners' responses to trafficked children and young people*, London: NSPCC, June 2009

'Many of these children are perceived as a nuisance rather than a risk.'

Detective Chief Inspector Steve Jeffries, Avon and Somerset Police, in evidence to the CSJ

'Police, as investigators, are looking for consistencies in stories of the children. But you will find more inconsistencies than consistencies in the stories of these young people – so it's a different mind-set for the police.'

Anonymous child safeguarding professional, in evidence to the CSJ

Recommendations:

- Child Abuse Investigation Teams (CAITs) should be trained in investigations into modern slavery and human trafficking and should recognise child trafficking as part of their remit;
- Police should be tasked to proactively investigate the links between missing children and child trafficking, given the risk factors involved. For example, the Metropolitan Police Sapphire unit or equivalent units, which investigate rape and other serious sexual violence cases, should be sensitised to modern slavery in order to increase detection.

4.4.3.1 Children's mistrust of authority

In many cases, children who have been trafficked into modern slavery may have a damaging mistrust of authorities, including the police. For children trafficked to the UK from abroad, this may be due in part to experiences in their countries of origin where police and other authorities might be corrupt. In one case relayed to the CSJ by an investigating police officer, a victim told of a police officer in her home country who sold her home address to her trafficker after she had escaped. The trafficker visited her house, beat her and left her for dead.⁵⁵ This is just one example of the justified mistrust of authority that is so prevalent among victims of modern slavery.

'You cannot rely on the police in my home country.'

Child trafficked into modern slavery in the UK from overseas⁵⁶

This distrust may also develop as a result of the work of traffickers, who will convince their victims that if they go to the police, they will be arrested and deported or imprisoned. The disincentives for a child to speak out against their trafficker and alert someone to their situation are immense, and any strategy to counteract child trafficking and better support the victims must take this into account.

⁵⁵ Investigating Officer, The Metropolitan Police, in evidence to the CSJ

⁵⁶ Child trafficked into modern slavery from abroad, in a speech to practitioners, July 2012

Sarah

Sarah was brought to the UK from Eastern Europe by a criminal network of traffickers who sold her into the sex industry. In order to exert total control over her, two of Sarah's traffickers dressed as policemen, and raped her. This instilled from the first instance an appalling and misplaced fear of the British police and ensured that Sarah submitted to the abuse that she was forced into.⁵⁷

Language restrictions may also prevent a child speaking out about their experience. The extreme vulnerability and isolation caused by the inability to speak the local language, coupled with an entrenched fear of the police can often seem insurmountable, and children in particular are at risk of remaining hidden simply because they are unable to communicate. A voluntary sector worker told our review about a Vietnamese child who, when recovered from a cannabis farm where he was being exploited, did not even know which country he was in.⁵⁸ With this level of confusion and isolation, children in modern slavery, unsurprisingly, remain hidden.

'He was so petrified; he was not going to say anything.'

Social worker, in evidence to the CSJ

4.4.4 Identification by children's services

Children's services have a significant role to play in identifying children in modern slavery, yet awareness of child trafficking and the risk indicators it may present is worryingly varied across the country. Local authorities are a designated First Responder for the NRM; they should have awareness of the problem of modern slavery and be able to spot the signs. However social workers often do not understand the problem of child trafficking in the context of child abuse, meaning that in some cases 'social workers are fearful and may shy away from it'.⁵⁹ Police have highlighted the crucial role of social workers, explaining that: 'rarely will a child or young person approach the authorities and state they have been trafficked. We are, therefore, reliant on professionals involved with the child or young person to carry out effective assessments, to understand how children may be exploited and to understand that child trafficking...is child abuse'.⁶⁰

'We're not finding them, we're not identifying them, we're not referring them; that's the problem.'

Lynne Chitty, Barnardo's, in evidence to the CSJ

57 Case study submitted by Sheila Taylor, Chief Executive of the National Working Group for Sexually Exploited Children, in evidence to the CSJ, March 2012

58 Voluntary sector worker, in evidence to the CSJ, September 2012

59 Anonymous child trafficking NGO, in evidence to the CSJ, September 2011

60 Wood S, 'Child trafficking investigations and prosecutions', in P Chandran (ed), *The Human Trafficking Handbook: Recognising human trafficking and modern slavery in the UK*, Edinburgh: LexisNexis, 2011, p394

A significant factor in this lack of awareness is the shocking fact that modern slavery and human trafficking does not feature on the curriculum for social worker training. This is 'like training doctors without teaching them about broken bones'.⁶¹ One social worker told the CSJ that 'we've never been told about trafficking – I only looked into it as a personal interest'.⁶² With this damaging low awareness from the very outset, local authorities are forced to rely upon the unrealistic assumption that a social worker will simply be able to pick up the signs and indicators of modern slavery and understand the nuanced issues surrounding it 'on the job'. Ad hoc, infrequent and unmonitored training is sporadically delivered in some areas, reflecting a complete lack of coordination. It is therefore essential that trainee social workers are taught about the risks of child trafficking in the UK as part of their qualification, and that existing social workers are trained effectively through an agreed programme. This training should form part of social workers' continued professional development. The newly established College of Social Work should be aware of the gap in training on trafficking for social workers, and should recommend that it be added to the curriculum for student social workers.

'In any room of 30 to 40 social workers, across the 70 local authorities we have trained, when asked if anyone knows what the NRM is no more than one or two will raise their hand.'

Andy Elvin, CEO of Children and Families Across Borders, in evidence to the CSJ

'I'd never really considered child trafficking – it's only since our recent training that I've started to see it.'

Social worker, in evidence to the CSJ

'We've had no training on it at all – I didn't know what the NRM was.'

Social worker, in evidence to the CSJ

A first step to counter this unawareness would be the addition of child modern slavery to the child protection training for social workers at university level. To expect social workers to spot the signs of trafficking without any teaching on the subject is unrealistic, particularly in light of the pressures already exerted upon them through their existing heavy caseload, and the time constraints this creates.⁶³ In a previous CSJ report on the UK care system, it was highlighted that 'there is a large and unacceptable gap between the service which social workers want to be able to deliver and the reality on the ground'.⁶⁴ Not only does this remain the case, but in regard to the issue of trafficking about which so little is known, many social workers have neither the time nor the capacity to engage with it. Given that 'the decisions of social workers are crucial to the fortunes of children in care. They have a major impact on...who looks after

61 Andy Elvin, CEO of Children and Families Across Borders, in evidence to the CSJ, September 2011

62 Anonymous social worker, in evidence to the CSJ

63 See, for example, The Guardian, *Are social workers buckling under unmanageable caseloads?*, 25 January 2012 [accessed via: <http://www.guardian.co.uk/social-care-network/2012/jan/25/social-workers-unmanageable-caseloads> (07/02/13)]

64 The Centre for Social Justice, *Couldn't Care Less: A policy report from the Children in Care Working Group*, London: Centre for Social Justice, 2008, p88

them...and what happens to the children when they leave care', the absence of training on how to deal with this specific group of vulnerable children is unacceptable.⁶⁵ Since the role of the social worker is very often the front line in the protection and support of children who need help or are at risk of abuse, the gap between the reality of modern slavery in the UK and the understanding of social workers of this problem must be closed. Whilst this gap remains, among some local authorities 'There is a tendency to not acknowledge the problem...Because often they are scared that if they acknowledge, they ought to put a response in place and they don't have the resources'.⁶⁶ Children who have been trafficked into modern slavery may present in a variety of ways; the most obvious issue to a border official, a police officer or a social worker may be their behaviour, their criminality or their immigration status. However, it is important that those whose responsibility it is to safeguard and protect children are equipped to look beyond the 'obvious' and understand the complex problem of modern slavery.

Recommendations:

- Trainee social workers should be taught about the risks of child trafficking in the UK as part of their qualification, and existing social workers should be trained effectively through an agreed programme. This training should form part of social workers' continued professional development;
- The newly established College of Social Work should be aware of the gap in training on trafficking for social workers, and should recommend that it be added to the curriculum for student social workers;
- Training should be given to local authority Emergency Duty Teams on the risks and processes for a trafficked child, in recognition that trafficking does not take place only during working hours.

4.4.4.1 Child trafficking is child abuse

The response to child trafficking will vary according to the child's experiences and their support needs. Trafficking for different forms of exploitation can have varied impacts on a child, and effective risk assessments are needed so that children can be supported and protected when they are removed from a trafficking situation. It has become clear that too often, child victims of modern slavery are not seen in the 'context' of child protection, but rather are viewed as something 'other'. As discussed above, in cases where the child is not from the UK, the CSJ has heard that they may be treated first and foremost as illegal immigrants, which can easily lead to a perception that they are less at risk, less in need of protection and less of a priority case.

'There is a culture of disbelief surrounding children who are trafficked to the UK from abroad. We've soaked up this perception that they are here for ulterior motives; to access benefits, for example.'

Stuart Barker, social worker, Merton children's services, in evidence to the CSJ

⁶⁵ Ibid, p87

⁶⁶ NSPCC, Breaking the Wall of Silence: Practitioners' responses to trafficked children and young people, Bedfordshire: University of Bedfordshire, June 2009, p115

And in cases of child trafficking that involve British children within the UK, the danger is, for example, that they are perceived as difficult children, whose poor behaviour or episodes of going missing – as explored below – are not seen as behaviours that warrant concern:

‘We have seen kids who are internally trafficked but are still living at home. They can often just be seen as badly behaved.’

Anonymous children’s charity, in evidence to the CSJ

In both scenarios, the best interests of the child can easily be lost. If practitioners become too distracted by what category a trafficked child ought to be placed into, there is a risk that the safety of those children will be compromised. Provisions under the Children Act should be drawn upon when working with a trafficked child; modern slavery must be understood as child abuse, albeit in a form which is presenting in a slightly different way to the ‘norm’.

‘A different response is needed; being exploited by someone not in your family has a very different impact on you.’

Anonymous children’s charity, in evidence to the CSJ

This sporadic workforce capacity must be confronted. Social workers cannot fulfil their role as First Responders if many have not heard of child trafficking or modern slavery, and don’t know what they are looking for.

4.4.5 Identification by the youth justice system

Trafficked children have also been identified in the youth justice system. The CSJ has been shocked to find that children who have been trafficked are being prosecuted for crimes they have committed as a result of their enslavement.

‘Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being [trafficked].’

Article 8, European Directive on preventing and combating trafficking in human beings and protecting its victims, 2011⁶⁷

“Within five minutes of meeting him in his cell, I thought ‘this is insane I can’t believe it hasn’t been picked up before.’”

Stuart Barker, social worker, Merton children’s services, in evidence to the CSJ

⁶⁷ Article 8, Directive 2011/36/EU of the European Parliament and of the Council, of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

Trafficked children in the youth justice system

In 2011, a voluntary sector worker in a YOI identified 12 young Vietnamese males who had been resident in the YOI for periods ranging from a few weeks to a year. After reading the Asset records for each young person, the outreach worker noticed several indicators of trafficking, including the routes they had travelled by and the situations in which they had been discovered or arrested – mainly in cannabis farms.⁶⁸ With this in mind, the worker referred all 12 young people to the NRM where five subsequently received Reasonable Grounds decisions which stated that they may have been trafficked. It is unknown how many received a Conclusive Grounds decision, but what is certain is that at least five should not have been prosecuted in the first place.

Children (and adults) who have been trafficked into modern slavery may be arrested for a range of offences, including causing or inciting/controlling prostitution for gain (sections 52 and 53 of the Sexual Offences Act 2003), keeping a brothel (section 33 or 33a of the Sexual Offences Act 1956), theft (through pickpocketing or ATM theft) (section 1 of the Theft Act 1968), or cultivation of cannabis plants (section 6 of the Misuse of Drugs Act 1971). For children being prosecuted for these offences, particularly if vulnerabilities are present – they may be unaccompanied or speak little or no English – it must be considered that the child is not first and foremost a young offender, but a victim of trafficking. As one prosecutor described:

'I prosecute in the youth court and I am noticing lots of Eastern European children who are coming in, charged with shoplifting or distraction thefts (mobile phones, ATMs etcetera). They are not with their parents. Adults appear in court with them, who say they are their aunt or uncle and we have no way of knowing if that's true or not – I suspect it's not true. I suspect these are trafficked victims; they can't speak English, they are 13 or 14, what on earth are they doing here? Lots of them have convictions over very short periods of time. The police should be made aware of that. The Youth Offending Team who are there to look after the rights of the child – if they are trafficking victims should they be prosecuted? That's something that we're not picking up.'

CPS Prosecutor, in evidence to the CSJ

Low awareness or the lack of disclosure from a very frightened child creates a situation in which children who have been trafficked into modern slavery and deserve to be protected and rehabilitated are convicted for the very crimes they were trafficked to commit. This will often tragically fulfil the threats of their traffickers that if they leave they will get into trouble with the authorities. Children who are trafficked to be exploited in illegal activities such as pickpocketing or drug cultivation may encounter law enforcement may be reluctant to disclose the circumstances of their exploitation for fear of reprisal from their traffickers. Prosecutors should be alert then to the circumstances of their arrest and be proactive in causing enquiries to be made.⁶⁹ Our recommendations on the development of the law to reflect the importance of non-prosecution of modern slavery victims can be found in this chapter in section 4.3.4.1 and in Chapter Five, section 5.7.

⁶⁸ Asset is an assessment tool used by Youth Offending Teams for all young offenders who come into contact with the criminal justice system. It aims identify factors or circumstances which may have contributed to their behaviour; Ministry of Justice website [accessed via: <http://www.justice.gov.uk/youth-justice/assessment/asset-young-offender-assessment-profile> (08/02/13)]

⁶⁹ Crown Prosecution Service, *CPS Policy for Prosecuting Cases of Human Trafficking*, London: Crown Prosecution Service, May 2011, p31

The living conditions of a Vietnamese minor trafficked into a cannabis farm in the UK



“If these children are trafficked...they shouldn’t be prosecuted. I don’t know if that question is coming to anyone’s attention. It’s something, on the ‘shop floor’, I’m noticing more and more...it’s not being picked up, and I’m not sure it is on anyone’s radar.”

Cara Pickering, CPS Prosecutor, in evidence to the CSJ

The seven stages of identification in the criminal justice system, discussed in section 4.3.4, are equally applicable to children, and awareness of these stages must extend throughout the youth justice system if children trafficked into modern slavery are to be saved from falling through the net to serve prison sentences which they have not warranted.

Benefit fraud investigation

The CSJ welcomes the move, under the new Universal Credit system, to combine the benefit fraud investigation teams of the HMRC and DWP and local authorities into a Single Fraud Investigation Service (SFIS).⁷⁰ This move may go some way to ensuring that those trafficked for benefit fraud are better identified by the teams investigating benefit fraud. The CSJ recommends that human trafficking and modern slavery forms part of the training for Fraud Investigation Officers in this new unit, to better equip those who are visiting houses and checking benefits. This development may also help to avoid silos of information about benefits existing between government departments. It is important that, as well as tackling benefit fraud to save money, it is also recognised that vulnerable people can be exploited through benefit fraud and must be safeguarded.

Help has previously been given by HMRC to police investigating trafficking for benefit fraud; in 2011 a gang of Polish traffickers were investigated for trafficking over 230 victims to the UK to claim benefits in their names, and then leave them destitute. Over £2 million was claimed until the criminal enterprise was disrupted through a joint investigation by the Metropolitan Police, HMRC and the Polish police.⁷¹

⁷⁰ Department for Work and Pensions, *Single Fraud Investigation Service: Equality Impact Assessment*, London: Department for Work and Pensions, October 2011

⁷¹ The Daily Mail, *Polish gang trafficked more than 200 people to Britain to claim £2m in illegal benefits*, 3 November 2011 [accessed via: <http://www.dailymail.co.uk/news/article-2056967/Polish-gang-trafficked-200-people-Britain-illegally-claim-2m-benefits.html> (14/01/13)]

Recommendation:

- Fraud investigation officers in the new SFIS should be trained to identify the indicators of modern slavery during checks for benefit fraud.

4.5 The NRM for children

Once awareness has been raised and the agencies mentioned above have been effectively trained to understand that child trafficking is child abuse and must be identified, a further element of the identification of victims lies in the NRM. For many working with children, 'Awareness of the NRM is still limited amongst some agencies and as a result, not all cases are referred to the NRM'.⁷² One voluntary sector organisation working with women and children who have been trafficked stated that "it's disconnected. There is a lot of stuff that's been produced, but the reality when you get out in the field and talk to practitioners on a local level – it's a blank. You say 'National Referral Mechanism' and they say 'what's that?'"⁷³ Unlike for adults, where consent must be given for a referral, a child's consent is not required.

'How does the NRM work? It's something we never use.'

Anonymous child safeguarding practitioner

'What's the NRM?'

Trainee social worker, Bristol

'Current protocols are so fixed in their mind – it's hard to understand there is another process: the NRM.'

Lynne Chitty, Barnardo's, in evidence to the CSJ

4.5.1 Lack of incentive to refer to the NRM

Available statistics for January–September 2012 show that only 37 out of a total of 433 local authorities across the UK made any referrals of children to the NRM.⁷⁴ Quarterly statistics over this period show no increase in the number of local authorities making a referral.⁷⁵

⁷² Child Exploitation and Online Protection Centre, *Child Trafficking Update*, London: CEOP, October 2011, p5

⁷³ Anonymous voluntary sector worker, in evidence to the CSJ, 18 October 2011

⁷⁴ Local Better Regulation Office, *Mapping the Local Authority Regulatory Services Landscape*, November 2009, p2 [accessed via: <http://www.lbro.org.uk/resources/docs/mapping-p3-info.pdf> (17/01/13)]

⁷⁵ UKHTC published NRM statistics [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (06/01/13)]

A recent snapshot survey of the responses of London Safeguarding Children Boards to child trafficking has indicated that only a minority of identified cases of child trafficking were referred to the NRM.⁷⁶

For those practitioners who are aware of the NRM, the CSJ has been told that the most significant obstacle is the lack of perceived benefits in a referral to the NRM.

‘A lot of people feel that the NRM is purely for statistics and doesn’t benefit the young person...there have been times when we have felt it’s not in the child’s best interests to make a referral.’

Manager of local authority services for asylum-seeking children in a London borough, in evidence to the CSJ

This is an understandable perception; provision of care and support for children who have been trafficked into modern slavery is not contingent upon a positive Reasonable Grounds or Conclusive Grounds decision from the NRM since local authorities are under a duty to protect, support and accommodate vulnerable children no matter what their status or experience. In terms of the outcomes, therefore, a positive NRM decision does not appear to offer any immediate benefits to the child. Whereas for adults who are referred to the NRM, a positive Reasonable Grounds decision will allow them access to support measures they would not otherwise be entitled to, this is not the case for children. The NRM is therefore often perceived as ‘another horrible form to fill out’ which will have no bearing on the outcomes for the child.⁷⁷

‘What we always say is do the social work thing first. Make sure the child protection meetings are taking place. Make sure the child or young person is in a safe place. That [NRM referral] is the last thing on your list until you’ve got the information...it can take time for a child to disclose.’

Anonymous child trafficking NGO, in evidence to the CSJ, September 2011

It is vital that practitioners understand the importance of making a referral to the NRM, despite the lack of apparent tangible and immediate benefits. NRM referrals will continue to build up a picture of offender profiles, trafficking patterns and forms of exploitation, and will contribute to a more strategic approach to tackling the crime. The understanding of the NRM as a separate and unrelated system is unhelpful, and damages the national picture of child trafficking since not all children showing indicators of trafficking are being referred to

⁷⁶ Snapshot survey of 14 London LSCBs (16 did not respond), Spring 2012

⁷⁷ Lynne Chitty, Barnardo’s, in evidence to the CSJ, April 2012

the NRM. A referral to the NRM should also enable a child to access the therapeutic and recovery support that they may need; this is explored further in Chapter Six, section 6.14.

Some practitioners have expressed fear that, for children who are also subject to immigration proceedings, the unhelpful links between the NRM and the UKBA may lead to an unfair decision for the child. In practice, the systems are so interlinked that many practitioners are not confident that the decisions will be kept separate. The CSJ shares this concern, and addresses it further in Chapter Three, section 3.6.⁷⁸

‘At the moment you are in a situation where children’s services are having to try and feed in the child protection elements to the UKBA Competent Authority and UKBA staff are not fully trained to deal with children. First and foremost child trafficking is a child protection issue so UKBA should feed into a decision which is essentially made by child protection professionals. The present system is immigration first and that is wrong.’

Andy Elvin, CEO of Children and Families Across Borders, in evidence to the CSJ, February 2012

Competent Authorities and children

At present, Competent Authorities who may have no background in child protection are making decisions over whether a child has been trafficked. Competent Authorities will have only been subject to the brief Competent Authority training on making decisions for minors and are not required to have any other expertise in dealing with children. Some UKBA Competent Authorities have attempted to compensate for this lack of expertise by ensuring, where possible, that asylum case owners who have been trained to deal with children are allocated as Competent Authorities for trafficking cases involving minors.

It is the recommendation of the CSJ that a multi-agency team of experts including representatives from children’s services forms the sole NRM Competent Authority, bringing independence and balance to each decision and ensuring that experts on children are contributing to the decision-making process.⁷⁸

Recommendations:

- All children showing indicators of modern slavery should be referred to the NRM;
- The UKBA should not be a Competent Authority for the NRM; all NRM decisions should be made by one Competent Authority, and should have formal and sustained input from child safeguarding practitioners.

⁷⁸ For details of the Working Group’s recommendation on a single Competent Authority, see Chapter Three, section 3.6

4.6 The role of Local Safeguarding Children Boards

‘Anyone who says [child trafficking] is not happening on their patch is, I think, being naïve, or perhaps they are not looking hard enough.’

Mark Braithwaite, Independent Chair of Middlesbrough Safeguarding Children Board⁷⁹

Local Safeguarding Children Boards (LSCBs) are in a helpful position to tackle the problem of child trafficking at a local level. LSCBs are statutorily obliged to coordinate the work of their members – children’s services, police, health services and others – in safeguarding and promoting the welfare of children in their area. Given that LSCBs bring a range of practitioners together under a multi-agency model, it is essential that every independent LSCB chair is aware of the risks of child trafficking and that this problem is factored into any LSCB’s strategic local plan. The Department for Education guidance on safeguarding children who may have been trafficked states that: ‘LSCBs may wish to establish a sub-group specifically to deal with trafficking’.⁸⁰ Whilst this may not be necessary in every LSCB area, it is imperative that trafficking awareness is improved among LSCBs and that there is an awareness of the indicators of trafficking and the risks a trafficked child is exposed to. According a recent snapshot survey of a number of London LSCBs, only one LSCB which did not have a child trafficking subgroup had identified any cases of child trafficking.⁸¹

‘We all sit in our own agency and have our own policies and practices and each agency doesn’t know what practices are ongoing in the other agencies.’

Lynne Chitty, Barnardo’s, in evidence to the CSJ

The CSJ highlights the approach of Hillingdon LSCB, which has a combined subgroup for missing children, child sexual exploitation and child trafficking, recognising that children may be subject to all of these abuses and risks.⁸²

The London Safeguarding Children Board Child Trafficking Toolkit is widely cited as a valuable resource for identifying, safeguarding and protecting trafficked children. There is a pressing need for specific awareness-raising on this subject before child trafficking can be subsumed into ‘normal practice’ for professionals. LSCBs in the London area have implemented the toolkit sporadically, leading to a continued range of responses among children’s services. Of the 43 per cent of

79 Mark Braithwaite, Independent Chair of Middlesbrough Safeguarding Children Board, quoted in The Northern Echo, *Paying the price of child sex trafficking*, 10 April 2012 [accessed via: http://www.thenorthernecho.co.uk/news/local/durham/9639096.Paying_the_price_of_child_sex_trafficking/] (16/01/13)]

80 Department for Education, *Safeguarding children who may have been trafficked*, London: Department for Education, 2011, p11

81 Snapshot survey of 14 London LSCBs (16 did not respond), Spring 2012

82 Further information on Hillingdon’s trafficking, exploitation and runaways subgroup can be found on the Hillingdon Borough website [accessed via: <http://www.hillingdon.gov.uk/article/16456/LSCB-trafficking-exploitation-and-runaways-sub-group>] (04/09/12)]

London Safeguarding Children Boards that responded to a recent snapshot survey, 57 per cent had implemented the London Safeguarding Trafficked Children Toolkit and Guidance and 36 per cent had developed a child trafficking subgroup. 57 per cent had appointed a 'local trafficked children lead'.⁸³ A standardised approach is required, so that all local authorities recognise the risk to children who have been trafficked into modern slavery, and implement the appropriate safeguarding and protection measures. The current national inconsistency of responses is not only problematic in terms of recognition of modern slavery as a serious problem, but also makes cross-authority cooperation difficult given the wide-ranging levels of awareness and response.

Recommendations:

- All LSCBs should be aware of the issue of modern slavery and the risks that it may be hidden within their region of responsibility;
- LSCBs should consider creating a combined subgroup for missing, runaway and trafficked children, in recognition of the many links between these issues and to guard against the creation of silos of information.

4.7 The obligation to identify

In view of the worryingly varied practice in identification of modern slavery victims around the country and across various sectors, the CSJ believes that the most effective way to bring about a standardised national effort to identify victims of modern slavery and human trafficking and investigate the circumstances of their victimisation is to enact the responsibility to do so in statute. The CSJ recommends that this obligation be included under the Modern Slavery Act, explored in Chapter Five, section 5.7. This would clarify the obligations to which the UK is already subject through the European Convention on Human Rights (ECHR) and its associated case law.⁸⁴ Existing case law makes it clear that 'the requirement to investigate does not depend on a complaint from the victim or next-of-kin: once the matter has come to the attention of the authorities they *must act of their own motion*' (emphasis added).⁸⁵ Recognition of the positive obligations on all arms of the state to take action to find out whether an individual has been a victim of modern slavery is the foundation of an effective strategy to tackle the problem in the UK. It provides a focussed and unambiguous obligation upon which all agencies' national policy and implementation should be built. Enshrining this obligation in law would help to bring focus to those on the frontline who may be seeing indicators of modern slavery and may not be sure about their responsibilities.

Recommendation:

- The obligation to proactively investigate indicators of modern slavery should be outlined in statute, under the new Modern Slavery Act.

83 Snapshot survey of 14 London LSCBs (16 did not respond), Spring 2012

84 The European Convention on Human Rights [accessed via: http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf (10/02/13)]

85 European Court of Human Rights, *Case of Rantsev v Russia and Cyprus*, Strasbourg, January 2010, paragraph 288

4.8 Identifying British children trafficked within the UK for sexual exploitation

In 2011, 42 per cent of the UK citizens who were trafficked were girls trafficked for sexual exploitation.⁸⁶

There is increasing shocking evidence of the sexual exploitation of British children who are trafficked within the UK by organised or semi-organised gangs, groups and networks. The recent exposure of child sexual exploitation rings in the UK – in Rochdale, Oxford and, most recently, in Essex and East London – have shed some light on this form of abuse, though it remains largely hidden from view. The emerging evidence shows beyond doubt that modern slavery is not only about international borders. UK-born children are also being targeted and enslaved.

‘The controls I have seen exerted on British children who have been trafficked for sexual exploitation are virtually the same as those I see on adult victims who are trafficked to the UK from abroad for sexual exploitation.’

Mike Hand, former Tactical Adviser on child trafficking cases at the UK Human Trafficking Centre, in evidence to the CSJ

Jess and Hannah

Jess and Hannah were at school when their exploitation began. A small group of young men began to flatter and treat them, and convinced the girls that they were in love. Before long, the girls began to be pressured and forced into performing sexual acts on the young men and their older friends. One weekend, the girls were driven to a flat and told that they must have sex with whoever arrived at the property. Jess was menstruating, and so was forced to sit outside the room. Hannah had no option and, over the weekend, was raped by 90 men. Both of these girls were victims of trafficking within the UK.⁸⁷

4.8.1 The law

The CSJ has heard worrying reports that in cases involving this form of modern slavery, the laws on human trafficking for sexual exploitation under section 58 of the Sexual Offences Act 2003 are not being used. This is largely due to a low awareness of the offence and a significant misunderstanding that human trafficking is only an international crime. The CSJ considers it essential that the laws on human trafficking in the UK are recognised as relevant in cases such as these. For the victims, support should be available under the Council of Europe Convention

⁸⁶ UKHTC, *A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011*, Birmingham: Serious Organised Crime Agency, August 2011, p4

⁸⁷ Case study submitted by Mike Hand, former Tactical Adviser on child trafficking cases at the UK Human Trafficking Centre, in evidence to the CSJ, November 2012

through the NRM for potential victims of trafficking. In cases such as the exploitation ring in Rochdale, victims who were recruited through a process of grooming, deceit and the exploitation of vulnerability, were moved around the UK and sexually exploited. The children involved, therefore, were victims of modern slavery and deserved to be recognised as such. A number of the perpetrators were found guilty under section 58 of the Sexual Offences Act 2003, which refers to the intentional arrangement of travel within the UK in order to sexually exploit, or for somebody else to sexually exploit.

The Sexual Offences Act 2003

Section 58 – Trafficking within the UK for sexual exploitation

1. A person commits an offence if he intentionally arranges or facilitates travel within the United Kingdom by another person (B) and either—

- (a) he intends to do anything to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence, or
- (b) he believes that another person is likely to do something to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence.

2. A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

Under section 58 of the Sexual Offences Act, a child does not have to be trafficked across a border and trafficking does not only involve non-UK nationals. This has not yet been adequately understood across the UK.

‘Members of the public and even some police officers would take the view that grooming takes place on the internet and trafficking takes place abroad.’

Detective Sergeant Mark Whelan, Lancashire police, in evidence to the CSJ

Though in some cases there may be other relevant offences which police will choose to investigate – such as rape – the low awareness of the section 58 offence means that this useful tool to drive investigations and secure convictions is not being used.

The verdicts in May 2012 in Rochdale, where nine men were convicted of running a child sex ring in the region, marked the first successful prosecutions for trafficking within the UK for the purposes of sexual exploitation where the victims were British children.⁸⁸ This is a

⁸⁸ Five of the nine men were convicted for human trafficking offences; The Daily Telegraph, *Rochdale grooming trial: gang convicted for sex trafficking*, 8 May 2012 [accessed via: <http://www.telegraph.co.uk/news/uknews/crime/9239126/Rochdale-grooming-trial-gang-convicted-for-sex-trafficking.html> (08/05/12)]

significant step forward for the courts in their understanding of child sexual exploitation and the seriousness of human trafficking, and exposes a worryingly under-recognised crime. Media coverage of this case, informed by police reports, still however described the offences as 'grooming', highlighting the continued misunderstanding of human trafficking – which is modern slavery – in wider society and the lack of public recognition of this form of criminality.

'Trafficking legislation is still not being used as much as it could be.'

Sue Berelowitz, Deputy Children's Commissioner, in evidence to the CSJ

'Trafficking legislation doesn't have to be used on its own, but it's a useful tool. The awareness needs to be there so that it can be utilised effectively.'

Sheila Taylor, Chief Executive of the National Working Group for Sexually Exploited Children, in evidence to the CSJ

Recommendation:

- Human trafficking, and the relevant legislation under section 58 of the Sexual Offences Act 2003, should be more widely recognised in cases of organised sexual exploitation of British children. The relevance of this legislation should be more widely understood, and used as another tool to better understand the experience of the victims and the criminality of the perpetrators.

4.8.2 Further issues

4.8.2.1 Family background

The CSJ has been given evidence which shows that in numerous cases of this kind, the children involved are not in local authority care. There are examples of children from stable, loving backgrounds being drawn into exploitation and trafficked into modern slavery within the UK; this crime does not only victimise children in the care system. Common across almost every case is a perpetrator's exploitation of vulnerability. This may be the child's family background, low self-esteem or confidence, or simply the fact that they have become friends with a group of girls at school who may already be suffering this form of exploitation. There is a danger that unhelpful stereotypes implying that only children in care can be trafficked into modern slavery will mean that child safeguarding practitioners miss the signs of this abuse taking place against children who live at home. The charity Pace (Parents Against Child Sexual Exploitation) has done effective work in ensuring that, where possible, parents are involved as active partners alongside police and social care as a key part of tackling the problem, including bringing the criminals to justice. Pace champions the view that affected parents are more than victims; they are primary carers with vital

knowledge and experience, both of their child and often of the offenders.⁸⁹ Joanna's experience reflects the vital role of parents in tackling this form of modern slavery.

Joanna

Joanna was a happy teenager in a family in the north of England. She was the youngest of three siblings, and always found school much harder than her brothers. It was when she started getting into trouble at school that she first met her boyfriend. They quickly became close, and Joanna spent a lot of time with him and his friends, some of whom were older. Soon some of her friends from school also started to hang around with the group too. The men would give the girls alcohol and sometimes even drugs. Joanna's boyfriend was flattering and friendly, and was even welcomed into her family's home, regularly visiting the family for a cup of tea. It was not long, however, before Joanna's boyfriend and his friends began to be more demanding. They began to tell Joanna's friends to do things they did not want to do; the girls were forced to have sex with Joanna's boyfriend and whoever else he told them to. They were taken to different parts of the country to 'parties' where they were sexually abused. Thinking that they had no choice, some even acting out of love, Joanna's friends kept doing what they were told. By now, Joanna was failing at school, was repeatedly absent from lessons, and had begun to dress very differently, wearing clothes her parents didn't recognise. She would also come home from a 'date' with expensive-looking presents. She would slip out of the house late at night to see her 'boyfriend'. Though Joanna's parents were a little worried, this seemed like normal 'rebellious teenager' behaviour. Some of Joanna's friends would go missing for days, being taken to different towns to be exploited by other men.

Joanna's parents were oblivious to the cause of Joanna's change in behaviour; until one evening, during work for a nightclub outreach project that Joanna's parents were involved in through their church, they met a police officer who was also involved in the outreach. He told them of a 'prostitution ring' that was being investigated. The police officer pointed out some of the perpetrators who were leaving the club, and Joanna's parents realised that these were some of the boys and men who had visited their home, and who had sat down and chatted with them at their kitchen table. Joanna's parents went to the police, but support was difficult to find. With the help of her parents, Joanna broke off her relationship, and encouraged her friends to do the same. At this point, the family began to receive threatening phone calls, and cars would appear and wait outside their house for long periods of time.

'As she tried to find a way out, our household came under threat.'

As time passed, Joanna's mother became increasingly frustrated with the lack of action and went again to find help from the local authority. By now, Joanna was almost 18. It was then that Joanna's mother was told that the council-led child safeguarding team had known about her daughter for two years. However, she was told that, since Joanna was almost 18, it was no longer an issue of child protection and the team, in their own words, 'had not failed'. As a result of this response, Joanna's mother began to look for help elsewhere. When Joanna was finally free from the abuse, her recovery was slow. She struggled to find appropriate mental health help. She relied a lot on her parents to help her move forward and rebuild her life.

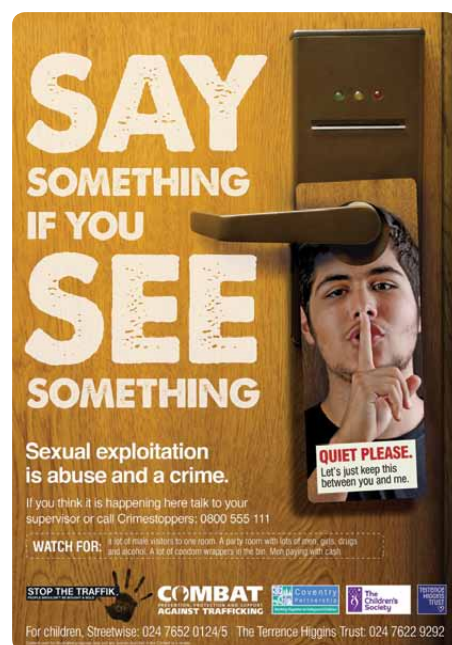
*'Her dad was instrumental in teaching her to love herself again.'*⁹⁰

⁸⁹ Pace representative, in evidence to the CSJ, January 2013

⁹⁰ Case study submitted to the CSJ by the mother of a victim of internal trafficking, October 2012

4.8.2.2 Hotels

The CSJ has heard disturbing reports of the use of hotels as venues by those trafficking children for sexual exploitation. Of particular risk are the continental-style hotels which have no reception staff, where check-in is automatic and there is very little monitoring of guests and no accountability. In several cases reported to the CSJ, British children



trafficked in the UK have been abused in hotel rooms; in one case the police were able to apprehend a perpetrator in a hotel room with a 14-year-old victim.⁹¹ It is therefore essential that hotel staff are sensitised to issues of sexual exploitation and child trafficking, and are able to spot the indicators that a child arriving in the hotel may be at risk. The National Working Group for Sexually Exploited Children (NWG) has developed the 'Say Something if you See Something' campaign in partnership with the Children's Society and other organisations to raise awareness of the issue amongst those working in the hospitality industry. The CSJ recommends that prominent hotel chains in the UK take up the campaign, leading the way for smaller chains to follow suit.

Recommendation:

- Hotels should be helped to recognise the need to raise staff awareness of the problem of child trafficking, and should take up the 'Say Something if you See Something' campaign launched by the National Working Group for Sexually Exploited Children and the Children's Society.

4.8.3 Investigating and prosecuting cases of internal trafficking

Human trafficking offences can help to reflect the full extent of the crime that has been committed; understanding the nuances of this offence will help to inform the way it is investigated. The maximum sentence for human trafficking is 14 years, which goes some way to reflect the seriousness of the crime. Recognising the organised crime element of these cases will also help resourcing and prioritisation among police, who have reportedly not given cases of internal child trafficking the attention they deserve due to a lack of understanding, or the pressure of local priorities. The CSJ has heard anonymous evidence that the focus of some police on remit and performance regimes means that cases of trafficking may be missed by police units who do not see the problem as part of their 'territory'. Recognising the organised criminality often involved in this form of sexual exploitation will force chief constables and Police and Crime Commissioners to take the problem seriously in their area.

91 | Anonymous police officer; in evidence to the CSJ

Once the organised criminality of these cases is better recognised, the potential harm to a number of children will also be appreciated, 'forcing' this problem higher up the agenda for chief constables who have a safeguarding responsibility in their force area. Understanding that perpetrators may form a network will influence police investigations and lead to a more appropriate national response. This should involve effective intelligence sharing between forces and regions. This will also help to ensure that police forces do not miss links to other regions and areas in the country, where children may be being moved and exploited. Local Safeguarding Children Boards must also recognise the criminality of these cases and use their position as a multi-agency forum to share information with the police and enable all agencies to begin to look at the problem.

4.8.3.1 National direction to tackle the internal trafficking of British children

The CSJ has received reports of a worrying lack of support to police forces on the internal trafficking of British children into modern slavery. Given the complexities of this crime and the often misleading behaviour of many of its victims, this is an area where most forces need a substantial level of guidance.⁹² For example, they need to be equipped with the knowledge of the section 58 offence under the Sexual Offences Act 2003, be aware of the NRM and know how to make referrals of British children.

Yet instead of receiving that necessary support, the CSJ has learnt that police forces often do not even know who they should turn to for guidance and support. Some look to UKHTC, whilst others look to the Child Exploitation and Online Protection Centre (CEOP).

Furthermore, regardless of which agency they turn to, forces are getting little help as neither agency seems to have the necessary expertise. This is largely as a result of recent resignations and roles not being filled after staff have left. For example, there is no longer a dedicated lead on child trafficking at CEOP. The link on CEOP's website page which is dedicated to child trafficking no longer holds any content at all, and previous child trafficking updates from CEOP have made no mention of the problem of British children being trafficked.⁹³

There is also a pressing need for internal trafficking to be recognised as a serious threat to the safety of children in Britain. In evidence given to the CSJ, one source described how a lack of support and guidance on these issues was failing internal trafficking victims:

'I am aware of forces that have potentially got multiple internal trafficking victims; three figure numbers. They suspect they are there, they suspect they are being exploited, and they are struggling to act because of a lack of knowledge, understanding and expertise, and budgetary, resource and priority constraints.'

Anonymous child trafficking practitioner, in evidence to the CSJ

⁹² In several cases the CSJ has been told that trafficked children often appear 'naughty', commit petty crime and run away from home or care

⁹³ The CEOP website contains a link to its 'Child Trafficking Unit'. At the time of printing, following this link results in a 'page not found' alert [accessed via: <http://ceop.police.uk/404.aspx?aspxerrorpath=/About-Us/~link/d77f7fda88cb42b6ab1e123c0a436667.aspx> (13/02/13)]

Although the Government has recently stated that: 'The UK recognises the inherent links between child sexual exploitation and child trafficking and is seeking to strengthen its response in both regards to protect children from those who may seek to exploit or abuse them', the CSJ has yet to see the impact of this 'strengthened response'.⁹⁴

The CSJ therefore calls on the Home Secretary to ensure that the newly formed National Crime Agency (NCA) takes the lead on the internal trafficking of British children for sexual exploitation and that the issue is given the attention it deserves. It is crucial that the NCA contains the necessary expertise and experience to support the police in tackling this important issue.

Recommendation:

- The Home Secretary should ensure that, as part of the remit of the newly formed National Crime Agency (NCA), the internal trafficking of British children is considered a priority issue. This will involve ensuring that the necessary expertise and experience is brought into the NCA, and that clarity is brought to the remit of both CEOP and the UKHTC as a result.

Lancashire Police – ENGAGE Team

The ENGAGE project was developed by Lancashire police as a multi-agency approach to child sexual exploitation. It is an excellent example of the impact of multi-agency working. The team is co-located, meaning that a social worker, a youth worker, a nurse, a voluntary sector organisation working to support the parents of sexually exploited children, representatives from a drug and alcohol service and police are housed in the same office, and are able to share information in a way that enables proactive investigation and safeguarding.

'The only solution is to co-locate. It means that information-sharing goes from being the main problem to being no problem at all.'

Detective Sergeant Mark Whelan, Lancashire police, in evidence to the CSJ

Prior to ENGAGE's establishment, Blackburn had dealt with one case of sexual exploitation. Now, the ENGAGE team identifies around 40 suspects per quarter, with around ten of these resulting in prosecutions. A key area of work for the ENGAGE team is its preventative work in schools. ENGAGE works in nine out of the 11 schools in the local area, running group sessions with children who are vulnerable to sexual exploitation.

'Each agency working independently has been proved not to work. To the girls, the police are not to be trusted but the offenders are; unless you can change that perception you're going to lose straight off.'

Detective Sergeant Mark Whelan, Lancashire police, in evidence to the CSJ

The team also uses the sessions it runs at schools to pick up information and intelligence on perpetrators. The school sessions ensure an increase in awareness of and resilience to exploitation among the pupils, and also help to gather evidence. This is increasingly saving costs, since police are able to take the information gathered during these sessions and begin investigations, without receiving a 'full blown referral' of a child who is being sexually exploited.

⁹⁴ Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p59

The CSJ has also heard alarming reports that in cases such as these, financial investigations into the possible profits made by the perpetrators who are trafficking girls within the UK are not always conducted, leaving a gap in intelligence in relation to the 'profitability' of this type of crime.⁹⁵ Due to the often short timescales of operations of this kind, the financial side of the investigation may not be a high priority.

Recommendation:

- Multi-agency policing teams should be established in every region, based on the ENGAGE model in Blackburn, where co-located professionals share information in order to tackle child sexual exploitation, which may be linked to internal trafficking.

4.8.3.2 The NRM for internally trafficked children

The CSJ has heard worrying evidence that British children may not be referred to the NRM because of a misunderstanding that the NRM is only relevant for non-UK national children. This is not the case, and it is important that children in these cases are referred to the NRM as victims of modern slavery so that they are able to access support and counselling which is appropriate to their particular needs. Though Chapter Six, section 6.14 highlights the fact that these services are very limited at present, the CSJ recommends that access to tailored support is increased. When this happens, a NRM referral will help a child to access these tailored services. The emotional and psychological consequences of trafficking upon a child are very different to those attached to familial abuse or grooming, and any therapeutic response to these children must reflect this.

'It's not just about what it's called, for the sake of terminology, but it's how we respond to it – the word denotes the response.'

Anonymous child safeguarding practitioner, in evidence to the CSJ

'The trafficking legislation will be one of the most useful tools for us, if we can get it to be understood.'

Anonymous child safeguarding practitioner, in evidence to the CSJ

The CSJ has also heard, anecdotally, that in some cases a NRM referral can help to develop the view of the children as victims, and not in some way responsible for their own abuse. Too often in cases of this kind, a child's consent is raised as a defence for perpetrators. Understanding that a child has been a victim of modern slavery may help to counter this view, particularly during the investigation and trial of perpetrators. Further, the CSJ has heard evidence that in cases where a NRM referral is made by a non-police First Responder, this referral may help to initiate action on the part of police, once they have been informed that a child in their area has been a victim of trafficking. The need for better information sharing from the NRM is explored further in Chapter Five, section 5.4.2.

⁹⁵ Sheila Taylor, Chief Executive of the National Working Group for Sexually Exploited Children, in evidence to the CSJ, March 2012

4.8.3.3 Consent and compliance

The CSJ has been alarmed to learn that some children involved in cases of internal trafficking are viewed as being complicit in their exploitation. Though some young girls may choose to wear clothes that make them look older or stay out late at night, this is not a defence for the actions of perpetrators; children cannot consent to their own abuse. In the Deputy Children's Commissioner's recently published inquiry into the sexual exploitation of children in gangs and groups, a 'confused and inconsistent understanding...of the concept of consent to sexual activity' was identified.⁹⁶ These misunderstandings are prevalent and children who may not 'look like' victims are at risk of being ignored or misjudged: 'Children and young people tell us that they are often misunderstood and often sometimes blamed by professionals for putting themselves in risky situations such as running away from home or care to be with their abusers'.⁹⁷

These misunderstandings are a significant barrier to addressing the problem. It is crucial that the difference between compliance and self-preservation is understood. The CSJ has been told that in one case, a Crown Prosecution Service worker involved in a case of child trafficking claimed that because the child had given her abusers a condom, she was compliant. This is a gross misunderstanding of the survival mechanisms that a child will employ to protect themselves from further harm.

"Nobody really asks 'what are the consequences of saying no?' One girl I spoke to said 'no' to giving oral sex to an older man. He pulled her down the stairs, face first. Would she say no next time? Is her friend who was watching going to say no?"

Sheila Taylor, Chief Executive of the National Working Group for Sexually Exploited Children, in evidence to the CSJ

Elements of control can be subtle and difficult to identify, and must be recognised in these cases. This control frequently takes the form of violence, often sexual violence and rape, or other physical or emotional abuse, threats of violence towards family members or of public shaming – perhaps by the publication of humiliating photographs of the abuse that has taken place. In the midst of such abuse, one individual may play 'good cop', thus becoming the victim's main controller through a misplaced loyalty or the semblance of a relationship. This often means that the victim is beholden to the perpetrator's demands, however abusive, demeaning or illegal. It is crucial that practitioners are able to identify and respond to this means of facilitating abuse.

'This is not a consensual relationship. He is not her boyfriend; when was the last time he took her for dinner or to the cinema? It is not a normal relationship in the context of the boyfriend/girlfriend model.'

Mike Hand, former Tactical Adviser on child trafficking cases at the UK Human Trafficking Centre, in evidence to the CSJ

⁹⁶ Berelowitz S et al, *The Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups: Interim Report*, London: Office of the Children's Commissioner, November 2012, p47

⁹⁷ Nichols P, Director of Children and Young People Services, The Children's Society, quoted in Department for Education, *Tackling child sexual exploitation action plan: Progress report, July 2012*, London: Department for Education, July 2012, p6

4.9 Conclusion

The UK has a responsibility to identify victims of modern slavery. At present, it is ill-equipped to ensure that victims are given every possible opportunity to speak out and disclose their experiences. There is a pressing and urgent need for greater awareness of this problem. A damaging misinterpretation of modern slavery as primarily an issue of immigration has hindered the UK's response, and it is crucial that this perception is challenged. Frontline agencies such as the police, the UKBA and social services must be empowered and trained to recognise the indicators of this appalling abuse and safeguard those who are subjected to it. Recent cases of British children being trafficked for sexual exploitation within the UK reflect the great need for effective and widespread training for children's services and practitioners working with young people. Numerous victims in these cases have been previously known to social services or the police, but the risks to which they were exposed were not recognised. This chapter has highlighted the many gaps through which a victim of modern slavery might fall; it is vital that these gaps are closed.

4.10 Recommendations

- Responsibility in government for human trafficking and modern slavery should be transferred from the Immigration Minister to the Policing and Criminal Justice Minister in the Home Office.
- The obligation to proactively investigate indicators of modern slavery should be outlined in statute, under the new Modern Slavery Act.
- A statutory statement of policy of non-prosecution of victims of modern slavery, creating an obligation across all sectors of the criminal justice system, should be encased within the Modern Slavery Act.
- Increased partnership should be developed between support NGOs and police and UKBA during visits to venues where suspected trafficking victims may be present.
- Training for UKBA staff should be focussed on widening the understanding of human trafficking and modern slavery to ensure that staff understand that a victim is not, first and foremost, an illegal immigrant.
- Detained or imprisoned individuals should be removed from detention or prison upon a NRM referral, recognising that delays in these cases are unacceptable.
- All officers should be sensitised to the basic indicators of modern slavery and human trafficking, and be aware of who they should speak to if these indicators are present; this will be fulfilled by every officer completing, on a mandatory basis, the National Centre for Applied Learning Technologies (NCALT) e-learning package (or equivalent). This should form part of police officers' Continued Professional Development.
- There should be more detailed, practical training for Senior Investigating Officers, vice teams, drug teams and Custody Sergeants.
- The Anti-Slavery Commissioner should develop a system of accreditation of training packages used by statutory authorities such as the police.

- The remit of the Gangmasters Licensing Authority should be extended to include additional sectors where high volume cheap labour is employed, such as non-food manufacturing, the hospitality industry and construction work.
- Given the risks of exploitation of overseas domestic workers, the Government should restore the ability for domestic workers to change employers. In these cases, the domestic worker should be allowed only to access other domestic work.
- Clear and concise information should be given to all domestic workers arriving in the UK, outlining their rights and providing clarity on how to access help should they require it.
- Prosecutors should have a wider awareness of the protocol in prosecuting individuals who are showing indicators of modern slavery. Swift hearings in magistrates' courts under the 'Don't Delay Justice!' initiative should not hinder the ability to halt proceedings if modern slavery is suspected.

Recommendations to help identify child victims

- Trainee social workers should be taught about the risks of child trafficking in the UK as part of their qualification, and existing social workers should be trained effectively through an agreed programme. This training should form part of social workers' continued professional development.
- The newly established College of Social Work should be aware of the gap in training on trafficking for social workers, and should recommend that it be added to the curriculum for student social workers.
- Training should be given to local authority Emergency Duty Teams on the risks and processes for a trafficked child, in recognition that trafficking does not take place only during working hours.
- Social workers conducting age assessments should be trained to spot indicators of modern slavery, and should know what the NRM is and how to make a referral.
- Fraud investigation officers in the new Single Fraud Investigation Service (SFIS) should be trained to identify the indicators of modern slavery during checks for benefit fraud.
- All Local Safeguarding Children Boards (LSCBs) should be aware of the issue of modern slavery and the risks that it may be hidden within their region of responsibility.
- LSCBs should consider creating a combined subgroup for missing, runaway and trafficked children in recognition of the many links between these issues, and to guard against the creation of silos of information.
- All children showing indicators of modern slavery should be referred to the NRM.
- The UKBA should not be a Competent Authority for the NRM; all NRM decisions should be made by one Competent Authority, and should have formal and sustained input from child safeguarding practitioners.
- Police should be tasked to proactively investigate the links between missing children and child trafficking, given the risk factors involved. For example, the Metropolitan Police Sapphire unit or equivalent units, which investigate rape and other serious sexual violence cases, should be sensitised to modern slavery in order to increase detection.
- Child Abuse Investigation Teams (CAITs) should be trained in investigations into modern slavery and human trafficking and should recognise child trafficking as part of their remit.

- Further research should be conducted by the UKHTC into the extent of child trafficking in the UK, taking into account the number of referrals that are not made by social workers, and exploring the reasons behind this.
- Multi-agency child safeguarding teams should be established at airports, particularly those with a high number of flights from top source countries for human trafficking or known transition countries. These should be based on the Operation Paladin model at Heathrow airport.
- Training should be given to flight staff on budget airlines, in recognition that these are more frequently used by traffickers due to the low cost of tickets.

Recommendations for responding to British children trafficked for sexual exploitation

- Human trafficking, and the relevant legislation under section 58 of the Sexual Offences Act 2003, should be more widely recognised in cases of organised sexual exploitation of British children. The relevance of this legislation should be more widely understood, and used as another tool to better understand the experience of the victims and the criminality of the perpetrators.
- The Home Secretary should ensure that, as part of the remit of the newly formed National Crime Agency (NCA), the internal trafficking of British children is considered a priority issue. This will involve ensuring that the necessary expertise and experience is brought into the NCA, and that clarity is brought to the remit of both CEOP and the UKHTC as a result.
- Multi-agency policing teams should be established in every region, based on the ENGAGE model in Blackburn, where co-located professionals share information in order to tackle child sexual exploitation, which may be linked to internal trafficking.
- Hotels should be helped to recognise the need to raise staff awareness of the problem of child trafficking, and should take up the 'Say Something if you See Something' campaign launched by the National Working Group for Sexually Exploited Children and the Children's Society.
- Education on the risks of internal trafficking should be included as part of PSHE in schools, with an agreed module set by the Anti-Slavery Commissioner in partnership with the Department for Education and the Home Office. A school resource containing training for teachers on how to identify indicators of internal trafficking, and what to do in the case of fears or suspicions should also be established.

chapter five

Strategic and frontline direction: tackling the crime

‘It’s hidden but it’s not invisible.’

David Dillnutt, Head of UKHTC, in evidence to the CSJ

5.1 Introduction

Modern slavery is a serious problem in the UK; the police have a crucial role to play in tackling the crime. During the course of our review we have heard that, though pockets of excellent activity exist, police are not equipped to fight this form of criminality. Whilst many agencies must take responsibility for this problem, it falls to the police to disrupt the perpetrators and protect the victims. This chapter explores how the police can be better mobilised to tackle modern slavery on a local, national and international level, highlights the good practice the CSJ has seen on its visits to forces around the country, and outlines opportunities for improving police approaches. The CSJ has been alarmed at the level of unawareness among forces about modern slavery and the way in which it should be identified and tackled; it is crucial that the police response to this crime is made a serious priority.

‘It is often hard to look beyond what is going on right in front of us as we are so busy, however it is our duty to dig deeper.’

Assistant Chief Constable Olivia Pinkney, ACPO lead on Migration and Associated Matters, in evidence to the CSJ

5.2 Making modern slavery a strategic priority

Public disorder and anti-social behaviour rightly remain core priorities for police in the UK. Yet, as a result, a hidden issue such as modern slavery can fall down the list of priorities. However, given the human cost of this crime it is crucial that forces are given direction on how to tackle modern slavery. This is not currently the case, as police officers have explained to the CSJ:

'Police are not actively looking at it – they are not measured on it.'

Anonymous senior police officer, in evidence to the CSJ

'If you don't execute a drugs warrant in your town, then you may perceive there is no problem, because nobody's counting it. I'm pretty sure every town and city has a drugs problem. This is how it is with trafficking; we're not looking.'

Detective Sergeant, Lancashire Police, in evidence to the CSJ

'As a Borough Commander, I have been under no professional or political pressure to take any specific action in relation to trafficking.'

Chief Superintendent John Sutherland, Metropolitan Police, in evidence to the CSJ

The complicated and fluid nature of this crime means that strategic coordination across and between forces is essential. Evidence given to the review suggests that most police forces do not prioritise cases of human trafficking and modern slavery because their strategic assessments and, therefore, their senior managers, do not demand it. In part this is also due to the lack of pressure from the public; local police responses to crime are very often focused on theft, burglary, car crime and other anti-social behaviour. In 2011/2012, 57 per cent of crime recorded on the Crime Survey for England and Wales was theft-related.¹

'Human trafficking is not a performance indicator for police. Until it is, there is more incentive to investigate a shed burglar – which is a performance indicator in some cases – than there is a human trafficker.'

Anonymous former law enforcement officer, in evidence to the CSJ

¹ Office for National Statistics, *Crime Survey for England and Wales 2011/2012*, [accessed via: www.ons.gov.uk/ons/rel/crime.../crime.../rft-short-story-tables.xls (13/02/13)]

The level of harm caused to individual victims of human trafficking and modern slavery is such that there must be a strategic, coordinated and national approach to addressing these issues, which is delivered locally.

Public awareness of the impact of modern slavery is low, as is knowledge on how the public should respond to it. However this does not mean that forces should fail to formulate a response that is proportionate to the severity of harm caused by this crime. Though it is not possible to know how many victims of modern slavery are currently trapped in the UK, the suffering inflicted is so great and the victims so hidden that inactivity by the police is not an option. Modern slavery must feature much more prominently on national and local police agendas, despite an apparent lack of engagement and pressure from the public. The CSJ was shocked to find in its independent polling that over half of people would not know who to report to if they had concerns about modern slavery.² Human trafficking and modern slavery is a criminal problem, and the public should be reporting any suspicions directly to the police. If police are to be successful in tackling this hidden crime they must encourage engagement with, and be fully supported by, the public.

Every force should be able to respond to this crime. Just as police forces a decade ago began to more proactively deal with domestic violence, so they must now lead the fight against a crime equally hidden.³ After coordinated efforts to tackle domestic violence were increased by the police and prosecutors – in 2004 the CPS began to formally monitor cases of domestic violence – the awareness and response to domestic violence has improved. Between 2004/5 and 2009/10 the number of prosecutions for domestic violence more than doubled.⁴ Human trafficking and modern slavery often also takes place out of sight. Given the extreme level of harm caused, it is vital that police increase their activity in this area and that they are held to account for their responses to this serious crime.

‘We need to get over the perception that [human trafficking] is somehow different or difficult or scary. It is normal police business.’

Assistant Chief Constable Olivia Pinkney, ACPO lead on Migration and Associated Matters, in evidence to the CSJ

The Association of Chief Police Officers

Responsibility for human trafficking within the Association of Chief Police Officers (ACPO) has been placed with the lead for Migration and Associated Matters. This serves to perpetuate the interpretation of human trafficking as an immigration problem, and not one of serious victimisation and abuse of human rights. It is therefore important to recognise the relevance of additional ACPO portfolios such as Prostitution, Drugs and the Child Exploitation and Online Protection Centre; the overlap in policy and strategy with these portfolios must be identified, and it is important that communication between the portfolio leads is strong.

² CSJ/YouGov polling, November 2012

³ Home Office, *Call to End Violence Against Women and Girls: Action plan*, London: Home Office, March 2011

⁴ Speech by Director of Public Prosecutions Keir Starmer QC, *Domestic Violence: the fact, the issues, the future*, 12 May 2011

5.2.1 Control strategies

'Getting human trafficking on the control strategy is essential.'

Team member, Sussex Police Operation Thames Project, in evidence to the CSJ

During its research the CSJ found no direct mention of human trafficking or modern slavery in the majority of force control strategies or strategic assessments. This lack of strategic acknowledgment of the problem contributes to the inconsistent responses across the country. One police officer told the CSJ that: 'The force control strategy does focus on safeguarding children and protecting the vulnerable, but human trafficking is not specifically listed as an area for concern'.⁵ Typically, forces that do include human trafficking on their control strategies classify it as 'organised immigration crime' – a legacy of the initial police response to this crime a decade ago. This is a misnomer and an unhelpful categorisation, since human trafficking and modern slavery is not confined to those with immigration issues. Victims of human trafficking may also be EU or UK nationals. A broader understanding of the crime is needed in every force, to ensure that police are equipped to lead.

Recommendation:

- **Human trafficking and modern slavery should form a part of all police strategic assessments and feature on force control strategies.**

Standard Operating Procedures: Kent Police

The CSJ has identified good practice in Kent, where a Standard Operating Procedure (SOP) for all officers is under development, in order to improve the standard of response to modern slavery across the force. Though not yet finalised, this SOP will include guidance and direction in the following areas: definitions; legislation; management of critical incidents; initial victim contact; dealing with brothels; victim support and the National Referral Mechanism (NRM); scene preservation and management; points of contact for expert advice, including links to relevant local and national guidance; initial call handling and advice for First Responders; advice on investigative primacy; guidance to investigators with levels of responsibility which are rank-specific; cross-border and divisional responsibilities; intelligence management; community impact; and education and awareness as part of officers' continued professional development, with enhanced training for key practitioners.⁶

It is crucial that, alongside such developments as SOPs, police officer discretion is maintained and officers are equipped to respond to potential cases of modern slavery through an understanding of the key indicators. Whilst a SOP is a helpful step forward, a box-ticking exercise must be avoided and officers must be invested in and empowered to respond to cases as they may present.

⁵ Detective Inspector Vanessa Smith, West Yorkshire Police, in evidence to the CSJ, April 2012

⁶ Kent Police, in evidence to the CSJ, January 2013

5.2.2 Police accountability

It is also of fundamental importance that a force's ability to respond to modern slavery is monitored. Until forces are held responsible for their activity in this area, simply placing the issue onto a control strategy risks that meaningful action may not be taken. The CSJ has identified a vicious circle: police are not tasked to investigate trafficking or modern slavery and are not sufficiently resourced to look into it in their force area. Therefore neither they nor the public engage with the issue because they don't know about it. Because modern slavery is hidden, it remains a low priority. Many police professionals who gave evidence to this review communicated a clear message that 'nobody is asking us to look for it, so neither we nor the public prioritise it; but if you look for it you're going to find it'.

The CSJ recommends that Her Majesty's Inspectorate of Constabulary (HMIC) should add modern slavery to its inspection criteria, and should be commissioned to review forces' responses to this problem. HMIC should also immediately conduct a thematic inspection of forces' responses to this crime area. Every Chief Constable should be able to demonstrate what they are doing to fight modern slavery in their force with a simple list of measures taken to ensure that it is being effectively and appropriately recognised and tackled.

Her Majesty's Inspectorate of Constabulary

Her Majesty's Inspectorate of Constabulary (HMIC) has statutory responsibility for the inspection of police forces. HMIC is headed by the Chief Inspector of Constabulary. The key role of the HMIC is to monitor and report on forces and policing activity with the aim of fostering improvement. They also advise police through identifying examples of best practice to be shared among forces.

The CSJ also recommends that human trafficking and modern slavery should feature on the British Crime Survey, drawn from information from the human trafficking and slavery and servitude offences which are discussed in section 5.6.

5.2.3 The Threat Reduction Board

Threat Reduction Boards were established by the Home Office's Strategic Centre for Organised Crime in order to provide focus for law enforcement partners to whom the type of crime is relevant.⁷ The Threat Reduction Board for organised crime, human trafficking and exploitation and the organised exploitation of children helps to identify priorities and aims to coordinate activity. Whilst the work of the Board is important, it is vital that the identified priorities are linked to force-level strategic assessments and control strategies, which are capable of local delivery. It is also once again notable that the approach is heavily linked to organised immigration crime. A proper response to modern slavery must not be so restricted. Unless the link between the Threat Reduction Board and local police activity is made explicit, coordination will remain poor; local forces will still lack direct tasking on this crime, and victims will not receive the help and protection they need. The existence of the Government's Human Trafficking Strategy has

⁷ Home Office, *Local to Global: Reducing the risk from organised crime*, London: Home Office, 2011

also been useful in helping to outline expectations and highlight areas where EU Convention compliance is required.⁸ However, without a national policy underpinning it, which is directly linked to local police forces and other law enforcement agencies, the strategy's aims and objectives will remain distant and ambiguous.

The Metropolitan Police and some other forces such as South Yorkshire police have in place a human trafficking policy specifically for their force.^{9, 10} The CSJ recommends that all forces are subject to a national policy in order to improve levels of consistency.

The CSJ is convinced that Police and Crime Commissioners (PCCs), in particular, would be given a better idea of what is expected of each force as a result of a national policy being published.

Recommendation:

- A national policing policy on modern slavery should be developed to which all forces are subject, in order to improve levels of consistency in response across the UK and outline the specific responsibilities of police for tackling this criminal problem.

5.2.4 Setting the local agenda: opportunities for Police and Crime Commissioners

Police and Crime Commissioners (PCCs), elected in November 2012, set local force priorities on behalf of the public. They have an important role to play in tackling modern slavery, and represent an opportunity to engage the public with this crime and move the police response forward. Working with chief constables, PCCs are tasked not just with reflecting the public's most pressing concerns and ensuring that the police response is proportionate, but balancing this with the more hidden issues that the public may not be directly exposed to. The Home Office Strategic Policing Requirement lays out the need for this balance.¹¹ However, there is no direct mention of human trafficking or modern slavery in the Strategic Policing Requirement. This must be corrected. If local police forces are to develop a response to modern slavery, PCCs must be called to action; every PCC should explicitly hold their force accountable for its response to human trafficking and modern slavery.

'The balance is between what the public is interested in and what is in the public interest.'

Former Detective Inspector Huw Watkins, Gwent Police, in evidence to the CSJ

8 Home Office, *Human Trafficking: The Government's Strategy*, London: Home Office, July 2011, p8

9 Metropolitan Police, *Human Trafficking Policy* [accessed via: http://www.met.police.uk/foi/pdfs/policies/human_trafficking_policy.pdf (16/12/12)]

10 South Yorkshire police, *Human Trafficking Policy* [accessed via: <http://www.southyorks.police.uk/content/dealing-human-trafficking-sexual-labour-exploitation-or-domestic-servitude> (16/12/12)]

11 Home Office, *The Strategic Policing Requirement*, London: Home Office, July 2012

Sue Mountstevens, an independent candidate who was elected to become Avon and Somerset's first PCC, stated her desire to deal with this issue effectively and for there to be representation at the Commissioner's office on the issue of human trafficking:

'I am committed to working on the issue of trafficking both in the prevention of victimisation and support for those who have suffered this horrific enslavement. As part of my priority of tackling domestic and sexual violence, trafficking has been identified as an important element of my first Police and Crime Plan. In order to progress this work a Champion has been appointed within my team. They will work with the PCC, Constabulary and partners to better understand the problem in Avon and Somerset and identify areas for action'.¹²

Recommendation:

- PCCs should hold their force accountable for their response to human trafficking and modern slavery in their force area. Human trafficking and modern slavery should also be included in the Strategic Policing Requirement, to enhance the awareness of PCCs of the issue.

5.2.5 The enthusiasm of the few

Police representatives have given worrying evidence to the CSJ of an overreliance on the 'enthusiasm of the few' within forces. While some forces may take steps forward in tackling trafficking and modern slavery, this is often down to one officer taking a personal interest in the issue. When that person moves on or retires, the expertise and any momentum gained is often lost. This again reflects the need for a strategic national approach to human trafficking and modern slavery, which can be replicated locally and which is sustainable when officers move on.

'My driver is a moral or ethical one; it's a personal response.'

Chief Superintendent John Sutherland, Metropolitan Police, in evidence to the CSJ

'We have never been able to embed training in a way that was sustainable so that when individuals move on, those gaps are automatically filled. That's what we're lacking.'

Nick Kinsella, founder and former head of the UK Human Trafficking Centre and board member, United Nations Voluntary Trust Fund for Victims of Human Trafficking

In order to avoid this untenable reliance on individual enthusiasm, and to replace it with an embedded, enduring responsibility in accordance with the Government's Human Trafficking Strategy, every force should have a Single Point of Contact (SPOC) for all matters relating to human trafficking and modern slavery.¹³ The SPOC should be specifically trained and tasked, and should be contacted by any person on the force with concerns about modern

¹² Sue Mountstevens, in evidence to the CSJ, January 2013

¹³ Home Office, *Human Trafficking: The Government's Strategy*, London: Home Office, July 2011, p21

slavery. The SPOC should also be able to share information at a regional and national level, communicating with the UKHTC about developments in intelligence or investigations that may occur. The Inter-Departmental Ministerial Group on Human Trafficking (IDMG) has identified this need for a SPOC in every force:

'Within each police region throughout the UK a responsible senior police officer for human trafficking has been identified, with the intention of a network of single points of contact (SPOC) being identified within each force. The members of this group will act as the conduit between local and national activity in respect of trafficking. It will also work to ensure this area of work is considered in mainstream policing, intelligence gaps are closed and responses are standardised. Wales already has a very successful SPOC network'.¹⁴

However, the IDMG report's assertion that such individuals have 'been identified' is not supported by the CSJ's research, which found that of the 33 out of 43 forces which responded, only half were able to give information about a SPOC. Some claimed they did not have one, and others could not provide their details.¹⁵ The necessity for an embedded role within each force must be recognised as part of the solution for improving police awareness and response; creating a network of SPOCs should be a national priority, and selecting a SPOC for each force should be a pressing local priority endorsed by chief constables and PCCs. The SPOC should be the champion for this issue in each force, and should be a consistent position that remains and is filled despite changes in staffing.

Recommendation:

- An embedded Single Point of Contact (SPOC) role should be established in every force, to enable local SPOCs to share information, intelligence and best practice with regional SPOCs which can then communicate with the UKHTC.

5.2.6 The National Crime Agency

The National Crime Agency (NCA), which will be fully operational by December 2013, will replace the Serious Organised Crime Agency (SOCA) as the UK's coordinating hub for serious crime.¹⁶ The NCA will produce and maintain the national threat assessment for serious, organised and complex crime, which all other agencies will work to. Using this agreed intelligence picture, the NCA will task and coordinate the police and other law enforcement agencies and will manage efforts to fight crimes that go beyond local, regional and national boundaries. The NCA will be made up of four distinct commands:¹⁷

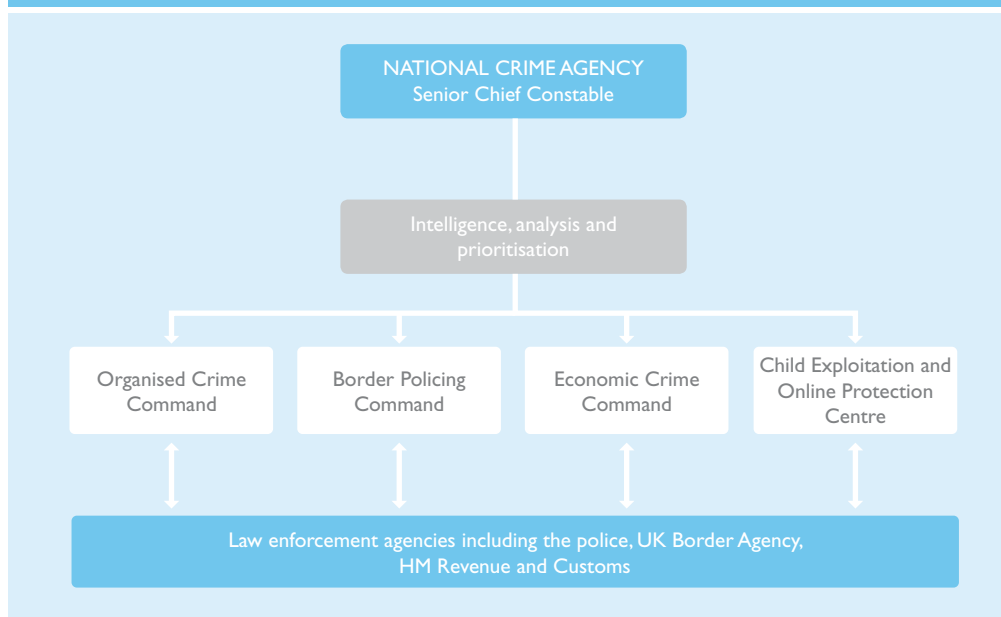
¹⁴ Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p51

¹⁵ Results of CSJ Freedom of Information request, August 2012

¹⁶ Home Office website, *The National Crime Agency* [accessed via: <http://www.homeoffice.gov.uk/crime/nca/> (20/02/13)]

¹⁷ Home Office, *The National Crime Agency: The plan for the creation of a national crime-fighting capability*, London: Home Office, June 2011, p18 [accessed via: <http://www.homeoffice.gov.uk/publications/crime/nca-creation-plan/view=Binary> (24/09/12)]

Figure 5.1: The National Crime Agency



All four commands will access an intelligence hub which will aim to build and maintain a comprehensive picture of the threats to the UK from organised criminality. The NCA will have the authority to task local police and other enforcement agencies. It will also commit its own resources to support investigations.

The only direct mention of human trafficking under the specialist commands that will make up the NCA is under the Border Policing Command. Whilst the international cases of trafficking and modern slavery will, to some extent, be relevant to the remit of this command, it must also be recognised that this human trafficking takes place within the UK, involving no movement across borders. It is therefore of serious concern that human trafficking and modern slavery is not mentioned in any form under the remit of the Organised Crime Command. The CSJ recommends that modern slavery and human trafficking be made a priority area for the NCA, and that this crime ceases to be seen only in the context of border security. Furthermore, there is still ambiguity over the placement of the UKHTC within the NCA. Greater clarity is needed on how this new agency will tackle this crime, both strategically and operationally, since it is often organised, it involves both UK and foreign nationals and it can take place wholly within the country.

Given the international elements of some human trafficking and modern slavery investigations which require gathering evidence from other jurisdictions, the CSJ welcomes the aim of the NCA to develop an international network of law enforcement contacts to aid the gathering of evidence from abroad.

Recommendation:

- Modern slavery and human trafficking should be made a priority area for the NCA, ensuring that this crime is not seen only in the context of border security or organised immigration crime.

5.3 Sharing information

'Trafficking doesn't sit prominently in the list of frontline police concerns.'

Chief Superintendent John Sutherland, Metropolitan Police, in evidence to the CSJ

Although there are some pockets of expertise within the police, many police officers do not know how to respond to a suspected case of modern slavery when they may see it. They are often not clear about whom they should report suspicions to, or what information counts as valuable and how much to pass on to agencies such as the UKHTC.

'We are all working in silos and some have no knowledge of the problem.'

Detective Inspector Vanessa Smith, West Yorkshire Police, in evidence to the CSJ

An improved national strategy and structure implemented across local forces, including active SPOCs, with universal training to give officers an awareness of what to do with their suspicions and/or specific intelligence, will help in addressing this situation and providing the level of protection that victims of human trafficking and modern slavery deserve. Sharing information will be a crucial facet of this strategy.

5.3.1 Regional information sharing

The CSJ has encountered significant problems with the police's ability to deliver a coordinated response between forces and across agencies, as well as nationally and internationally. The variety of different operating systems for each force's intelligence collecting makes cross-force cooperation very difficult. Regional Intelligence Units, for example, comprise teams with access to all the intelligence systems of the forces in the region. However a number of the intelligence systems cannot share the data automatically and must be manually downloaded and, in some cases, transferred using floppy discs.¹⁸ It is essential that every force area allocates the resources to develop and analyse intelligence on modern slavery. This also includes personnel, and the CSJ recommends that dedicated researchers and intelligence analysts are allocated to look into the issue at a regional level. This information should then be shared with the UKHTC. This applies equally to the Gangmasters Licensing Authority and any other agency which may collect such information. This will facilitate investigations that go beyond a single force boundary, and in partnership with the UKHTC will enable a better national or, where appropriate, international response through sharing information with the European intelligence hub, Phoenix. At present, information and intelligence sharing is not up to standard, as one senior police officer told the CSJ:

'intelligence on human trafficking should be managed locally before being shared through the regional intelligence units and into the national hubs. It just doesn't work, so we are

¹⁸ Anonymous police officer, in evidence to the CSJ

continuously having to do things twice. We send it through these formal processes but it takes too long, so we also send it directly to the UKHTC'.¹⁹

Recommendation:

- Dedicated researchers and intelligence analysts should be allocated to develop the policing response to modern slavery at a regional level.

5.3.2 Multi-agency information sharing

'All agencies in the voluntary and public sector must work together – we want to engage with those who may be seeing something even if they don't realise what they are seeing, and immediately refer to the police.'

Team Member, Sussex Police Operation Thames Project, in evidence to the CSJ

The diversity of modern slavery demands cooperation not just across forces but also between other sectors. In its evidence gathering our review has seen examples of excellent information sharing, such as in South Wales where a Consultation Group has been developed by Gwent Police to build a better picture of what is going on in Wales. The group facilitates cooperation and sharing of information amongst police officers, health professionals, school staff and housing providers by sharing regular intelligence bulletins through which the police are able to update members on the latest developments in the area, and hear from the other agencies involved. The group has had considerable success in fostering links between professionals who are able to share experience and generate a better understanding of how the problem manifests in their area. A similar group operates in the West Midlands through the Regional Anti-Trafficking (RAT) Network and in the South West through the Bristol Anti-Trafficking Partnership.

It is our recommendation that every region establishes an equivalent group, creating a forum whereby information and intelligence can be shared across agencies. This multi-agency approach is essential for police in disrupting traffickers and identifying victims. It will enable police to foster a better understanding of the problem.

This notion of a multi-agency approach must form part of any national strategic and operational plan to combat modern slavery in a force area. In Scotland, a multi-agency group 'dedicated to strategic, operational, and formalised intelligence sharing, analysis and enforcement action against traffickers' was recommended by Baroness Helena Kennedy's report for the Equalities and Human Rights Commission.²⁰ Formal links with 'those identifying and those supporting victims' are vital to the success of these groups, which should be developed in every region in the UK.²¹ This would then enable the groups to speak to each

¹⁹ Senior police officer; in evidence to the CSJ, December 2012.

²⁰ Ibid

²¹ Kennedy H, *Inquiry into Human Trafficking in Scotland: Report of the Equality and Human Rights Commission*, Scotland: ECHR, November 2011, p26

other, sharing information across borough or county boundaries and further helping to build a picture of the state of this crime in the UK. The networks will assist in building an effective multi-agency response, sensitive to the regional profile of trafficking cases that will enhance the understanding of the nature and scale of modern slavery nationally. This type of response would help the Anti-Slavery Commissioner in their reporting on the problem. The networks should also establish channels of communication with the UKHTC.

‘There are several hundred cases in Wales I can put my finger on. Whether that information be sitting on a shelf in a local authority, or with Sexual Assault Referral Clinics, or with NGOs...there is so much intelligence on human trafficking being held in silos in Wales, it’s unbelievable...it’s immoral, it’s awful, it’s happening.’

Former senior police representative, in evidence to the CSJ

Recommendation:

- Every region should have a multi-agency forum for information-sharing, based on the model in Gwent and the West Midlands, which can feed information to the Anti-Slavery Commissioner and the UKHTC.

5.4 Investigations

‘These are some of the most faceless, voiceless, helpless people that we have in the country.’

Senior police officer, in evidence to the CSJ

Police have given evidence to the CSJ regarding the difficulty they face in investigating human trafficking. Time and resourcing mean that, for a crime that is not seen as a priority and for which police will get little recognition, investigations may be few and far between. The cost of investigations into human trafficking and modern slavery can be high, given their length and the international nature of some cases.

‘Unless someone dies, you don’t find out about it because no one dares say anything. No-one’s disclosing anything...it’s something you can’t investigate because you don’t know they’re here.’

Senior police officer, in evidence to the CSJ

'With 70 per cent of the victims we have interviewed, the information they give is that vague that you can't take it forward.'

Detective Constable Elaine O'Brien, Merseyside Police, in evidence to the CSJ²²

Police have described the significant challenge they face when trying to engage with victims who are very often terrified, may not speak the language and who do not trust the police. This is explored further in Chapter Three, section 3.4.1.

'Most victims of trafficking don't even know what trafficking is, so won't identify themselves as a victim.'

Pam Bowen, Strategy and Policy Directorate, Crown Prosecution Service, in evidence to the CSJ

Police, however, have also spoken of their frustration when a victim will not engage with them. In several cases, trained police have expressed concern that if they see indicators of trafficking but the potential victim is too fearful to disclose anything, they have limited options:

*'We will often walk out of premises with concerns about the people who are inside. They may show indications of trafficking but do not disclose this to us. The NRM system is voluntary and we need their cooperation in order to assist them. Consequently they are not being identified as victims of trafficking at this stage.'*²³

5.4.1 Communication barriers

A concern registered by some police is the barrier to communication when working with victims of modern slavery whose first language is not English. Police have reported particular issues of dialect, where there might be only a very small number of appropriate interpreters in the whole of the UK, meaning that interviewing a potential victim will be a difficult and drawn-out process. Although Language Line – a telephone translation service with which police forces in the UK have a national contract – is a useful tool, it can hinder a truly victim-centred approach because of the lack of face-to-face contact. Potential victims of trafficking will have concerns about whom they can trust, and sharing their experience over the phone to a person they have never met may create significant barriers.

5.4.2 Support from the UKHTC

The CSJ has heard mixed reports from police about the role and functions of the UKHTC in supporting police investigations into this crime. Its role as the central intelligence hub for human trafficking and as a point of coordination in the international arena, as well as the functions it fulfils as co-facilitator of the NRM, make it a significant agency in the UK's response to modern

²² Detective Constable Elaine O'Brien, Merseyside Police, in evidence to the CSJ, August 2012

²³ Anonymous senior police officer, in evidence to the CSJ, December 2011

slavery.²⁴ An opinion voiced by some police however is the need for better direction from the UKHTC as to what forces are required to report, and what constitutes a case in which it should be involved. There is some confusion over the purpose of the UKHTC and what support it is able to offer police forces in investigations. Certain forces have benefited from the tactical advice given by one of the UKHTC's four advisers, whilst others have expected greater resourcing and operational support and have therefore been disappointed at what the UKHTC has been able to offer. Still others will instead contact the Metropolitan Police Human Trafficking Unit for help. Overall, there is a lack of understanding about the role of the UKHTC among police forces, and of what support is on offer. Communication and branding of the UKHTC should be improved in this area to help UK police forces understand its role and the ways in which it is able to help. It is also crucial that forces themselves are aware of the UKHTC, and know who to contact if they need advice.

'Protocols and a pathway system are needed to ensure all concerned are confident to deal with victims of human trafficking, as there is an uncertainty of how to deal with a victim.'

Tina Newman, Vice Liaison Officer, Avon and Somerset Police, in evidence to the CSJ

Information sharing on specific cases should also be improved between police forces and the UKHTC. The CSJ is convinced that an important area where the UKHTC can improve its response and better assist police is in cases where a NRM referral is made from a First Responder other than the police. In cases such as these, individuals referred through other First Responders could reach the NRM without any police knowledge, meaning that valuable information and intelligence may be lost.²⁵ In the months between June and September 2012, for example, just 24 per cent of adult NRM referrals came from the police.²⁶ This means that in 76 per cent of cases in this period the police may have no knowledge of the potential situations of modern slavery that have taken place in their region. It is therefore essential that the UKHTC's intelligence and information-sharing capabilities work in both directions: in gathering intelligence from police, and communicating information to relevant police forces about cases which they may not know about. In this sense, it is both the responsibility of chief constables to ensure that they are satisfied that there is the ability within their forces to develop and share intelligence, and of the UKHTC to have the ability to share information and intelligence with forces. Though a proportion of victims may not wish to contribute to a police investigation, the relevant force must still be made aware of it.

There are two key ways to tackle this problem. First, a clearer understanding of what the UKHTC can offer would be improved by reference to its broad remit within the basic training on human trafficking and modern slavery for every officer. Second, regular meetings of force

24 Inter-Departmental Ministerial Group on Human Trafficking, *The first report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p8

25 A full list of all First Responders can be found in Chapter Three, section 3.3

26 UKHTC, *National Referral Mechanism statistics: June – September 2012*, Birmingham: Serious Organised Crime Agency, January 2013 [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (13/02/13)]

SPOCs, hosted by the UKHTC, would create a forum in which to share experience and feedback in order to continually improve the interaction between police and the UKHTC, and improve the police response internationally, nationally and locally.

Recommendations:

- There should be increased awareness and better promotion of the UKHTC's Tactical Advisers, bringing clarity to forces about the support they can expect from the UKHTC;
- The UKHTC should increase its information-sharing capability so that it is able to communicate to police forces the relevant information and intelligence about cases of which they may not otherwise be aware.

5.4.3 Ownership of investigations

Some forces have told the CSJ of a lack of clarity over who within the police force should 'own' investigations into modern slavery. In some cases there is not always enough intelligence for cases to reach the 'threshold' of serious organised crime, leading to a situation where little or no progress is made on cases simply because there is confusion over which unit should take it forward.

'As soon as the word trafficking is used people become concerned. They see the possibility of a costly and protracted investigation crossing force or international boundaries and seek to refer it rather than dealing with the investigation as they would any other crime type.'

Detective Inspector Keith Roberts, Kent Police, in evidence to the CSJ

One force provided details of a case in which the evidence showed that human trafficking was suspected. The case was then passed to and from an area unit to the special branch unit for a period of five days. During that time, the victim went missing and the case was severely delayed. In this case, the individual should have been referred to safe accommodation under the NRM. If they were not willing to be referred to the NRM, they should have been given a victim liaison officer to ensure that a lack of ownership of the case did not result in this potential victim going missing.

Skills for the investigation of trafficking must be dispersed within forces, to widen the net for effectively identifying and pursuing trafficking cases. Some concerned officers have spoken of debating with managers to make sure they take the case on for fear it would otherwise not be given the level of priority it deserved. For police in some areas this problem of ownership is a significant and worrying obstacle to effectively fighting this crime. Smaller area units may shy away from cases. This can be due to a lack of awareness of the evidence needed or the international nature of the crime.

Until it is made clear to forces exactly who has primacy in investigating cases of human trafficking and modern slavery fears remain that investigations are at risk of not progressing as they should. A definitive chain of primacy needs to be clearly marked out for police through the national policy. This will enable forces to bring a consistent approach to investigations into trafficking, support a victim through the NRM, and provide an effective investigation.

A further issue raised during the review is the under-use of the Proceeds of Crime Act 2002 (POCA), which makes provisions for the seizure of gains which have been generated as a result of criminal activity. The use of POCA in cases of human trafficking and modern slavery may generate substantial amounts of money for police forces, but is not widely used in cases such as these. The CSJ recommends that the relevance of POCA in these cases is added as a learning point in police training on modern slavery.

Recommendation:

- The relevance of the Proceeds of Crime Act 2002 (POCA) in cases of modern slavery should be more widely recognised and should be added as a learning point in police training on modern slavery.

5.4.4 International evidence gathering

The international nature of the crime when a person has been trafficked from outside of the UK also adds huge resource issues to evidence gathering, often requiring the cooperation of other jurisdictions which is time-intensive and can be slow.

5.4.4.1 Joint Investigation Teams

Some areas where these investigations can be aided are within such mechanisms as Joint Investigation Teams (JITs), facilitated through Europol (the law enforcement agency of the EU) and Eurojust (the unit for judicial cooperation in the EU). JITs were introduced to allow police forces from different countries to cooperate for a fixed period of time on a specific case. This mechanism is useful for cases of human trafficking and modern slavery, and opportunities for funding should be applied for more regularly. JITs under Europol are a valid option, but police representatives have spoken of the significant amount of time it can take to launch such a team – in some cases up to six months. As part of efforts to tackle this obstacle, Kent police draws on the resources of its European Liaison Unit. This team of multilingual officers has been set up to support investigations where evidence is needed from outside the jurisdiction of the UK. The team has a network of contacts across the globe (the title of European Liaison Unit is actually a misnomer, since the team also has contacts in Africa and the United States, among others). The team is then able to forge links between investigating officers in the UK and those that are able to assist abroad. For cases of modern slavery, this team is ‘worth its weight in gold’ according to one Detective Constable and has directly contributed to pushing investigations forward.²⁷

This unit illustrates the importance of international connections in investigating cases of trafficking that have cross-border links. In order to facilitate better information sharing across

27 Anonymous police officer, Kent Police, in evidence to the CSJ, October 2012

borders, police forces may consider establishing a similar unit. This does not negate the need for formal protocols such as Joint Investigation Teams, which enable police to gather evidence through established processes. International engagement on a wider scale should also be taken forward by the NCA when it is established.

Recommendations:

- JITs should be more widely used to aid police in their evidence-gathering process. Funding is available for JITs, and should be applied for more frequently;
- Police forces should consider establishing an international liaison unit, based on the European Liaison Unit developed by Kent police.

For police investigating cases of trafficking in which evidence must be gathered from source countries, investigations can prove very challenging particularly given the differences in the legal and judicial systems in some countries; many will lack the infrastructure to be able to provide evidence. Investigating a trafficking offence in which the recruitment or coercion of the victim may have taken place in another country can prove very difficult.

EU police and justice measures: the impact of opting out

In October 2012, the Home Secretary announced government plans to opt out of 130 European Union police and justice measures in April 2014, including the European Arrest Warrant. This is of serious concern given that the UK's response to modern slavery relies upon measures of policing cooperation at the European level. In investigating and prosecuting offence, it is necessary to have common approaches with other EU Member States in order to obtain the necessary evidence from other jurisdictions and extradition processes to import individuals from other territories to be prosecuted, or export individuals from the UK to be prosecuted in another territory. These wider measures could have a significant impact on law enforcement's ability to investigate human trafficking and modern slavery if these tools are no longer available to the UK. For example, if the UK does not participate in Eurojust, forces will not have access to the EU funding for JITs, which have been established to provide a successful response to human trafficking and modern slavery. Opting out of these measures means that investigation and disruption of this crime at the European level would take a significant step backwards

*'If they withdraw, then responses to international crime like human trafficking will start failing.'*²⁸

The CSJ strongly recommends that the Home Secretary should reconsider the decision to opt out of EU police and justice measures, taking into account the negative impact this would have on the UK's ability to tackle modern slavery.

5.4.4.2 The Risk and Liaison Overseas Network

Beyond Europe, the UKBA's Risk and Liaison Overseas Network (RALON) has staff covering almost 100 countries across the world to identify and mitigate threats to the UK. As part of this, RALON officers work with airlines and local border control authorities to prevent passengers who may present a risk to the UK from travelling. In August, RALON provided intelligence to

²⁸ Anonymous police representative, in evidence to the CSJ

the Italian police contributing to the arrest of a man suspected of planning to traffick women into Italy and on to the UK. RALON has shared further intelligence and built an investigation with SOCA, since there is evidence to suggest that the suspect previously trafficked ten other Nigerian nationals. The trafficker arrested in the specific case is thought to be operating as part of an organised trafficking route from West Africa to Western Europe, via the UK.²⁹

5.4.4.3 Mutual legal assistance

Mutual legal assistance (MLA) can be required through a letter of request – a legal document issued by either a judge or a Crown Prosecutor requesting assistance in obtaining evidence specified in the letter for use in criminal proceedings or to support an investigation. For example, in a case of modern slavery from South Yorkshire involving five defendants from Slovakia who were trafficking their victims into the UK, the prosecutor required evidence of the victims' travel through Slovakia to support the prosecution case. A letter of request was served on the public prosecutor in Slovakia, who caused the relevant investigations to be made there. The Slovak authorities obtained evidence from bus companies of the victims' travel and sent the evidence to the CPS prosecutor. This evidence corroborated the victim's testimonies and the defendants were all convicted. These agreements are useful for gathering evidence on the beginning stages of the crime, since 'we're more of a destination country, and rely heavily on evidence from outside of the jurisdiction'.³⁰

5.5 Prosecutions: bringing perpetrators to justice

The investigation, prosecution and conviction of the perpetrators of human trafficking and modern slavery are crucial elements in the fight against this crime. This is because bringing perpetrators to account changes the equation of fear and power; when would-be traffickers are afraid of the consequences of their actions, potential victims start to become less vulnerable.

The CSJ recognises the array of challenges facing police in investigating cases of modern slavery and human trafficking. Barriers of language, dialect and culture, a victim's fear of reprisals from their traffickers, and the fear of shame from their families – both in cases of UK and non-UK nationals who have been trafficked – mean that gathering evidence and pursuing a prosecution is very difficult.

'When our police units burst through the door of brothels, some of the women think they are being robbed and get scared... Many of the women... have a natural distrust for law enforcement as they are corrupt in their own countries.'³¹

29 Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on human trafficking*, London: Home Office, October 2012, p103

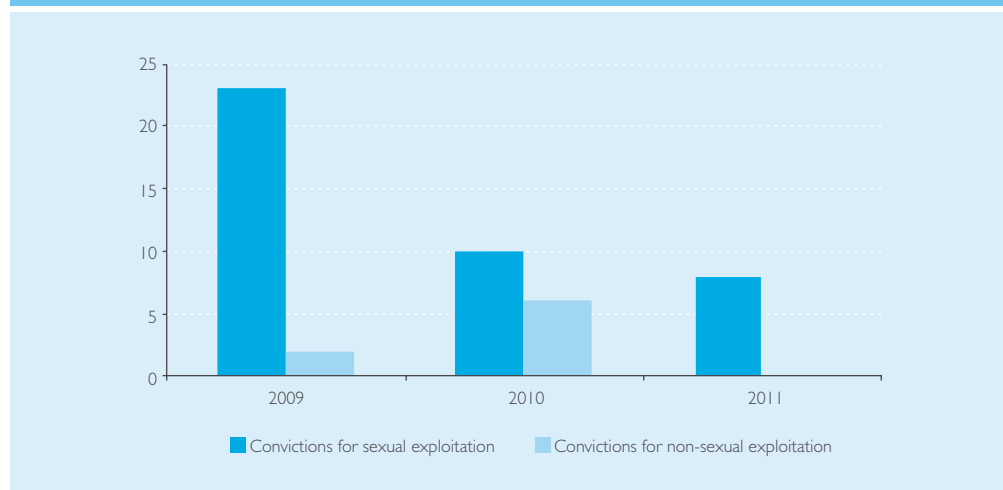
30 Pam Bowen, Crown Prosecution Service, in evidence to the CSJ, November 2012

31 Detective Inspector Sue Bradshaw, quoted in This is Gloucester, *Human trafficking rife across Gloucestershire*, 5 October 2012 [accessed via: <http://www.thisisgloucestershire.co.uk/Human-trafficking-rife-Gloucestershire/story-17039695-detail/story.html> (20/12/2012)]

There have been some successful convictions for human trafficking offences in the UK. Further convictions have also taken place for related offences where trafficking may not have been proven but offences such as rape or kidnap are successfully prosecuted. The Ministry of Justice has published figures on the number of convictions for human trafficking offences, which show that the number of convictions of trafficking for sexual and non-sexual exploitation has actually fallen in the three years to 2011 (see Figure 5.2 below).³² However, the validity of these statistics has been called into question by those working in the sector.³³ The Government's inability to keep track of the number of convicted traffickers it has sentenced since 2009 is unacceptable and must be urgently rectified.

Many challenges exist in bringing successful prosecutions against traffickers. Charging for other offences such as rape or abduction is often used as an alternative however evidence to the CSJ shows that the reportedly low level of awareness of the offences among police and prosecutors may be leading to underuse of human trafficking offences. Convicting a person for human trafficking or slavery offences requires the understanding of the investigation team, prosecutors and judges. Increasing convictions is vital if the UK is to build a better picture of the problem and communicate the message that this country is a difficult and hostile place for traffickers to operate in. Concerns currently remain that traffickers believe they may act with impunity in the UK. The conviction figures below therefore represent the tip of the iceberg of the human trafficking crimes that are potentially being committed in the UK. Whilst the CPS has helpful policies in place to help prosecutors in charging trafficking offences, evidence to the CSJ shows that there is a need for greater awareness among regional CPS prosecutors of this form of crime.³⁴

Figure 5.2: Number of convictions for human trafficking offences 2009–2011



It is clear that more needs to be done. Firstly, investigations should be taken forward where at all possible, with awareness levels improved amongst police and support readily available from the UKHTC. Secondly, victims of trafficking and modern slavery must be given every opportunity

32 Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on human trafficking*, London: Home Office, October 2012, p35

33 Anonymous CPS representative, in evidence to the CSJ

34 Crown Prosecution Service, *CPS Policy for Prosecuting Cases of Human Trafficking*, London: Crown Prosecution Service, May 2011, p30

to tell of their experiences. The intelligence and evidence they give must be appropriately followed up. Thirdly, prosecutors and other members of the judicial system need to understand the nuances of this crime so that its impact and severity is recognised and perpetrators are sentenced appropriately. This is not to say that other relevant offences should not also be charged where appropriate, but awareness of the legislation on human trafficking is also crucial. More general offences should not be relied upon simply because they may be more widely known about, when it may be possible to successfully prosecute human trafficking offences.

5.5.1 Victims as witnesses

It is important that police are able to focus on elements of investigation other than victim testimony. In cases of human trafficking, where a traumatised victim is too fearful or confused to adequately share their experience, they will not always be suitable witnesses. In cases of trafficking a victim can sometimes be the only witness to their abuse, and yet they often find it extremely hard to testify against their traffickers for fear of reprisal, because of a lack of understanding about the criminal justice system, or due the barriers created by not speaking English. In this regard, parallels can be drawn with police investigations into domestic violence in the UK. Keir Starmer QC, Director of Public Prosecutions, recently called for police to 'start focussing their energies on gathering other forms of evidence (rather than relying on victim testimony) in domestic abuse cases'.³⁵ An over-reliance on the use of victim testimony is still an issue for police in tackling modern slavery. The CPS has highlighted the importance of this approach:

*'As long as there is evidence which proves all the elements of the offence without the need for the victim to make a complaint (for example, electronic surveillance, monitoring of bank accounts and recovery of documentary exhibits) the CPS can still proceed to a prosecution for human trafficking. The CPS has prosecuted a number of cases where law enforcement has carried out pro-active investigation and the victims have not been required to give evidence.'*³⁶

However, the reality is that police across the country are under-resourced and ill-equipped for this form of policing. Police officers who have given evidence to this review have spoken of the unhelpful reliance on victim testimony and have highlighted the need for better resourcing for proactive disruption of this crime.

5.6 Legislation

Legislation relating to human trafficking and modern slavery has developed significantly in the last decade.

'The legislation is sufficient but it could be made clearer.'

Assistant Chief Constable Olivia Pinkney, ACPO lead on Migration and Associated Matters, in evidence to the CSJ

³⁵ The Centre for Social Justice, *Beyond Violence: Breaking cycles of domestic abuse*, London: CSJ, July 2012, p68

³⁶ Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the Inter-Departmental Ministerial Group on human trafficking*, London: Home Office, October 2012, p33

5.6.1 The Sexual Offences Act 2003

Trafficking for sexual exploitation is criminalised under sections 57, 58 and 59 of the Sexual Offences Act 2003. Offences under all three sections carry a maximum 14-year sentence. Section 57 makes it an offence to traffick a person into the UK, section 58 criminalises trafficking within the UK and section 59 makes it an offence to traffick out of the UK, all for the purpose of sexual exploitation.³⁷ Sexual exploitation is defined as the commission of any of the wide range of offences detailed under Part One of the Sexual Offences Act 2003, including rape and sexual assault, or any of the offences under section 1 (1) (a) of the Protection of Children Act 1978 which made it illegal to make indecent images of children.³⁸

5.6.2 The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

Trafficking for non-sexual exploitation is criminalised in the UK under the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. A person commits an offence under this Act if they arrange or facilitate the arrival into the UK of an individual, and they intend, or know that someone else intends, to exploit the person in the UK or elsewhere. If a person arranges travel within the UK of an individual whom they know has been trafficked into the country, they also commit an offence under this Act. It is also an offence to arrange the departure from the UK of an individual whom he intends, or knows that someone else intends, to exploit.³⁹

Under this Act, a person is exploited if they are subject to the abuse set out under Article 4 of the European Convention on Human Rights, which states that 'No one shall be held in slavery or servitude and no one shall be required to perform forced or compulsory labour'.⁴⁰ Prosecutors must refer to this Article in order to prove trafficking for non-sexual exploitation under this Act. A person is also guilty of an offence if they require the person to do anything which would lead to an offence under the Human Organ Transplants Act 1989 (see Chapter One, section 1.5.5) or is made to provide services or benefits of any kind under force, threat or deception.⁴¹

Until recently, an inherent weakness in the offence of trafficking under the Asylum and Immigration Act 2004 was the requirement first to prove trafficking into the UK, in order for it to be an offence to traffick someone *within* the UK. The idea that an individual can only be prosecuted if it can be proved that they were aware the person had been trafficked into the country created a barrier to successful prosecutions for trafficking solely within the UK, and further widened the disparity in evidential requirements for trafficking for sexual and non-sexual exploitation.

The CSJ Working Group therefore welcomes recent developments under the Protection of Freedoms Act 2012 which meet this concern adequately.⁴² Section 110 of this Act removes the need to prove both 'episodes' of trafficking and now criminalises the trafficking of an individual

37 Section 57, 58, 59, Sexual Offences Act 2003 [accessed via: <http://www.legislation.gov.uk/ukpga/2003/42/contents> (06/07/12)]

38 Crown Prosecution Service website, *Human Trafficking and Smuggling legal guidance* [accessed via: http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/#a10 (14/12/12)]

39 Section 4, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 [accessed via: <http://www.legislation.gov.uk/ukpga/2004/19/contents> (06/07/12)]

40 Article 4, European Convention on Human Rights, 1953 [accessed via: http://www.echr.coe.int/NR/rdonlyres/D5CC2A47-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf (28/02/13)]

41 Human Organs Transplant Act 1989 [accessed via: <http://www.legislation.gov.uk/ukpga/1989/31/contents> (11/02/13)]

42 Section 110, Protection of Freedoms Act 2012 [accessed via: <http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted> (11/02/13)]

solely within the UK for non-sexual exploitation. This amendment was cited in the Home Office 'Report on the Internal Review of Human Trafficking Legislation' published in May 2012, and is a helpful step forward in bringing the legislation for both sexual and non-sexual exploitation into line with each other.⁴³ Under the Protection of Freedoms Act, the jurisdiction of the UK is also extended, so that a UK national can be prosecuted regardless of where in the world the arrangement or facilitation of trafficking takes place or where the trafficking occurs or is intended to occur. This development reflects the international dimensions of trafficking by UK nationals.

5.6.3 The Coroners and Justice Act 2009

The Coroners and Justice Act 2009 criminalises the holding of a person in slavery or servitude or requiring them to perform forced or compulsory labour. Once again, this Act refers to Article 4 of the European Convention on Human Rights. The original aim of this legislation was to correct the oversight in the Asylum and Immigration Act 2004, where trafficking into the UK for non-sexual exploitation had to be proved in order for a prosecution for human trafficking within the UK to be taken forward. However, with the amendments under the Protection of Freedoms Act 2012 which remove this problem, the Coroners and Justice Act should instead now be used for cases where human trafficking for forced labour cannot be proved, but holding a person in slavery or servitude or requiring them to perform forced or compulsory labour can be.

The Crown Prosecution's guidance on utilising this legislation states that: 'There are already specific offences of trafficking people for labour exploitation...and trafficking people for sexual exploitation...Where there is sufficient evidence to bring criminal charges for these specific offences, they should be charged in preference to the section 71 offence'.⁴⁴ The guidance also highlights the benefits of this legislation when trafficking cannot be proved, stating that: 'In cases where the person was not trafficked, the benefit of the section 71 offence is that it allows prosecutors to present the full extent of the behaviour, rather than having to rely on general offences such as assault, false imprisonment or theft'.⁴⁵ This guidance reflects the need for police and prosecutors to be aware of the legislation surrounding human trafficking and slavery, servitude and forced labour, so that appropriate charges can be brought against the perpetrators.

The Connors family

In July 2012, the first conviction for slavery and servitude was successfully brought against James John and Josie Connors, who were found guilty of this offence as a result of recruiting vulnerable and often destitute or homeless men into work with the promise of good pay and accommodation. They then exploited these men through forced labour, giving them little food and completely removing their independence. In handing down the sentence, His Honour Judge Michael Kay QC stated that 'This is a difficult sentencing exercise not only because of the absence of guidance but also because the sentences I am required to pass are for offences which cruelly deprive a person of his liberty and it is difficult to put a tariff on freedom'.⁴⁶ James John Connors received a sentence of 11 years, and Josie Connors was sentenced to four years.

⁴³ Home Office, *Report on the Internal Review of Human Trafficking Legislation*, London: Home Office, May 2012

⁴⁴ Forced labour legal guidance, Crown Prosecution Service, May 2012 [accessed via: http://www.cps.gov.uk/legal/s_to_u/slavery_servitude_and_forced_or_compulsory_labour/ (25/01/13)]

⁴⁵ Ibid

⁴⁶ Judiciary of England and Wales, *Sentencing remarks of HHJ Michael Kay QC*, 12 July 2012 [accessed via: <http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/james-connors-josie-sentencing-remarks-12072012.pdf> (13/07/12)]

5.7 The case for a Modern Slavery Act

5.7.1 Bring offences under one Act

There is damaging uncertainty surrounding UK legislation on human trafficking and slavery. As outlined above, human trafficking offences are located within two separate Acts and slavery, servitude and forced or compulsory labour offences under a third. Offences are made even more unclear by the fact that one of these Acts – the Asylum and Immigration (Treatment of Claimants, etc.) – falls under immigration law rather than criminal law. This separation of the different forms of exploitation is unhelpful, and creates unnecessary confusion for those whose job it is to implement the legislation. Police, prosecutors, judges and the jury can be misled to believe that any trafficking that is not for sexual exploitation is not a criminal issue because of its immigration statute. This further perpetuates the misunderstanding of trafficking as an immigration – and not a criminal – problem.

‘Trafficking for non-sexual exploitation is the only immigration crime that has a victim.’

Pam Bowen, Crown Prosecution Service, in evidence to the CSJ

The CSJ calls for the consolidation of legislation into one Act: the Modern Slavery Act. This would have both practical and symbolic significance. It would enable law enforcement agencies to act with greater clarity, and would no longer require reference to immigration law for the appropriate offence if they wish to prosecute for non-sexual exploitation.

‘If it was one simplified Act – anything that’s made simpler is a good thing.’

Anonymous police officer, in evidence to the CSJ

5.7.2 Make provisions for investigation and identification of victims

The CSJ recommends that the Modern Slavery Act should include provisions for the investigation of cases of potential modern slavery. In view of the varying practice around the country and across various sectors of the state, the CSJ is convinced that the most appropriate way to bring about a proportionate and uniform effort to identify victims of modern slavery and human trafficking and investigate the circumstances of their victimisation is to enact the obligation to do so in statute. Though this may seem a radical step, it is in fact no more than a clarification of the obligations to which the UK is already subject through the European Convention on Human Rights (ECHR) and its associated case law.⁴⁷

⁴⁷ The European Convention on Human Rights [accessed via: http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf (10/02/13)]

Rantsev v Cyprus and Russia

In the case of *Rantsev v Cyprus and Russia* the court concluded that human trafficking itself, within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Council of Europe Convention, falls within the scope of Article 4 of the ECHR which prohibits holding someone in slavery or servitude or requiring them to perform forced or compulsory labour.⁴⁸ This case concluded that Article 4 also entails 'a procedural obligation to investigate situations of potential trafficking'.⁴⁹ It is clear from this case, that 'the requirement to investigate does not depend on a complaint from the victim or next-of-kin: once the matter has come to the attention of the authorities they *must act of their own motion*' (emphasis added).⁵⁰ In this case the court emphasised that such investigations must safeguard the legitimate interests of the victims. This recognition of the positive obligations on all arms of the state to take action to ascertain whether an individual has been a victim of modern slavery is the foundation of an effective strategy. It provides the direct and unequivocal obligation upon which agencies' national policy and multi-disciplinary local implementation should be founded.

Enshrining this obligation in law would help to bring focus to those on the frontline who may be seeing indicators of modern slavery.

5.7.3 Make provisions for non-prosecution of victims of modern slavery

Under the Modern Slavery Act provisions should also be made for ensuring that victims of human trafficking are not prosecuted for crimes they committed as a direct consequence of their trafficking situation. Whilst the creation of the CPS policy has provided an invaluable step in implementing the obligations of police and judiciary towards potential victims of modern slavery, the reality is that this obligation is not being adequately implemented across the criminal justice sector. Non-prosecution of victims is part of public criminal justice policy which applies beyond the CPS. The appropriate form for such an obligation is therefore statute, and not CPS policy which applies directly only to CPS staff. For this to be effective and consistent and to eliminate the numerous gaps through which so many victims appear to fall, such a policy must apply with equal force to, and be implemented by, all parts of the criminal justice system (see Chapter Four, section 4.3.4). This requirement is recognised in evidence received by the CSJ from the CPS and other stakeholders.

The most effective way to achieve this is by statutory statement of policy.⁵¹ This creates a consistent obligation to implement the policy across all sectors of the criminal justice system, including police, duty solicitors, prosecuting and defence advocates, judiciary and prison officers, through identification and timely provision of information to inform the decision to prosecute and not leaving the policy to be implemented solely by prosecutors. If the UK is to take the duty of non-prosecution of victims seriously, then they deserve no less than such protection. This proposal is not a recommendation for blanket immunity from prosecution. It is rather a clear, high-level statement of the public interest that in each case a potential victim of modern slavery deserves to have their status as a victim considered and, where appropriate, formally identified. They also deserve to have the specific circumstances of the offences for which they

48 European Court of Human Rights, *Case of Rantsev v Russia and Cyprus*, Strasbourg, January 2010, paragraph 282

49 Ibid, paragraph 288

50 Ibid

51 An alternative way would be through the creation of a statutory defence akin to the statutory defence offered to refugees under section 31 of the Asylum and Immigration Act 1999. In this example, a person may use as a defence for immigration offences he may have committed the fact that he presented himself to the authorities without delay, showed good cause for his illegal presence in the UK and made a claim for asylum as soon as he could

have been arrested and charged considered in the light of their experience of modern slavery and the pressures and controls that may have been brought to bear upon them. The CSJ considers that the application of legal concepts such as ‘duress’ – which were never conceived to apply to the type of coercion that applies in cases of modern slavery and human trafficking – must be reconsidered. It is also appropriate to maintain a high threshold for this provision so as not to create a loophole for criminals or those who may seek to take advantage of it. In particular, expertise in areas such as domestic violence and child abuse should be considered as police and others develop an understanding of the impact of compulsion or coercion on victims, which can influence the decisions they make and the actions they take.

5.7.4 Outline the role of the Anti-Slavery Commissioner

The role of the Anti-Slavery Commissioner should also be contained under the Modern Slavery Act. As discussed in Chapter Two, the Anti-Slavery Commissioner should have a statutory obligation to represent the rights of victims of modern slavery. Similar to the role of the Children’s Commissioner, the Anti-Slavery Commissioner should also have the ability to launch inquiries without the permission of the Government.

The Modern Slavery Act will mark a radical step forward in the UK’s response to this appalling crime. With provisions for the better identification of victims, and obligations to ensure that potential victims of modern slavery are not prosecuted for offences they committed as a result of their enslavement, the Act will empower frontline professionals to look beyond the obvious and proactively uncover modern slavery. Provisions for the Anti-Slavery Commissioner under this Act will enable the UK to lead the way in making modern slavery a strategic priority, bringing vital coordination to the UK’s response. As a significant part of the wide-ranging reforms called for in this report, the Modern Slavery Act will provide a legislative foundation to equip the UK to become a world leader in its approach to this abuse of human rights and dignity.

- Human trafficking and slavery legislation under the Sexual Offences Act 2003, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Coroners and Justice Act 2009 should be brought under one ‘Modern Slavery Act’ to bring continuity and mitigate the risk of confusion with immigration offences. This Act should also include provisions for the obligation to proactively investigate indicators of modern slavery, and provisions for the non-prosecution of victims of modern slavery;
- The role of the Anti-Slavery Commissioner should be outlined under the Modern Slavery Act.

5.8 Recommendations

- Human trafficking and modern slavery should form a part of all police strategic assessments and feature on force control strategies.
- A national policing policy on modern slavery and human trafficking should be developed, to which all forces are subject, in order to improve levels of consistency in response across the UK and outline the specific responsibilities of the police for tackling this criminal problem.

- Police and Crime Commissioners (PCCs) should hold their force accountable for their response to human trafficking and modern slavery in their force area. Human trafficking and modern slavery should also be included in the Strategic Policing Requirement, to enhance the awareness of PCCs of the issue.
- Her Majesty's Inspectorate of Constabulary should add human trafficking and modern slavery to its inspection criteria, and should be commissioned to conduct a thematic inspection of forces' responses to this crime immediately.
- An embedded Single Point of Contact (SPOC) role should be established in every force, to enable local SPOCs to share information, intelligence and best practice with regional SPOCs, which can then communicate with the UKHTC.
- Modern slavery and human trafficking should be made a priority area for the NCA, to ensure that this crime is not seen only in the context of border security or organised immigration crime.
- Dedicated researchers and intelligence analysts should be allocated to develop the policing response to modern slavery at a regional level.
- Every region should have a multi-agency forum for information sharing, based on the models in Gwent (the Gwent Consultation Group on Human Trafficking) and the West Midlands (the Regional Anti-Trafficking Network), which can feed information to the Anti-Slavery Commissioner and to the UKHTC.
- The UKHTC should increase its information-sharing capability so that it is able to communicate to police forces the relevant information and intelligence about cases of which they may not otherwise be aware.
- There should be increased awareness and better promotion of the UKHTC's Tactical Advisers, bringing clarity to forces about the support they can expect from the UKHTC.
- The relevance of the Proceeds of Crime Act 2002 (POCA) in cases of modern slavery should be more widely recognised and should be added as a learning point in police training on modern slavery.
- Joint Investigation Teams (JITs) should be more widely used to aid police in their evidence-gathering process. Funding is available for JITs, and should be applied for more frequently.
- Police forces should consider establishing an international liaison unit, based on the European Liaison Unit developed by Kent police.
- The Home Secretary should reconsider the decision to opt out of EU police and justice measures, taking into account the negative impact this would have on the UK's ability to tackle modern slavery.
- Human trafficking and slavery legislation under the Sexual Offences Act 2003, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Coroners and Justice Act 2009 should be brought under one 'Modern Slavery Act' to bring continuity and mitigate the risk of confusion with immigration offences. This Act should also include provisions for the obligation to proactively investigate indicators of modern slavery, and provisions for the non-prosecution of victims of modern slavery.
- The role of the Anti-Slavery Commissioner should be outlined under the Modern Slavery Act.

chapter six

Supporting survivors

6.1 Introduction

A nation's commitment to survivors of modern slavery is a test of its compassion and civility; rebuilding the lives of those who have escaped modern slavery is a fundamental duty of care. Survivors need help to recover from their experiences to ensure that they do not fall back into exploitation; their successful reintegration into society either in the UK or their home country is an essential facet of their recovery.

This chapter looks at the available support for people who have been identified as potential victims of modern slavery, and addresses the recovery and reintegration options that are available to them. The Government has committed to providing some aftercare support for adult survivors of modern slavery through the Ministry of Justice. This chapter looks at how this support is delivered, points to examples of best practice and highlights how this delivery can be improved. Victims of modern slavery (or those whose cases are yet to be decided) are given a period of time for 'recovery and reflection' after their enslavement has ended. This 'reflection period' is designed to allow time for an individual's health, emotional and practical needs to be met, as they begin to recover from their experiences. This chapter asks how well this is working, assesses experiences of the current 45-day reflection period allowed by the Government and considers how the National Referral Mechanism (NRM) process affects the provision of support.¹ It also deals with the reintegration input available to survivors, and what 'moving on' looks like for a person who has been a victim of this most horrendous abuse.

Aftercare provision for children takes on a different form from adults, not least because it is the automatic duty of local authorities to safeguard vulnerable children within their area. The most pressing concern registered with the CSJ during its research into support and care for child victims of modern slavery has been the number of trafficked children going missing from local authority care. This outrage is exposed in this chapter, and recommendations are made for how the situation can be improved.

¹ For further explanation and analysis of these mechanisms see Chapter Three

6.1.1 Definitions

Under the Council of Europe Convention, the UK must implement measures to identify and protect victims, ensure their rights are safeguarded and ensure access to minimum standards of service provision. This support can take many different forms, from 24-hour staff-secure accommodation to outreach within the community.

Article 12: Council of Europe Convention on Action Against Trafficking in Human Beings

Assistance to Victims

1. Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

- a) standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
- b) access to emergency medical treatment;
- c) translation and interpretation services, when appropriate;
- d) counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
- e) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
- f) access to education for children.

2. Each Party shall take due account of the victim's safety and protection needs.

3. In addition, each Party shall provide necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help.

4. Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.

5. Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to cooperate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

6. Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.²

The team tasked with monitoring responses to human trafficking within the EU – the Group of Experts on Action against Trafficking in Human Beings (GRETA) – recently visited the UK to assess its response to the Council of Europe Convention on Action against Trafficking in Human Beings. It asserted in its subsequent report that the UK should make ‘further efforts to ensure that all potential and actual victims of trafficking are provided with adequate support and assistance from their identification through to their recovery’.³ GRETA included in its report recommendations for: the development of minimum support standards; appropriate

2 Article 12, Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (22/09/11)]

3 GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom*, Strasbourg: GRETA, September 2012, p64

accommodation for children; access to the labour market, vocational training and education; access to translation services; and improved access to legal advice. Evidence to this review suggests that whilst the UK has gone some way to helping survivors of modern slavery to access help, significant gaps remain in the way they are supported.

6.2 Survivors of modern slavery: health and emotional needs

*'The damage to a person's capacity to form and maintain relationships, together with enduring personality change, helps to explain the profound problems faced by trafficking victims in rebuilding their lives after release.'*⁴

Modern slavery frequently involves sustained levels of abuse and violence, with many individuals suffering serious health issues for a long time after their experience. Some injuries may be less visible; psychological and emotional damage is often serious, with aftercare providers reporting to the CSJ cases of attempted suicide, night terrors, panic attacks and aggressive behaviour.⁵

'She doesn't really understand what a counsellor is but will give it a try because the faces of her attackers keep coming to her during the day and night.'

Anonymous aftercare provider, in evidence to the CSJ

Other survivors might experience insomnia, irritability and depression. The experience of 'inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards and general lack of quality healthcare' can have a sustained and damaging impact.⁶ Those working with victims of modern slavery report that individuals can often 'feel degraded, isolated and unreachable'.⁷ The psychological controls exerted over victims must not be underestimated; one individual described the psychological hold of her trafficker in the following way:

'He had beaten me with his mind'.⁸

Extensive research has been conducted on the effects of Post-Traumatic Stress Disorder (PTSD) and Complex Post-Traumatic Stress Disorder (Complex PTSD). These conditions

4 Korsinski M, 'Identifying and responding to trauma in victims of trafficking and exploitation', in P Chandran (ed), *The Human Trafficking Handbook: Recognising human trafficking and modern slavery in the UK*, Edinburgh: LexisNexis, 2011, p69

5 Anonymous aftercare providers, in evidence to the CSJ

6 Europa website, *Human Trafficking: Medical effects on victims* [accessed via: <http://ec.europa.eu/anti-trafficking/download.action?sessionId=9hQXRQhKLpY2jnrhmFdlJlFvtQp2bttnQG7HMQ2b2wtTII5nbtbv!-656776111?nodePath=%2FNational+Info+Pages%2FIreland%2F5.+RESOURCES%2F5.3+Reports%2F5.3.2+Other+reports+and+publications%2FForum+Magazine+on+Medical+Effects.pdf&fileName=Fo rum+Magazine+on+Medical+Effects.pdf&fileType=pdf> (06/06/12)]

7 Korsinski M, 'Identifying and responding to trauma in victims of trafficking and exploitation', in P Chandran (ed), *The Human Trafficking Handbook: Recognising human trafficking and modern slavery in the UK*, Edinburgh: LexisNexis, 2011, p65

8 Trafficking survivor, quoted in Korsinski M, 'Identifying and responding to trauma in victims of trafficking and exploitation', in P Chandran (ed), *The Human Trafficking Handbook: Recognising human trafficking and modern slavery in the UK*, Edinburgh: LexisNexis, 2011, p69

can often be applied to the symptoms shown by a victim of modern slavery. In some cases, issues of alcohol dependency and addiction will be of paramount concern, and the long-term input needed to overcome these health problems must be recognised. Sexual health needs are also likely to be present in some cases, and established connections with Sexual Assault Referral Clinics (SARCs) are essential in order for aftercare providers to adequately support individuals and meet their particular needs.

In some cases, the health needs of a person who has been a victim of modern slavery will leave them unable to work due to injury, severe anxiety or depression. In the case of one individual that the CSJ met, the person had such severe injuries from being trapped in forced labour and beaten that he was unable to work and needed help to access disability benefits. This man also had serious dental problems since many of his teeth had been pulled out by his trafficker during an attack.⁹ A further implication of modern slavery upon a person is the effect on their memory, which has been well-documented by those working directly with survivors; it is common for a person who has endured severe trauma to disassociate and 'forget' their experience:

'When a person is faced with a horrific experience they naturally try to disconnect through splitting and disassociation. Disassociation has long been associated with trauma exposure'.¹⁰

6.3 Aftercare provision for adults

The current role of the NRM is as a gateway to support for people who are exiting a situation of modern slavery (extensions to the NRM's remit are discussed in Chapter Three). When a person is referred to the NRM and if it is agreed that there are reasonable grounds to believe they have been a victim of human trafficking, the person is then granted a 45-day period of support.¹¹ During this time, there are several elements of provision that the UK is obliged to make available under the aforementioned Council of Europe Convention. Support is delivered through partnership with voluntary sector organisations across the UK which provide accommodation and help individuals to access their other entitlements. Once the 45-day period has ended – it ends when a final decision on a person's 'trafficking status' is made – the UK's support obligations end.

The Ministry of Justice has allocated £2 million per year over an initial two-year period to fund provision for survivors of trafficking in England and Wales.¹² This funding is overseen at present by the Salvation Army, which has been the prime contractor since July 2011. The Salvation Army subcontracts to a range of different organisations across England and Wales

9 Anonymous survivor of modern slavery, in evidence to the CSJ, December 2011

10 Putnam FW, *Disassociation in children and adolescents: A developmental perspective*, New York: Guildford Press, 1997 cited in Korsinski M, 'Identifying and responding to trauma in victims of trafficking and exploitation', in P Chandran (ed), *The Human Trafficking Handbook: Recognising human trafficking and modern slavery in the UK*, Edinburgh: LexisNexis, 2011, p77

11 For a diagram to show the NRM process, see Chapter Three, section 3.2.2

12 Salvation Army, *Supporting adult victims of human trafficking: Update on the first year of The Salvation Army's anti-human trafficking contract*, London: Salvation Army, October 2012, p2

to provide a variety of support to those who are recovering from their experience of modern slavery. These organisations range from large supported housing providers to small charities running safe houses only for women trafficked into sexual exploitation.¹³ This reflects the varying needs of survivors, who come from a wide variety of cultural backgrounds and who will have had very different experiences:



Accommodation unit provided by one of the subcontracted aftercare organisations

'While there are patterns of vulnerability to being trafficked or being targeted by traffickers, trafficked [people] are anything but a homogeneous population. They differ in age, culture, nationality, personality, marital status, and education level'.¹⁴

The Salvation Army acts as a central point of coordination when a potential adult victim of trafficking is referred into the NRM. Each individual is then placed with one of the subcontracting organisations who will provide support for the 45-day reflection period or until the final decision is made as to whether they have been trafficked. As explained in Chapter Three, this decision is made by one of the NRM's two Competent Authorities – the UKHTC or the UKBA. After the final conclusive decision has been given, the Salvation Army is able to fund up to ten hours of resettlement work with the survivor. Once again, this may be extendable in some circumstances. Evidence presented to the Working Group shows that the Salvation Army has facilitated good information sharing between the subcontracted organisations. Quarterly meetings take place between subcontractors, which are helpful for those organisations without previous experience of working directly with survivors of modern slavery.¹⁵

Aftercare provision in the UK is not limited only to those organisations working under the Ministry of Justice contract; there are also a number of aftercare providers for survivors of modern slavery which operate outside of this contract and are funded by other means.¹⁶ This diverse provision of support is to be welcomed. The recommendations in this chapter for those support organisations working under the government-funded contract will also apply and be relevant to those operating independently. It is the hope of the Working Group that any service provider, whether operating within or outside of the Ministry of Justice contract, identifies with the need for improvement in service provision.

¹³ The full list of subcontractors includes: Ashiana Sheffield; BAWSO; Boumemouth Church Housing Association (BCHA); City Hearts; Hestia; Jarrett House; Medaille; Midland Heart; Migrant Help; Riverside; Sandwell Women's Aid; Unseen. A number of the above organisations have multiple sites across England and Wales. This list is accurate at the time of printing

¹⁴ Zimmerman C et al, *Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe*, London: The London School of Hygiene and Tropical Medicine, 2006, p8

¹⁵ This view was communicated by several aftercare providers at an evidence roundtable at the CSJ, April 2012

¹⁶ These include the Poppy Project and Leeds Women's Aid

6.3.1 Aftercare arrangements in Northern Ireland and Scotland

Though different contracts exist in Northern Ireland and Scotland, this chapter predominantly explores the contract for England and Wales; many of the principles and problems will be similar and recommendations will be replicable. Northern Ireland's Department of Justice is responsible for the procurement of aftercare and support provisions to survivors of trafficking. The Department of Justice contract sits with a single support agency – Migrant Help – which coordinates the service delivery with subcontractors and delivers some aftercare services itself. In Scotland two different aftercare and support providers are contracted – Migrant Help and the Trafficking Awareness Raising Alliance (TARA). TARA receives referrals of females who have been trafficked into sexual exploitation and Migrant Help receives all other referrals, including for sexually exploited male victims. As is the case in England and Wales, there are also organisations working to support victims who do not fall under these funding contracts.

6.4 Subcontractors: standards and approaches

Evidence given to the CSJ has suggested that the Salvation Army model of subcontracting has worked well since it began in July 2011, enabling the UK to provide a range of appropriate accommodation for both men and women and helping those survivors who need to move away from their current location to do so.¹⁷ The purpose of the new contract was to ensure a wider range of services was available, across a wider variety of geographical locations, accessible to a wider range of people. In order to achieve this, organisations that have experience in supporting vulnerable people have had their awareness drawn to the issue of modern slavery and are now able to support this group of vulnerable individuals as part of a broadening of their existing services. However, one enduring concern raised during the course of the CSJ's evidence gathering is the lack of any minimum standards of care for the variety of aftercare providers offering support in the UK.

Whilst a variety of approaches is to be welcomed there is a need for consistency across all organisations which are providing support. This includes elements such as: an organisation's approach to providing supporting evidence for a NRM decision; the nature of the support they give during an asylum application or any other legal process the individual may be involved in; and the way in which they support survivors and link them with other services when it is time for them to move on. The quality and scope of aftercare provision was mixed from region to region: the CSJ has seen a substantial need for guidance on minimum standards of care. This is a void that has been filled to some extent by NGOs in the sector; through work with the Human Trafficking Foundation (HTF) – a forum for organisations working in anti-trafficking – some NGOs have developed a group to establish the key elements that should be consistent across the spectrum of provision. This is a good example of coordination among voluntary sector organisations. Local provision is welcome, but monitoring minimum standards is essential practice in this area. It is therefore the CSJ's recommendation that agreed minimum standards of care, encased in a guidance document for aftercare providers,

¹⁷ This view was communicated by several aftercare providers at an evidence roundtable at the CSJ, April 2012

are overseen by the Ministry of Justice. Organisations working outside of the Ministry of Justice contract should also be subject to these minimum standards in a voluntary capacity, and will be advantaged by adopting them should they seek sub-contractual arrangements in the future. Guidelines should not be limited only to those operating under the contract. A similar recommendation was made by the Office for Security and Coordination in Europe (OSCE) in January 2012, after the Special Representative for Combating Trafficking in Human Beings visited the UK. The Special Representative recommended that the UK 'ensure that quality standards for victim services are maintained while centralizing the co-ordination and the management of the provision of care'.¹⁸

Recommendation:

- Agreed and monitored minimum standards of care provision should be established for aftercare providers.

6.4.1 Decision making: contributing to the process

Whilst an individual is being supported by the aftercare provider, a parallel process is ongoing whereby the NRM Competent Authorities are gathering information to make a decision about whether the person has been trafficked. Aftercare providers both within and outside of the Ministry of Justice contract expressed confusion over how they can best contribute to the important decisions that are made by the Competent Authorities.¹⁹ The first concern among aftercare organisations focussed on how they should best share information with the decision-maker. The second area of uncertainty surrounded what kind of information should be shared: many aftercare providers were not clear about what information was relevant and whether it should be forwarded as evidence for the decision. This lack of clarity has led to a situation where, across the country, approaches to information sharing vary greatly. The Special Representative upon her visit recommended that the UK should establish:

'Formalized mechanisms for recognition of the role of experienced NGOs, service providers and social partners during the identification process...[they] should not only have authority to initiate referrals of presumed victims but should also formally contribute with their opinion to the decision making on victim identification by the competent authorities'.²⁰

6.4.2 How should information be shared?

Aftercare providers have raised the subject of how they should contribute to the decision-making process for a Conclusive Grounds decision. It became clear during our research that aftercare providers are unsure of the method and frequency with which they should

¹⁸ Giammarinaro MG, *Report by Organisation for Security and Cooperation in Europe Special Representative and Co-ordinator for Combating Trafficking in Human Beings, following her visit to the UK, 7–10 March 2011*, Vienna: OSCE, January 2012, p6

¹⁹ For a full explanation of the role of Competent Authorities in the NRM, see Chapter Three

²⁰ Giammarinaro MG, *Report by Organisation for Security and Cooperation in Europe Special Representative and Co-ordinator for Combating Trafficking in Human Beings, following her visit to the UK, 7–10 March 2011*, Vienna: OSCE, January 2012, p6

be contributing information to the decisions of the Competent Authority. Subcontracted aftercare providers are not only significant actors in the process of safeguarding and supporting an individual, but also hold important information about the people with whom they work.

It is therefore essential that these organisations are subject to clear and concise guidance as to what is expected of them, and how they can contribute to a fair and just decision. It is important that Competent Authorities recognise the unique perspective that aftercare providers can offer: at present 'the opinion of experienced frontline staff is not always given due weight'.²¹ Keyworkers for aftercare organisations spend a sustained period of time with individuals, building trust as the individual begins to feel safe.

Aftercare providers are in a prime position to develop a 'sound understanding of the risks, ethical considerations, and the practical realities related to trafficking [which] can...increase the likelihood that a [victim] will disclose relevant and accurate information'.²² This fact must not be disregarded. Though aftercare providers and the Competent Authority have different and distinct roles – one to provide support and one to make a fair decision – there is a need for greater understanding between the two agencies. As much information as possible must be gathered in order to provide the Competent Authority with enough insight to make an informed decision. One aftercare provider in the South West has recognised this problem and developed a pro forma document as a means of passing information to a Competent Authority in an unbiased and standardised way.²³ However reception of this document by Competent Authorities has been mixed, highlighting the inconsistent approaches across the country and the need for a standard process for information to be submitted.

'They'll tell you things they won't tell anyone else.'

Becky, victim support worker, in evidence to the CSJ

The UKBA Competent Authority guidance says that 'decision makers should proactively contact the support provider, the first responder, the investigating police force and the Local Authority (in the case of children) to consider whether an extension of the reflection period is warranted'.²⁴ It is worrying however that this active seeking of information is often not happening. There was a general consensus among all aftercare providers spoken to that much more comprehensive guidance on how to feed evidence to a Competent Authority is crucial to ensuring a fair decision, regardless of where and by which organisation the individual is supported. It is the CSJ's recommendation that, based on best practice in Bristol, a pro forma document is submitted by all aftercare agencies to the Competent Authority to enable

21 GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom; First evaluation round*, Strasbourg: GRETA, September 2012, p51

22 Watts C and Zimmerman C, *Ethical and Safety Recommendations for Interviewing Trafficked Women*, Geneva: World Health Organisation, 2003, p1

23 Unseen, in evidence to the CSJ, July 2012

24 UKBA, *Guidance for Competent Authorities*, p33 [accessed via: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/competent-guidance?view=Binary> (18/10/11)]

them to make a fair and just final decision. A pro forma approach would also take away the responsibility from the aftercare provider to decide whether information is detrimental to the individual; it would remove the potential for bias. Also included should be an agreed updating procedure, enabling aftercare providers to update the Competent Authority with new information – such as disclosures from the individual – as necessary.

‘They need to give us credibility for the information we pass on – we work with them [survivors] 24/7 and they tell us things they would not tell a Competent Authority due to trust issues.’

Becky, victim support worker, in evidence to the CSJ

Recommendation:

- Guidance should be given from Competent Authorities on the information needed from aftercare providers. A pro forma document outlining the evidence and information required should be used as standard practice.

6.4.3 What information should be shared?

Additionally, aftercare organisations are largely unclear as to what level and form of information or evidence they are required to communicate to the Competent Authority and how frequently they should update them. The value of different documents to the decision-making process – such as medical certificates or counsellor’s letters – should also be made clear. Once again, the CSJ was given the impression of national inconsistency. Some organisations have a very positive relationship with their local Competent Authority with regular contact over the telephone when new evidence or information is disclosed. Others submit a substantial report for every individual they work with, including documentation of the individual’s mood and attitudes. Still others only provide information if and when it is elicited directly by the Competent Authority. Some Competent Authorities are therefore overwhelmed with detail, whereas others will not receive the detail they need unless they directly approach the aftercare provider.

‘A report should be the only standard way of feeding in to the decision makers. It’s not standard procedure now, but it should be.’

Aftercare provider, in evidence to the CSJ

Much research has been conducted into the impact and effect of trauma on a person’s ability to interact with others and their capacity to remember and recount traumatic experiences, particularly when under pressure to do so. Research shows that ‘the accounts of many victims

are filled with omissions, distortions, and outright contradictions. Many struggle to recall what happened or how and why they behaved in the way they did'.²⁵ It is therefore essential that a survivor's vulnerabilities are recognised and the insight of a key worker is legitimised.

6.5 The NRM referral form

A pressing concern registered by aftercare providers is the recent policy change which means that they are no longer permitted to see a copy of the NRM referral form for their client. This form contains valuable information about the person, and prior to this change ensured that support workers were aware of the background and needs of the individual when they arrived. Risk assessments are also made difficult in light of this development; aftercare providers will know very little about the person being referred to them, and will not be able to ascertain quickly the level of risk that the individual, and staff, may be at. If aftercare providers are to deliver appropriate aftercare to a survivor with immediate effect, including making an appropriate risk assessment regarding issues such as the immediate risk of re-trafficking and the need for secure accommodation, it is essential that they are provided with sufficient background information. Yet this should be provided without the need for the survivor to have to retell his or her story, with all the potential trauma that may involve. Much of this information is readily available in the NRM referral form. Formerly, aftercare agencies were permitted to read the NRM referral form and gain from it an immediate understanding of the background and needs of a survivor.

'How can you begin to understand what that person has been through? You don't want to have to duplicate the process of interviewing them to find out.'

Senior police officer, in evidence to the CSJ

This also makes the task of providing additional information to the Competent Authority very difficult, given that aftercare providers are no longer aware of what information has been disclosed in the first instance. Aftercare providers are not able to verify or challenge information that may help Competent Authorities, who do have access to the NRM referral form, to make a fair decision. The CSJ recommends that aftercare providers are given immediate restored access to the NRM referral form. The NRM referral form, as a multi-agency document, should be shared with aftercare providers who are responsible for survivor care.

A further issue with the NRM referral form is that the current indicators featured on the form are based on the Delphi Indicators, written in March 2009.²⁶ Since then, understanding of the

25 Korsinski M, 'Identifying and responding to trauma in victims of trafficking and exploitation', in P Chandran (ed), *The Human Trafficking Handbook: Recognising human trafficking and modern slavery in the UK*, Edinburgh: LexisNexis, 2011, p76

26 Results from the Delphi survey, implemented by the International Labour Organisation and the European Commission, March 2009

types of modern slavery that are taking place in the UK has developed and these indicators no longer reflect the latest knowledge about modern slavery. A specific example of this is the recent recognition of trafficking for forced criminality in the UK. Indicators for this particular form of exploitation are not found on the current form. It is important that indicators are updated so that potential victims of modern slavery are referred to the appropriate support provision; as much information about their situation as possible must be recorded on the referral form. The forms, like the NRM itself, must be flexible to accommodate developments in knowledge and experience. The CSJ recommends that the indicators on the referral form are reviewed and updated annually by the NRM Strategic Oversight Group, who should oversee the development of new indicators, should the need arise.²⁷

Recommendations:

- Aftercare providers should be given access to the NRM referral form;
- Updated indicators – reviewed annually – of human trafficking should be added to the NRM First Responder form, as a result of a comprehensive review of the current indicators and developments in understanding that have taken place.

6.6 The reflection period

The reflection period is the period of time given to individuals between receiving a positive Reasonable Grounds decision (which is the 'gateway' to support whilst authorities consider evidence on whether they have been trafficked) and receiving their final decision. Under the Council of Europe Convention, the reflection period serves a number of purposes including:

- to allow victims of trafficking to recover and escape the influence of traffickers;
- to allow time for victims to decide whether they would like to cooperate with the authorities.²⁸

Its duration has not been defined under British legislation and is only outlined through policy guidance, but the UK grants a 45-day reflection period, with a possibility of extension under special circumstances.²⁹

6.6.1 Contradictions in the reflection period

A fundamental flaw in the reflection period is the contradiction between the roles it is trying to fulfil. This 'random and fairly brief' 45-day period is designed both for the survivor to be allowed time to recover from their ordeal but also for Competent Authorities to

27 The NRM Strategic Oversight Group exists to oversee the NRM. It includes NGO support organisations; Inter-Departmental Ministerial Group on Human Trafficking, *First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking*, London: Home Office, October 2012, p82

28 Article 13, Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/Ihtml/197.htm> (22/09/11)]

29 The minimum amount of time for a reflection period, outlined under the Council of Europe Convention, is 30 days; *ibid*

begin and conclude their decision-making process.³⁰ There may also be asylum interviews, or engagement with the police during this period. To fulfil both objectives in the allotted time is an untenable goal, and means that survivors are forced to share their experience and undergo interviews during a time that should be given to recovery and reflection.

UKBA Competent Authority Guidance

*'Competent Authorities should attempt to gather all available information before deciding to interview and should not normally conduct a NRM interview during the first 30 days of the recovery and reflection period, unless there are strong reasons why this would be appropriate.'*³¹

6.6.2 Insufficient time

'You're teaching people how to make an informed choice, often for the first time in their lives.'

Kate Garbers, Co-Founder and Project Director of Unseen, in evidence to the CSJ

Numerous aftercare providers told the CSJ of the unrealistic expectation that a 45-day period is long enough for a survivor to become ready to move on and live independently, whether in the UK or in their country of origin. One aftercare provider compared the constraints of the reflection period to 'a big stick beating the staff'.³² A combination of processes for any individual survivor means that the 45-day period is not typically a time of reflection, but one of further pressure and stress. If the focus of the reflection period is to enable a survivor to prepare for independence, self-sufficiency and eventually reintegration into society a very different approach is required which focuses on long-term outcomes for the individual, and not simply 45 days of support.

'If they are going to survive and thrive after 45 days, then great. If not, we need to arm them – they need to be economically and emotionally safe or they are going to fall back through the gaps in the system time and time again.'

Becky, victim support worker, in evidence to the CSJ

The key message from aftercare providers is that in light of the resources and provision that is actually available, 45 days is an unrealistic timeframe to prepare a survivor for recovery.

30 Anonymous UKBA Competent Authority, in evidence to the CSJ, December 2011

31 UKBA Competent Authority Guidance, p30 [accessed via: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/competent-guidance?view=Binary> (21/04/12)]

32 Anonymous aftercare provider, in evidence to the CSJ, April 2012

A traumatised person who has had their liberty removed from them will face substantial challenges in moving on and rebuilding their life again. It is crucial that each person is able to make informed choices and informed decisions before they are deemed ready to move on.

The reflection period does not allow for the individual to prepare to move on in a safe and sustainable way. One anonymous aftercare provider told the CSJ that the ad hoc extensions that may be available after the Conclusive Grounds decision are putting survivors at serious risk: 'nobody's yet been put out on the streets...but we're always just waiting for the day when somebody's going to fall through the gaps – and it could really happen'.³³ Additionally, in many cases, at the very time that a survivor's support entitlement under the NRM concludes, they are in need of help with the practical aspects of living independently.

'Going from 24/7 support to independent housing is terrifying.'

Aftercare provider, in evidence to the CSJ

'Part of the reason they were trafficked was because they were vulnerable – that needs to be addressed as they begin to move on.'

Aftercare provider, in evidence to the CSJ

The structure of the reflection period is at odds with the realities of a survivor's support needs. This situation puts enormous pressure on aftercare providers, who have reported frantically trying to get all provisions in place before the person leaves their care. The reflection period has been likened to a 'runaway train' with which support providers are constantly trying to catch up.

6.6.3 Length of stay

The length of stay in aftercare facilities for survivors of modern slavery can vary greatly. This is due largely to the decision-making process of the authorities, and how long a decision will take to be produced. This can depend, as discussed in Chapter Three, on the immigration status of an individual, or on other issues such as how accessible information and evidence on their case might be. It also depends upon the individual's own support needs; in some cases an individual will move on from the aftercare facility before their final decision comes through, if they are deemed to be ready. Recent analysis shows that the average length of time that a person was supported by the Salvation Army or one of its subcontractors in the first year of its contract was 69 days.³⁴

However, it is important to note that in some cases a slow decision from the Competent Authority can benefit a survivor. For someone who is recovering from a very traumatic

³³ Anonymous aftercare provider, in evidence to the CSJ, April 2012

³⁴ The Salvation Army, *Supporting Adult Victims of Human Trafficking: Update on the first year of The Salvation Army's anti-human trafficking contract*, London: The Salvation Army, October 2012, p3 [accessed via: http://www.salvationarmy.org.uk/uk/Anti_Human_Trafficking_One_Year_Report (12/01/13)]

experience and is in need of a high level of support, a delay in their Conclusive Grounds decision will allow them to access the support of aftercare providers for an extended period. Yet, this places pressure on the prime contractor – the Salvation Army – to fund extended periods of support whilst an individual waits for their decision. This is unsustainable, given that the Ministry of Justice funds the Salvation Army based on a model designed to cover costs for the 45-day reflection period. For others, however, a quick decision is most beneficial, allowing them to move forward and begin their new life either in the UK or back in their home country, provided their support needs are identified and the correct move-on support, accommodation and services are appropriately arranged. In these cases, delays to a decision have a negative impact, and create a financially precarious situation for NGOs who are maintaining an individual in accommodation whilst they wait for a decision to be made.

Worryingly, aftercare providers have reported that the increase in referrals to the NRM means that they are under even more pressure to move victims on quickly, and before they are ready. This is dangerous: if aftercare providers are forced to move an individual into independence when they are not prepared, the risks of that person falling back into vulnerability are very high. The absence of a focus on the outcomes for survivors, and the lack of funding which creates increased pressure to move people on quickly is becoming a real problem. Serious questions must be asked about the standard of support and protection the UK is currently offering to survivors of modern slavery within its communities.

‘You can have a Conclusive Grounds decision but have nowhere to live and still be very traumatised. There might be drug and alcohol problems. There might be vulnerabilities to re-trafficking.’

Victim support worker, in evidence to the CSJ

6.6.4 Ministry of Justice contract renewal

The CSJ recommends that the Ministry of Justice contract, which approaches renewal in summer 2013, be developed to recognise the reality of provision needs. The current contract is modelled on the provision of funds for a 45-day reflection period. The average number of days an individual has been supported under the contract in the first year of delivery is 53 per cent longer than the period of time the funding amount is based on.³⁵ The Ministry of Justice should develop this funding stream to ensure that financial provision reflects the reality of need and allows for flexibility in the length of time the Salvation Army can provide support. It is also notable that the average duration of Government contracts is eight years: the Ministry of Justice contract with the Salvation Army will run for a maximum of three years.³⁶ A longer duration of contract would enable all partners to develop their response, overcoming ‘teething problems’ and enabling support services to establish processes based on experience.

³⁵ Ibid

³⁶ National Audit Office, *Central government's management of service contracts: Report by the comptroller and auditor general*, London: NAO, December 2008

6.7 Reintegration: what happens next?

Under the provisions of the Council of Europe Convention, the UK must engage in and support the 'social recovery' of survivors of human trafficking.³⁷ A number of support providers in touch with our review voiced fears that many survivors are vulnerable to isolation and even re-trafficking after receiving their Conclusive Grounds decision. This reflects the lack of focus on complete reintegration, explored below.

'To our knowledge, after the reflection period there's this void.'

Chiara Gnoli, IOM Counter-Trafficking Service, in evidence to the CSJ

'Our project is a safe place for women for a few short days, weeks or months. Longer term support is desperately needed.'

Anonymous aftercare provider, in evidence to the CSJ

Under the government contract, the Salvation Army may fund up to ten hours of 'resettlement' support, and may in some cases allow extensions to aftercare providers on an individual basis, but this is an ad hoc set-up which is unsustainable and unaffordable in the long term. A number of aftercare providers told the CSJ that the ten hours of resettlement work they are able to give someone who is moving on were insufficient, and some spoke of the unease they feel when they have to 'sign someone off' after this outreach has been completed. There is no standard or sustained support to help individuals who have received their Conclusive Grounds decision, who are allowed to remain in the UK but who find themselves vulnerable, jobless and with limited options other than accessing benefits.

'If someone asked what integration efforts we have in place here in the UK specific to the vulnerabilities and needs of a trafficked person with a residence permit, my answer would be: 'we have nothing standard or mainstream'.'

Chiara Gnoli, IOM Counter-Trafficking Service, in evidence to the CSJ

'We do all this work with you, but then you get a decision and now we haven't got anything to offer you.'

Becky, victim support worker, in evidence to the CSJ

In essence, significant support for a victim of modern slavery ends when the decision has been made over their trafficking status. Aftercare provision in the UK must develop a wider

37 Article 12, Council of Europe Convention on Action against Trafficking in Human Beings, 2005 [accessed via: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm> (22/09/11)]

response that is victim-centred, forward-looking and which aims to give the survivor the best possible chance at an independent and self-sufficient future.

6.7.1 National inconsistency in approaches to reintegration in the UK



Clients at an aftercare provider on a day trip

There is a lack of coordinated focus on reintegration and resettlement for survivors who are able or allowed to remain in the UK. This has led to regional inconsistencies, where those aftercare organisations with good relationships with other support agencies in the area are able to signpost individuals to these services as they leave their care. Migrant Help, an aftercare provider based in Kent, has procedures in place to refer

clients to EU migrant advice centres and One Stop Services for asylum seekers. Migrant Help also works with a local counselling centre; it gained Big Lottery funding to provide ongoing counselling services outside of the agreed timescales under the NRM.

Local counselling arrangements: Migrant Help

Migrant Help has a local arrangement that is specific to its aftercare work with victims of modern slavery. Dover Counselling Centre and Migrant Help work in conjunction to provide the most appropriate and case-sensitive counselling services, available to all survivors in their care. When a new client arrives at the charity, an assessment is made and the person is offered counselling. If they agree and wish to meet with a counsellor, a further assessment is made (with an interpreter if required) and the counsellor will evaluate the needs of the person and estimate the number of sessions that are likely to be required. However, given the time constraints of the 45-day reflection period, there is not always time to complete the necessary counselling programme; this means that some survivors will start a series of counselling sessions without ever completing them since funding and time will run out. As a result of this, Dover Counselling Centre and Migrant Help have secured additional independent funding to ensure that the full therapeutic needs can be met by ensuring the counselling sessions continue, if required, even after the funding from the Salvation Army ends.³⁸

*'It can take approximately three weeks for a victim to begin receiving counselling sessions – these are usually supplied at a rate of one per week for eight weeks on average. However once the victims receive a Conclusive Grounds decision, aftercare providers are expected to exit the victims from care. At this stage they may have only received three or four sessions of counselling. This additional funding that we have sought enables us to continue to provide the much-needed counselling services required by the victims without causing more upset by having the service cut short.'*³⁹

Organisations without such sustained or positive links face a challenge in helping individuals to access the ongoing support they might need when it is time for them to move on. Local links with services are crucial to ensuring that a person's experience of moving forward is

³⁸ Migrant Help, in evidence to the CSJ, October 2012

³⁹ Ibid

robust and that their vulnerabilities are addressed. In the words of one support worker: 'a victim's experience shouldn't stand and fall on the nature of your relationship with local agencies'.⁴⁰

'You spend a lot of time trying to get mental health support through statutory agencies – it's a complete nightmare. So there's someone untreated who's clearly got a mental health illness...that is a big issue.'

Anonymous aftercare provider, in evidence to the CSJ

'The kind of support an individual gets depends on where a survivor is placed and depends on the relationships that the charity has with the surrounding statutory authorities.'

Kate Garbers, Co-Founder and Project Director, Unseen, in evidence to the CSJ

Links within the community among other voluntary sector organisations who are able to support vulnerable people back into the community are crucial, as can be seen in the work of the William Wilberforce Trust in London.

The William Wilberforce Trust

The William Wilberforce Trust (WWT) anti-trafficking project provides help and support to women who have been trafficked and who are exiting aftercare facilities after their Conclusive Grounds decision. Establishing links before the person leaves their supported accommodation, the WWT offers practical help and a befriending service, recognising the risk of loneliness and isolation for women who may be from overseas and have no local social networks.

'When we started, there was very little support for women once they had left the shelters. In many cases, aftercare providers were working at capacity and some women who had left their care were struggling to get by in shocking circumstances with little or no support... Organisations need to realise that it's okay if they can't do everything – admitting their limits allows other people to help.'

Hayley Bisofski, The William Wilberforce Trust in evidence to the CSJ

Mary

Mary was referred to an aftercare provider after having been trafficked from West Africa to the UK by a man who offered her a job and an education. She was instead forced to work in a brothel as soon as she arrived. Mary was raped by her trafficker and became pregnant.⁴¹ During the time Mary was with the aftercare provider she gave birth to a baby boy. When her positive Conclusive Grounds decision was made, she was also granted Discretionary Leave to Remain in the UK by the UKBA.

⁴⁰ Robert, victim support worker, in evidence to the CSJ, March 2012

⁴¹ For the beginning of Mary's story, see Chapter One, section 1.5.2

Mary was then obliged to leave the aftercare facility and move into a council house. When WWT met her, Mary was living in a house with a broken boiler and was very confused about her benefit entitlements. WWT began to work with Mary, helping her to move house to a safer area, providing furniture for her new home and supporting her with her application for benefits. Without the help of this organisation, Mary would have been lost; she was in a new country, attempting to start again with no friends and no family. WWT draws on the successful model of its partner organisation, Caring for Ex-Offenders, recognising that those beginning an independent life will often need significant help getting started. It builds relationships of trust with those it supports, ensuring that when the time comes to start rebuilding their lives, the William Wilberforce Trust is a reliable support network for them.

Additionally, some aftercare organisations have excellent resources within their own service provision for other vulnerable people, such as those who are homeless or overcoming addiction. In these cases, organisations such as Midland Heart in Birmingham, for example, are able to make an 'internal transfer', ensuring that although a survivor may be leaving their trafficking support service, they are still very much under the organisation's 'umbrella' of support and are much less at risk of becoming isolated or going missing. On the other hand, some smaller organisations are challenged by the fact that when their remit for trafficking support ends there is a limited selection of services they are able to recommend or access for individuals leaving their care.



Clients at an aftercare provider

'Our organisation has lots of other diverse services; mental health, young people and inclusion services – it's because of those other provisions that we can provide additional floating support and access to housing for survivors of human trafficking much more readily.'

Staff member, Midland Heart Anti-Human Trafficking Project, in evidence to the CSJ

A longer-term focus on reintegration must be developed among aftercare organisations and with the support of local government, which sustainably ties in services and voluntary organisations at a local level to aid in the provision of move-on support.

‘We sometimes have victims who have more needs than we can cater for – we are not mental health experts or qualified in dealing with addictions, and it is difficult to move women on who have a need for high support in these areas.’

Aftercare provider, in evidence to the CSJ

‘We’re not nurses, we’re not midwives, and certainly in the area of mental health we do get quite a few issues.’

Medaille Trust staff member, in evidence to the CSJ

Maintaining contact

Maintaining contact with survivors once they have left an aftercare agency is also a challenge. This is crucial, however, if organisations are to assess the long-term impact of the support they are able to offer:

*‘There have been few in-depth evaluations of long-term reintegration programmes and long-term follow-up of victims can be difficult as those victims assisted move on with their lives and lose touch with service providers, little is known about best practices for long-term reintegration’.*⁴²

One aftercare organisation has attempted to keep track of those who have left their service by hosting a regular coffee morning. This is to ensure that the survivors are safe and to acquire some feedback on where they are and what they are doing. This helps to inform the charity of the success of the service it provides and enables them better equip individuals for when they will inevitably need to move on. This is, however, beyond the remit of the organisation, and fears remain that other subcontractors are not doing the same and are losing track of survivors when they leave. The balance between following up with a client and avoiding an unhealthy level of reliance is difficult but crucial, and should form part of the standards of care guidance that the CSJ has recommended in section 6.4.

The International Justice Mission (IJM), an organisation working to enhance public justice systems for victims of abuse and oppression who urgently need the protection of the law, has developed substantial outcome measurements for its work in South Asia. IJM puts in place key milestones for every person it works with – such as finding a home, accessing work and registering with local government for relevant benefits. It also maintains links with its clients, for example through monthly meetings over a two-year period, in order to ensure that the person has reintegrated to such a level as to establish economic self-sufficiency and resilience to re-trafficking.

⁴² The International Organisation for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking*, Geneva: IOM, 2007, p105 in Rigby P, Malloch M and Hamilton-Smith N, *A report on child trafficking and care provision: Towards better survivor care*, Sterling: University of Sterling, April 2012, p24

City Hearts, an aftercare provider giving support to survivors of modern slavery in Sheffield, has recognised the need for maintaining contact and supporting clients after they have left their service. As a result, the Snowdrop Foundation has been established to provide floating support to those who are exiting the 45-day aftercare period.⁴³ This project offers help in resettlement to those who may not yet be ready to live independently.

6.7.2 Shifting the focus: reintegration

*'Reintegration is the process of recovery and economic and social inclusion following a trafficking experience. It includes living in a safe and stable environment, having access to a reasonable standard of living, enjoying mental and physical wellbeing, having opportunities for personal, social and economic development and having access to social and emotional support.'*⁴⁴

Reintegration for survivors of modern slavery will involve a number of key organisations and agencies including health services, housing providers, education and training programmes, local authority services and others in the voluntary sector working to support the vulnerable.

'If you don't invest in resettlement, people start bouncing back into trouble.'

Support worker, the Poppy Project, in evidence to the CSJ

For one organisation working with survivors of trafficking, the average time it takes from when an individual is given their Conclusive Grounds decision to when they are living independently either with a job or access to benefits is 93 days; the process of reintegration is not a speedy one, and can take time.⁴⁵ The CSJ recommends that a joined-up reintegration programme for survivors of trafficking who are able or allowed to remain in the UK should be developed. Resilience to exploitation should be a key outcome of this reintegration focus; it is vital that a survivor is equipped to move forward without the fear of falling into the hands of those who wish to exploit them once again. The CSJ has heard about two survivors who have left the support of an aftercare agency and are now working in a brothel, where there are fears that they are being forced to work against their will once again.⁴⁶ There is a clear need to rethink and reframe the aspirations of survivors who are ready to move on and reintegrate into society as fully-participating members.

⁴³ City Hearts, in evidence to the CSJ, February 2013

⁴⁴ King Baudouin Foundation, *Life beyond trafficking: Lessons from the King Baudouin Foundation's Trafficking Victims' Reintegration Programme*, 2010 [accessed via: http://www.nexusinstitute.net/publications/pdfs/Life%20beyond%20trafficking_TVPRP%20summary_NEXUS.pdf (21/12/12)]

⁴⁵ Aftercare provider, in evidence to the CSJ, November 2012

⁴⁶ Anonymous aftercare provider, in evidence to the CSJ

'The challenge is nothing to do with where people are from – the challenge is how you successfully integrate their social network into the wider community.'

Aftercare provider, in evidence to the CSJ

For local authorities, supporting this reintegration effort will involve:

- Identifying the wider issues within their area of responsibility which may be a hindrance to support provision;
- Working in partnership with aftercare agencies to remove these barriers. (Four significant potential barriers are explored below);
- Active support of the work of aftercare agencies in their area; endorsing the work of these invaluable charities is essential.

For those providing aftercare to survivors of trafficking, a successful reintegration 'package' will involve:

- Actively seeking important local services and making themselves known. This may constitute asylum support services, housing providers, counselling services or education programmes;
- The development of a forum for information sharing. This is essential in order to secure commitment from agencies and organisations which may have no previous knowledge of the problem of modern slavery. Efforts to inform local agencies and organisations will be invaluable in developing the response;
- Measuring the success of a new focus on reintegration, through monitoring outcomes for those leaving their support.

This new focus will help to ensure that the UK is delivering on its promise to help and support survivors of modern slavery.

6.7.3 Improving reintegration: outcome-based provision

Whilst it has been suggested by some that a blanket extension of the reflection period would help to solve the problem of individuals not being ready or able to move on into independence, the CSJ does not believe this is the answer.⁴⁷ What is instead needed is a fundamental shift in the way the reflection period is approached, with a focus on outcomes for the individual and a wraparound reintegration programme as key elements of their support. This will mean that a survivor will not have to 'go it alone' once they have left the NRM process with their Conclusive Grounds decision.

Employment must be a key focus. Independent living and resilience must be outcomes. The CSJ believes that, in order to make sure that survivors are given the best chance to rebuild

⁴⁷ In Norway, for example, the reflection period is six months

their lives, those providing support are measured on the outcomes they are able to deliver. There is a risk with the prescriptive nature of compliance with the Council of Europe Convention that the reflection period – and the NRM process as a whole – becomes a box-ticking exercise. It is essential that a holistic approach is taken to the rehabilitation of survivors of trafficking as a crucial part of increasing their resilience to any further exploitation. One aftercare provider gave the CSJ details of the outcomes of their clients; of those who settled in the UK, 100 per cent were on welfare benefits.⁴⁸ Benefits should not be an end, but a means of support whilst a person gets back on their feet. Work is a fundamental element in rebuilding independence, and education and training must also be accessible. Outcome-based measures must be implemented to ensure that individuals who are able to remain in the UK are given appropriate support to access the job market and are not simply given access to benefits. There is currently no measure of this kind in place. The CSJ is convinced that implementing this form of measurement will vastly improve the outcomes for survivors of modern slavery who remain in the UK.

Recommendations:

- An outcome-based support model should be developed for aftercare providers to ensure that survivors are able to rebuild their lives and enjoy long-term safety from re-trafficking;
- Every aftercare provider should develop local partnerships with relevant agencies – outlined in the agreed minimum standards – in order to facilitate a reintegration-focussed package of support.

6.8 Potential barriers to reintegration

6.8.1 Access to work

Too often, constraints in the timeframes under the NRM process mean that success for service providers can only involve facilitating access to benefits. This is self-limiting and may serve to disempower the individual in the long-term. Many victims of modern slavery from overseas were brought to the UK under the impression that they were going to work in order to improve their economic status and that of their dependents back at home. Despite their ordeals many who are entitled to remain and work in the UK want to do so; the focus of reintegration must be to work with them towards this goal.

“Every single resident who has entered our project has said the same thing; ‘I just want to work and be safe’.”

Anonymous aftercare provider, in evidence to the CSJ

⁴⁸ Anonymous aftercare provider, in evidence to the CSJ

It is accepted that there will be obstacles to this and some use of the benefits system may be necessary in the short term, yet the CSJ is convinced that moving people towards playing a fully productive role in society is a powerful tool not only for their recovery and self-worth, but also as a means of reducing further exploitation and the risk of re-trafficking.

This must also hold true for those who choose or have to return to their country of origin. In the first year of its contract, the Salvation Army reported that in 41 per cent of recorded cases, individuals exiting their services returned to their country of origin.⁴⁹ It is vital that a clearly thought-through reintegration programme operates for those who want to, or must, leave the UK and return to their country of origin.

Helping Survivors to Economic Independence: HERA

Recognising the importance of economic independence in the prevention of re-trafficking, and for the recovery and reintegration of survivors, Her Equality, Rights and Autonomy (HERA) was founded in 2004 as a charity to help women who have been trafficked to realise their potential. HERA helps women to develop entrepreneurial skills with a view to empowering them to make positive decisions about their futures, and to use these skills in starting their own small venture, accessing employment or building on their education. HERA takes referrals from other agencies, NGOs, social services departments and self-referrals from women. It recognises the potential in every woman to make her own way in society. HERA runs a two-week programme in Entrepreneurship at Imperial College Business School, London. After this, each woman is assigned a mentor – a person from the business community – to advise and support them as they move forward with their lives. The training course is designed to offer women an alternative to living on benefits and a safer future back in their home countries for those awaiting return.

'Things get harder after a Conclusive Grounds decision, when they realise that their life is still their life and they went through that abuse. Being asked 'why haven't you worked' is a simple question with a very difficult answer.'

The Poppy Project, in evidence to the CSJ

Huge increases in confidence and positive impacts on emotional wellbeing are just two of the benefits reported by NGOs as a result of participation on the course:

'They think they've got this thing – trafficked – tattooed on their foreheads. They don't realise that there is hope, that work is a possibility'.⁵⁰

Anna

Anna is from Albania, where she still has parents and a brother. She has university-level qualifications in Maths, and came to London believing she had been offered a job in a travel agency. She lives in a bedsit in a shared house. She still sees her counsellor on a 'drop-in' basis about once a month; she is now mostly well, but she suffers from depression. She has few friends and no family in this country, but goes to the local church on a regular basis. She was referred to the HERA programme in July 2011. Many women are very nervous about the first day, so a HERA volunteer meets them and accompanies them all to the Imperial College Business School. Being treated like any other Imperial student, with a

⁴⁹ The Salvation Army, *Supporting adult victims of human trafficking: Update on the first year of The Salvation Army's anti-human trafficking contract*, London: Salvation Army, October 2012, p7

⁵⁰ Anonymous practitioner, in evidence to the CSJ

door pass and full access to all the facilities gives the women a major boost in confidence right from the outset, and is very symbolic for them. Anna was very quiet on the first day, but was clearly taking in everything she was told. A full handbook shows the women the schedule for the ten-day course and they are expected to attend every day. The programme includes team-building activities and a trip to a market where the women talk to the stall holders about their businesses. A range of visiting speakers bring everything to life. Anna met a couple of other women from Albania, but most were from other countries. By the second day Anna felt fully part of the group, and had developed the confidence to ask questions in class and join in the general chatter. She thought a lot during the programme about what she might do in the future. She could not return to Albania, but still wanted to do something she could be proud of, and which would mean she could live independently. Over the next few weeks Anna met up with her mentor and talked about the ideas she had had on the programme. Anna did not feel able to go for job interviews, so working for herself seemed like a good option. Her mentor ran a small IT company herself, and was able to talk to Anna about small ventures. Anna enjoyed making cakes and brought some along to the HERA graduation dinner to show off her skills. She was able to stand up in front of all the HERA women, staff and volunteers and make a presentation about how she planned to move forward. She already has her first client – a birthday cake for a woman in her block of flats. She has made business cards to hand out and is talking to her HERA mentor about building a website.

6.8.2 Access to housing

Access to housing has been described by many aftercare providers as a serious challenge. For some, social housing may be appropriate. However, waiting lists are long – in 2011 there were 4.5 million people on social housing waiting lists in the UK – and with the limited time available to sort living arrangements under the restrictions of the reflection period, this wait causes a problem.⁵¹ Some aftercare organisations encourage survivors to opt for private rented accommodation. However, even if an individual is entitled to and able to access housing benefits, the deposit for a house is not covered and so must be raised; several aftercare providers have reported that this is a significant hurdle. This is a particular problem since the cost of housing deposits in the private rented sector continues to rise; the average deposit price in 2011 was £979.⁵² As part of measures to overcome this obstacle, the Salvation Army has begun a victim care fund of a starting value of £400,000 which can provide some financial assistance for deposits and other support needs. The fund has also been used to purchase furniture for new homes, social trips and even a bicycle to aid a survivor in travelling to and from work.⁵³

Other aftercare organisations have developed innovative informal agreements with private landlords, who waive deposit charges for survivors leaving the organisation's support.⁵⁴ Others have in the past chosen to serve eviction notices to survivors in their accommodation to 'prove' to their local authority that the individual would become destitute if they were not housed quickly.⁵⁵ Again, this is reflective of a varied and unmonitored approach to helping survivors move on.

51 Department for Communities and Local Government, Press Release, *Grant Shapps: New scheme will offer hope to millions on housing waiting lists*, 14 February 2011 [accessed via: www.communities.gov.uk/news/corporate/1842869 (08/11/13)]

52 The Dispute Service, *Tenancy Deposit Protection: An evaluation of the Scheme five years on*, London: Tenancy Deposit Scheme, 2012, p6

53 Salvation Army, *Supporting adult victims of human trafficking: Update on the first year of The Salvation Army's anti-human trafficking contract*, London: Salvation Army, October 2012, p15

54 Anonymous aftercare provider; in evidence to the CSJ

55 Anonymous aftercare provider; in evidence to the CSJ

'For us, in a way, the longer the NRM decision takes, the better it is for the victim because they are at least being housed.'

Aftercare provider, in evidence to the CSJ

The 'local connection' housing policy has also been cited as an obstacle to survivors accessing housing, where their inability to prove any local connection to the area in which they are applying has meant that they are unable to access housing, or their application is severely delayed. For some organisations this issue has been avoided through an agreement with the local authority that a survivor applying for housing should be treated in the same way as a person exiting a situation of domestic violence, and be housed as a priority.⁵⁶

6.8.3 Access to floating support services

Cuts to floating support services for vulnerable people have also affected this 'client group'. In addition to the fact that existing floating support workers have little or no awareness of modern slavery and the subsequent needs that will need to be addressed, the CSJ has also been told that floating support services cannot offer an interpreter. A loss of funding for floating support has meant that only very few services users can access this support, and interpretation services are not included. This reflects a further need for a coordinated reintegration approach for survivors of trafficking, where the needs of the individual are recognised and support is tailored. The CSJ does not underestimate the challenge this poses, given the limited resources of local authorities, however the risk that a trafficked person may continue to be vulnerable to further exploitation as they move on from their 45 days of support must be mitigated.

6.8.4 Access to benefits

An area of support for those exiting situations of modern slavery, in order to enable them to begin to live independently, is access to welfare benefits. However one of the most significant obstacles to this is the challenge in accessing National Insurance numbers. Aftercare agencies have reported that survivors have been forced to wait weeks for a National Insurance number and are not able to make any benefits claims in the meantime, leaving a void between the end of their entitled aftercare support and the beginning of their benefits payments.⁵⁷ Whilst the CSJ believes that access to benefits does not always represent a successful outcome and that focussing on access to work and rebuilding lives is essential, the use of benefits in the first instance as a stabilising factor is a key protection, particularly for those whose health or emotional needs mean they cannot yet begin to work.

With all of these issues, aftercare providers are forced to be inventive with the help they can offer to survivors when it is time for them to move on. Inconsistency remains across the

⁵⁶ Aftercare provider, in evidence to the CSJ, December 2012

⁵⁷ Anonymous aftercare provider, in evidence to the CSJ

country. Individuals may have to pay a housing rental deposit in some areas, yet in others would not need to. Some may be referred to a charity such as HERA to help them back into work, but others may not be offered such a referral. These are areas where improving standards across the country is crucial.

There must be a national plan for reintegrating survivors of trafficking to ensure their resilience to further abuse, and to enable them to become contributing members of society. This is both in the case of survivors who are entitled to stay in the UK, and for those who return home, as explored in section 6.10.

'For this client group, you shouldn't have to 'get around' things. There should be provisions there.'

Aftercare provider, in evidence to the CSJ

6.9 The asylum system for survivors of modern slavery

The experience of many survivors of modern slavery in the UK will include contact with the asylum system; for those trafficked from outside the EU who have no official status in the UK, applying for asylum may be a viable option for them. Whilst it is beyond the remit of this report to address the functions and effectiveness of the wider asylum process, it is important to highlight some of the key ways in which this process affects a victim of modern slavery.⁵⁸ As has already been discussed in Chapter Three, the UKBA is not adequately placed to make the decision over whether or not a person has been trafficked. It is also essential that the issue of trafficking does not become unhelpfully conflated with issues of asylum. While there may be some information and evidence overlap, the two decisions – whether someone has been trafficked and whether someone has grounds for asylum – have different burdens of proof and should be kept separate. One may inform the other, but it is not necessary for the same agency – in some cases the same person – to make these two very different decisions. Worryingly, one UKBA Competent Authority told the CSJ that if an asylum claim on the grounds of trafficking is refused, but a positive Conclusive Grounds decision is then given, this is 'not going to be helpful'.⁵⁹ This illustrates the damaging links between the two processes; a person could be refused asylum but may still have been trafficked, and these two decisions must be made separately.

'If you turn somebody down for one, how are you going to give a different decision for the other?'

Anonymous anti-human trafficking practitioner, in evidence to the CSJ

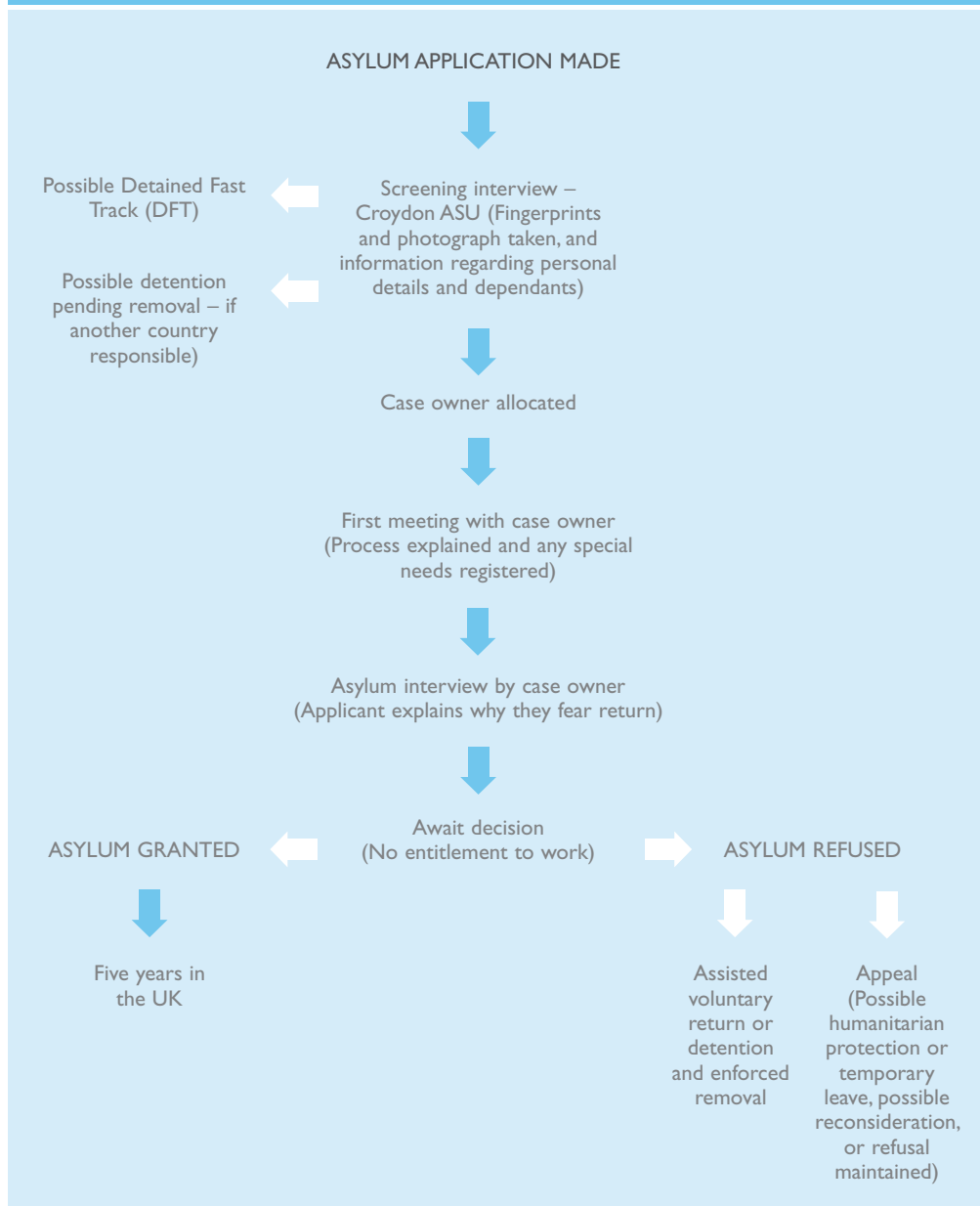
58 For the CSJ's discussion on the asylum system, see The Centre for Social Justice, *Asylum Matters: Restoring Trust in the UK Asylum System*, London: Centre for Social Justice, December 2008

59 Anonymous UKBA Competent Authority, in evidence to the CSJ

'We see a number of asylum refusals emerge at the same time a NRM refusal is issued.'

Anonymous charity, in evidence to the CSJ

Figure 6.1: The asylum process



6.9.1 Asylum: a survivor's experience

A proportion of people trafficked into the UK, upon exiting their situation, may be eligible to apply for asylum. For many, this entails a long journey to the Asylum Screening Unit in Croydon:

'The whole asylum process – having to travel to Croydon and wait up to five or six hours for a meeting, having to specify that a private room is needed so the person doesn't have to share their story in a place where others can hear it, and having to wait again for a room to become available – it's very taxing on a victim of trafficking, and you cannot expect them to do it on their own, but the funding means that often they must'.⁶⁰

Aftercare providers have expressed serious fears that staff at the Asylum Screening Unit are not trained deal with victims of trafficking, and reports of insensitive handling of cases have concerned the CSJ. One organisation taking a woman who had been trafficked to her screening interview were told they were not entitled to a private room, despite the sensitive nature of the woman's experience.⁶¹

'You get such a range of people behind that wall of glass in Croydon, there's a range of responses you can be given.'

Medaille Trust staff member, in evidence to the CSJ

'It was the worst day of my working life, the day I had to accompany a trafficked girl to the Asylum Screening Unit for her asylum screening interview.'

Detective Constable Elaine O'Brien, Merseyside Police, in evidence to the CSJ

In light of this, some aftercare providers have told the CSJ of local agreements that they have formed with the UKBA office in their region. In these cases, an asylum screening interview can take place at these local offices, avoiding the cost and stress of travelling to Croydon and ensuring that the survivor is appropriately supported through a potentially traumatic experience. This is best practice and the kind of partnership-working arrangement that the CSJ recommends should be replicated across the country.

The Poppy Project has arrangements in place to conduct the screening interview at one of their premises, to ensure that their client is not subject to further intimidation or fear. A representative from the organisation explained that this arrangement can help to ensure that a person who may be frightened or intimidated feels safe enough to share their experience: 'we have a person who comes and conducts screening interviews at our centre – we get a lot more information'. However it still remains that other aftercare providers have no such local arrangements.⁶²

⁶⁰ Becky, victim support worker, in evidence to the CSJ

⁶¹ Anonymous aftercare provider, in evidence to the CSJ

⁶² The Poppy Project, in evidence to the CSJ, August 2012

'There is a UKBA office 15 minutes down the road, but we have to travel to Croydon.'

Victim support worker, in evidence to the CSJ

Overall, there is a need for a standardised approach to supporting a survivor through the asylum process. The CSJ recommends that every aftercare provider works in partnership with their local UKBA to ensure that arrangements are established to conduct screening interviews locally.

Residence permits

Survivors of modern slavery who do not have the right to reside or stay in the UK, but who are helping the police with an investigation, may be eligible for a one-year residence permit. Police must apply to the UKBA for this permit. However, the CSJ has heard alarming evidence that individuals who receive this permit but who have also applied for asylum will not be allowed to appeal their asylum decision, should it be refused. This is because section 83 of the Nationality, Immigration and Asylum Act 2002 states that the right to appeal asylum may only be given to an individual who 'has been granted leave to enter or remain in the United Kingdom for a period exceeding one year'.⁶³ It is the CSJ's recommendation that the duration of a residence permit be increased to at least one year and one day. This will allow survivors, who are given a one-year residence permit because they have been trafficked but who have also applied for asylum, the right to appeal their asylum decision should they need to.

Recommendations:

- All aftercare agencies should establish an agreement with local UKBA offices to ensure that asylum screening interviews are conducted locally:
- One-year Residence Permits that are issued to survivors of modern slavery should be increased in length to at least one year and one day, in order to allow the individual to appeal their asylum decision should they need to.

6.10 Returning home: ensuring safe repatriation

Numerous aftercare organisations have expressed the need to be better informed about the process that takes place when a survivor is required or chooses to return home, and to be kept up to date with the survivor's wellbeing and progress when they have returned. At present, several aftercare providers are worried that survivors will return to unsafe environments and once again be at risk of trafficking and exploitation. Again, this betrays a lack of focus on the importance of reintegration.

⁶³ Section 83, Nationality, Immigration and Asylum Act 2002 [accessed via: <http://www.legislation.gov.uk/ukpga/2002/41/section/83> (14/02/13)]

'The last thing you want to do is put someone on a plane, knowing they are going to be vulnerable when they return home.'

Kate Garbers, Co-Founder and Project Director, Unseen, in evidence to the CSJ

The Government's contract for facilitating the safe return of trafficked people sits with Refugee Action, a charity working with refugees and asylum seekers. Refugee Action works in partnership with the UKBA to facilitate the delivery of return schemes. Trafficked people who have also claimed asylum may apply to the Voluntary Assisted Return and Reintegration Programme (VARRP) which offers reintegration support upon arrival in their home country. Every person who applies to VARRP is entitled to this support.

However, the CSJ has identified a loophole in that, for those victims of modern slavery who have not applied for asylum and are 'irregular migrants', the Assisted Voluntary Return of Irregular Migrants (AVRIM) scheme is the scheme that is offered. Under this scheme, reintegration assistance will not always be an option. This is a serious concern for cases involving victims of modern slavery.

6.10.1 Assisted Voluntary Return of Irregular Migrants

A person who wishes to return to their country who is in the UK illegally, has no leave to remain and has not applied for asylum (is an 'irregular migrant') may qualify for help under the Assisted Voluntary Return of Irregular Migrants (AVRIM) scheme. It is important to note that in every case, the 'decision about eligibility of the application for AVRIM rests with the UKBA'.⁶⁴ For a victim of modern slavery who has not applied for asylum and who has no leave to remain in the UK, this scheme would be offered in order for them to return home. This scheme entitles the person to help with: travel documents; flight arrangements; assistance at UK airport; possible assistance at home airport; and transport from home airport to final destination. This scheme is not available to citizens of the European Economic Area (EEA).

The AVRIM scheme offers no financial assistance, unless it can be proved that the individual returning is 'particularly vulnerable'.⁶⁵ If a person's vulnerability is proven, they will be entitled to up to £1,000 'vulnerability assistance'. This money has very specific conditions, and must be used to fund: accommodation; education; training; business; and healthcare or counselling.

AVRIM vulnerability assistance must be applied for by a Refugee Action case worker, who makes the case to UKBA for the extra financial assistance. This vulnerability assistance is essential for a person who has been trafficked. However, unless a case worker recognises the specific vulnerabilities of a victim of modern slavery who is not allowed to stay in the UK or who has decided to return home, this assistance will not be given. The person would be

⁶⁴ UKBA website, *Assisted Voluntary Return of Irregular Migrants* [accessed via: www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/avrim (06/09/12)]

⁶⁵ Ibid

returned in the same way as other irregular migrants, with no specific provision to protect them from the risks they face in returning home, and no recognition of their particular vulnerability as a survivor of modern slavery.

It is appalling that there is no specific returns programme for survivors of modern slavery who wish to, or who must return home. The current system is dependent upon a case worker to highlight the elements of modern slavery to the UKBA. It relies on the UKBA to accept the person's experience of modern slavery as a situation of vulnerability, in order for them to access reintegration support through vulnerability assistance. There is no guarantee that this assistance will be given to every victim of modern slavery who needs to return home, and the decision is at the discretion of the UKBA. Shockingly, there is also an annual limit on the number of AVRIM applicants who are allowed access to vulnerability assistance – a maximum of just ten per cent of applicants are allowed to access this provision per year. This means that if a victim of modern slavery is referred to the AVRIM scheme when it is at its limit of applications, they will be returned home with no financial assistance. In these cases, support for the survivor will end when they arrive in their home country.

It is not difficult to see the flaws in this system: a survivor may be returned to the country from which they were trafficked with no support, no assistance in reintegration and no safeguards against re-trafficking. Financial assistance can be invaluable in ensuring a survivor's autonomy and safety, and it is imperative that every survivor of modern slavery is given the opportunity to access this crucial support: 'If they are returned home and to the same socio-economic or cultural conditions which rendered them vulnerable to trafficking in the first place, such as poverty, age, gender or family circumstances, they will be re-exposed to the same or increased risks of trafficking and exploitation at the hands of other individuals or organised criminals'.⁶⁶

'The vulnerability to re-trafficking is likely to go up if a person has no other income when they return home.'

Kat Lorenz, Refugee Action, Choices Project Team Manager, in evidence to the CSJ

The CSJ recommends that a specific returns programme for survivors of modern slavery is developed, and that any survivor who receives a positive Conclusive Grounds decision under the NRM but who is not entitled to stay in the UK is referred to this programme and vulnerability assistance is guaranteed. The programme should include financial reintegration assistance, as well as support in travelling to the country of origin. GRETA's recent report on the UK's response to human trafficking in light of the Council of Europe Convention requirements reinforces this point, and urged the UK 'to review the appropriateness of existing assisted voluntary return programmes for victims of trafficking as a specific category and to adopt a clear legal and policy framework for the return of trafficked persons'.⁶⁷

⁶⁶ Chandran P and Finch N, 'Residence for Victims of Trafficking in the UK: Humanitarian, Asylum and Human Rights Considerations', in P Chandran (ed), *The Human Trafficking Handbook: Recognising trafficking and modern-day slavery in the UK*, London: Lexis Nexis, 2011, p243

⁶⁷ Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom; First evaluation round*, Strasbourg: GRETA, September 2012, p87

There is scope, through facilitating the successful reintegration of survivors of modern slavery who are returning home, for the UK Government to work in partnership with governments and agencies in source countries to ensure that resilience is developed against re-trafficking or continued vulnerability. In only one case out of 292 referrals to the NRM between April and June 2012 was the country of origin of a potential victim unknown. It is the recommendation of the CSJ that the Department for International Development and the Foreign and Commonwealth Office, in partnership with Refugee Action, develop work with the governments in, as a starting point, the ten most frequent source countries for victims of modern slavery arriving into the UK, to ensure that provisions are in place for survivors' successful reintegration upon their return.⁶⁸ Survivors should also be given assistance to claim damages from the authorities in their home countries, since this is where their exploitation began and, in numerous cases, could have been prevented.

The work of the recommended Anti-Slavery Commissioner is also significant here. The Anti-Slavery Commissioner should work with the Government to ring-fence international financial assistance to be used for aiding the recovery and reintegration of victims of modern slavery in those countries which are persistently in the top ten source countries for victims of modern slavery in the UK and are consistently doing little to solve the problem.

Recommendations:

- All survivors of modern slavery from outside of the EU or EEA who are given a positive Conclusive Grounds NRM decision should be offered return and reintegration assistance when returning home;
- The Department for International Development and the Foreign and Commonwealth Office should work together to ensure that source countries engage with the reintegration of survivors who are returning home. This should be done in partnership with the Anti-Slavery Commissioner, who should develop a programme which ring-fences international financial assistance to persistent source countries for victims of modern slavery in the UK.

6.10.2 Assistance for EU and EEA nationals

There is currently no provision for assisted returns for EU or EEA nationals. The International Organisation for Migration (IOM) offers case-by-case assistance to individuals where funding is available, but there is no national policy of assistance for trafficked EU nationals. This must be rectified as soon as possible. IOM UK is making efforts to raise money for funds to return EU nationals, with the development of its Victim's Fund to assist survivors from the EU or EEA who wish to return to their country of origin and receive integration assistance. If funding is available, IOM UK is able to provide help with access to travel and identity documents, travel assistance and help in the country of origin through its IOM field offices. Reintegration assistance may involve family reunification, medical and healthcare, temporary accommodation support, education or vocational training and support in activities to generate income, such as

⁶⁸ Details on source countries, updated quarterly, can be found in UK Human Trafficking Centre statistics [accessed via: <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics> (21/01/13)]

starting a small business. Other organisations such as Thames Reach, based in London, are able to offer some returns assistance for certain EU nationals who wish to go home, through their 'reconnections' programme. However this support is not tailored towards survivors. The UK should ensure the safe return of all survivors, including those who have been trafficked from the EU or EEA. This should not just be dependent on the work of IOM in sourcing voluntary and inconsistent donations.

Recommendation:

- A return and reintegration scheme should be developed for victims of modern slavery who are EU and EEA nationals.

6.1 | Accommodation and support for children

Provision for child victims of modern slavery takes on a different form to that of adults, not least because local authorities have a duty to safeguard vulnerable children in their area. The most pressing and serious issue the CSJ was made aware of during its research into support and care for child victims of modern slavery has been the number of trafficked children going missing from local authority care, often as a result of placing children in inappropriate accommodation.

Department for Education guidance on child trafficking

*'In all cases there is a likelihood that a child victim of trafficking is at risk of serious immediate harm.'*⁶⁹

*'The identification of a child who has been trafficked, or is at risk of being trafficked, should always trigger the agreed local child protection procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers.'*⁷⁰

It has become clear during the review that whilst procedures, protocols and guidance do exist to help trafficked children once they are identified in practice many children and young people are not receiving the care they deserve.

Department for Education guidance on child protection investigations

*'Where a child has been referred to the local authority because of trafficking concerns, children's social care should decide within 24 hours whether to undertake an initial assessment to determine whether the child is a child in need and, where appropriate, following a strategic discussion, initiate a section 47 enquiry.'*⁷¹

69 Department for Education, *Safeguarding Children who may have been Trafficked*, London: Department for Education, 2011, p22

70 Ibid, p11

71 Ibid, p12

Given that children who have been trafficked are at risk of immediate and significant harm, it may be right in some cases to begin a section 47 child protection investigation. This will enable the local authority to investigate whether the child should be removed from their situation, and will go some way to making sure that a multi-agency approach is taken to safeguard a trafficked child.

Section 47 investigation

The Children Act 1989 requires that local authorities conduct an investigation if a child is 'suffering, or is likely to suffer, significant harm'.⁷² The local authority must make enquiries to ascertain whether, and at what level, action should be taken to 'safeguard or promote the child's welfare'. A section 47 investigation often accompanies an emergency protection order, which grants parental responsibility to the local authority after application to the court, or a police protection order, which enables police to remove a child immediately if they are at risk of harm.

The CSJ has heard, however, that the need for a section 47 investigation is not always recognised. Low awareness of the indicators of child trafficking means that investigations are not 'triggered'. Evidence given to this review shows that social workers – even those recently qualified – do not know about child trafficking or modern slavery issues, and are not aware of the indicators unless they have been given access to specialist training. This training is itself ad hoc and uncoordinated. The CSJ is convinced that better training and the resulting wider levels of awareness would lead to more frequent and effective implementation of child protection procedures for trafficked children. These children must not slip under the radar. Social workers have told the CSJ they struggle to initiate high-level child protection procedures if the indicators of abuse are not apparent: 'You can't remove the child because you often have no evidence with which to do it. Even if you could, you'd have to go to court and make the case'.⁷³ This is understandable, however evidence given to the review shows that social workers often do not know what they are looking for in cases of child trafficking, so may miss the warning signs. As one social worker explained: 'If we are still stuck on physical, sexual and emotional abuse in the home we are going wrong... We forget that what we are dealing with here is child abuse in its worst form... it's just projecting in a slightly different way'.⁷⁴ Missing the indicators of harm could lead to catastrophic consequences for a trafficked child whose exploitation may continue because those tasked to protect them are not properly equipped.

6.12 Trafficked children going missing

'If they're still with you in two weeks then you've achieved something.'

Anonymous manager at a large children's services department, in evidence to the CSJ

⁷² Section 47, Children Act 1989 [accessed via: <http://www.legislation.gov.uk/ukpga/1989/41/section/47> (22/01/13)]

⁷³ Deputy Director of a large children's services department, in evidence to the CSJ, August 2012

⁷⁴ Anonymous child trafficking NGO, in a speech to police officers, 28 March 2012

The CSJ is shocked at the number of children who go missing from local authority care after having been identified as victims of modern slavery. It has been estimated that 60 per cent of trafficked children go missing from care.⁷⁵ Between 1 April and 31 August 2011 for example, 25 potentially trafficked children went missing from care in one local authority alone – five children per month in that time.⁷⁶ This is a national disgrace: trafficked children who go missing are at serious risk of exploitation or even re-trafficking. In many cases, trafficked children are so effectively brainwashed or terrified that they will take the first chance they can to run away and return to their traffickers. In a case the CSJ was told about a boy who had been trafficked into the UK from abroad used the first opportunity he could to run away: during a visit to the dentist, he climbed out of the window and disappeared.⁷⁷ This high risk of re-trafficking and exploitation during missing episodes is the case for both children trafficked from abroad and for those trafficked within the country; in many cases the control measures are the same. In another case discovered during the review, a foster carer had been looking after a young boy for a number of weeks. He was settling in well, and started to take English lessons at a neighbour's house across the road. One day, he did not return from his lesson; it transpired that he had never arrived. The boy was missing for months, until he was found again in the Midlands having been trafficked and abused. He was then returned to the same area he had been fostered in before he went missing. When the foster carer asked him what had happened, he told her the trafficker had been calling him on his mobile the week before he disappeared, telling him 'you will meet us on the corner of the street and we will come and pick you up'. He was terrified, and did as he was told.⁷⁸

A missing child who may have been trafficked should be treated as a very high-risk case, and every possible effort should be made to find them and return them to safety. Yet missing children are not being given the priority they deserve, and in many cases proper efforts are not being made to find them. This view is confirmed by a number of practitioners from whom the CSJ has taken evidence.

'When you've got a child going missing 19 times a month, they can be seen as less of a risk.'

Anonymous vulnerable children support worker, in evidence to the CSJ

'We had one child who was trafficked into a cannabis farm. I assessed her as a child. When she was taken into a foster placement, she went missing and was moved around the country. She was then exploited in the sex industry where she became pregnant. She was only found again when she was admitted to hospital having fallen ill with the pregnancy.'

Paul Hadaway, social worker, in evidence to the CSJ

75 House of Commons, Home Affairs Committee 2009, *The Trade in Human Beings: Human Trafficking in the UK*, Sixth Report of Session 2008–09, Volume 1, London: House of Commons

76 The Guardian, *Children lost from care in human trafficking cases, says Council*, 19 October 2011 [accessed via: <http://www.guardian.co.uk/law/2011/oct/18/children-lost-human-trafficking> (25/09/12)]

77 Anonymous child safeguarding practitioner, in evidence to the CSJ

78 Foster carer, in evidence to the CSJ, January 2013

According to data gathered by one voluntary sector organisation working to support childcare professionals in safeguarding and protecting trafficked children, almost a third of trafficked children that go missing disappear from care in less than one week.⁷⁹ One local authority has reported to the CSJ that every single child showing indicators of modern slavery that has been in their care has gone missing at least once.

'Every child we've seen who has or may have been trafficked has gone missing from our care at one point or another.'

Anonymous children's services manager, in evidence to the CSJ

The wider issue of children going missing from care has come to the attention of the Government and the media in recent months. In 2011, the Department for Education recorded just 930 instances of individual children going missing from care for more than 24 hours.⁸⁰ However police data for the same period showed an estimated 17,000 instances of children going missing from care for more than 24 hours, involving 5,000 individual children.⁸¹ There is a clear and worrying discrepancy between the monitoring and information-collection approaches of the Department for Education and police forces, and it is crucial that episodes of going missing are recognised as creating a serious risk. The fact that the Department for Education has recorded less than 20 per cent of the missing cases that police have recorded is a troubling reflection of the unsteady grip that the Government has on missing children. There is no doubt that numerous trafficked children are included in these numbers. A 2012 survey found that just two out of 64 local authorities collected centralised data specifically on whether children have been trafficked.⁸² These statistics are not just numbers; each one represents a child who has been failed by the UK's child protection system. They paint a bleak picture, and improvement to this response is crucial.

Police and local authorities need to be aware that children who have been trafficked are likely to be at extremely high risk of running away from care – due to continued coercion by their trafficker – and of being abused and exploited again. It is crucial that the placement of a trafficked child is well thought-through and risk-assessed and that those involved in the child's safeguarding and welfare understand the unique risks a trafficked child may face. As Barnardo's has explained: 'child trafficking is a hidden problem enhanced by the culture of disbelief and lack of awareness amongst members of the public and practitioners. As a consequence, children are put at risk in unsuitable accommodation rather than being given the specialist protection they need'.⁸³

79 NSPCC submission to the All Party Parliamentary Group joint inquiry into children who go missing from care, June 2012 [accessed via: http://www.nspcc.org.uk/Inform/research/ctail/response-missing-children_wdf89466.pdf (22/01/13)]

80 Hansard, Written answers and statements, 23 May 2012, Catherine McKinnell MP, [accessed via: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120523/text/120523w0003.htm#12052384002622> (24/05/12)]

81 The All Party Parliamentary Group for Runaway and Missing Children and Adults and the All Party Parliamentary Group for Looked After Children and Care Leavers, *Report from the Joint Inquiry into Children who go missing from care*, June 2012, p11 [accessed via: <http://www.guardian.co.uk/law/2011/oct/18/children-lost-human-trafficking> (06/07/12)]

82 Ibid, p30

83 Ibid, p14

The CSJ recommends that the activities of local authorities to safeguard child victims of trafficking and ensure their recovery be included in Ofsted inspections as part of their assessment of local authority progress on identifying and safeguarding children at risk. In particular, Ofsted should scrutinise cases of trafficked children going missing from local authority care in order to bring increased accountability to local authority responses.

Recommendation:

- The activities of local authorities to safeguard child victims of trafficking and ensure their recovery should be included in Ofsted inspections as part of their progress on identifying and safeguarding children at risk. In particular, Ofsted should particularly scrutinise cases of children going missing from local authority care.

6.13 Safe accommodation for trafficked children

'From the moment an unaccompanied child victim of trafficking in human beings is identified and until a durable solution is found, Member States should apply reception measures appropriate to the needs of the child and should ensure that relevant procedural safeguards apply.'

Preamble to EU Directive on preventing and combating trafficking in human beings and protecting its victims⁸⁴

A recurring issue voiced to the CSJ by those from children's services, the police and NGOs is the lack of suitable accommodation for children who have been trafficked. The unique and particular risks that a trafficked child is at – as illustrated by the high number that go missing – mean that specific safety measures must be put in place.

'The big missing link in all of this is safe accommodation.'

Anonymous vulnerable children support worker, in evidence to the CSJ

'We're limited in terms of the number of options, particularly around the provision of where they go to next.'

Anonymous former social worker, in evidence to the CSJ

In the vast majority of cases this will mean that accommodation such as bed and breakfasts or large children's homes will not be appropriate. In the year to March 2012, 5,750 looked-after children were placed in children's homes or hostels.⁸⁵ Of these, 15 per cent of placements were in homes or hostels which are not subject to children's homes regulations.⁸⁶ The CSJ

⁸⁴ Paragraph 23, preamble, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [accessed via: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (23/01/13)]

⁸⁵ Department for Education, *Children Looked After by Local Authorities in England (including adoption and care leavers) – year ending 31 March 2012* [accessed via: <http://www.education.gov.uk/rsgateway/DB/SFR/s001084/index.shtml> (14/02/13)]

⁸⁶ Ibid

fears that proportion of these placements may have been used for children who have been trafficked, given the low awareness of social services and the lack of recognition of the risks these children face. If children trafficked both into and within the UK cannot be offered homes that keep them safe, the UK is failing in its response. The lack of awareness of modern slavery amongst social workers leads to trafficked children being placed in inappropriate accommodation. The CSJ has also heard frequently that there is a lack of suitable accommodation available. This creates a worrying situation where, even if a trafficked child is identified, finding them safe accommodation is still very difficult.

‘Assigning places is often about juggling resources to find appropriate accommodation.’

Paula Neil, former manager of large children’s services, in evidence to the CSJ

‘We are persistently putting children in places where they are just going to get away.’

Senior police officer, in evidence to the CSJ

6.13.1 Foster placements and specialist fostering

One way to contribute to the safeguarding of children who have been trafficked should be through foster placements. However, the CSJ has been alarmed to find that, of the number of trafficked children reported missing to one voluntary sector organisation, 38 per cent went missing from foster care placements.⁸⁷ In these cases, foster carers are unable to keep the child from going missing because they do not understand the particular risks to the child and are consequently unable to mitigate the risk of them disappearing. The CSJ was appalled to learn that children have in the past been placed with foster carers who have not even been told that the child has been trafficked.⁸⁸

‘Some foster carers just don’t get it – one carer left her phone lying around, and the trafficked child in her care went missing.’

Former social worker, in evidence to the CSJ

Barnardo’s has been running a safe accommodation pilot project in the form of a specialist foster placement service, specifically aimed at accommodating trafficked and sexually exploited children in an effort to create a safer environment for these children.⁸⁹ This model is a positive step. Given that previous CSJ research into the experiences of children in care

87 NSPCC submission to All Party Parliamentary Group Inquiry on children who go missing from care [accessed via: http://www.nspcc.org.uk/Inform/research/ctail/response-missing-children_wdf89466.pdf (22/01/13)]

88 Anonymous charity, in evidence to the CSJ

89 The Barnardo’s Safe Accommodation Project [accessed via: http://www.beds.ac.uk/_data/assets/pdf_file/0003/203592/The-Barnardos-Safe-Accommodation-Project-Dr-Lucie-Shuker.pdf (22/01/13)]

and vulnerable children shows that relationships and trust are essential to making a child feel safe, we are convinced that specialist foster placements are an appropriate means of helping to safeguard a trafficked child.⁹⁰

Barnardo's Safe Accommodation Project

In evidence to the CSJ, one specialist foster carer spoke of the wide range of support that she and her family were able to offer the trafficked children in her care. Trained to identify and mitigate the specific risks for a trafficked child, the specialist foster carer plays a significant part in keeping them safe. As well as the practical aspects of protecting a child, such as ensuring they are not left alone in the initial period of their stay, making sure that mobile phone and internet use is supervised and not allowing the child to leave the house on their own, the foster carer is also able to offer emotional support to the child. Barnardo's training includes information on the impact of trafficking on a child, and the specific emotional needs they may have. Foster carers taking part in this project will also support the child through any immigration or legal procedures that are ongoing. In the words of one carer: 'It's our responsibility to go through it with them. It helps with continuity. It helps the young person to feel settled and safe: they have to learn to trust you somehow.'⁹¹

The carer also spoke of 'learning on the job', developing knowledge about what the child will need and how to keep them safe, and being able to share this knowledge with other foster carers looking after trafficked children. Barnardo's runs a regular forum for this purpose. Similarly, identifying possible risks to the family is also an element that can be developed through experience: 'My husband tends to check the road and checks who is sat in any cars that we don't recognise.'⁹² Trafficked children present a unique set of risks that must be acknowledged and dealt with; this pilot highlights the need for particular training for foster carers looking after trafficked children.

For such a scheme to be successful, it is crucial that thorough training is given to prospective specialist fosterers. The success of such placements also relies upon adequate numbers of foster carers being recruited. There is currently a national shortage of foster carers in the UK – an extra 8,750 foster carers were needed across the UK in 2012 alone.⁹³ Recruitment could therefore be a significant stumbling block to the effectiveness of this programme. Three out of every five fostering services in the UK were reported in 2012 as 'desperately seeking' carers.⁹⁴ In 2012, 98 per cent of foster services were looking for more families for teenagers.⁹⁵ At present, there are 12 specialist foster placements in place under the Barnardo's pilot, and the CSJ recommends that this format be replicated across the UK. The CSJ draws on its previous recommendations regarding the recruitment of foster carers, and reiterates the need to recognise and reward fostering in order to incentivise applications.⁹⁶ These recommendations can be found in the CSJ's seminal 2009 report on the care system, *Couldn't Care Less*.⁹⁷

90 The Centre for Social Justice, *Couldn't Care Less: A policy report from the Children in Care Working Group*, London: Centre for Social Justice, September 2008

91 Foster carer, in evidence to the CSJ, January 2013

92 Ibid

93 The Fostering Network [accessed via: <http://www.fostering.net/foster-care-fortnight> (22/01/13)]

94 The Times, *Drive to recruit foster carers from work force*, 22 May 2012 [accessed via: <http://www.thetimes.co.uk/tto/news/politics/article3420656.ece> (20/12/12)]

95 Ibid

96 The Centre for Social Justice, *Couldn't Care Less: A policy report from the Children in Care Working Group*, London: CSJ, September 2008, p24

97 Ibid, pp83–86

CSJ Couldn't Care Less Report: policy recommendations:

- Pay all foster carers a living wage that is separate from allowances.
- Provide more space for fostering children by helping foster carers with housing improvement grants.
- Encourage a level playing field between independent and local authority fostering agencies, and develop better cooperation with independent providers in meeting the demand for foster carers across the country.⁹⁸

It is also essential that the child feels involved and engaged in their own safety planning to ensure that any safe placement does not feel punitive, but instead helps the child to feel protected: 'Creating a supportive accommodation environment that addresses the child's perceptions of risk is just as critical to promoting a child's recovery as addressing risk from traffickers.'⁹⁹

'We haven't got a support network for trafficked kids. That is really where we are falling down and where we will be vulnerable.'

Police officer, in evidence to the CSJ

Recommendation:

- The number of specialist foster care placements available for trafficked children should be increased in each region of the UK to improve the options for appropriate accommodation for trafficked children at risk of going missing, as part of a wider push to recruit more foster carers.

6.13.2 Secure children's homes: an under-used resource?

The CSJ has explored the option of secure accommodation for trafficked children and has been convinced that, though not the whole answer, it can go some way to ensuring the safety of a trafficked child in the first instance. In evidence given to the CSJ, practitioners explained that the first week after a child is identified as trafficked is the point at which they are most vulnerable. In some cases where absconding (or in this case often re-trafficking) is a serious risk, a secure children's home placement may be in the best interests of the child whilst a protection plan is formulated. The CSJ identified misinterpretations, particularly among social workers, of the purpose of a secure children's home; many social workers view them as punitive.

⁹⁸ Ibid, pp83–86

⁹⁹ ECPAT, *On the Safe Side*, London: ECPAT, 2011, p18

“The misguided perception is ‘I am denying a child their freedom’, rather than ‘I am keeping a child safe’...there is a misconception that a Young Offenders Institution and a secure children’s home are the same thing. Until people see the difference, it’s not going to change. Social workers need better education on the options for a child.”

Secure children’s home representative, in evidence to the CSJ

There exist a small number of secure children’s homes specifically for children at risk either of causing significant harm to themselves or who have ‘a history of absconding and [are] likely to abscond from any other description of accommodation; and if [they] abscond, [are] likely to suffer significant harm’.^{100, 101} A trafficked child may fit the latter profile, and in these cases placement in a secure home could be in their best interests. These homes involve high levels of security, have a very high staff to child ratio – in some cases two staff for every three children – and children are not allowed to leave the unit in order to ensure their safety.¹⁰²

‘We have nine beds vacant, and yet we hear of these young people who are going missing.’

Representative from a secure children’s home for welfare placements, in evidence to the CSJ

‘Some young people said they felt safest when they couldn’t do what they had to do – ring and leave.’

Lynne Chitty, Barnardo’s, in evidence to the CSJ

Case study: Trafficked children in secure accommodation

Two Vietnamese children were placed in a secure children’s home after being arrested under drugs charges. This secure home was for young offenders, and was not a welfare placement. In time it transpired that both children had been trafficked. Though they were safe in the secure home, they were immediately removed and placed in a children’s home. Within days they had disappeared. Though this example involves a secure home for young offenders, the principle remains that whilst the children were in the secure home, they were safe. It was only when they were identified as trafficked that they were placed somewhere less safe and disappeared. Given that secure homes for welfare placements are available in the UK, the CSJ recommends that they are more widely considered as an option for trafficked children, to keep them safe in the first stages of their recovery.¹⁰³

¹⁰⁰ There are currently three secure children’s homes in the UK that will only take children on a welfare placement. Secure Accommodation Network website [accessed via: http://www.secureaccommodation.org.uk/?page_id=33 (06/06/12)]

¹⁰¹ Section 25, Children Act 1989 [accessed via: <http://www.legislation.gov.uk/ukpga/1989/41/contents> (11/02/13)]

¹⁰² Representative from a secure children’s home for welfare placements, in evidence to the CSJ, June 2012

¹⁰³ Case study submitted by Keith Smith, Chair of the Secure Accommodation Network, in evidence to the CSJ, June 2012

'Children's services need breathing space to find safe accommodation rather than just shoving them anywhere that's available.'

Anonymous child safeguarding practitioner, in evidence to the CSJ

Using secure children's homes does not negate the need to help children build stable relationships and find long-term placements for them. However, these homes can serve the purpose of being a useful first step in a child's protection, allowing them to achieve safety from their traffickers. Secure children's home placements under welfare grounds should be considered as an option for keeping trafficked children safe, in tandem with the provision of more appropriate safe placements such as specialist foster placements.

'If you think a child protection plan is what keeps a child safe, it's not; it's the relationships around them that make a difference'

Children's charity worker, in evidence to the CSJ

Placements in secure children's homes

221 children were accommodated in secure children's homes in England and Wales at 31 March 2011. Only 70 per cent of approved places in England and Wales were occupied, which marks a significant decrease on previous years.¹⁰⁴

Nidos: the Dutch approach



As part of its response to vulnerable children from outside of the Netherlands, Nidos (see Chapter Four, section 4.4.2) and its partner charity – Jade – provide safe accommodation for trafficked children.¹⁰⁵ This 'protected unit' is not a secure unit as the UK understands the term 'secure', but has stringent security measures in place to ensure that children stay safe. It is situated in a remote location in the countryside, and has a high staff to child ratio. There is a strict routine and discipline in the

house. Each child is given a mentor and there is a psychotherapist available to them for play therapy and counselling. All children attend a dedicated school for trafficked and vulnerable migrant children. Teachers are trained in the risks of trafficking. The school bus takes every child to school, escorted by a security guard, and takes them home again at the end of the day. Links with police are substantial; in the case of an emergency, police will be at the property in five minutes. Not a single child placed at the protected unit has gone missing in the last three years.

The safe school run in partnership by Nidos and Jade

¹⁰⁴ Jade representative, in evidence to the CSJ, November 2012

¹⁰⁵ NSPCC, *Breaking the Wall of Silence: Practitioners' responses to trafficked children and young people*, Bedfordshire: University of Bedfordshire, June 2009, p119

Recommendation:

- Secure children's homes should be used for the immediate safe accommodation of trafficked children, when needed. Secure children's homes, in partnership with social workers, should ensure that a child leaving their care has a protection plan in place to make sure that therapeutic progress made during their stay is not undone. This may include regular visits from a foster carer before the child is discharged.

6.13.3 Guardianship

One means of countering the risk of children going missing is a system of guardianship for trafficked children. Some NGOs and lobby groups advocate immediately allocating a guardian upon the recovery of a trafficked child, who would promote the best interests of the child and act as a support. However, viewing a guardian as a 'magic bullet' who would automatically safeguard a child and prevent them from going missing is dangerous and 'while recommendations are often made for an independent guardian... this cannot replace the need for each service to develop its own protocol and service delivery plan, with its own designated key workers allocated for face-to-face work with the young people'.¹⁰⁶ A system of guardianship also risks further separating the protocols for trafficked children from those for other at-risk children – something the CSJ would not advocate. In evidence to the CSJ, one NGO voiced concerns that: 'At the moment the guardian would just be someone else shouting into this void'.¹⁰⁷ Whilst it must be recognised that specific risks are present for some trafficked children, particularly those who are at risk of returning to their traffickers, the intention of any system of protection must be to 'integrate the young person into mainstream service provision'.¹⁰⁸ An alternative to a guardianship system might be the development of a designated social worker in each local authority who is trained in the protocol for a trafficked child and who will ensure the implementation of a protection order. This is cited as best practice in Department of Education guidance.

6.14 Therapeutic services for trafficked children

'What therapeutic services are available for trafficked children specifically? There is very little, and do we really understand the issues?'

Mike Hand, former Tactical Adviser on child trafficking cases at the UK Human Trafficking Centre, in evidence to the CSJ

At present, therapeutic services for trafficked children are distinctly lacking and difficult to find. Once a placement has been found, the CSJ has further concerns that a trafficked child may be 'shoehorned' into existing services for their recovery which are inappropriate for them. One

¹⁰⁶ Andy Elvin, in evidence to the CSJ, September 2011

¹⁰⁷ NSPCC, *Breaking the Wall of Silence: Practitioners' responses to trafficked children and young people*, Bedfordshire: University of Bedfordshire, June 2009, p151

¹⁰⁸ Department for Education statistics [accessed via: <http://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00196858/childrenaccommodatedinsecurechildrenhomes> (23/01/13)]

foster carer told the CSJ of her frustration at the lack of available and appropriate support for the trafficked children in her care, and spoke of taking it upon herself to chase up appointments and find a counsellor. In one case, the foster carer eventually decided to pay for a private counsellor for the child in her care from her own money rather than wait any longer.

'I'll phone them up and chase them. Meanwhile, she's getting worse trying to deal with things in her head that she can't sort out.'

Foster carer, in evidence to the CSJ

If a child is a victim of trafficking, the unique impact of this particular form of abuse must be recognised and responded to with the appropriate care and support. The CSJ recommends that the particular emotional and psychological needs of children who have been trafficked are recognised, and that provision is made available. The impact of trafficking and the abuse that a child can face in a situation of modern slavery must not be underestimated. A foster carer, in evidence to the CSJ, told us how a young girl in her care who had been trafficked for sexual exploitation from Vietnam, and who had been sexually abused during the journey to the UK, suffered a panic attack every time they took a trip to the local shop. The girl eventually told her fosterer that the sight of a specific chocolate biscuit brand made her panic because the lorry she had been brought to the UK in was shipping this biscuit and it reminded her of the abuse she had suffered during the journey at the hands of her traffickers.¹⁰⁹ The CSJ has also heard evidence from specialist foster carers under the Barnardo's safe accommodation project who have spoken of fulfilling the role of '24/7 counsellors' for the children in their care: 'She'll talk to me for three hours at a time about what happened to her; perhaps when we're in the car, or going to the shops. She won't tell anyone else'.

'A different response is needed; being exploited by someone who is not in your family has a very different impact on you.'

Anonymous children's charity, in evidence to the CSJ

'It is absolutely critical that we recognise and respond to the need for ongoing support and that we get it right so we do not fail yet another generation.'

Sheila Taylor, Director, National Working Group for Sexually Exploited Children

'Assistance and support measures for child victims should focus on their physical and psycho-social recovery and on a durable solution for the person in question.'

Preamble to EU Directive on preventing and combating trafficking in human beings and protecting its victims¹¹⁰

¹⁰⁹ Foster carer, in evidence to the CSJ, January 2013

¹¹⁰ Paragraph 22, preamble, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [accessed via: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (23/01/13)]

The CSJ has heard that one of the few options for aiding the recovery of a trafficked child is a referral to Children and Adolescent Mental Health Services (CAMHS). In its previous work on children in care, the CSJ registered concerns at the pressures exerted on CAMHS across the UK, which approach difficult cases in a variety of ways. As one CAMHS manager told the CSJ, '[CAMHS] don't know where to begin. There is so much pressure that the more difficult cases tend to be pushed to the back of the queue.'¹¹¹ Given that trafficked children will often present with complex needs, the CSJ is concerned that services for them may not be readily available:

*'Most of the funding available for children's mental health services goes into CAMHS. The Review heard, however, that CAMHS has not always been successful in making the best use of the wide range of professionals who should be concerned with children's mental health. Nor has it met the wide-ranging needs of children of all ages, from all backgrounds and in all settings.'*¹¹²

*It is essential that knowledge and expertise in dealing with the specific psychological and emotional response to an experience like trafficking is available for children who will desperately need it. As the CSJ has previously stated, 'full training in evidence-based interventions for those offering therapy for children is essential.'*¹¹³

LoveI46, The Philippines

LoveI46, a charity working towards the abolition of child trafficking, runs a safe home for trafficked children in the Philippines. The home provides for the full recovery of the children staying there, including access to therapies. These include play therapy, music therapy and art therapy. Each child is carefully monitored to ensure that any risks to their emotional or physical wellbeing are mitigated. The home has its own play therapy room, where children are able to 'recreate experiences and feelings by



The LoveI46 therapy tree house in the Philippines

manipulating or fashioning some representation of them out of art materials'.¹¹⁴ The safe home also features a therapy tree house, creating a safe place for children to talk about or express their thoughts and feelings. This model recognises the extreme and substantial impact of trafficking on children, which warrants tailored therapies in order to ensure the full recovery and reintegration of a child who has been a victim of modern slavery. All therapies and activities in the safe home aim to facilitate the reintegration of a child into society once again, as a resilient young person: 'Aftercare in the safe home is not the end of the recovery road. Reintegration that is satisfactory to the child and in the best interest of the child is the final destination of the work of aftercare'.¹¹⁵

¹¹¹ The Centre for Social Justice, *Couldn't Care Less: A policy report from the Children in Care Working Group*, London: CSJ, September 2008, p115

¹¹² The Centre for Social Justice, *Completing the Revolution: Transforming mental health and tackling poverty*, London: CSJ, October 2011, p121

¹¹³ *Ibid*, p122

¹¹⁴ LoveI46, *Philosophy of Aftercare* [accessed via: <http://www.loveI46.org/solutions-philosophies> (21/12/12)]

¹¹⁵ LoveI46, *Philosophy of Reintegration* [accessed via: <http://www.loveI46.org/solutions-philosophies> (21/12/12)]

Recommendation:

- Therapeutic services for trafficked children should be made available, and CAMHS should have the appropriate expertise to enable a child who has been a victim of modern slavery to receive appropriate support.

6.15 Conclusion

The most pressing need for children trafficked into and within the UK is for better identification and recognition of their needs and vulnerabilities. This impacts the way in which the child is safeguarded when they are first identified, the type of placement they will be allocated, and the form of recovery services and support they will have access to. The number of children going missing from care must be urgently reduced; it is unacceptable that a child can go missing and return once again to exploitation and abuse, without the authorities using every power they have to find them again. Children who have been trafficked must be viewed as victims of child abuse who deserve the highest quality of care, and who demand help and support in rebuilding their lives.

6.16 Recommendations

6.16.1 Recommendations for adults

- Guidance should be given from Competent Authorities on the information needed from aftercare providers. A pro forma document outlining the evidence and information required should be used as standard practice.
- Agreed and monitored minimum standards of care provision should be established for aftercare providers.
- Aftercare providers should be given access to the NRM referral form.
- Updated indicators – reviewed annually – of human trafficking and modern slavery should be added to the NRM First Responder form, following a comprehensive review of the current indicators and developments in understanding that have taken place.
- An outcome-based support model should be developed for aftercare providers to ensure that survivors are able to rebuild their lives and enjoy long-term safety from re-trafficking.
- Every aftercare provider should develop local partnerships with relevant agencies – outlined in the agreed minimum standards – in order to facilitate a reintegration-focussed package of support.
- All aftercare agencies should establish an agreement with local UKBA offices to ensure that asylum screening interviews are conducted locally.
- One-year Residence Permits that are issued to survivors of modern slavery should be increased in length to at least one year and one day, in order to allow the individual to appeal their asylum decision should they need to.

- All survivors of modern slavery from outside of the EU or EEA who are given a positive Conclusive Grounds NRM decision should be offered return and reintegration assistance when returning home.
- A return and reintegration scheme should be developed for victims of modern slavery who are EU and EEA nationals.
- The Department for International Development and the Foreign and Commonwealth Office should work together to ensure that source countries engage with the reintegration of survivors who are returning home. This should be done in partnership with the Anti-Slavery Commissioner, who should develop a programme which ring-fences international financial assistance to persistent source countries for victims of modern slavery in the UK.

6.16.2 Recommendations for children

- The number of specialist foster care placements available for trafficked children should be increased in each region of the UK to improve the options for appropriate accommodation for trafficked children at risk of going missing, as part of a wider push to recruit more foster carers.
- Secure children's homes should be used for the immediate safe accommodation of trafficked children, when needed. Secure children's homes, in partnership with social workers, should ensure that a child leaving their care has a protection plan in place to make sure that therapeutic progress made during their stay is not undone. This may include regular visits from a foster carer before the child is discharged.
- Therapeutic services for trafficked children should be made available, and CAMHS should have the appropriate expertise to enable a child who has been a victim of modern slavery to receive appropriate support.
- The activities of local authorities to safeguard child victims of trafficking and ensure their recovery should be included in Ofsted inspections as part of their progress on identifying and safeguarding children at risk. In particular, Ofsted should particularly scrutinise cases of children going missing from local authority care.

chapter seven

The role for business in tackling modern slavery

7.1 Introduction

The business community has a crucial role to play in the fight against modern slavery. It is essential that businesses in the UK and around the world identify the impact they are able to have on putting an end to this crime. In its Human Trafficking Strategy, the Government recognises the need for businesses to become more involved in 'raising the risks to traffickers and making it more difficult for them to exploit victims'.¹ This chapter makes recommendations for how businesses can begin to fulfil their 'social duty' and lift the stone on possible issues of modern slavery within their areas of operation, particularly through engagement with their supply chains.²

The Institute for Human Rights in Business

The role of business in tackling modern slavery is highlighted by the Institute for Human Rights in Business (IHRB), which works to highlight the links between human rights and the work of the business sector. Each year, the IHRB develops a list of ten top priorities for business in the coming year. Second on their priority list for 2013 is 'expanding action to combat forced labour and human trafficking'.³

*'Efforts to combat human trafficking and forced labour will continue to play a growing role on the agenda for responsible business during 2013... As part of their responsibility to respect human rights, companies must be prepared to ensure the safety and dignity of all those who make their products or provide services to the business. Increased scrutiny on companies which fail to undertake effective due diligence on their supplier factories or other areas of operations, which fail to take action on exploitative conditions, low pay and have a callous disregard for a workforce in many parts of the world, will continually pose reputational risk for companies and sanction by government, shareholders and consumers.'*⁴

¹ Home Office, *Human Trafficking: The Government's Strategy*, London: Home Office, July 2011, p8 [accessed via: <http://www.homeoffice.gov.uk/publications/crime/human-trafficking-strategy?view=Binary> (31/07/11)]

² Ibid

³ Institute for Human Rights in Business, *Top Ten Business and Human Rights Issues 2013* [accessed via: http://www.ihrb.org/top10/business_human_rights_issues/2013.html (27/12/12)]

⁴ Ibid

7.2 Current models of business response

The CSJ has been encouraged to see some members of the business community beginning to accept their unique responsibility in this area, including through the End Human Trafficking Now (EHTN) campaign, which aims to engage businesses on this subject. The EHTN campaign was the first worldwide initiative to engage the private sector in anti-trafficking efforts. It emphasises the role of the business community in the fight against modern slavery through acknowledging and adopting best practice and moving towards a zero-tolerance policy. It also aims to work on the prevention of trafficking by raising awareness and by investing in programmes that benefit populations that are most at risk.

In a similar way, the Athens Ethical Principles, also developed in 2006, aim to secure the declarations of businesses to recognise their responsibilities regarding modern slavery. To date, hundreds of individual companies have signed the Principles and approximately 13,000 businesses have endorsed the Principles through business associations.⁵

The Athens Ethical Principles

The Athens Ethical Principles were adopted by companies and business associations on 23 January 2006 to combat human trafficking worldwide through focussing on seven main areas. Those signed up to these Principles sign the following declaration:

'We, members of the business community, being deeply concerned that the scourge of trafficking in human beings, especially women and children, inflicts enormous suffering in the world today:

- *Consider unacceptable that millions of people are treated as commodities and slaves, and are therefore denied their basic human rights and dignity,*
- *Welcome the efforts of the international community to eradicate human trafficking, including through public-private partnership, and envisage this initiative as an additional means to complement and reinforce such efforts,*
- *Recognise the significant potential of the business community to contribute to the global fight against human trafficking, and are inspired by business community members who are already applying ethical policies and codes of conducts concerning human rights,*
- *Dissociate ourselves from such illicit practices by launching the following ethical principles in which we will:*

- 1. Explicitly demonstrate the position of zero tolerance towards trafficking in human beings, especially women and children for sexual exploitation;*
- 2. Contribute to prevention of trafficking in human beings including awareness-raising campaigns and education;*
- 3. Develop a corporate strategy for an anti-trafficking policy which will permeate all our activities;*
- 4. Ensure that our personnel fully comply with our anti-trafficking policy;*
- 5. Encourage business partners, including suppliers, to apply ethical principles against human trafficking;*
- 6. In an effort to increase enforcement it is necessary to call on governments to initiate a process of revision of laws and regulations that are directly or indirectly related to enhancing anti-trafficking policies;*
- 7. Report and share information on best practices'.*

⁵ End Human Trafficking Now, in evidence to the CSJ, January 2013

7.3 Creating a framework

There is a pressing and immediate need for a more effective framework to tackle modern slavery through the private sector, which provides a safe forum within which industry can begin to address the integrity of its supply chains without the fear of public, media or NGO censure. The current adversarial stance between some NGOs and businesses is ultimately counter-productive because it leaves little room for businesses to conduct genuine and open self-examination: a shift in culture is needed. Of course, a rogue business deserves no protection. However, one that is taking genuine and responsible steps to examine its supply chain and eliminate modern slavery and human trafficking deserves support, not condemnation. It is crucial that an environment exists that encourages such self-regulation, in which the discovery of slavery in a supply chain or business service is not only an occasion to remedy and rectify the immediate situation but also a catalyst for developing robust processes to ensure it does not occur again.

Case example: Forced labour in UK supply chains

Workers from Lithuania were kept in appalling conditions and subject to 'a climate of fear' of threats and violence whilst working to provide eggs to some of the UK's most prominent retailers and restaurants.⁶ Noble Foods, the UK's largest egg producer and packer which supplies eggs to companies including McDonald's, Tesco, Sainsbury's, Asda and Marks and Spencer, used labour provider DJ Houghton Catching Services Limited, which was licensed by the Gangmasters Licensing Authority (GLA) to provide workers to catch chickens on sites all over the UK. This labour provider subjected migrant workers to debt bondage, giving them no option to leave the squalid house in which they were forced to live and sleep. Workers were forced to work for up to 17 hours at a time. This amounted to labour exploitation.

*'When they were brought back to their accommodation in Kent at weekends, they reported living 15 men to a small house in damp, squalid conditions. Mattresses on the floor were infested with bed bugs and fleas.'*⁷

The firm's exploitation of the workers was 'so extreme' that the GLA ordered the firm to stop supplying workers immediately.⁸ Two individuals were arrested for human trafficking offences, having reportedly perpetrated 'one of the worst cases of exploitation the GLA has ever uncovered in the food supply chain'.⁹

7.4 The global context

Increased engagement with company supply chains and the issue of modern slavery comes as part of a global shift in the way businesses approach human rights. As highlighted

6 Gangmasters Licensing Authority, Press Release, *Kent-based gangmaster stopped from trading for serious exploitation of workers*, 30 October 2012, [accessed via: <http://gla.defra.gov.uk/PageFiles/1373/Revocation%20press%20release%2030-10-12f.pdf> (09/01/13)]

7 The Guardian, *Workers who collected Freedom Food chickens 'were trafficked and beaten'*, 29 October 2012 [accessed via: <http://www.guardian.co.uk/law/2012/oct/29/workers-chickens-allegedly-trafficked-beaten?INTCMP=SRCH> (09/01/13)]

8 Gangmasters Licensing Authority, Press Release, *Kent-based gangmaster stopped from trading for serious exploitation of workers*, 30 October 2012 [accessed via: <http://gla.defra.gov.uk/PageFiles/1373/Revocation%20press%20release%2030-10-12f.pdf> (09/01/13)]

9 Ibid

by John Ruggie's report for the United Nations and by subsequent work by prominent business figures such as Sir Richard Branson, the role of business in promoting human rights can no longer be ignored.^{10, 11} The Ruggie report drew attention to the responsibility of businesses in the effective prevention of, and remedy for, business-related human rights harm.

7.4.1 The United Nations Ruggie report

The Ruggie report was a product of a growing understanding and awareness of the responsibility of businesses in the protection and promotion of human rights across the globe. John Ruggie observed that there were many initiatives, public and private, which touched on business and human rights, but none had reached sufficient scale to truly move markets; they existed as separate fragments that did not add up to a coherent or complementary system. Ruggie therefore proposed a 'framework' to help to develop a joined-up system within which businesses were able to respond. This Framework rests on three 'pillars'.

1. State responsibility to protect

Under this pillar, the guiding principles explain that it is the responsibility of the state to take appropriate steps to prevent, investigate, punish and redress human rights abuses through effective policies, legislation and regulations. States are called upon to clearly highlight the expectation that all businesses operating within their jurisdiction respect human rights through all operations.

2. Corporate responsibility to respect

The guiding principles call on businesses to avoid infringing on the human rights of others. This responsibility includes ensuring that adverse human rights impacts are not caused through businesses' activities, and addressing such impacts when they occur. These responsibilities are shown to apply to all enterprises, regardless of size, ownership, structure and profit. It is recommended businesses establish processes to enable the remediation of any negative human rights impacts they may cause.

3. Access to remedy

As part of their duty to protect against business-related human rights abuses, states must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory or jurisdiction, those affected have access to remedy. This means that state-based judicial systems must be equipped to offer this remedy.

¹⁰ Ruggie J, *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises*, John Ruggie, New York: United Nations, March 2011

¹¹ Branson R, *Screw Business as Usual*, London: Virgin Books, November 2011

Responding to reality: Apple

Global technology company Apple recently pledged to eradicate child labour from its supply chains after finding several cases of underage workers in its factories and the factories of its suppliers. Apple has come under significant public scrutiny after reports of the appalling working conditions at the Foxconn manufacturer in China which led to the suicides of 14 workers in 2010.¹² Apple has agreed to undergo independent audits in order to boost its transparency. This is a positive step for the global technology giant and serves to highlight the multiple layers of suppliers that can be involved in one business's activities; smaller suppliers may face less scrutiny from auditors, as Apple has found.¹³ It is essential that more businesses are encouraged to 'go deep into the supply chain' to find and remedy cases of modern slavery.¹⁴

7.5 The Transparency in UK Company Supply Chains (Eradication of Slavery) Bill

82 per cent of people we polled would support the Government requiring large companies to report on the efforts they are making to ensure modern slavery is not in their supply chains.

CSJ/YouGov polling, November 2012

During the course of this review, the CSJ has engaged with politicians, business leaders and NGOs to produce the Transparency in UK Company Supply Chains (Eradication of Slavery) Bill (the TISC Bill) which encourages business engagement with the problem of modern slavery through increasing the transparency of supply chains across the globe. This builds on successful legislation already enacted in the state of California, USA.¹⁵

The TISC Bill seeks to fulfil the following objectives:

- Engage the business sector in the fight against modern slavery and human trafficking;
- Enable the public to hold businesses to account for the efforts they make to ensure supply chains are free of slavery and trafficking;
- Provide a framework through which businesses can offer support and remediation to victims of slavery and human trafficking.

¹² The Daily Telegraph, *Mass suicide protest at Apple manufacturer Foxconn factory*, 11 January 2012 [accessed via: <http://www.telegraph.co.uk/news/worldnews/asia/china/9006988/Mass-suicide-protest-at-Apple-manufacturer-Foxconn-factory.html> (31/01/13)]

¹³ The Guardian, *Apple pledges to eradicate child labour from technology supply industry*, 25 January 2013 [accessed via: <http://www.guardian.co.uk/technology/2013/jan/25/apple-eradicate-child-labour> (31/01/13)]

¹⁴ Apple Chief Executive Tom Cook, quoted in The Guardian, *Apple pledges to eradicate child labour from technology supply industry*, 25 January 2013 [accessed via: <http://www.guardian.co.uk/technology/2013/jan/25/apple-eradicate-child-labour> (31/01/13)]

¹⁵ California Transparency in Supply Chains Act 2010

The TISC Bill seeks to achieve these aims by:

- Requiring that every company operating in the UK with annual worldwide gross receipts exceeding £100 million publicly discloses its efforts to eradicate slavery, human trafficking, forced labour and the worst forms of child labour from its direct supply chains for tangible goods and services offered for sale;
- Requiring that these businesses disclose this information in their annual report and on their website, with a clear link to the information on the company's business homepage;
- Requiring that this information includes details of the extent to which they:
 - Engage in verification of their supply chains, internally or independently,
 - Conduct audits of suppliers to ensure compliance with company standards on slavery and trafficking. If the audit is not independent, this must also be specified,
 - Require direct suppliers to certify materials they use as compliant with laws regarding slavery and human trafficking in the country in which they are doing business,
 - Maintain internal accountability procedures for any employees or contractors who fail to meet company standards on slavery and human trafficking,
 - Provide employees who have direct responsibility for supply chain management with training on slavery and human trafficking,
 - Ensure that recruitment practices at all suppliers comply with the company's standards for eliminating exploitative labour practices;
- Requiring that businesses which do expose slavery or human trafficking in their supply chains take appropriate action to assist victims and report on this action in their annual reports.

The CSJ recognises that there will be a need for guidelines or an explanatory briefing to assist businesses in becoming compliant with this legislation. In California, legal organisations are working with large companies to do this.¹⁶ This report recommends that the TISC Bill be enacted by Parliament because it is good for: victims of modern slavery; consumers and investors who wish to make responsible and informed decisions; and responsible businesses who want to promote their actions.

The CSJ also understands that the Government is concerned about over-regulating the private sector. However, if there is one good reason for overseeing business activity it is to ensure that supply chains are free from modern slavery. The CSJ therefore suggests that the concepts in the TISC Bill be included as part of wide-ranging deregulation reforms, with only the most pressing and serious areas overseen through legislation. This legislation encourages self-regulation of businesses, and would not demand any direct government involvement.

7.5.1 Empowering consumers

This Bill relies on the engagement of the public to hold businesses to account in the way that they source and produce materials and products. The TISC Bill empowers consumers to recognise companies that proactively engage in efforts to ensure their supply chains are free from modern slavery and exploitation, enabling them to make an informed purchasing decision. It is therefore also a vehicle to highlight to the public that slavery remains a global

¹⁶ Squire Sanders LLP, *California Transparency in Supply Chains Act*, February 2012 [accessed via: <http://www.squiresanders.com> (31/01/13)]

problem and demands a response. With disclosure comes the increased understanding of the risks of modern slavery in supply chains, leading to better awareness of the problem in the public arena and therefore increased demand for positive action.

7.5.2 Business impact

Given the complexity of modern supply chains, many UK companies are at risk of encountering these situations within their sphere of influence. This presents a number of financial, reputational and legal risks to companies and their investors. Large companies can, by adopting responsible sourcing, recruitment and supply chain management practices, play an important role in helping to reduce the risk and spread of modern slavery.

There remains a gap in corporate transparency on the issue of modern slavery. This makes it extremely difficult for investors to assess the extent to which the companies in which they invest are effectively mitigating the risks. It further creates an uneven playing field, potentially disadvantaging those companies which choose to publically disclose their actions. Unscrupulous companies are currently not held to account by investors because supply chains remain opaque.

It is essential that businesses begin to see the benefit of engaging with supply chain transparency. The CSJ has heard of some nervousness and reluctance for businesses to show involvement with the problem of modern slavery for fear of reputational damage, or due to a lack of knowledge about how to respond:

'I've approached a number of FTSE 100 companies about raising awareness on the issue of trafficking and after pleasant smiles and kind words they make clear they wouldn't touch the issue with a bargepole. In their view it's a subject that isn't palatable in a corporate environment and I suspect they also worry that engaging with the subject will shine a wider spot light on their lack of focus on this in their supply chains and wider practices'.¹⁷

In light of attitudes such as these it is crucial that a shift takes place in UK business's understanding of the value of engaging with their supply chains and the modern slavery that may be hidden within them. As has been seen in California, companies are beginning to realise that being 'left behind' on the matter of supply chain transparency is not good for business; companies such as Exxon Mobil and WalMart are two leading companies now looking into the issue.¹⁸ Numerous businesses are also engaging increasingly with human rights measures – for example through the Ethical Trading Initiative.¹⁹ This Bill encourages the many businesses already doing good work to declare publically the measures they have in place. This will create a situation where leading firms are encouraged to share best practice and develop better company performance in a 'race to the top'; the financial threshold outlined in the TISC Bill will affect business leaders such as Alliance Boots and the John Lewis Partnership. The Bill will play a key part in shifting the culture of business and advancing the global fight against this problem.

¹⁷ Business leader, in evidence to the CSJ, December 2012

¹⁸ Professor Kevin Bales, in evidence to the CSJ, May 2012

¹⁹ The Ethical Trading Initiative works in partnership with companies, trade unions and voluntary organisations to improve the working lives of poor and vulnerable people across the world who make or grow consumer goods [accessed via: <http://www.ethicaltrade.org/> (31/01/13)]

7.5.3 Demonstrating leadership

The TISC Bill will contribute to the fulfilment of the Government's pledge to become a 'world leader' in tackling modern slavery, demonstrating recognition that any strategic response to slavery in the UK must involve the private sector.²⁰ In a letter to Prime Minister David Cameron, President pro Tempore of the California State Senate Darrell Steinberg called for the UK to join California in taking 'a modest yet powerful step forward in consumer awareness and corporate responsibility' and taking a 'global leadership role in the elimination of modern slavery'.²¹

Lessons from California: The Transparency in Supply Chains (TISC) Act 2010

Similar legislation has been passed in California, where it has been viewed by many leading businesses as a helpful guide for them from which to navigate the complex issue of their responsibility in addressing and exposing modern slavery and human trafficking in their supply chains.²²

*'As shareholders and analysts that have worked for many years with corporations to adopt codes of conduct that establish rules for respecting basic human rights in the workplace, the availability of information like that requested in TISC is critical to our business and is an important input into our evaluation of a company's risks and opportunities. Lack of attention to these issues can lead to business interruptions, negative publicity, public protests, and a loss of consumer confidence, all of which can impact shareholder value.'*²³

It is reported that businesses are now engaging positively with the opportunity for analysis, understanding and reporting created by the new law; the lack of sanctions involved in the California Transparency in Supply Chains Act 2010 has arguably helped in its successful implementation. Instead of sanctions, this Act gives organisations an opportunity to improve their response in a safe framework. By creating a climate of dialogue aimed at simply reporting, the Act has moved corporations forward towards ethical sourcing. The Act creates room for businesses to work out their response, drawing on and expanding their existing corporate social responsibility activity to cover an issue they may not have previously known about or may have avoided. The Act has had global impact, affecting company supply chains all over the world.

7.6 Recommendations

- **The Transparency in UK Company Supply Chains (Eradication of Slavery) Bill should be enacted by Parliament in order to help businesses to identify modern slavery in their supply chains and to enable investors and consumers to make better informed choices.**

20 The Independent, *UK signs trafficking directive after 10-month delay*, 27 March 2011 [accessed via: <http://www.independent.co.uk/news/uk/crime/uk-signs-trafficking-directive-after-10month-delay-2254137.html> (17/02/13)]

21 Darrell Steinberg, President pro Tempore of the California State Senate, in a letter to the Prime Minister, 31 October 2012; see Appendix for the full letter

22 Professor Kevin Bales, in evidence to the CSJ, May 2012; see also Exxon Mobil website [accessed via: http://www.exxonmobil.co.uk/Corporate/community_ccr_globalstories_supplychain.aspx (09/01/13)]

23 Christian Brothers Investment Services letter to Governor of California, Arnold Schwarzenegger [accessed via: <http://www.cbisonline.com/page.asp?id=1062> (13/02/13)]

Full list of recommendations

Chapter One: Modern slavery in the UK

- Police forces should develop short-term ‘crackdown and consolidation’ teams in areas which frequently display indicators of modern slavery due to seasonal work.
- Local authorities should develop more proactive identification processes for children in private fostering arrangements, through partnerships with schools and health services.
- Local authority responses to private fostering arrangements should be included in the criteria for Ofsted inspections.
- The Human Tissue Authority should conduct a review to look at the safeguards available to prevent the forcible removal of organs and tissue, in light of two recent cases of trafficking for organ removal.

Chapter Two: Effective strategic leadership

- An Anti-Slavery Commissioner should be established to develop independent monitoring and reporting on the UK’s response to modern slavery.
- Effective coordination should be developed between the Inter-Departmental Ministerial Group on Human Trafficking (IDMG) and the Anti-Slavery Commissioner.
- More effective information and intelligence sharing should be established within the NGO sector, through encouraging engagement with the independent Anti-Slavery Commissioner.
- The Anti-Slavery Commissioner should work with the Government to develop ring-fencing or sanctions on international financial assistance to countries which are persistently top source countries for victims of modern slavery.
- An independent review of the Anti-Slavery Commissioner should be conducted after it is established, to ensure that it is adding value.

Chapter Three: Building a clearer picture: enhancing the National Referral Mechanism

- The Government should create a two-tier National Referral Mechanism (NRM) system which allows information about a person's experience of modern slavery to be gathered through an anonymous referral, which does not require the person's consent. If the potential victim then wishes to make a full referral to access support services, they may give their consent and a 'second-tier' referral can be made.
- The UK Border Agency should be removed as a Competent Authority for the NRM. The single Competent Authority under the UK Human Trafficking Centre should approach all agencies to gather information and make a decision on whether or not an individual has been trafficked.
- An agreed First Responder training package should be developed, which should include guidance on the indicators of modern slavery and on the appropriate levels of information which should be included on the NRM referral form. This should be monitored by the UKHTC in the short term and by the Anti-Slavery Commissioner in the long term.
- Her Majesty's Prison Service should be granted the status of First Responder, being given the authority to make referrals to the NRM. This should include all Foreign Nationals Officers, Prison Governors and YOTs, who should be trained to identify the indicators of modern slavery;
- The detection of potential victims of trafficking should be a criteria addressed during prison inspections made by Her Majesty's Inspectorate of Prisons.
- Police should explore the development of partnerships with NGOs, allowing well-trained and experienced NGO workers to accompany police on visits to locations where modern slavery is suspected to be taking place.

Chapter Four: Identifying victims

- Responsibility in government for human trafficking and modern slavery should be transferred from the Immigration Minister to the Policing and Criminal Justice Minister in the Home Office.
- The obligation to proactively investigate indicators of modern slavery should be outlined in statute, under the new Modern Slavery Act.
- A statutory statement of policy of non-prosecution of victims of modern slavery, creating an obligation across all sectors of the criminal justice system, should be encased within the Modern Slavery Act.
- Increased partnership should be developed between support NGOs and police and UKBA during visits to venues where suspected trafficking victims may be present.
- Training for UKBA staff should be focussed on widening the understanding of human trafficking and modern slavery to ensure that staff understand that a victim is not, first and foremost, an illegal immigrant.

- Detained or imprisoned individuals should be removed from detention or prison upon a NRM referral, recognising that delays in these cases are unacceptable.
- All officers should be sensitised to the basic indicators of modern slavery and human trafficking, and be aware of who they should speak to if these indicators are present; this will be fulfilled by every officer completing, on a mandatory basis, the National Centre for Applied Learning Technologies (NCALT) e-learning package (or equivalent). This should form part of police officers' Continued Professional Development.
- There should be more detailed, practical training for Senior Investigating Officers, vice teams, drug teams and Custody Sergeants.
- The Anti-Slavery Commissioner should develop a system of accreditation of training packages used by statutory authorities such as the police.
- The remit of the Gangmasters Licensing Authority should be extended to include additional sectors where high volume cheap labour is employed, such as non-food manufacturing, the hospitality industry and construction work.
- Given the risks of exploitation of overseas domestic workers, the Government should restore the ability for domestic workers to change employers. In these cases, the domestic worker should be allowed only to access other domestic work.
- Clear and concise information should be given to all domestic workers arriving in the UK, outlining their rights and providing clarity on how to access help should they require it.
- Prosecutors should have a wider awareness of the protocol in prosecuting individuals who are showing indicators of modern slavery. Swift hearings in magistrates' courts under the 'Don't Delay Justice!' initiative should not hinder the ability to halt proceedings if modern slavery is suspected.

Recommendations to help identify child victims

- Trainee social workers should be taught about the risks of child trafficking in the UK as part of their qualification, and existing social workers should be trained effectively through an agreed programme. This training should form part of social workers' continued professional development.
- The newly established College of Social Work should be aware of the gap in training on trafficking for social workers, and should recommend that it be added to the curriculum for student social workers.
- Training should be given to local authority Emergency Duty Teams on the risks and processes for a trafficked child, in recognition that trafficking does not take place only during working hours.
- Social workers conducting age assessments should be trained to spot indicators of modern slavery, and should know what the NRM is and how to make a referral.
- Fraud investigation officers in the new Single Fraud Investigation Service (SFIS) should be trained to identify the indicators of modern slavery during checks for benefit fraud.

- All Local Safeguarding Children Boards (LSCBs) should be aware of the issue of modern slavery and the risks that it may be hidden within their region of responsibility.
- LSCBs should consider creating a combined subgroup for missing, runaway and trafficked children in recognition of the many links between these issues, and to guard against the creation of silos of information.
- All children showing indicators of modern slavery should be referred to the NRM.
- The UKBA should not be a Competent Authority for the NRM; all NRM decisions should be made by one Competent Authority, and should have formal and sustained input from child safeguarding practitioners.
- Police should be tasked to proactively investigate the links between missing children and child trafficking, given the risk factors involved. For example, the Metropolitan Police Sapphire unit or equivalent units, which investigate rape and other serious sexual violence cases, should be sensitised to modern slavery in order to increase detection.
- Child Abuse Investigation Teams (CAITs) should be trained in investigations into modern slavery and human trafficking and should recognise child trafficking as part of their remit.
- Further research should be conducted by the UKHTC into the extent of child trafficking in the UK, taking into account the number of referrals that are not made by social workers, and exploring the reasons behind this.
- Multi-agency child safeguarding teams should be established at airports, particularly those with a high number of flights from top source countries for human trafficking or known transition countries. These should be based on the Operation Paladin model at Heathrow airport.
- Training should be given to flight staff on budget airlines, in recognition that these are more frequently used by traffickers due to the low cost of tickets.

Recommendations for responding to British children trafficked for sexual exploitation

- Human trafficking, and the relevant legislation under section 58 of the Sexual Offences Act 2003, should be more widely recognised in cases of organised sexual exploitation of British children. The relevance of this legislation should be more widely understood, and used as another tool to better understand the experience of the victims and the criminality of the perpetrators.
- The Home Secretary should ensure that, as part of the remit of the newly formed National Crime Agency (NCA), the internal trafficking of British children is considered a priority issue. This will involve ensuring that the necessary expertise and experience is brought into the NCA, and that clarity is brought to the remit of both CEOP and the UKHTC as a result.
- Multi-agency policing teams should be established in every region, based on the ENGAGE model in Blackburn, where co-located professionals share information in order to tackle child sexual exploitation, which may be linked to internal trafficking.
- Hotels should be helped to recognise the need to raise staff awareness of the problem of child trafficking, and should take up the 'Say Something if you See Something' campaign launched by the National Working Group for Sexually Exploited Children and the Children's Society.

- Education on the risks of internal trafficking should be included as part of PSHE in schools, with an agreed module set by the Anti-Slavery Commissioner in partnership with the Department for Education and the Home Office. A school resource containing training for teachers on how to identify indicators of internal trafficking, and what to do in the case of fears or suspicions should also be established.

Chapter Five: Strategic and frontline direction: tackling the crime

- Human trafficking and modern slavery should form a part of all police strategic assessments and feature on force control strategies.
- A national policing policy on modern slavery and human trafficking should be developed, to which all forces are subject, in order to improve levels of consistency in response across the UK and outline the specific responsibilities of the police for tackling this criminal problem.
- Police and Crime Commissioners (PCCs) should hold their force accountable for their response to human trafficking and modern slavery in their force area. Human trafficking and modern slavery should also be included in the Strategic Policing Requirement, to enhance the awareness of PCCs of the issue.
- Her Majesty's Inspectorate of Constabulary should add human trafficking and modern slavery to its inspection criteria, and should be commissioned to conduct a thematic inspection of forces' responses to this crime immediately.
- An embedded Single Point of Contact (SPOC) role should be established in every force, to enable local SPOCs to share information, intelligence and best practice with regional SPOCs, which can then communicate with the UKHTC.
- Modern slavery and human trafficking should be made a priority area for the NCA, to ensure that this crime is not seen only in the context of border security or organised immigration crime.
- Dedicated researchers and intelligence analysts should be allocated to develop the policing response to modern slavery at a regional level.
- Every region should have a multi-agency forum for information sharing, based on the models in Gwent (the Gwent Consultation Group on Human Trafficking) and the West Midlands (the Regional Anti-Trafficking Network), which can feed information to the Anti-Slavery Commissioner and to the UKHTC.
- The UKHTC should increase its information-sharing capability so that it is able to communicate to police forces the relevant information and intelligence about cases of which they may not otherwise be aware.
- There should be increased awareness and better promotion of the UKHTC's Tactical Advisers, bringing clarity to forces about the support they can expect from the UKHTC.
- The relevance of the Proceeds of Crime Act 2002 (POCA) in cases of modern slavery should be more widely recognised and should be added as a learning point in police training on modern slavery.

- Joint Investigation Teams (JITs) should be more widely used to aid police in their evidence-gathering process. Funding is available for JITs, and should be applied for more frequently.
- Police forces should consider establishing an international liaison unit, based on the European Liaison Unit developed by Kent police.
- The Home Secretary should reconsider the decision to opt out of EU police and justice measures, taking into account the negative impact this would have on the UK's ability to tackle modern slavery.
- Human trafficking and slavery legislation under the Sexual Offences Act 2003, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Coroners and Justice Act 2009 should be brought under one 'Modern Slavery Act' to bring continuity and mitigate the risk of confusion with immigration offences. This Act should also include provisions for the obligation to proactively investigate indicators of modern slavery, and provisions for the non-prosecution of victims of modern slavery.
- The role of the Anti-Slavery Commissioner should be outlined under the Modern Slavery Act.

Chapter Six: Supporting survivors

- Guidance should be given from Competent Authorities on the information needed from aftercare providers. A pro forma document outlining the evidence and information required should be used as standard practice.
- Agreed and monitored minimum standards of care provision should be established for aftercare providers.
- Aftercare providers should be given access to the NRM referral form.
- Updated indicators – reviewed annually – of human trafficking and modern slavery should be added to the NRM First Responder form, following a comprehensive review of the current indicators and developments in understanding that have taken place.
- An outcome-based support model should be developed for aftercare providers to ensure that survivors are able to rebuild their lives and enjoy long-term safety from re-trafficking.
- Every aftercare provider should develop local partnerships with relevant agencies – outlined in the agreed minimum standards – in order to facilitate a reintegration-focussed package of support.
- All aftercare agencies should establish an agreement with local UKBA offices to ensure that asylum screening interviews are conducted locally.
- One-year Residence Permits that are issued to survivors of modern slavery should be increased in length to at least one year and one day, in order to allow the individual to appeal their asylum decision should they need to.
- All survivors of modern slavery from outside of the EU or EEA who are given a positive Conclusive Grounds NRM decision should be offered return and reintegration assistance when returning home.

- A return and reintegration scheme should be developed for victims of modern slavery who are EU and EEA nationals.
- The Department for International Development and the Foreign and Commonwealth Office should work together to ensure that source countries engage with the reintegration of survivors who are returning home. This should be done in partnership with the Anti-Slavery Commissioner, who should develop a programme which ring-fences international financial assistance to persistent source countries for victims of modern slavery in the UK.

Recommendations for supporting children

- The number of specialist foster care placements available for trafficked children should be increased in each region of the UK to improve the options for appropriate accommodation for trafficked children at risk of going missing, as part of a wider push to recruit more foster carers.
- Secure children's homes should be used for the immediate safe accommodation of trafficked children, when needed. Secure children's homes, in partnership with social workers, should ensure that a child leaving their care has a protection plan in place to make sure that therapeutic progress made during their stay is not undone. This may include regular visits from a foster carer before the child is discharged.
- Therapeutic services for trafficked children should be made available, and CAMHS should have the appropriate expertise to enable a child who has been a victim of modern slavery to receive appropriate support.
- The activities of local authorities to safeguard child victims of trafficking and ensure their recovery should be included in Ofsted inspections as part of their progress on identifying and safeguarding children at risk. In particular, Ofsted should particularly scrutinise cases of children going missing from local authority care.

Chapter Seven: The role of business in tackling modern slavery

- The Transparency in UK Company Supply Chains (Eradication of Slavery) Bill should be enacted by Parliament in order to help businesses to identify modern slavery in their supply chains and to enable investors and consumers to make better informed choices.

Appendix: A letter to Prime Minister David Cameron
from President pro Tempore of the California State Senate, Darrell Steinberg

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California State Senate

SENATOR
DARRELL STEINBERG
PRESIDENT PRO TEMPORE
SIXTH SENATE DISTRICT

STANDING COMMITTEES:
SENATE RULES
CHAIR
APPROPRIATIONS
PUBLIC SAFETY



October 31, 2012

Mr. David Cameron
Prime Minister
10 Downing Street
London
SW1A 2AA

Dear Mr. Prime Minister:

As President pro Tempore of the California State Senate, I respectfully request that you join in the effort to eradicate human trafficking and modern slavery through your support of the Transparency in UK Company Supply Chains Bill.

This bill is modeled after my successful effort in California to give consumers, investors and businesses the information they need to use their purchasing power, over time, to help shrink and perhaps eliminate the market for goods produced by slave and trafficked labor. Similar to the proposal of Michael Connarty, my Senate Bill 657, the California Transparency in Supply Chains Act of 2010, requires large retailers and manufacturers doing business in California and having more than \$100 million in annual worldwide gross receipts to simply post on their websites what steps, if any, they take to identify and combat slavery and trafficking in the supply chains of tangible goods they offer for sale. Since January 1 of this year when it became effective, scores of companies have complied.

It is estimated that more than 12 million people worldwide work in some form of forced labor, with nearly 2.5 million of those people having been trafficked into deplorable working conditions. While we assume such victims are somewhere far from home, in California we were alarmed to find that a taskforce study concluded that California is among the top four destinations for trafficked labor in the United States. In particular, any nation or state where people immigrate to find a better life can be especially susceptible to these crimes.

As intended under this disclosure law, these large companies doing business in California are embracing a higher level of corporate social responsibility which may well lead to even more proactive measures to eliminate slavery or human trafficking. While the high threshold of economic activity limits the Act's impact to a relatively small percentage of companies, the magnitude of their market share provides a powerful tool that can influence behavior in product supply chains. I am confident that under the TISC Bill the United Kingdom would see similar positive results.

The TISC UK Bill, like the California Transparency in Supply Chains Act of 2010, represents a modest yet powerful step forward in consumer awareness and corporate responsibility. Please join us in taking a global leadership role in the elimination of modern slavery.

Sincerely,

A handwritten signature in black ink that reads "Darrell Steinberg". The signature is fluid and cursive, with a long, sweeping underline.

DARRELL STEINBERG
President pro Tempore

THE CENTRE FOR SOCIAL JUSTICE

'It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery.'

Barack Obama, President of the United States

'These are some of the most faceless, voiceless, helpless people that we have in the country.'

Chief Superintendent John Sutherland, Metropolitan Police



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