

# Child Trafficking in the UK: An Examination of Contemporary Approaches

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## Abstract

*Child Trafficking, whilst not a new phenomenon, remains a heinous activity as children are the most vulnerable members of society, yet it is exactly this vulnerability that makes trafficking possible in the first instance. Official statistics by the Home Office and the United Nations highlight a continuing increase in this 'industry' and whilst most of society holds the notion that children are not a commodity to be bought and sold, there remain a small but determined proportion of the population who are willing to exploit children for profit.*

*Child trafficking is a covert, multi-faceted and organised criminal activity making it extremely difficult to detect and prevent, particularly in light of its cross-border nature, whilst child victims are themselves often difficult to recognise. It is issues such as these which make child trafficking such a complex activity to approach hence research in this field is often perceived as under-reporting the true incidence of the behaviour.*

*There are legislative provisions and European-based conventions in place to protect trafficked children but many organisations have been slow to react thus responses are perhaps too little, too late. This dissertation, therefore, considers measures that have been put in place by the UK Government to protect trafficked children in conjunction with the various Non Governmental Organisations who are also involved in the issue, in an attempt to assess the scale of child trafficking in the UK.*

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## **Chapter 1: Introduction**

Trafficking in Human Beings is not a new phenomenon; what *is* new, however, is the transnational character of trafficking and its scale (O'Connell-Davidson, 2006). Van Liempt reported that 'increased demands for cheap labour and sex, coupled with restrictions on legal migration possibilities, have clearly opened a niche for traffickers' (2006: 28). The phenomenon of trafficking could not have grown to its current extent if market forces did not support such an industry.

International organisations, Governments and Non-Governmental Organisations (NGO's) are now busy devising strategies to combat trafficking. A diverse array of responses to trafficking in children in particular, have been put in place since 2000 with the first internationally agreed definition of trafficking set out in the Palermo Protocol, a European Convention on Action against Trafficking in Human Beings in 2005 and the UK Government's National 'Action Plan on Tackling Human Trafficking' published in 2007. The first international anti-trafficking convention was adopted in 1904 to 'eliminate the trafficking of white women and children for the purposes of prostitution' (Reilly, 2006: 105); the immediate link being with sexual exploitation. The first United Nations (UN) Convention to deal with trafficking was not implemented until 1949 and was entitled the 'UN Convention on the Suppression of Trafficking in Women' (van Liempt, 2006), though this treaty was not widely ratified and came under heavy criticism at the time (ibid).

During the 1980s and the beginning of the 1990s, trafficking became an issue again at a UN and European level. Van Liempt (2006) believes that two of the main reasons for the revival of the issue of trafficking were due to the strong feminist movement at the time and growing concern over HIV and AIDS. In the late 1990s the 'European Parliament...went beyond traditional female-oriented concept of trafficking and adopted the term 'trafficking in Human Beings'' (Liempt, 2006: 29). In 1998, the UN General Assembly finally 'recognised the need to develop an international regime to address transnational organised crime' (Gallagher, 2006: 154). Noting the vast increase in the number of women and children being exploited at the hands of traffickers and the growth of organised crime networks, the UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) was implemented (Reilly, 2006) which included children and men in the trafficking definition.

The Palermo Protocol (2000) is now a 'standard against which laws, policies and practices relating to trafficking can be judged' (Reilly, 2006: 108). Article 3 (a) of the Palermo Protocol states 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 consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation, forced

labour, or services, slavery or practices similar to slavery, servitude or the removal of organs.’

Article 3 (c) concludes with ‘the recruitment, transportation, transfer, harbouring or receipt of a child for a purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.’

A ‘child’ is defined under The Children Act 1989 and 2004 as anyone who is under the age of eighteen, in compliance with the Convention on the Rights of the Child (CRC).

This dissertation aims to provide an explanation of the global phenomenon that is child trafficking, with reference to the variety of reasons as to why children are targeted for trafficking purposes. It includes a critical analysis of the UK Government’s responses to child trafficking, legislation implemented to tackle the global issue and published reports and responses by NGO’s involved.

Chapter 1 offers an overview of what child trafficking is, with a brief history behind the conventions adopted in order to combat trafficking and examines the longevity of child trafficking as a phenomenon.

Chapter 2 is an examination of the variety of reasons as to why children are targeted for trafficking purposes and from where they are trafficked. It examines the extent of child trafficking whilst taking into account the hidden nature of such activities and the difficulties in ascertaining the true extent of trafficking.

Chapter 3 looks at Government legislation implemented and responses to the topic. It analyses the limitations and strengths of these responses and includes recommendations that could be taken into account.

Chapter 4 is an examination of NGO responses to child trafficking and highlights research that has been published in order to attract the Governments attention to the issue of child trafficking.

Chapter 5 offers an analysis of all the key arguments in relation to child trafficking. It explains what they mean in terms of the current approach to the issue of trafficking, and offers recommendations in terms of both directions we are heading in and those factors we need to address in the future

## **Chapter 2: Methodology**

In order to fully address the various research questions in this thesis, such as the exploration of where children are trafficked from and core reasons behind trafficking of children, both quantitative and qualitative research methods have been drawn upon in this research study. The nature of the topic is a sensitive one so the majority of the research was formed through the analysis of secondary data such as books, journals, the Internet and reports published by organisations involved and associated with child trafficking, such as the CEOP, ECPAT, NSPCC and UNICEF UK to name but a few.

According to Bryman secondary analysis is ‘analysis of data by researchers who will probably not have been involved in the collection of data’ (2004: 201) and in addition, is concerned with ‘analysing already collected data within another study’ (Sarantakos, 2005: 297). Secondary analysis allows for the examination of existing data yet can produce new and more detailed information, including the emergence of conclusions that differ to those in the original report (Sarantakos, 2005). The advantages of secondary analysis are that it is ‘high quality data’ (Bryman, 2001: 197) and in this instance, samples used in research assessing how to prevent child trafficking have been gathered from various regions of the UK allowing for a wider geographical representation in the results (Sarantakos, 2005). The assessment of reports published by a variety of NGOs allowed for an analysis of different interpretations into the issues surrounding child trafficking. One such example is that ECPAT UK and UNICEF UK work in conjunction to publish papers and develop plans for the Home Office which tackle a variety of areas related to the issue. With the use of data from Home Office et al, the secondary analyst benefits from using information collected by experienced researchers whose data is often more representative as they have access to a larger pool of sources. Internet-based archives of articles from current newspapers such as The Guardian and media sources such as the BBC allow for an alternative assessment of Home Office and NGO publications as they are an independent yet contemporary source on continually changing reforms.

An additional strength of secondary analysis is quick and easy access to materials as documentary research is largely free of the restrictions and difficulties faced in primary data research, supported by Sarantakos who states that ‘researchers do not encounter rejection, non-response, bias, or any other respondent-based problems’ (2005: 298). The use of secondary data is also less time consuming as the research does not involve the collection of raw data, as would be the case in using a primary-based approach (Bryman, 2004). The availability of documents electronically and through the Internet makes the task even easier, therefore, enabling the secondary analyst to amass a substantial collection of information from a range of sources (Sarantakos, 2005).

There are, however, some disadvantages of secondary data analysis which, according to Bryman are ‘the lack of familiarity with data’ and ‘complexity of the data.’ (2001: 200). In some instances the data can be analysed by the individual in a different context to that proposed by the author or the documents may be biased, since they represent the view of their authors. Bias is also linked to the reliability of sources and according to Bryman,

‘reliability seems to be jeopardized because definitions and policies regarding the phenomena to be counted vary over time’ (2004: 211). Academic books, used throughout for secondary analysis, become dated quickly due to the period of time associated with writing such texts, thus they may not reflect policy or legislative changes that have occurred since being published. However, one possible way to counteract this issue is the use of academic journals, usually published on a more frequent basis thus reflecting contemporary attitudes towards a particular issue, whilst providing both academic and practitioner accounts.

In light of such factors, primary or empirical research has also been conducted to offer an alternative insight into the issues. Data collection involved the use of a semi-structured interview with a member of staff from the Child Exploitation and Online Protection Centre.

A semi-structured interview refers to a context in which the ‘interviewer has a series of questions that are in the general form of an interview schedule but is able to vary the sequence of questions’ (Bryman, 2004: 113).

The advantage of semi-structured interviews is that ‘the respondent can answer in their own terms’ (Bryman, 2001: 143) thus data collected will be more varied as the respondents have the opportunity to divulge more specific information to open questions and there is the chance for the researcher to adapt the questions throughout the interview process. This method also potentially gives the researcher a greater level of knowledge and understanding of the issue at hand; furthermore interviews allow the ‘opportunity to record spontaneous answers’ (Sarantakos, 2005: 286), especially if the respondent does not have as much time available to answer questions as when questionnaires are employed.

The interview lasted approximately one half-hour, and was completed in person with a schedule of the questions sent out in advance of the final interview. The interview was recorded, transcribed after the event and the final written transcript sent to the individual involved for their agreement and approval prior to completion of the dissertation so that their individual anonymity could be guaranteed if so requested.

In the case of this dissertation there were problems in gaining access to interview members from other organisations and agencies affiliated with child trafficking. The original intention was to complete three such interviews; however accessibility and ethical issues involved in primary research into child trafficking meant that this was not possible in the end. However there were still advantages gained from conducting only the one particular interview. Firstly, it allowed for ‘freedom to express feelings and thoughts’ (Sarantakos, 2005: 245) especially when a complex issue such as child trafficking is being studied. Furthermore an interview allows for ‘information in areas that might not have been foreseen by the researcher’ (ibid), particularly useful in this instance as most research was conducted through analysis of secondary data. In comparison to analysis of secondary data, primary research is an up-to-date tool to gather research and may be more applicable or directly relevant as data collected has been chosen by the researcher.

With all research methods there are weaknesses as well as strengths. One main disadvantage with primary research is that it is very time consuming establishing contacts, arranging interviews and then subsequently transcribing the process. A second disadvantage of primary research is that the analysis of such data may prove to be complex or may not yield the anticipated data (Bryman, 2004). Also, as only one interview was secured from a single individual in an agency, how representative this information is *must* be questioned as it may only reflect that individual's own perspective or the perspective of their specific agency. It is also largely impossible to check if people are responding honestly and not only this, but interviews put respondents 'on the spot' and they may be reluctant to answer particular questions, therefore some data may not be as readily accessible as when completing secondary analysis.

In relation to ethical considerations, although the chosen topic is a politically charged one, and agencies involved in the interviews may be sensitive about whom staff talk to in their official capacity, a more open and understanding approach to the interview process helped to discourage any concerns that agencies may have had.

### **Chapter 3: Literature Review**

According to the UN it is estimated that '1.2 million' children are trafficked across the world each year and that '246 million' youngsters are thought to be involved in child labour (cited in BBC, 2006), thus showing the possible extent of child trafficking. Child Trafficking covers a broad range of crimes, some of which include; initiation to prostitution, sexual exploitation, drug trafficking, illegal adoption, domestic service and forced labour (Somerset, 2001; see also ECPAT UK, 2007a; Home Office, 2006). Such potential causes of child trafficking therefore need to be tackled both immediately and *efficiently* if we are to even begin to approach this problem.

According to Ward et al (2007) the main origin countries of trafficked children are; 'Eastern Africa, Eastern and Central Europe and China'; furthermore 'in asylum route cases most of the children were Nigerian' (Somerset, 2001). These are, therefore, the countries that the UK must focus on when implementing new prevention strategies. There are several international legal instruments to address child trafficking, in particular, the Council of Europe Convention on Action against Trafficking in Human Beings (2005) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2002). One of the key points continuously highlighted is that 'the UK itself has signed many conventions but has *not* yet brought in legislation that prohibits trafficking of human beings in the UK' (Somerset, 2001: 6). In 2007 the UK signed the Council of Europe's convention but is 'under no obligation to meet standards until it has ratified and implemented the convention.' (UNICEF UK, 2008)

World Vision in conjunction with ECPAT UK has started a 'Three small steps campaign', asking the Government to take three small steps to ensure adequate protection for child victims (2006a). Firstly, they wish the Government to ratify the Council of Europe's Convention on Action against Trafficking in Human Beings since it stipulates the basic standards of victim protection. Secondly, they would like the Government to withdraw its reservation towards the UN Convention on the Rights of the Child, and lastly they desire an independent rapporteur to be appointed (World Vision, 2006b). World Vision UK and ECPAT UK 'believe that without...a 'watchdog' to hold the Government to account, it is not possible to ensure that policies can reduce child trafficking' (2006a).

The Government has responded to the growing phenomenon of child trafficking by introducing new legislation. In 2002, the Nationality, Immigration and Asylum Act was introduced which made trafficking of people for prostitution illegal, later replaced by the Sexual Offences Act 2003 which implemented provisions to make trafficking for all forms of sexual exploitation a criminal offence (ECPAT UK, 2005). The 2004 Asylum and Immigration Act further criminalized trafficking for all purposes including forced labour. Finally in March 2007, the Government published the 'UK Action Plan on Tackling Human Trafficking.' This is the main UK Government response referred to throughout this report and a firm understanding of the Government's preventative

responses and legislation towards child trafficking was attained through analysis of this document.

Another important factor to consider is immigration policy, and measures conducted to assess the number of children trafficked illegally into, through and out of the UK. This factor was examined through analysis of research conducted by the Paladin Team (2003) entitled 'A Partnership Study of Child Migration to the UK via London Heathrow'. The Paladin Team is a joint Metropolitan Police and Immigration Team whose role is to safeguard children arriving through London ports. Their approach was examined in order to evaluate what is being done to safeguard children at ports of entry and how, in the future these measures could be made more effective.

Reference to legislation and the UK Action Plan is paramount to assess how prevention against child trafficking is being conducted. As well as Governmental and legislative responses, other activities need to be evaluated from NGOs and Charities, and their project initiatives. Assessment here will focus on objectives and research papers published by agencies such as ECPAT UK, UNICEF UK and World Vision, in particular secondary analysis of UNICEF's (2003) report 'Stop the Traffic'.

Research papers and their recommendations have been utilised throughout to provide an overview of all the various prevention measures against child exploitation and trafficking. Analysis will refer to the UK's response to the growing phenomenon of child trafficking since these various papers have been published. One significant new initiative is the NSPCC's first UK advice line to combat child trafficking. The Child Trafficking Advice and Information Line offers assistance to those individuals working with children such as immigration officers, the police and social workers (NSPCC, 2007a). A significant report that was consulted was World Vision's (2006c) 'Consultation on proposals for a UK Action Plan' which makes extremely valid recommendations upon the Government's Action Plan.

Following ECPAT UK's 2004 report entitled 'Cause for Concern? London Social Services and Child Trafficking', the Government conducted their own research which identified '330 children who fitted the child trafficking profile' (Kapoor, 2007a: 3). This research was conducted by CEOP and to date, is the most extensive research into child trafficking.

#### **Chapter 4: Trafficking in the UK**

Trafficking of humans is one of the fastest growing areas of international criminal activity and is now the third largest illegal trade in the world (Karamitros, 2006; see also Van Liempt, 2006). Human trafficking, especially of women and children has become a major concern to the international community (ibid). There are different types of traffickers; those who are involved in criminal and transnational organisations and those who individually traffic children for their own purposes. In CEOP's words 'traffickers vary between the highly organised and linked with other organised crime and those who are individually opportunistic' (Kapoor, 2007a: 7).

The sexual exploitation of children in particular is a global phenomenon found in both developing and developed countries (Children's Society, 1997). It can be said that child prostitution has not appeared out of a void; it has been created by demand and catered to by people who make enormous sums of money (Seroney, 1984). In the UK, the issue of child trafficking emerged in 1995 when West Sussex Social Services reported the disappearance of sixty six unaccompanied asylum-seeking children (ECPAT UK, 2005). David Bull, Executive Director of UNICEF UK admits that 'The trafficking of children is a global problem. Every year 1.2 million children become victims of trafficking' (ECPAT UK, 2007b).

The definition of countering Child Trafficking is set out in the Palermo Protocol. The purpose to Prevent, Suppress and Punish Trafficking in Persons, Especially of Women and Children, and this protocol supplements the United Nations Convention against Transnational Organised Crime (2000) which was ratified by the UK on the Sixth of February 2006. The main difference between adult and child trafficking, excluding legislation, is that the Palermo Protocol considers the trafficking of children as a special case where coercion or force does not need to be present for the child to be regarded as 'trafficked'. In the published report 'Working Together to safeguard Children it is written that '...where the victim is a child neither coercion nor deception need to be present for the child to be considered trafficked' (Home Office, 2007a: 7).

According to ECPAT UK (2005) a 'minimum of 2.45 million people are victims of trafficking annually and children represent 50% of victims'. Between 1999 and 2003 it is estimated that two hundred and fifty children were rescued from trafficking in the UK (BBC, 2006). A joint report by UNICEF UK and ECPAT UK stated that the 'official figures underestimate the hidden crime of child trafficking' (Ward et al, 2007). It is clear that figures on child trafficking are largely unknown as evidence at the present time on child trafficking is only beginning to be collected. The first Government study on the extent of child trafficking was published by the Home Office *only* in June 2007 after much rebuke from NGOs. Children are trafficked from all over the world but in particular figures show that the majority come from China, Eastern Africa, Russia and Eastern Europe. According to Ward et al (2007), Eastern Europe is the third largest source country and in asylum route cases, most of the children are Nigerian.

There are a variety of reasons as to why children are targeted for trafficking purposes, one of the main ones being for financial gain. According to the report 'Working together to Safeguard Children' 'this can take the form of payment from or to the child's parents and, in most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK' (Home Office, 2007a: 9). The second key reason children are trafficked is for sexual exploitation, either working as a prostitute or sold to other individuals or traffickers who use them for sexual purposes. Somerset reports that some young girls 'believe they are entering the UK with a boyfriend who proceeds to force them into prostitution' (2001: 25).

ECPAT UK 'considers trafficking for labour exploitation is more frequent than sexual exploitation but less documented' (2007a: 1). They believe that the use of trafficked children for labour is frequently hidden by communities, for example; 'African children used for domestic servitude is seen as replicating social norms within the African countries where children are used for household labour' (ibid). Children are further trafficked to be used in 'credit card fraud, drug trafficking, domestic service, adoption and forced marriage' (Somerset, 2001: 22). In terms of adoption, those involved in facilitating the arrangements will often deceive authorities, and benefit financially from adoptee parents who are unaware of the true circumstances surrounding the adoption availability of the child/children in question.

It is believed that 'children as young as five are bought secretly into the UK to work as domestic slaves, in cannabis factories or for sexual exploitation' (Ward et al, 2007). The use of trafficked child labour mainly from Vietnam to run illegal cannabis farms seems to be on the increase. According to Aarti Kapoor on discussing commercial exploitation, she explains that traffickers '...need workers, and they need cheap labour, so they will use child and even adult illegal immigrants that may be trafficked or smuggled over, put them into debt bondage, and the financial gain is immense' (2007b). Research conducted by DrugScope reveals that most of the cannabis currently sold in the UK and to abroad is, in actual fact, home grown in the UK (Travis, 2007). In order to produce vast quantities of cannabis, organisations involved are employing and exploiting young children, therefore, producing a demand for trafficked children (ibid; see also ECPAT UK, 2007c).

Trafficking of children in the first instance is possible because of their vulnerability and factors in their own country which gives recruiters easy access to them. One well known factor is poverty which is 'in general...the root cause of vulnerability to exploitation' (Home Office, 2007a: 10). Recruiters promise that children will be given work and an income which will help to overcome the family's impoverished circumstances.

A second factor that makes trafficking possible is the 'lack of proper education' (Home Office, 2007a: 11). When children are at school they are less susceptible to traffickers and their own exploitation. Political conflict and the lack of stability in a country also allows for traffickers to recruit children who want to escape the war and are lured away with the deception of a safe home awaiting them (Home Office, 2007a).

‘Gender Discrimination’ (ECPAT UK, 2007a) is also currently becoming a major issue in trafficking as traditional cultural attitudes can make some children more vulnerable than others. For example, in China where there is a ‘one’ child law, males are seen as principally more economically dominant than females thus females are more susceptible to trafficking.

However, there are straightforward ways in which traffickers can recruit children as Somerset argues that sometimes children will ‘go willingly with traffickers because their parents have told them or that they believe they will receive a better life’ (2001: 19). Finally, inadequate legislation results in an easier transfer system of children for traffickers. Much legislation is slow to keep up with the growth and changing nature of child trafficking and although ‘most countries have legislation against exploitative child labour...not all have laws against trafficking’ (Home Office, 2007a: 10).

## **Chapter 5: Government Legislation and Responses**

Child trafficking has gained increasing public attention in recent years due to new trafficking offences and the Government's National 'Action Plan on Tackling Human Trafficking' published in 2007. In November 2000, the UN General Assembly implemented two new international protocols, one in particular focusing on 'trafficking in persons' (United Nations, 2000). The main emphasis of the protocol was to strengthen and provide a framework for international co-operation between all those agencies that came into contact with a victim such as border guards, police and social workers (United Nations, 2000: 6).

The UK Government, in response to transnational organised crime introduced the Nationality, Immigration and Asylum Act 2002, where a new offence was made in 'trafficking a person for purpose of controlling him/her in prostitution' with a maximum of fourteen years imprisonment (Office of Public Sector Information, 2002; see also Somerset, 2004). In realisation of the growing problems of child trafficking following UNICEF's (2003) published report 'Stop the Traffic', the UK government put in place specific legislation both to tackle the problem of child trafficking, and to criminalise the practice itself.

In 2003 the Sexual Offences Act was introduced including 'legislation to make trafficking for all forms of sexual exploitation a crime' (UNICEF UK, 2008). The specific provisions referring to criminalisation of trafficking are found under section 57-60 of the Sexual Offences Act 2003. This covers a wide range of offences in England and Wales and it 'repeals the stop-gap offence of trafficking for prostitution contained within Nationality, Asylum and Immigration Act 2002' (Home Office, 2007b: 15).

Section 57 applies to the offence of trafficking into the UK for sexual exploitation where:

'(1) A person commits an offence if he intentionally arranges or facilitates the arrival in the UK of another person (B) and (a) if he intends to do anything to or in respect of B, after B's arrival but 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 but 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 or (b) on conviction on indictment to imprisonment for a term not exceeding 14 years' (Office of Public Sector Information, 2003: 5).

Section 58 states that: '(1) A person commits an offence if he intentionally arranges or facilitates travel within the UK by another person (B) or (a) if 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' (ibid).

The final sections of the Act, 57-59 apply to anything done

‘(a) in the UK, (b) outside the UK by a body incorporated under the law as part of the UK or by an individual to whom subsection (3) applies. This subsection applies to- (a) British Citizen, (b) a British overseas territories citizen, (c) a British national overseas, (d) a British overseas citizen, (e) a person who is a British subject under the British Nationality Act 1981, (f) a British protected person within the meaning given by section 50 (i) of that act’ (ibid).

Section Four of the 2004 Asylum and Immigration Act ‘further criminalised trafficking for all purposes - including forced labour and organ harvesting’ (UNICEF UK, 2008).

The effectiveness of both the Sexual Offences Act 2003 and Asylum and Immigration Act 2004 is questionable to date. There have been only sixty seven convictions under the Sexual Offences Act 2003 (Branigan, 2008), and only twelve defendants have been charged in just three separate cases of child trafficking since 2000, with only ten convicted (Aston, 2006; see also Davis, 2007a: 14).

No-one has been convicted of trafficking for forced labour, including domestic servitude and there have been no convictions relating to trafficking of any African child (Beddoe et al, 2007; see also Branigan, 2008; Davis, 2007b). Kapoor states ‘after all this legislation has come in there has been no prosecution for trafficking involved in minors...or cannabis cultivation’ (2007b). Currently, no legislation exists to cover trafficking of babies, infants and younger children for illegal adoption or for the purpose of benefit fraud, a serious flaw in the current UK approach to the issue (Beddoe et al, 2007).

Further weaknesses in legislation for child trafficking include the fact it is ‘hard to prove offences have been committed as there is never enough evidence under existing legislation’ (Somerset, 2001: 6) and that ‘sentencing guidelines are poor- the victim must testify and must prove that they would not have entered into prostitution had they not met the trafficker’ (ibid).

There can also be found a *lacuna* in British law where neither trafficking provisions in the Sexual Offences Act 2003 nor the Asylum and Immigration Act 2004 can be used when exploitation in UK cannot be proven (Beddoe et al, 2007). This means that if a child arrives in UK and there is evidence of *intent* to exploit, but the child has not *yet* been exploited in the UK, then the UK trafficking legislation cannot be used, even if the child has been moved across borders and been physically, emotionally or sexually assaulted along the way (ibid).

In 2003, The Council of Europe committee was set up to make a ‘legal binding instrument...that would go beyond the minimum standards laid down by international law’ (Beddoe et al, 2007: 10). In 2005, the Council of Europe formally adopted the Convention on Action against Trafficking in Human Beings; however the Convention will only enter into force when it has been ratified by ten states, including eight member states of the Council of Europe (Council of Europe, 2005). Cyprus made the decision in

October 2007 to ratify the convention, and as a result, the convention entered into force in February 2008 (Robinson et al, 2007).

The UK Government signed the Council of Europe's Convention in March 2007. However, there is no plan or timetable for ratification, and the Government is under no obligation to meet the proscribed standards when the Convention enters into force (Branigan, 2008). Once the convention is implemented, 'any person irrespective of *how* they entered the UK, who authorities believe is a victim of trafficking, will be entitled to a period of recovery and reflection' (Home Office, 2007b: 24).

Children's rights are enshrined in the most widely ratified UN human rights treaties; the CRC (Office of the United Nations High Commissioner for Human Rights, 2002a). The Foreign and Commonwealth Office observes that the convention 'provides a framework for guaranteeing that all children everywhere, without discrimination, have the right to survival, to develop to the fullest, to protection from harmful influences, abuse and exploitation, and to participate fully in family, cultural and social life' (2008).

The UN CRC was adopted in 1989 by the UN General Assembly and was ratified by the UK in December 1991, remaining 'the most widely adopted human rights instrument with 192 state parties' (Foreign and Commonwealth Office, 2008). Although the UK ratified the Convention it still holds a reservation to the CRC which states that the UK will not be bound by the convention in matters concerning children under immigration control (ECPAT UK, 2007c; see also Office of the United Nations High Commissioner for Human Rights 2002b). This reservation is in contradiction to the CRC's principles for non-discrimination.

In 2007 the Children's Commissioner of England called upon the Government to remove the reservation saying 'the reservation means that the Government immigration policy and legislation can override international and domestic children's legislation and is at the heart of the UK's failure to secure the fair treatment of young asylum seekers' (Office of the Children's Commissioner, 2007: 1).

The UK has also signed the UN Convention on the Sale of Children, Child Prostitution and Child Pornography, the aim of which is to oblige state parties to take the necessary steps to combat the sale of children, child prostitution and child pornography (ibid). The main features of the convention are to 'create criminal offences relating to pornography and prostitution, to create measures to enhance international co-operation in relation to extradition and to create obligations to ensure child victims are given the appropriate support during and after criminal proceedings' (Home Office, 2007b: 17). According to the Foreign and Commonwealth Office 'the UK is committed to stronger legislative measures to penalise the sexual exploitation of children' (2008). However the UK has not yet ratified the optional protocol (Office of the United Nations High Commissioner for Human Rights, 2002c).

In 2006, one of the most critical developments towards responding to trafficking occurred; the UK Human Trafficking Centre (HTC) opened in Sheffield. Graham

Maxwell, programme director of the UK HTC stated that ‘the new centre would look at the welfare arrangements for victims and also aim to increase awareness of the problem of trafficking among people working in the public sector’ (BBC, 2006). The HTC has three objectives. Firstly, ‘to prevent human trafficking by building knowledge and understanding of harm it causes and to use the knowledge to direct and prioritise of UK law enforcement and response’ (UK HTC, 2006a). Secondly, ‘to improve and co-ordinate law enforcement response to human trafficking by raising awareness of key issues’ and lastly ‘to develop and promote victim centred human rights based approach-working together with other agencies and non-governmental organisations’ (ibid).

The Centre also has three central priorities; prevention such as to identify demand reduction and prevention methods; investigation, law enforcement and prosecution to improve intelligence collection and analysis and to make the HTC into the centre of international expertise; and providing protection, to develop and co-ordinate victim care and assistance (UK HTC, 2006b).

A Home Office spokesman stated that ministers were working with other Government departments and groups in the voluntary children’s care sector to develop strategies on tackling child trafficking (BBC, 2006). In addition, ‘teams of social workers have already been established at ports, and asylum screening units set up to help identify the particular needs of separated children who may have been trafficked, and to help develop plans to safeguard their welfare and protect them from the traffickers’ (ibid).

As well as signing the Council of Europe’s Convention in March 2007, the Home Office published its ‘UK Action Plan on Tackling Human Trafficking’. The action-plan gives an ‘overview of measures and initiatives that the Government has taken to tackle trafficking’ (Beddoe et al, 2007: 14), covering both adult and child victims, and applies to all forms of human trafficking whether it is into, out of or around the UK. The Government state that the four main purposes of the policy are to ‘draw together all work that is underway across Government and other agencies on human trafficking, identify gaps in existing work, increase transparency and to provide a platform for developing more strategic and holistic approach to tackling human trafficking’ (Home Office, 2007b: 4).

Overall, maximising the collective prevention effort seems to be the key objective of the action plan whilst stating that ‘all child victims are entitled to the same level of care and protection regardless of immigration status’ (Beddoe et al, 2007: 19). However currently there are no ‘safe houses’ for trafficked children in the UK, nor is there any proposed model of safe accommodation provided by the Government specifically for trafficked children (ibid; see also UNICEF UK, 2007b).

The Department of Health guidance issued in May 2003 states that children in the UK should be looked after under section 20 regardless of age if: ‘(a) there is no person who has parental responsibility for him, (b) his being lost or abandoned or (c) the person who has been caring for him is being prevented from providing him with suitable care and accommodation’ (cited in ECPAT UK, 2007a). This is, therefore, the legal obligation of

the Government, also suggested under The Children's Act 1989. It is the responsibility of local authorities to provide safe accommodation for such children.

NGOs have lobbied for the provision of such essential accommodation and in agreement is Kapoor (2007b) who states 'NGO's work is to fill the gaps that the Government leave and to lobby the Government to fill those gaps themselves' but the Government has yet to implement this care. Principles under the Department of Health Guidance as previously mentioned and The Children Act 1989 should prevent vulnerable children from being placed in unsuitable accommodation, but this does not seem to be the case. Many children whose age is disputed are assessed under section 17 and placed in unsupervised accommodation and are therefore prone to traffickers (ECPAT UK, 2007b).

It has been suggested by ECPAT UK (2007a) that the British Government is 'becoming isolated in international counter-trafficking efforts because of punitive immigration policies that create a barrier to victim support'. One of the main issues is that '...police and social services are obliged under Section 9 of The Children's Act to always put the interest of the child first, whereas the immigration services, Border Immigration Agency does not have that obligation' (Kapoor, 2007b). Child Trafficking is not an illegal migration problem but a global human rights issue that requires national, regional and international co-operation (ibid). Furthermore, it has been shown that the ability to plan and provide for a trafficked child's safety is compromised by the lack of residency status beyond eighteen years (ibid). Children who have been trafficked but turn eighteen in the UK or are assessed as eighteen should still be considered vulnerable to exploitation and entitled to protection.

In 2007 CEOP, alongside the Home Office published a 'Scoping Research Project on Child Trafficking', which was the first Government study on the extent of Child Trafficking. The harmonised collection of data will be regularly implemented in order to produce an annual strategic threat assessment on child trafficking (Kapoor, 2007a). The research team identified three hundred and thirty children who fitted the child trafficking profile and many were found with false documents or none at all, whilst many children who were trafficked claimed asylum during and as part of the trafficking process (ibid).

Children who seek asylum and are under the age of eighteen are also the responsibility of the local authority, however, children who are presumed to be over the age of eighteen and whom seek asylum are referred through the National Asylum Support Service (BBC News, 2008). A child whose age is disputed will be treated as an adult for the purpose of asylum. This seems nonsensical as they do not receive the support needed, they do not benefit from child protection procedures set out in The Children's Act 2004, and they therefore become victims once again (ECPAT UK, 2007a; see also Kapoor, 2007a).

According to CEOP's 'scoping research project on child trafficking' there are intelligence gaps 'where further information is required on criminal networks involved in child trafficking' and 'there is a need for further intelligence on source countries, gender and purpose of exploitation' (Kapoor, 2007a: 15). It is suggested that agencies need additionally to be aware of 'the areas of exploitation that fuel the demand for trafficking

of children' and that the 'methods of control and recruitment need further understanding to increase awareness of victim care' (ibid).

CEOP are not the only group to carry out research in response to the growing phenomenon of child trafficking. The Paladin Team stationed at Heathrow Airport carried out 'A partnership study of child migration to the UK via London Heathrow' which allowed for a firm base upon which to build a response to the offence of child trafficking and improving understanding on the subject (Paladin Child, 2003). Operation Paladin was a unique project combining working practices of three statutory agencies: immigration, police, social services and additionally, NSPCC. The data used to publish the study was collected over a three month period in 2003, attempting to define the nature of child migration from non-EU countries to the UK whilst focusing on a single port of entry into the UK and on non-EU passport holders (ibid).

The Paladin Team made several recommendations that the Government should take into account. According to the report 'it is the firm belief of the Paladin Team that this scoping study has identified there is sufficient concern about the number of unaccompanied minors transiting through Heathrow to warrant the creation of a new multi-agency response to child migration' (Paladin Child, 2003: 8). Further recommendations made were to 'establish safeguard teams at other significant ports of entry, long-term dedicated arrival desks for unaccompanied minors and child friendly immigration officers' and 'crime prevention/self-help initiatives for landed children such as the issue of the *help-line card* or *welcome pack*' (Paladin Child, 2003: 9). The Home Office Minister, Vernon Coaker, has suggested that his department, together with the Department for Children, Schools and Families 'would publish guidance later this year on the best practice on identifying and protecting victims of trafficking' (Ward et al, 2007). The Children's Act 2004 created a children's trust to 'address the fragmentation of responsibilities for children services' (Walters, 2006: 6; see also ECPAT UK, 2007a). The Children's Trusts are an essential part of the framework for identification and response to child trafficking, and all authorities should have a trust by 2008 (Walters, 2006).

In an attempt to mark the 200<sup>th</sup> anniversary of the Act to abolish slavery, the Government launched Operation Pentameter 2 in October 2007 as a co-ordinated British Police campaign working with other law enforcement agencies such as Serious Organised Crime Agency (SOCA) and the UK HTC to tackle those being trafficked for sexual exploitation (Tayside Police, 2007). Operation Pentameter 2 follows after the success of Pentameter 1 in 2006 where '88 victims of trafficking from 22 countries were rescued from brothels in Britain. There were 232 arrests and 134 people charged with a range of offences' (The Times, 2007).

In a statement at the launch Dr Tim Brain, ACPO lead on Pentameter 2 listed some of the main aims as 'identifying and disrupting those involved in human trafficking, rescuing victims, improving our knowledge and understanding of trafficking and raising awareness of this form of criminality' (Tayside Police, 2007). The purpose of Pentameter 2 is to try to deliver some of the key objectives set out in the Governments UK Action

Plan on Tackling Human Trafficking. Furthermore it allows the Government during the operation to pilot a formal victim identification process- a possible process linked to the UK's ratifying of the Council of Europe Convention against Trafficking (ibid).

### **Chapter 6: Responses from Non-Government Organisations**

It is not only the Government responses to child trafficking that need to be addressed but also NGOs who are key to preventing child trafficking. The trafficking of children is a priority agenda for NGOs such as ECPAT UK, UNICEF UK, World Vision, NSPCC, Amnesty International and more recently, Africans Unite against Child Abuse (AFRUCA).

It has been a continuous battle to attract substantive Government attention to the issue of child trafficking and as previously mentioned, UNICEF's (2003) 'Stop the Traffic' report concerning the growing phenomenon with child trafficking was largely responsible for initiating the UK and other NGOs to respond. Since UNICEF's report was published, NGOs have acknowledged the moves made by the UK Government to demonstrate its commitment to tackling child trafficking but still emphasise the need to address remaining inconsistencies or loopholes in policies.

UNICEF UK suggests that to tackle child trafficking, countries must focus on; prevention, prosecution of traffickers and protection of trafficked children (UNICEF UK, 2007a). In terms of prevention, UNICEF say that prevention 'demands policies that tackle underlying reasons why children are particularly vulnerable to trafficking' (ibid), the main reason being poverty. UNICEF UK have asked the Government to 'Make Poverty History' with four main targets; 'to achieve the UK's 0.7% GNI aid target by 2013, urge remaining G8 members to achieve 0.7% GNI aid, to adopt a child rights based approach and ensure trade liberalism does not undermine children's rights' (ibid). A concerted action is needed to tackle the social and economic factors behind crime with 'poverty central to child trafficking' (UNICEF UK, 2007b). Achieving the Millennium Development Goals will help 'families stay together and keep children in schools' (ibid); a vital safeguard against child trafficking.

In 2006 UNICEF published guidelines, 'Protection of Child Victims of Trafficking' alongside the 'Rights Respecting School' Awards. A Rights Respecting School has the UN CRC at the heart of the school's core values, with its aim being to 'prepare the school community to recognise the universality of children's rights and to support the rights of others locally and globally' (Waller, 2007: 20). There is more chance of identifying and preventing trafficking at a young age where the child is most vulnerable. Parts of the aims of teaching the UN CRC are 'raising achievement, race equality, behaviour and attendance, personal health education and inclusion and equal opportunities' (Waller, 2007: 43). The issue of child trafficking needs to be highlighted to the UK public in order to reduce demand, educate and encourage the public to inform authorities if they suspect that a child has been trafficked (World Vision UK, 2006c); the Rights Respecting School Award achieves all three.

There has been much criticism towards the Home Office's (2007b) 'Action Plan on Tackling Human Trafficking', in particular from World Vision UK who believes that the action plan fails to address two key issues in relation to child trafficking. Firstly, 'that the Government will not remove its reservation to the UN Convention on the Rights of the Child on Immigration and Nationality which puts Immigration control ahead of concern for vulnerable children' (World Vision UK, 2006a). Secondly, that there is a 'need of an independent national rapporteur or commissioner on human trafficking to champion the issue and ensure annual reporting with particular focus on child victims of trafficking' (ibid). Kapoor believes that a 'National Rapporteur could be a neutral party...and that a national rapporteur would need to monitor both the actions and the 'progress' being made by non-governmental sector and governmental sector' (2007b).

Not only has World Vision addressed two key issues in relation to child trafficking but they also have collaborated with ECPAT UK to introduce a 'Three small steps campaign' in which the UK Government has been asked to take three small steps to ensure adequate protection for child victims. (World Vision UK, 2006b). The first step is to 'ratify the Council of Europe Convention on Action against Trafficking in Human Beings since it stipulates the basic standards of victim protection' (ibid). The second step is to 'withdraw the reservation towards the UN Convention on the Rights of the Child' and the third step is to 'appoint an independent national rapporteur' (ibid) as World Vision and ECPAT UK state, 'without such a *watchdog* to hold the Government to account then it is not possible to ensure that policies can reduce child trafficking' (ibid).

In a BBC article 'Warning over UK Child Trafficking' (2007), Christine Beddoe states that 'Child victims of trafficking are missing out on accessing essential care because of their isolation, their uncertain immigration status and because they have no advocate who can speak on their behalf about their special needs' (BBC, 2007). She continues by arguing that 'Child Trafficking is a contemporary form of slavery and children must get access to safety, security and proper health care' (ibid). Figures show that trafficked children are not receiving this vital access to 'safety and security' as many children are going missing from care as the recently published 'Scoping Project on Child Trafficking' (Kapoor, 2007a) highlights. Ward (et al 2007) states that 'more than 180 recently trafficked children are missing without trace from social services care'. Many when found to fit the trafficking profile are placed in unsuitable accommodation. It is further argued that additional resources and guidance are required from the UK Government to local authorities as trafficked children usually become their responsibility, thus expertise on a national *and* local level is required in this instance (Whitehouse, 2007).

UNICEF UK has urged the Government in 2007 to ratify the Council of Europe Convention on Action against Trafficking in Human Beings; 'the only international law that provides all trafficked people including children with guaranteed minimum standards of protection' (Robinson et al, 2007). This convention aims to ensure that children trafficked into the UK are given the protection, support and care required, with the minimum standards also including 'at least 30 days to stay in the country and to receive emergency medical assistance, safe housing and legal advice' (ibid). The principles laid

out in the Convention will become legally binding in the countries responsible for ratification and will be monitored by an independent body (Council of Europe, 2005).

Amnesty International has made several recommendations to further strengthen the convention, one example being that Article 5 refers to the prevention of trafficking in human beings. Amnesty International believe that national co-ordination between bodies responsible for preventing and combating trafficking in human beings needs to be strengthened (Amnesty International, 2005). They also suggest that it is necessary for a child-sensitive approach in the development, implementation and assessment of all policies (ibid). Another NGO to agree is World Vision. In their 'Consultation on Proposals for a UK Action Plan' (2006b: 1), they state 'any national plan to address the issue of child trafficking must be written from the perspective of the 'best interest' of the child'. Amnesty International further argues 'for specific measures to reduce the vulnerability of children to trafficking, by creating a protective environment for them' (Amnesty International, 2005: 6).

In terms of discouraging the demand for child trafficking Amnesty International puts forward the belief that 'research is needed on the best practices, methods and strategies' and to 'raise awareness of the responsibility and the important role of the media and civil society as identifying demand as the root cause of trafficking' (Amnesty International, 2005: 27). In agreement World Vision supports the notion that to prevent trafficking into the UK 'awareness-raising communities should be developed and delivered in consultation with communities' (World Vision, 2006b: 6). Kapoor believes that in order for the identification of children as victims to be improved 'we need to raise public awareness which is key if we are to understand what child trafficking is and they can better understand whether the child is in that category or not' (2007b).

Article 10 of the European Convention against Trafficking sets out specific protections that relates to children who are unaccompanied but it does not extend to children whom are *not*. The protection of children's rights seems to be an issue here as Amnesty International argues 'the provision should be strengthened so that a qualified guardian and experienced lawyer are appointed to represent every child thought to be trafficked' (Amnesty International, 2005: 8). World Vision hold similar views in reference to the UK Action Plan, insisting that the 'UK Government need to take into consideration that family members and trusted adults can be complicit in child trafficking' (World Vision, 2006b: 6). They further argue that 'the identification of a minor at a port of entry accompanied by a parent or someone entrusted by the parent should not negate suspicions of trafficking' (ibid).

UNICEF UK has spoken out again on the issue of the lack of safe accommodation and Anita Tiessen has reiterated UNICEF's call on the Government to fill in the inconsistencies in child protection standards for trafficked children in the UK. She states 'We know that hundreds, if not thousands of children are trafficked into the UK every year- yet there is still no safe 24-hour specialist accommodation for these trafficked children once they are found' (UNICEF UK, 2007c). The Government have made some progress but it is too little, and too slow. There is a need for better identification and

profiling systems of trafficked children among the police, immigration and social services whilst safe accommodation needs to be a 'place where specialised adult carers who understand the risks these children face and where there is 24/7 supervision and support' (ibid).

There is the question surrounding trafficking as to whether it is an immigration or human rights concern. Currently, evidence shows that the UK tends to approach trafficking more from an immigration angle than as a crime committed against a person. This is illustrated by a case in September 2005 where police raided Cuddles 'massage parlour' in Birmingham and women from Albania, Lithuania, Moldova, Romania and Thailand were found (Herzfeld et al, 2006). It was said that 'even though police suspected the women inside were trafficked, their treatment of women differed depending on whether they were from the EU or not' (ibid). All the non-EU citizens were held in Yarlswood Immigration Removal Centre and all the EU citizens were released, whilst none of the women were offered the opportunity to receive medical help or appropriate legal action. Although these victims were women not children, there is nothing to demonstrate that children would not have been treated in the same manner under the same circumstances.

Further concerns of the UK's treatment of trafficked people is heightened by the fact the UK has not signed the EU Council Directive on short-term residence permits which stipulates that trafficked people should be informed of the 'possibility of obtaining residence permit and be given a period in which to reflect position' (ibid).

As part of the UK Government public consultation, four leading charities, Amnesty International, Anti-Slavery International, ECPAT UK and UNICEF UK and have urged the Government to 'join 25 nations who have already signed European Convention on Action against Trafficking in Human Beings and to sign the UN Convention on protection of the Rights of All Migrant Workers and their families' (Herzfeld et al, 2006).

It has been shown that a high percentage of children trafficked into the UK have been from Eastern Africa and Nigeria. In order to combat the high numbers of children being trafficked, AFRUCA was established in May 2001 and has been at the forefront of efforts to denounce the trafficking of African children into the UK (AFRUCA, 2007). World Vision, in their 'Consultation on Proposals for a UK Action Plan' state that the 'UK Government should work with African Communities within the UK and organisations such as AFRUCA' (2006b: 3). AFRUCA has drawn attention to this growing phenomenon through organising activities and engaging at different levels with policy makers and other NGO's (AFRUCA, 2007). The mission of AFRUCA is to 'promote the welfare and the rights of the African child' and to be the 'voice of the African child in the UK' (AFRUCA, 2007: 4). Their strategies include 'information, education and advisory services to raise the profile of African Children in the UK' and to 'increase awareness of their needs, improve policies and practices' (ibid).

The NSPCC has been a key organisation in preventing child trafficking by opening the first UK telephone advice line 'to protect children trafficked to the UK for sexual exploitation, forced labour, drugs transport, benefit fraud etc' (NSPCC, 2007a). It is a

free service set up by Comic Relief and the Home Office and run in partnership with CEOP and ECPAT UK. The Child Trafficking Advice and Information Line is run from the NSPCC's Fresh Start- a centre for action on child sexual abuse. The information line 'offers expert advice, support and consultation to professionals and others concerned about children who are or may have been trafficked' (NSPCC, 2007b). It can be said that the Fresh Start centre is of national importance in the area of child sexual abuse, 'conducting and supporting research, and providing resources to help further learning on the subject' (ibid). In terms of the services provided, Fresh Start has highly trained staff to work directly with children and families from a diverse background. The National Clinical Assessment and Treatment service at the centre offers 'assessment, treatment and consultation for children and young people who have predominantly been victims and/or perpetrators of sexually harmful behaviour' (NSPCC, 2007b).

Fresh Start undertakes their own research in priority areas as well as offering research support to other teams working against child sexual abuse (ibid). The centre holds resources and facilities for therapeutic work as well as a range of facilities to support other areas of their work, including a library for research and three training rooms (ibid). The NSPCC can be seen as a NGO filling in a key gap in the area of child exploitation including such issues as child trafficking.

## **Chapter 7: Conclusion**

This thesis has analysed initiatives by Government and non-Government agencies aimed at consolidating current approaches to the suppression of human trafficking. These entail the enactment and amendment of legislation; the establishment of working groups or investigation units such as the Paladin Team; police training programmes; intensification of legal proceedings and sanctions; co-operation agreements among various police and law enforcement units in the UK and in the countries concerned; and the collection of statistical data and information on the operational methods of traffickers.

The necessity to attack both the roots of the problem and also the immediate difficulties human trafficking engenders is clear, and includes the search for solutions that will make children less vulnerable to traffickers in the future. In the UK, the Government has published its Action Plan on Tackling Human Trafficking with the purpose to; draw together all the work that is currently underway across Government and other agencies on human trafficking, identify gaps in existing work which require further consideration, increase transparency and enable the UK Government to be held to account on delivery of the objectives and to provide a platform for developing a more strategic and holistic approach to tackling human trafficking. In other words, the Action Plan acknowledges that the responsibility of the Government towards suppressing human trafficking is to identify the causes of vulnerability to trafficking, to determine the range and magnitude of the impact of this crime; increase awareness and knowledge about human trafficking; identify partners in the fight against it; and mobilize financial and other resources to support action.

It has been argued that for the Action Plan to be implemented even *more* effectively there is a necessity to appoint a National Rapporteur or commissioner to act as a watchdog in overseeing the activities of the various responsible agencies, and to ensure the Government are accountable. Although the UK Government has signed the conventions described in this research, they have failed to ratify or remove existing reservations towards them; therefore, the Government has failed to create the appropriate and indeed *vital* legislative provisions that would empower the relevant agencies. Furthermore, for any approach to be successful, in particular the existing National Action Plan, the issue of child trafficking needs to be addressed from the perspective of the 'best interest' of the child, yet that does not appear to be the current stance taken in the UK.

The Council of Europe Convention on Action against Trafficking in Human Beings aims to ensure that children trafficked into the UK are given protection and the necessary support, however, as this has not yet been ratified by the UK, the principles of the convention are not legally binding and this is proving to be problematic. The issue of the lack of safe accommodation has been continuously reiterated by NGOs with calls upon the Government to address the inconsistencies in child protection standards. The UK is, to an extent, isolated because of punitive immigration and residency status policies that create barriers to victim support and this impacts on the grave need for heightened levels of intelligence gathering on crime syndicates operating in the UK and internationally.

There needs to be a better balance between immigration policy and respect for the human rights of potentially trafficked people and the provision of safe accommodation and perhaps the resources of local councils would facilitate this.

The data from the first UK Government study on the extent of child trafficking identified that many children were going missing from care as they were not benefiting from child protection procedures. Legislation has been subsequently updated and implemented in order to make human trafficking for *all* forms of sexual exploitation a crime yet not only do official statistics underestimate the true scale of the problem, they also highlight very low conviction rates, with no convictions to date of trafficking for forced labour or domestic servitude. Such rates offer the appearance that the problem is under control, whilst failing to act as a deterrent to the sophisticated organised crime groups involved in the trafficking industry.

The structural causes of human trafficking need to be addressed through monetary and international trade policies that, for example, support poorer countries and facilitate education and employment opportunities at source whilst there is also a need to promote the protection of human rights on an international basis. In relation to future developments that are needed in the UK specifically, the Government should firstly refrain from discriminating against trafficked persons, not least in order to encourage them provide intelligence on, and to testify against, traffickers, notoriously difficult groups to infiltrate at present. Related to this is the need to protect the rights of trafficking victims, notwithstanding their immigration status, and this can be secured through guarantees that legal proceedings are conducted in such a way as to safeguard victims' rights to privacy, dignity and safety; ensuring that victims have a right to seek reparations and assist them in bringing actions; by providing them with residence visas while legal actions are taking place or by granting them the right to seek asylum if returning to their country would bring a risk of retaliation. The Government should also ensure that trafficking victims are not subject to legal proceedings or punitive measures, such as detention prior to deportation and at the national level, it is important to remove all criminal provisions from legislation relating to the trafficking of sexual services in order to decrease the vulnerability of sex trade workers to trafficking and to enable them to defend their rights like any other legitimate worker.

To promote the aforementioned measures, it is necessary for the UK Government and relevant criminal justice agencies to work co-operatively with other nations to ensure full implementation of these objectives. In addition, it is vital to also work closely with NGOs to develop information programmes on legislation, the rights of trafficked persons, the protection of their health, the steps to be taken to obtain care or assistance, and so forth. Such programs should take into account the cultural characteristics of the populations concerned and rely on suitable implementation methods, whilst information and awareness sessions for professionals who may come in contact with trafficked persons, notably police, immigration, and customs officers would be extremely beneficial.

In conclusion, the issue of human trafficking remains problematic in the UK, and this is especially true where children are the victims. Actions taken thus far by the Government

in particular have had some success but a more concerted effort is needed if we are to interrupt the increasing growth of trafficking both into and through the UK, as Anti Slavery International (2008) assert, 'Trafficking is a global problem affecting every continent and most countries. It occurs within and across national borders and ranks as one of the most lucrative forms of international crime. The trafficking in human beings is not new. But it is a rapidly growing problem'.

## **Appendix 1**

### **Transcript: Interview with Aarti Karpoor from CEOP**

#### **1. When was CEOP established and what are its purpose and origins?**

Child Exploitation and Online Protection centre which we call CEOP was established in April 2006 and its purpose and origins were from the old National Crime Squad and National Criminal Intelligence Service and they emerged to become SOCA and CEOP sits under SOCA. The purpose of CEOP was to work on the issue of child exploitation and especially on the internet relating to sexual abuse, and it was felt that looking at child sexual abuse needed particular attention and also needed more public awareness regarding child protection and abuse and so they felt that a separate distinct agency was needed to give the public information rather than in private and as far as I know that is where CEOP has come from but at the same time CEOP's purpose is evolving all the time. For example the Child Trafficking Unit is a new addition to CEOP.

#### **2. Is there any main work or research completed by CEOP so far?**

Well CEOP actually does quite a lot of different types of work. It is divided into, the main technically work that it does is divided into faculties, Harm reduction, Intelligence and Operations. The work that they do is very broad. In operations they will investigate actual cases of child abuse whether it is online or in the real world. In intelligence of course they follow up information about child sex offenders who may have gone missing, or child sex offenders who may be grooming, so it is all about knowledge, and Harm reduction is more or less the preventative side. So the research we have done is more in regard to online aspects of child abuse, grooming, and research into child trafficking which has been more recent. It is quite broad.

#### **3. How do you think the identification of children as victims of trafficking be improved and made more proactive?**

There are lots of different ways in which the identification of children as victims can be improved. Firstly we need to raise public awareness which is key if we are to understand what child trafficking is and they can better understand whether the child is in that category or not. And awareness is not only at a theoretical and conceptual level but awareness at a practical level so it also includes getting over a lot of prejudices that people have towards these children that have been trafficked. Often they are particular vulnerable children and marginalised children and one of the reasons for why I feel they are victimised in the first place and continue to be victimised is because people are prejudices against them. This can be because they might perhaps be migrants, immigrants, remember not all children trafficked to the UK are migrant children but a lot of them are. And often these children may encounter prejudice from the nation, they might for example, those who are not immigrant children might be prejudiced because people regard them as loose, no moral, they may have other behavioural problems and so it's about recognising it. And it's about recognising trafficking as a form of abuse for example trafficking for exploitation is a type of child abuse. When you have trafficking

into the UK you have an added dimension of immigration and it can really complicate things. So it's about just simplifying what it means and recognising the child at risk basically.

**4. In terms of, you've just mentioned to raise awareness, in what way do you think we can raise awareness?**

I think....I think first of all through proper training of front line workers, so for example immigration officers and police workers, and of course my work so far at CEOP has been in regards to immigrant children being trafficked into the UK but of course even children that are trafficked who are UK citizens and British nationals that are trafficked, they are not recognised as victims, they are not identified as such because they are perceived as wanting to be prostituted. So first of all raising awareness of police officers, immigration officers, social workers and about recognising the indicators and symptoms in the child. Is this child being controlled by others? Is he or she being manipulated by others? And how do you recognise that?

**5. It's quite complicated isn't it?**

Yes! And also about how to react. I mean you may recognise concerns about a child's well being. It might not be about trafficking. There are all types of concerns. So it's saying what I do about it, who I go to and not being afraid. So it's about reassuring teachers, doctors, nurses that if you have any concerns about a child you need to refer your concerns. So these are the kind of things we need to raise awareness about. I mean I remember one particular social worker rang me up and she was working for social services, and she told me about a child, a little 8 year old, a girl, who had gone missing from school and the parents didn't really seem to be her real parents. And she went missing from school. Her parents had pulled her out of school and the Social worker went to the house to say what's going on, and why isn't the girl at school and basically the whole family had disappeared. And it was felt by those particular children's services that they didn't want to intervene any further because the family were from a different culture and they didn't want to intervene because they felt it was just a cultural issue, and that they wouldn't understand. So basically its about simplifying the whole issue of child trafficking, into child protection and child protection is the same for all children, from all cultures, from all communities, and whether or not they have parents or whether or not they are from the UK or not, it doesn't matter. Its about raising awareness of when a child is at risk, everything else goes out the window. It's about the child's best interest first. And I think that just takes a little bit of time.

**6. At the moment there are no safe houses for trafficked children, and there aren't any models proposed for safe accommodation. Why do you personally think this is?**

The reason for that is because in the UK we have The Children's Act of 1989 and other related laws that basically say that any person over the age of 18 where there is an absence of guardianship or something like this, or where there is a concern about a child or whether they are at risk, they become the responsibility of the Government and the form of government that they become responsible to are the local authorities.... So the local Government have responsibility and it's up to the local government according to the

law of this country, that they should be accommodating any children at risk. So its not that there's no money in the non-governmental area to provide safe houses but it becomes quite a controversial issue because traditionally in other countries safe houses may be provided by NGO's. NGO's work is to fill the gaps that the Government leave and to lobby the Government to fill those gaps themselves, and so they try to support the Government in what they are doing and so its comes quite controversial if NGO's provide the services instead of the Government

**7. As they are legally entitled to provide safe accommodation right?**

Yes, it's the obligation of the Government. For example it is the obligation of the government to provide medical health care to everybody for free under NHS...and it should be that non-governmental and civil societies should want to support the government and to work with the Government, to improve the National Health Service, but they won't be providing it separately.

**8. And going back to Children who are under 18, and don't have a guardian. In terms now of safeguarding children –do you believe that a guardian should be appointed as soon as a child is identified as a probable victim of trafficking?**

I think there are a lot of benefits for a child to have a guardian. Currently the local authorities are responsible for the child and the child may be accommodated but it is not always the case the child is taken into care because that is a specific provision as well and without somebody purely thinking in the best interests of the child only, I think a gap is created because even social workers have to do what their managers tell them, and the same with the police and probation officers. Ultimately their priority is to follow the job of who they are working for. For example a parent you know our ideal view of a parent is to think of the best interest of their child first, and that is completely absent at the moment.

**9. And in terms of if we were to appoint a guardian- who would be the best guardian? It could be said that the best guardian could be a legal guardian, to look after the legal welfare of the child or a guardian in terms of someone who doesn't do the legal side but ...looks after the general care of the child.**

I think that somebody that looks after the general care of the child. There is need for legal representation, better legal aid and legal representation but also the need for a lot of other services as well. The person appointed as a guardian should be coordinating all those services for the child so they should be quite general and have knowledge about all different services, medical, housing. All that kind of stuff.

**10. Now to talk about multi-agency work. Do you think that there is enough co-operation between all people who come into contact with trafficking victims?**

Not enough I think. Of course we are trying to encourage co-operation at all levels but it is not that easy. I think that agencies are directed to work with each other, so if we take for example police, immigration and social services, the guide says that we all need to work together, and we all agree that we need to work together at a policy level. So at a

higher level we are all agreeing that we need to work together...but obviously that is completely different at the practical level.

**11. Do you think that because they have different targets to achieve it makes it more difficult for them to work together?**

It's not just the different targets, it's the different statutory obligations that each of them have. And of course they have different cultures within different agencies and of course the police and social services are obliged under Section 9 of The Children's Act to always put the interest of the child first. Whereas the immigration services Border Immigration Agency does not have that obligation. So at the policy level you might think that it brings problems but it doesn't need to, even at the practical level, but what happens is that...the cultures of each of the agencies are formed by what's happening at the policy level and the history of each of the agencies. And it takes a long time for the culture to change, so for example ...with the Border Immigration Agency that they have to think firstly about the borders, they are there to protect the borders then how do you change that mindset? It takes a very long time and immigration as you know is such a politically sensitive issue in this country that they are just being moved this way and that way quite a lot, so it's quite difficult to try and complete with other political demands at the local level. I'm just giving the immigration service as an example.

**12. Referring to your scoping research project on child trafficking which was published in June, it is actually stated that 'further information is required on criminal networks involved in child trafficking'. That is a quote. How do you propose to gather further information?**

Firstly by making relationships with other department agencies. If we first accept there are gaps then we can learn about understanding how to get that information. First of all we have to recognise who has that information, and of course without identifying a child as a victim of trafficking, we don't identify trafficking activity. So the first step is obviously is to find the victims. If we don't identify victims that we don't know that trafficking exists. So who is identifying the victims? Who has access to the victims? We know from the scoping study that a lot of children who may be trafficked go missing from care, so where do these children turn up? And who recognises them? And so the scoping study and our previous experience shows that a lot of NGO's and a lot of charities, especially the smaller ones working with communities....identify these children, and my view is that the vast majority of these cases that identified by legal NGO's ...they don't even reach police or ...even if they are accommodated by local authorities the children wont tell their stories. Even if they do they are not necessarily believed, not by children's services but police don't investigate these cases because they are not reported as crime. So first of all we need to identify these children, lets go to the agencies that do identify these children, get stories about these children, try to get children to feel more confident in the police to make complaints, and also these complaints will lead to investigations and these investigations will lead to more intelligence gathering and more understanding about the criminal side of things. So obviously again we are starting from this position of child protection and child care and then moving on to lets look at the criminal side of it. Who is the person that is trafficked? Where did they come from? What is their profile and things like this? We know very little about who traffics children and so far after all this legislation has come in there has

been no prosecution for trafficking involved in minors...especially in trafficking in minors involved for domestic servitude, or cannabis cultivation. Instead what we are getting is children being found in cannabis factories who are victims but are not being identified as victims and being arrested. That is the complete opposite. The opposite of what we need to do. So again, raising awareness, again about child protection, again about understanding that this is child abuse and if it was child abuse in any other context we would be investigating the criminals and offenders, so it's about shifting the focus on the offenders again through the child protection approach.

**13. You just mentioned to try to get children to have more confidence in the police. I think that is a round circle, because although they might have more confidence in the police, in the first place I think they will be too afraid even if they have the confidence because of what perhaps the traffickers may do to them and their family. Although this is a very good effort in general terms my belief is that they will just be too afraid.**

That is a good point. First of all there are 2 points. We have information that we use regarding criminals that can crudely categorise into either evidence or intelligence. Evidence is used for a particular case to bring it to trial and in that case it's exactly what you're saying. It's true; it's really hard, especially when a lot of the evidence is the testimony of the victim. So much weight is given to the testimony of the victim as evidence in trial so it is such a burden on the victim, and if the victim doesn't give evidence then basically it is the end of the trial. So that is also difficult.....we've had cases recently of babies being trafficked into the UK for legal adoption, how do you prove according to UK legislation that a child has been abused when the child is a baby. A baby can't give evidence, so of course that is very problematic. However on the intelligence side, that's about finding information about criminal networks. What we are trying to do is with NGO's and Charities is let's take statements from children, if they don't want to go to court or use them as testimonies then fair enough, but this intelligence is still very useful to us as it increases our understanding of criminal networks so you can look at it from the two sides.

**14. Is there one main reason for why children are exploited?**

Yes because there is a demand for it. Children are abused and are exploited. If we are looking at it from a commercial point of view I think that, I used to think only as trafficking as commercial ....trafficking as a business but what I'm finding at CEOP is that exploitation includes abuse which is not commercial as well. So if we are looking at commercial exploitation of children, why is it happening? It happens because there is a demand for the services, the exploitative services.

**15. What would be commercial exploitation?**

For example, where the traffickers benefit economically. If you have cannabis factories, it is a business, they are selling cannabis. In order to do that they need workers, and they need cheap labour, so they will use child and even adult illegal immigrants that may be trafficked or smuggled over, put them into debt bondage, and the financial gain is immense. But you also have trafficking where you are bringing a child in; let's say into the UK, for the person's own sexual needs. We have had cases where the child has been

brought in, just so somebody can abuse them every day or for illegal adoption. That's not really commercial but it may be commercial for some. Obviously it's commercial for the person selling the child, the trafficker but for the person buying the child they may not be using the child in a commercial sense. So why does that happen? That happens for different reasons, sexual abuse it happens because people offend. Recently I've been looking into witchcraft and child abuse through witchcraft. And so what you are seeing is that children are abuse through beliefs.. people abuse children because they believe this child is a witch. You are talking about an 8 year old child, a 6 year old child, where does that come from? We have more powerful people in different communities around the world and saying if this child does this she is a witch, but it is for their own purposes. What we are finding is uneducated or unenlightened people believing these kinds of things.

**16. So it's quite similar to what happened to Victoria Climbié case where her aunt towards the end believed that she was possessed by the devil.**

Exactly, and then the child was abused. This is happening a lot. Recently I went to Southern Africa and we were looking into child exploitation in that area, and in Southern Africa we found cases where some, a small minority of traditional healers, which will require human body, parts to make traditional medicines. And traditional medicines for example are called 'mutti,' and for mutti purposes they will require a penis or something like this. And usually they will pay someone to go and get one from somewhere, and usually they target vulnerable children. Often killed, sometimes left alive but their body parts are taken from them and this is again for commercial use and we may be going off the area of trafficking here, but trafficking is very broad. So it's about belief, why are children exploited because of belief? Because of the demand for exploitative services.

**17. How do you change culture without people getting offended?**

What you have to remember is that it is still child abuse and if we accept that in communities particular types of child abuse are particular prevalent we also have to understand its not always like that in the whole of the community. And also about saying its great to have rich diversities in this country but we do need some common standards, some standards that should not be compromised at any cost and when it comes to children and child protection that is the bottom line. It has to be equal for everyone.

**18. In terms of renewable residence permits, do you think the Government should introduce them to secure legal status for trafficked children?**

Permanent residencies are slightly less relevant for children when they are children but when they become an adult that is when it becomes problematic. So usually with children when they come into this country and claim asylum if they are unaccompanied, then usually they will be given leave to remain in the UK till they are seventeen and a half. So basically they won't be departed until that age. So residency permits are..Are you talking about the ones under the Council of Europe Conventions? See that really affects adults because they are temporary residency permits where they have been identified as a victim of trafficking, from that point onwards. Whereas for children, hopefully when they are identified as victims of trafficking they will still be children. But there are cases where children are not identified until they turn that age 18, and then they go to apply for

permanent residency and they might tell the immigration officer their whole story, and say I was bought here 5 years ago and basically I have been a domestic slave for 5 years. There have been quite a few cases that have come out like that, where it is only when they are going to get their permanent residency's when the families don't need them anymore that they say they have been a domestic slave. I think in those types of cases they should be granted legal permanent residency.

**19. Supposing there is a problem with age assessment. A lot of children may not come in with any documents, or with a false passport, false documents, so therefore they may 15 but look 17 or 14 but look a lot older.**

That is really problematic. How we do it here is that a social worker spends about an hour to interview a child he/she will try to assess the way that he talks, the way he behaves, they will ask questions about their life, and it's really important that the social worker understands the background of where children like this have come from. Also to understand how children of different races look at different ages, because it seems quite arbitrary but then we have other alternatives that we don't use in this country at the moment, but which we used to, which other countries use now where they might x-ray the teeth or the leg to look at bone structure, and they can use that to assess the age. But then again we hear stories or reports that different races have different types of bone structure at different ages so it is really complicated. But what the regulations say is that if there is any doubt the child should be given the benefit of the doubt. The children will say sometimes that they are older, and sometimes say that they are younger because there are so many different types of trafficking.

**20. Do you believe that a National Child Trafficking Rapporteur would be a positive development in the UK?**

CEOP doesn't have any particular position on it. But it is something that I am looking into and I think that first of all on one side, there are already many agencies and stakeholders at the policy level working on Human trafficking in the UK, including Government and Non-Government, so you already have quite a few people working like this. For sure you are finding 2 forces, on one side you have non-government, civil society sectors saying we need this we need that, talking on behalf of the victim and on the other side you have got the Government saying we are already doing this and look how fast we are moving, we are doing so much, but perhaps a National Rapporteur could be that neutral party and I think for those purposes it might be useful and it could be useful. But only if that National Rapporteur is completely neutral. And that national rapporteur would need to monitor both the actions and the 'progress' being made by non-governmental sector and governmental sector. It should be, how are we as a whole improving our response to human trafficking and that's what should be the role of the National Rapporteur. And it shouldn't be at any stage just being part of any one. And I am interested in learning more about how it's working in the Netherlands and how it is working in other countries. And seeing what is behind it. Often we can just get lost in the politics of it, and child exploitation is very politically sensitive so it could be a neutral potential.

**21. Why do you think that Child Trafficking and Child Exploitation is such a politically sensitive subject?**

For a number of reasons. I think globally it is such a political issue and some people say its 'just the flavour of the month' but I think because it involves what we might call modern day slavery, and traditionally when we think of trafficking we think of sexual exploitation and you can imagine the kind of sensationalist portrayal of sexual exploitation, forced prostitution, slavery. The media is churning out all the time, it plays at peoples emotions. I think it's not a new phenomenon. It's not new at all. It's been going on for many years but we have just given it a new label. I think that we really need to separate ourselves from all the political hype, because there is a lot of political hype and it's about getting to the crocks of the issue. It's about remembering every day that a child is in danger and it is child abuse. Its child abuse and child exploitation and that's why I prefer the term child exploitation than trafficking because another reason why it's politically sensitive is because it involves immigration. It doesn't have to but people often think of it like that. It's not about immigration it's about exploitation.

When you think of trafficking, you think of movement, but what we are trying to prevent, is the exploitation. If we have got an immigration problem, that's not to do with us. When we are talking about trafficking we are talking about, what's happening to these people at the end, which is again difficult when we are trying to identify victims when in fact they haven't been trafficked fully yet. The definition of trafficking is 'for the purpose of exploitation' so that is the crop of it, the abuse at the end of the line.

**22. Last question, do you believe that the issue of child migration and trafficking has taken a long period of time to come to the attention of the Home Office and other organisations?**

I think that if we are looking at it in a global perspective, I think that when we have source countries and destination countries, we have the countries where people are being trafficked to, and traditionally all the destination countries have been really slow to pick up the issue and for a range of different reasons. Firstly you would expect source countries to faster pick up the issue because it is their nationals that are being exploited and of course that is their primary concern and they are usually the more relatively poorer countries, not always, but relatively to the destination countries. The destination countries are normally first world countries, or often developing countries that are developing very fast and they see this flux of trafficking into their countries as an immigration problem. And what we know is of course that trafficking is a form of migration, and you get trafficking where you have traditionally migratory routes anyway, so when we are talking about the trafficking of Chinese into the UK, we already have a huge migratory trend of Chinese into the UK, both legal and illegal, regulated and non-regulated, so when we are saying we have trafficking in there as well, it gets blurred with the whole issue of migration. And so, what you finding is migrants that are being exploited which has always happened but they are not recognised as victims. Traditionally they were recognised as trafficking victims but we have just had this new word, trafficking has been re-energised, but exploitation of migrants has been happening for centuries.

**I think there are other legislations...Sexual Offences Act 2003, Asylum and Immigration Act 2004, that offences have come up for trafficking, so I think a lot of people have said from the news that because it hasn't been mentioned before in legislation and quite recent new legislation, that in those terms, it has taken a long time to come to the attention of organisations.**

You could say that this type of problem, the exploitation could have been dealt with through other criminal offences, so for example the prostitution of another, commercial exploitation have different offences that can be used, but the word trafficking is relatively new, and the word trafficking is new to mean this thing, which was always a problem before, I think that is why it has been bought in as a new offence. And I think that the offence as it stands in the legislation doesn't make sense if you just clonk that directly in. But the other reason why it has gained such political momentum globally, I believe that the US Government have taken on this issue and has taken on the issue so much, have poured in million of dollars into this issue globally, and they have as well as the annual human rights report for every country in the world, they now have trafficking in persons report for every country in the world, and they will categorize every country into tier 1,2, or 3 according to the human trafficking record and their response to trafficking. And this has been going on since about 2003, and since they have been doing that it has really pushed a lot of countries to focus more on human trafficking because the US Government have got behind it and said, and actually passed extra-territorial laws on it, saying this affects us, human trafficking in your country whether its china, or Cambodia or burglary affects the US so we want you to improve your human trafficking response and if you don't, we will enforce the law. We will impose sanctions on you which are a really big measure. Traditionally you can't impose your legislation on other countries, so it is a really big deal.

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