



Before The Harm is Done

Examining the UK's response
to the prevention of trafficking

September 2018

The **Anti Trafficking
Monitoring** Group

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Executive Summary

The purpose of the research carried out for this report was to review action taken in the UK since 2012, relating to the prevention of human trafficking, in order to assess the extent to which it contributes to the UK's implementation of the 2005 Council of Europe Trafficking Convention¹ and the EU Trafficking Directive² requirements. The research was undertaken through a combination of desk research, Freedom of Information (FOI) requests and stakeholder interviews.

The research found positive examples of localised good practice and outstanding work by some bodies, which have shown a deep understanding of trafficking. Despite significant development in the UK's efforts to tackle this issue, however, the examples of good practice do not represent the overall situation. We found that positive efforts are weakened by lack of evaluation and undermined by the strong tendency to view the anti-trafficking response through a criminal justice lens.

Overall, the report concludes that:

- The UK continues to lack an overall strategy to prevent trafficking in adults and children;
- This leads to an inconsistent and fragmented approach to the prevention of trafficking;
- The UK's lack of a strategic response means that prevention is often seen through the prism and policies of immigration and crime, hindering effective preventative action;
- The result of this approach and the wider policies of austerity, a hostile immigration environment and the threats posed by Brexit, is that the vulnerability of adults and children to exploitation is not reduced and the UK risks contravening its positive obligation to prevent trafficking.

Prevention Initiatives in the UK Since 2012

Measures to prevent trafficking have been strengthened over the last five years. The UK has expanded its governance framework and committed to building up information on the causes and types of trafficking. Despite this, existing frameworks lack coordination and the absence of an overall strategy calls into question the strength of the UK's governance structure. Where trafficking is reflected in other policies, it is largely within the context of immigration or fighting crime. These approaches do not address the underlying causes and instead raise concerns that they may in fact contribute to individual vulnerability to trafficking. The UK must begin to mainstream anti-trafficking responses across a range of relevant policies, including foreign policy and those focused on sustainable development, poverty and social exclusion.

ATMG noted, with appreciation, the increase in training and awareness-raising initiatives. Some of these were targeted at specific groups and we found examples of good practice at regional and national level. However, the majority of these were not evaluated, making the assessment of their impact difficult. Training was also delivered inconsistently and without quality control.

While steps have been taken to develop the role of local government, coordination across agencies in the UK is not consistent. Gaps identified at the national level undoubtedly impact on local responses to trafficking. A strong governance framework is required at national, regional and local levels to monitor and evaluate performance of government authorities.

¹ Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series No.197, 2005. See also Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, 2005, here: <https://rm.coe.int/16800d3812>

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

The Office of the Independent Anti-Slavery Commissioner has proved an effective proponent in enhancing the response from local government and civil society, and its international work on prevention must also be commended. ATMG recognises the good work of the Commissioner, however, there is a need to address the independence of the role and review the powers of this mechanism to enable monitoring and coordination of anti-trafficking work across the UK.

Concerns have been raised over the lack of assessment of the impact which immigration and social policies have on prevention of trafficking and re-trafficking, and the potential contribution of current immigration policies to migrants' vulnerability to exploitation.

Prevention of Crime: Increasing the Risk for Traffickers

Investigations, prosecutions and civil orders against traffickers have been rising since 2012. However, the UK's overall ability to prevent trafficking by increasing the risks for traffickers remains low. The number of successful prosecutions stands in stark contrast to the number of identified victims and estimates of the extent of trafficking in the UK. Several years since the introduction of new anti-trafficking laws across the UK, their implementation is inconsistent and there is no mechanism to monitor the outcomes and impact of the UK's legislation.

Key issues identified by the research include lack of resources, as a consequence of budget cuts to the criminal justice system, and poor coordination.

Border control remains a key element of the UK's approach to trafficking prevention, but the impact of the current approach has not been assessed, nor has the potential conflict between the Government's priority of curbing irregular migration and the UK's international obligation to identify and safeguard vulnerable people at borders.

Furthermore, despite the likely detrimental impact of Brexit on the UK's capacity and ability to combat the crime of trafficking, this has been absent from debates about exiting the European Union.

Long-Term Prevention – Prevention of Re-Trafficking

The UK's provision of long-term support for trafficked persons is fragmented. The Government's overarching concern with immigration control goes against UK obligations to safeguard those vulnerable to exploitation.

While there are examples of good practice in long-term support to victims, these programmes can only support individuals with the right to work and a secure residence permit. But the significant number of victims of trafficking without this right are unable to access them. Long-term support programmes operate without monitoring or evaluation, and gaps are not easily identifiable when provisions of support vary significantly across the UK.

The lack of a thorough standardised risk assessment before returning victims back to their countries of origin, and the lack of follow-up and data collection on re-trafficking, undermines the UK's ability to assess its success in prevention. Furthermore, little attention is being paid to addressing underlying and structural causes of trafficking, both internationally and in the UK.

Preventing Child Trafficking

This research shows that, since 2012, there has not been a strategic and coordinated approach to preventing child trafficking. There has been little focus on reducing the vulnerability of children to exploitation, or on creating a “protective environment” for children, as set out in international law. Prevention work on trafficking is rarely child-specific and rarely centred on a child-protection response. Despite some clearer strategic direction in Scotland and also around specific forms of exploitation, such as child sexual exploitation (CSE), detailed and coherent prevention strategies for children are lacking.

Specific child anti-trafficking efforts are limited and can be seen to be largely focused on the investigation and prosecution of traffickers, and to some extent on awareness-raising interventions. However, there is little data collected or evidence provided to show that this is an effective response. There has been no robust measurement of the activities undertaken, in order to understand which interventions are effective. Data is severely limited, which further hampers understanding and achieving progress towards prevention.

There is evidence that good practice is occurring in certain areas, largely led by civil society. However, again, progress is not being effectively monitored or evaluated and work on the different forms of exploitation still largely occur in isolation from each other. Little is known about the extent to which children are re-trafficked, but their vulnerability is being increased by the lack of specialist support provided and the failure to ensure each child has a durable solution available to them.

Moreover, the research found that the wider policies of austerity, a hostile immigration environment and the threats posed by Brexit, are all serving to undermine prevention efforts by making children more vulnerable.

Recommendations

The following ATMG recommendations are intended to assist the UK Government and devolved administrations in making prevention a strategic priority, thus helping to reduce people’s vulnerability to trafficking and increasing the risks for traffickers.

- The UK Government, in collaboration with devolved administrations, relevant government departments and civil society, develops a UK-wide, evidence-based, time-bound, prevention strategy, as well as a child-specific strategy;
- Assess extant and any new immigration legislation for impact on migrants’ vulnerability to exploitation;
- Regularly commission independent evaluation of all prevention measures funded by the UK Government and devolved administrations, including gender and human rights impact assessments;
- Commit to continuous investment in research on the socio-economic causes of trafficking in the UK and countries of origin;
- Create a unified data collection system for National Referral Mechanism data for adults and children, as well as crime recording, and conduct regular qualitative analysis to inform prevention work;
- Provide a comprehensive guardianship scheme for all separated children across the UK and create a process to provide a best interests assessment for each child identified as a trafficking victim, to prevent them from being re-trafficked;
- Consult with adult and child victims in developing prevention initiatives and ensure funding is

driven by their views and needs;

- Commission an independent review of the impact of criminal justice cuts and Brexit on the UK's capacity to pursue and punish traffickers;
- Consider appointing independent anti-trafficking safeguarding leads at all UK borders to enhance the identification and protection of those who are trafficked or at risk of trafficking;
- Guarantee assistance and support to victims, following conclusive determination by a competent authority, to reduce the risk of re-trafficking; provide further assistance and support for 12 months from the day on which support provided under the National Referral Mechanism ceases.

Chapter 1: Introduction

Since its foundation in 2009, the ATMG has published annual assessments of the UK's efforts to combat trafficking in human beings, as required by international law. This includes the 2012 report *All Change: Preventing Trafficking in the UK*,³ which was the first complete examination of the UK's efforts to prevent trafficking. This report identified some areas of good practice, particularly at regional and local levels. Overall, however, the good practice examples identified by the ATMG were obscured by the lack of a comprehensive prevention strategy. The report concluded:

- The UK lacked a coordinated prevention strategy;
- There was an inadequate understanding of the various provisions necessary to prevent trafficking in human beings;
- The UK was found to have an inconsistent approach to anti-trafficking efforts overall.

Since 2012, there have been significant developments in legislation and the UK's response to trafficking. This report assesses if and how the UK has fulfilled its international obligations with regard to the prevention of trafficking, over the past six years.

The UK is bound by the Council of Europe Convention on Action against Trafficking in Human Beings (hereafter "the Convention") and the EU Directive on Preventing and Combatting Trafficking in Human Beings and Protecting its Victims (hereafter "the Directive"), both of which contain binding provisions on the prevention of trafficking.

Chapter II of the Convention sets out a framework for preventing trafficking, recognising that a holistic approach is required and that diverse measures should be implemented, including:

- social and economic initiatives to address the structural and root causes of trafficking;
- public awareness, training and education;
- prioritising awareness of legal migration and supporting the facilitation of legal migration;
- reduction of vulnerability to re-trafficking through adequate reintegration programmes.

The Directive is a criminal justice instrument and some of its provisions focus on the prevention of crime. Article 18 highlights that trafficking *prevention* "can only be achieved if the crime is prevented from happening in the first place by using all available tools at EU and national level."⁴

Crucially, all international measures stress that in order to make prevention work, states must take a multi-disciplinary approach to prevention and encourage coordination between the various bodies responsible for preventing and combatting trafficking.

Methodology and Scope

This report examines some of the preventative measures developed and undertaken by the UK since 2012 and endeavours to determine the degree to which the UK Government is fulfilling its obligation to prevent trafficking of adults and children.

³ The Anti-Trafficking Monitoring Group, *All Change: Preventing Trafficking in the UK*, 2012.

⁴ *EU Directive*, *supra* note 2, Article 18.

Specifically, the report explores:

- Preventative measures developed by the UK through awareness, knowledge, understanding and the creation of infrastructure and increased capability;
- Prevention through the criminal justice system and working at source;
- The impact of immigration and social policies on the prevention of trafficking in human beings;
- Prevention measures with a focus on children;
- The UK's ability to prevent the re-trafficking of adults and children, ensuring gender equality and maintaining the rights of vulnerable and trafficked people.

The research for this report was conducted between October 2017 and June 2018. It combined desk-based research, a literature review and eleven FOI Requests. These were submitted to UK statutory agencies, including the Ministry of Justice, Home Office, Crown Prosecution Service (CPS), Crown Office and Procurator Fiscal Service (COPFS), and the Public Prosecution Service for Northern Ireland (PPS).

In total, 39 semi-structured interviews were conducted with participants in the following categories:

- Representatives from government agencies across the UK (8)
- ATMG members (5)
- Solicitors (4)
- Barristers (2)
- Non-governmental organisations, or NGOs (16)
- Law enforcement officers (4)

To preserve the anonymity of the interviewees, unless otherwise stated, they are generically referred to as, for example, "law enforcement officer", "legal practitioner", "service provider" and "NGO". A total of five written consultation responses were also received on trafficking prevention issues specific to children. In addition, individual ATMG members provided significant input to the research.

Chapter 6 was developed by Every Child Protected against Trafficking (ECPAT UK).

Many ATMG members are victim support service providers to trafficked persons and therefore the views of trafficked persons are represented through them. Although no direct interviews were conducted with trafficked adults, members of ECPAT UK's youth programme, which consists of trafficked children, were consulted.

Several new measures were introduced by the UK Government in recent months during the compiling of this report. The ATMG recognises these and has endeavoured to highlight their progress to the best of our understanding. Any new measures acknowledged in this paper are not subject to an analysis of their impact.

The Northern Ireland Assembly was dissolved during the period this research was conducted and this has impacted on the ability of ATMG to analyse preventative measures in Northern Ireland.

Every effort was made to compile and collate a sample of work being undertaken in the UK either on or around the prevention of trafficking. At times, access to information was restricted, therefore the report provides an analysis of some preventative measures adopted by the UK. The information presented in this report was first shared with key professionals involved in anti-trafficking policy and practice, as well as with those who contributed to its findings. These comments were considered in finalising the report.

Trafficking in Human Beings vs Modern Slavery

Until 2013, UK law and policy used the terminology of “human trafficking” and to a lesser extent “forced labour” and “contemporary slavery”. Since 2013, the term “modern slavery” has become more prominent and, from 2015, it is referred to by the UK Government as “an umbrella term that covers the offences of human trafficking, slavery, servitude and forced labour.”⁵ However, this limited view is concerning because it fails to recognise historical and local perspectives that may be linked to the notion and past experiences of slavery.

Despite the change in terminology at a UK level, legislation in Scotland and Northern Ireland retains references to human trafficking, rather than the term modern slavery.

Notwithstanding the change in nomenclature and titles of legislation, for the purposes of both law and practice, the understanding of human trafficking in the UK remains unchanged. Trafficking is still understood as defined by the Convention, Directive and the UN Palermo Protocol⁶ – a three-stage process made up of separate but interdependent elements:

1. **Acts:** recruitment, transportation, transfer, harbouring or receipt of persons;
2. **Means:** the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
3. **Purpose:** exploitation, at minimum but not limited to prostitution or other forms of sexual exploitation, forced or bonded labour, slavery or practices similar to slavery, servitude, or exploitation of children for criminal activity.

The trafficking of children is a process comprised of two stages only: the Act and the Purpose.

Simply put, human trafficking is the process of bringing an individual into a situation of exploitation. Individuals do not have to be transported across borders for trafficking to take place. The *Explanatory Report* to the Convention highlights that transport need not be across a border to constitute trafficking in human beings. Article 2 states that the Convention also applies to national trafficking including across county or state lines: “Trafficking in human beings can be involved even where a border was crossed legally and presence on a national territory is lawful”.⁷

International law makes it clear that moving the victim does not necessarily define trafficking. In the UK, however, potential victims of trafficking are often considered from the perspective of their movement and rarely from the perspective of exploitation or, in particular, the abuse of a position of vulnerability. Understanding what constitutes trafficking and correctly applying international definitions are key prerequisites of effective anti-trafficking measures, including prevention. The framing of the issues, therefore, will arguably impact on approaches to solutions and responses.

Consequently, this report uses human trafficking terminology consistent with the language in international law and the ATMG mandate. However, the term modern slavery will be used in reference to relevant UK policy and legislation.

⁵ HM Government, *Report of the Inter-Departmental Ministerial Group on Modern Slavery*, 2016, p.5. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/559690/Modern_Slavery_IDMG_Report_2016.pdf.

⁶ *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the UN Convention on Transnational Organized Crime*.

⁷ *Explanatory Report*, *supra* note 1.

Causes of Trafficking

Trafficking is caused by individual and structural factors that increase the vulnerability of a person or a group to exploitation. While poverty is often cited as a chief cause, this interpretation is simplistic. Many poor communities do not become victims of trafficking and many of those affected by trafficking do not come from a background of abject poverty. The actual causes are more systemic, often arising because laws, policies and practices governing employment, migration, social and international affairs are insufficient to protect the human rights and workers' rights of men, women and children, and therefore make them vulnerable.

Many studies point to the fact that causes of trafficking are embedded in a range of social and economic conditions. Some of the local conditions may push populations into unsafe migration in search of 'safer, better' conditions. These push factors include: poverty, human rights abuses, lack of social or economic opportunity and dangers from conflict or instability. Instability caused by political and civil unrest, internal armed conflict and natural disasters can lead to displacement and increased vulnerability to exploitation.

Lack of opportunities, discrimination and social exclusion are further causes that make particular individuals, groups and communities more vulnerable to exploitation. Trafficking is linked to structural violence against women and girls, who are disproportionately more affected than men. According to the International Labour Organization (ILO), 70% of the 25 million people globally in forced labour are women.

Understanding the underlying causes of exploitation, the factors that render a person or a group vulnerable to exploitation and how these situations of vulnerability occur, as well as gaps in regulation and enforcement, is vital to be able to prevent exploitation effectively.

Chapter 2: Prevention Never Ends

Trafficking is a complex problem, caused by a range of factors. When developing prevention strategies, each of these factors must be considered. A thorough prevention strategy must, as the Convention states, integrate three levels of prevention:

- **Primary prevention:** endeavours to prevent the problem from occurring and usually targets general populations, including those at risk of exploitation;
- **Secondary level prevention:** concerns long-term approaches and measures that target specific high-risk groups. It should include tailored socio-economic strategies that stimulate the emergence of new frameworks or approaches around employment or training, as well as information about safe migration and human rights in countries of destination;
- **Tertiary prevention:** initiatives seek to reduce vulnerability once a person has been exploited, through appropriate protection and support, so that they are not at risk of further exploitation. Tertiary prevention aims to prevent re-trafficking. Prevention interventions at this level are interconnected with protection measures outlined in the Convention and, as such, the care and protection provided to victims following their identification remains paramount to ensuring they are not re-victimised.

All three levels of prevention must be addressed in the countries of origin, transit and destination. The targets of these measures should be different sectors of society and labour markets, as well as at domestic and international policy levels.

Furthermore, international instruments recommend that comprehensive strategies combine short and long-term measures and use different tools and methods. For example, information, awareness-raising and education campaigns are important short-term prevention measures. Social and economic initiatives that tackle the underlying and structural causes of trafficking require long-term investment. Improving the lives of those at risk of exploitation by increasing equality, education, training, social and economic initiatives would aid in the prevention of human trafficking.

The Convention further contains prevention measures that relate to controls, security and cooperation.⁸ Similarly, the Directive, a criminal law instrument, links prevention to successful prosecution of traffickers and effective protection of victims and emphasises the need to collaborate and coordinate internationally.⁹

Human trafficking is not just a criminal issue, but above all a serious human rights violation. The impact of a lack of protection of rights as an underlying cause of trafficking is recognised by the Convention, which promotes a human rights-based approach to anti-trafficking. It follows, therefore, that Convention-compliant national measures should also ensure an equality of approaches, including a gender lens and a child-sensitive framing, in the development, implementation and assessment of all policies and programmes.

⁸ *Explanatory Report*, *supra* note 1, para. 101.

⁹ R. Letschert & C. Rijken, 'Rights of victims of crime: Tensions between an integrated approach and a limited legal basis for harmonisation', *New Journal of European Criminal Law*, 2013, 4(3). Also: Letschert & Rijken, 2013, p.249.

Prevention of Human Trafficking in Law and Policy Across the UK

Prevention actions need to target the factors that cause trafficking. For prevention strategies to be successful, they must address the vulnerabilities of those at risk of trafficking, empower victims through long-term support and facilitate reintegration to reduce the risk of re-trafficking. They also need to address structural and systemic causes within the political economy and bring those responsible for exploitation to justice. This chapter explores legislative developments in the UK and provides a general overview of governance and coordination mechanisms designed to address and prevent trafficking since 2012.

The Convention and the Directive state that coordination should be initially framed at the national level, between various bodies responsible for preventing trafficking within their policy area. Furthermore, the state is responsible for coordinating all relevant government departments, agencies, organisations and NGOs with a role to play in combatting trafficking.¹⁰ This includes agencies that monitor or enforce labour standards, criminal justice agencies, and organisations working in international development or with vulnerable migrants or persons.

The number of actors that the Directive indicates as responsible for prevention denotes that human trafficking and its consequences are multifaceted and pose enormous challenges to governance and law enforcement bodies. It takes an emergent complex system to fight a complex system and to ensure governments are responding effectively to the issue they must create a system that works in a remarkably similar to the one they are trying to destroy.¹¹ Trafficking is built around the careful operation of many networks and this means governments must channel their responses in a similar way.

The Acts

Since 2012, new laws (hereafter referred to as “the Acts”) were introduced in all three UK jurisdictions, consolidating the existing legal framework:

- **Modern Slavery Act:** applicable in England and Wales, with a small number of provisions that have UK-wide application;
- **The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act:** applicable in Northern Ireland;
- **The Human Trafficking and Exploitation (Scotland) Act:** applicable in Scotland.

The Acts introduced a raft of provisions covering prosecution and, to a lesser extent, victim protection. None of the three Acts contain mandatory prevention provisions, other than within a criminal framework: the Scotland Act includes the Trafficking and Exploitation Prevention Order (TEPO) and the Trafficking and Exploitation Risk Order (TERO) and the Modern Slavery Act includes the Slavery and Trafficking Prevention Order (STPO) and the Slavery and Trafficking Risk Order (STRO). The Northern Ireland Act did not introduce a risk order, including only a Slavery and Trafficking Prevention Order (STPO).

¹⁰ J. Bryson, *Strategic planning for public and non-profit organizations: A guide to strengthening and sustaining organizational achievement*, 2004, p.341.

¹¹ Williams, ‘Combatting Human Trafficking: Improving Governance Institutions, Mechanisms & Strategies’, *Strategies Against Human Trafficking: The Role of the Security Sector*, September 2009, p.416.

Broad prevention of trafficking is a matter of policy developed by respective administrations within their strategies. In Scotland, the Act sets out the duties of Scottish Ministers to prepare a trafficking and exploitation strategy. In comparison, the Northern Ireland Act details a number of statutory provisions to be taken in order to raise awareness of the rights and entitlements of victims of modern slavery offences.

Anti-Trafficking Strategies

Prevention of trafficking is included in anti-trafficking strategies in all three UK jurisdictions. In Scotland and Northern Ireland this is a legal requirement to develop a strategy, while the Modern Slavery Act does not require the UK government to develop a strategy (it only requires the Independent Anti-Slavery Commissioner to develop one). These have been developed gradually across each administration and have been implemented at different stages in the past four years.

In 2014, **the UK Government** launched a Modern Slavery Strategy and, as at May 2018, was continuing to focus on implementing this strategy.¹² The strategy sets the Government’s primary objectives as follows: “Fewer people, in the UK and overseas, engage in modern slavery crime in any of its forms. We prevent the facilitation of modern slavery crime and actively reduce reoffending.”¹³ Although the strategy recognises the importance of educating those at risk of trafficking and raising awareness it fails to outline what needs to take place for trafficking to be effectively prevented. It does not set out how the UK aims to address the underlying and structural causes of trafficking, nor does it frame the problem within the socio-economic context.

The UK Government strategy offers a disjointed response to prevention in comparison to other UK administrations. The National Audit Office (NAO) states: “The Modern Slavery Strategy does not have a measure of success for its objective nor a definition of what success looks like. The Home Office does not set out how it could measure a reduction in prevalence of modern slavery in the UK.”¹⁴ The strategy has an inconsistent approach to monitoring and evaluating prevention measures, and it does not set out how it will coordinate the various bodies and offices of state that are responsible for carrying out the strategy.

In comparison, Scotland’s Trafficking and Exploitation Strategy (2017) demonstrates that the **Scottish Government** considers human trafficking to be a human rights issue and adopts a victim-centred approach. It recognises best practice relating to prevention measures, citing partnerships and multi-agency working through areas such as “appropriate information, return home interviews and prevention planning for vulnerable individuals.”¹⁵ In line with Scottish legislation, progress is reported on the strategy annually.

Northern Ireland’s Human Trafficking and Modern Slavery Strategy for 2016/2017 set the following objectives for its anti-trafficking action:

- Reduced risk of people being trafficked or exploited within Northern Ireland;
- Increased public awareness and reporting;
- Reduced demand for services of trafficked and exploited victims.¹⁶

¹² House of Commons, Hansard, Updating the *Modern Slavery Strategy*, 27 March 2018. See: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-03-27/134490>.

¹³ Home Office, *Modern Slavery Strategy*, 2014. See: http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

¹⁴ National Audit Office, *Reducing Modern Slavery*, 2017, p.18. See: <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf>

¹⁵ Scottish Government, *Trafficking and Exploitation Strategy*, 2017, p.23. See: <https://www.gov.scot/Resource/0051/00518587.pdf>.

¹⁶ Department of Justice, *Human Trafficking and Modern Slavery Strategy*, 2016–17. See: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/ni-human-trafficking-and-modern-slavery-strategy-2016-17.pdf>.

Northern Ireland's strategy sets out target dates for a number of prevention measures that include awareness-raising through training, public surveys, and engaging with those deemed to be at risk of trafficking. A number of state prevention initiatives set out in the Northern Ireland strategy are carried out by civil society agencies. While practitioners interviewed welcomed the expansion of strategic partnerships between government and civil society organisations, several noted that the majority of initiatives carried out by civil society stakeholders are not currently independently evaluated to assess their impact, sustainability or cost effectiveness.

While the independence to shape policies and responses to trafficking in areas with devolved competencies must be upheld, it is equally important to ensure coordination across administrations and address potential tension between policies that are devolved and reserved. Although devolved administrations have legislative oversight for the many social and criminal measures integral to anti-trafficking, the scope of these administrations to develop distinct strategies and approaches remains restricted, because many aspects of trafficking are linked to immigration policies.

While not formally part of immigration policy, trafficking is often managed as an immigration issue, at least in part, as those involved often tend to be migrants. The response to trafficking therefore lies across several policy areas, but the ATMG continuously finds in all of its research that immigration policy appears to take priority. This limits the ability of devolved governments to shape their anti-trafficking responses, because immigration remains a reserved matter. As one barrister explained:

“Human trafficking continues to be viewed through the lens of border control. This means that developments in devolved administrations around protection, prevention and prosecution remain limited and restricted.”

Barrister, May 2018

The above strategies are useful in setting out some of the UK's efforts to combat trafficking and exploitation. However, examining them reveals that in each of the UK's jurisdictions, efforts to prevent trafficking are covered in varying ways and it is not clear how each of these measures are coordinated or consider other preventative measures being undertaken elsewhere in the UK. Article 29.2 of the Convention states that “Each Party shall adopt such measures as may be necessary to ensure coordination of the policies and actions of their government departments and other public agencies against trafficking in human beings.”¹⁷ Without measures in place to coordinate resources and actors responsible for delivering anti-trafficking strategies, the response is fragmented and less effective.

Governance Frameworks

To achieve the aims of the Convention, a strong governance framework needs to be in place to ensure coordination of government departments and agencies. The government has been developing its governance framework since 2012. The Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that the “institutional framework for action against trafficking in human beings in the UK and its constituent jurisdictions has undergone a number of changes.”¹⁸

¹⁷ Explanatory Report, *supra* note 1, para. 102.

¹⁸ Group of Experts on Action against Trafficking in Human Beings (GRETA), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom: Second Evaluation Round, 2016, para. 29. See: <https://rm.coe.int/16806abdc>.

From 2011 until it ceased to convene in 2016, the inter-departmental ministerial group on modern slavery was comprised of representatives from the UK Government, Northern Ireland Executive, Scottish Government and Welsh Government.

The introduction of the Prime Minister’s taskforce in 2016, as the Prime Minister declared addressing modern slavery a national priority, established new oversight in the UK’s response to trafficking. The taskforce supports the Home Secretary in delivering the Government’s strategy and aims to bring together “every relevant department present to get a real grip of this issue right across Whitehall and to coordinate and drive further progress in the battle against this cruel exploitation.”¹⁹

Alongside the Prime Minister’s taskforce, the UK governance structure includes:

- Cabinet Office boards
- Law enforcement boards
- Home Office boards

Each of these boards tracks actions, developments and capacity, and has a further coordination structure. For example, the law enforcement board is led by the Strategic Governance Group and is supported by the Modern Slavery Threat Group.

The Home Office leads the development and implementation of the UK strategy, but other government departments have a role in implementing and setting parts of national strategy, including the Department for International Development (DfID) and the Foreign and Commonwealth Office (FCO). Both departments have in recent years established dedicated units focused on addressing modern slavery internationally.

The Independent Anti-Slavery Commissioner (IASC) is a body that was added to the UK governance structure through the passage of the Modern Slavery Act. The Commissioner’s foremost priority is the improved identification of victims and enhanced levels of immediate and sustained support. Its other priorities are law enforcement evaluation, partnerships, private sector engagement and international collaboration. The Commissioner sets strategic plans, produces annual reports and its power extends across the whole of the UK.

Police response is coordinated by the National Crime Agency (NCA). Its Modern Slavery and Human Trafficking Unit (MSHTU) provides a central point of expertise, support and coordination for the UK’s response to modern slavery and the trafficking of human beings. MSHTU works strategically with a range of partners, including police forces, government departments, other authorities charged with law enforcement, including the UK Border Force (UKBF), the Gangmasters and Labour Abuse Authority (GLAA), international agencies, and NGOs.

In terms of coordination, the Convention foresees a strong role for civil society and requires states to cooperate and coordinate with NGOs. It describes these relationships as “strategic partnerships” – frameworks through which state actors fulfil their obligations under the Convention.²⁰

On an operational level, the UK Government outsources the provision of victim support in England and Wales to civil society (the current contract holder is the Salvation Army). Similar arrangements are in place in devolved administrations.

On a strategic and policy level, the UK Government established the Modern Slavery Strategy and Implementation Group (MSSIG), chaired by the Home Office’s Minister for Crime, Safeguarding and Vulnerability. The group’s purpose is to assist in the implementation of modern slavery strategy

¹⁹ Home Office, Key note speech delivered to the Royal United Services Institute (RUSI), 2017. See: <https://www.gov.uk/government/speeches/working-together-to-end-modern-slavery>.

²⁰ Explanatory Report, *supra* note 1, Article 35.2.

and provide a conduit for civil society input and expertise. Unfortunately, coordination with civil society actors appears to be a low priority for the Government and the effectiveness of the MSSIG is questionable given the infrequency of the group's meetings.

It was confirmed by the minister that the group had not met since 2017:

"The Modern Slavery Strategy and Implementation Group (MSSIG) which I Chair, brings together key stakeholders including civil society to support the implementation of the Government's modern slavery strategy. The group meets quarterly. The last meeting took place on 24 October 2017. Unfortunately, the meeting scheduled for May 2018 was postponed. The next meeting will take place shortly after recess on 10 September."

Parliamentary Question, written answer 6 July 2018

In Northern Ireland, several groups make up a multi-agency response, including the Organised Crime Task Force, Joint Agency Task Force and the UK Prosecuting Authorities Group. The Scottish Government runs a number of groups including the Human Trafficking and Exploitation Strategic Oversight Group (chaired by the Cabinet Secretary), Strategy Implementation Group and the Stakeholder Forum.

Practitioners interviewed for this research overwhelmingly welcomed the increased awareness of the complexities of the issue amongst government bodies and stated that government departments are increasingly recognising their role in anti-trafficking. In particular, positive reference was made to the work of DfID, as well as the Department of Health and the Department of Education. Although the Government appears to recognise the importance of coordination across administrations and multiple sectors, as yet it is unclear how these departments are contributing to the overall government strategy to reduce to prevalence of human trafficking in the UK.

The Convention requires states to conduct prevention in a coordinated and holistic manner. The UK has developed its legislative and governance frameworks considerably since 2012. However, these measures appear to lack coordination and overall strategy, both regionally and nationally. The majority of measures introduced lack evaluative frameworks, meaning their impact cannot be determined. The UK lacks a joined-up approach across its jurisdictions, resulting in a fragmented approach to anti-trafficking efforts and thereby undermining measures aimed at preventing trafficking. Improving the coordination of anti-trafficking work through a strong governance framework would increase the impact of prevention measures, in areas including governance and strategy development. A clear understanding of the roles of each department and organisation is required, and the actions allocated to these actors must be monitored, with best practice shared.

Role of Other Actors in Prevention of Trafficking

This section will examine the role that particular bodies play in preventing trafficking and how these contribute to (a) increasing the risks for traffickers and creating a hostile environment for them and (b) reducing the vulnerability of those at risk of trafficking. It will conclude that although there has been a commitment by Government to develop and strengthen coordination between the bodies responsible for preventing and combatting trafficking, the UK lacks an integrated approach and the roles of the actors implementing these measures is not clear.

One of the main purposes of the Convention is to establish or strengthen national coordination between the various bodies responsible for prevention. There are a number of measures that can strengthen national coordination. These include:

- Establishing independent bodies for monitoring the anti-trafficking activities of a state;
- Licensing and regulating sectors where workers are particularly vulnerable to exploitation;

- Developing proactive and collaborative approaches, including intelligence-led policing;
- Assigning a single point of contact on trafficking in all central and local government agencies.

Gangmasters and Labour Abuse Authority (GLAA)

The GLAA is charged with regulation and enforcement against exploitation in the labour market. In 2017, the Asylum Act introduced its reform and expansion, including an increase in the number of Labour Abuse Prevention Officers, and extended its enforcement powers, beyond food and food processing sectors, across the labour market. Some of these reforms are best understood as ‘police-style powers’ to tackle labour exploitation and forced labour, including the capacity to search and seize evidence and investigate modern slavery in relation to labour abuses.²¹

The legislation also established the role and office of Director of Labour Market Enforcement (DLME). The DLME sets the strategic priorities for labour market enforcement bodies (including the Employment Agencies Standard Inspectorate, Her Majesty’s Revenue and Customs’ National Minimum Wage team and the GLAA) through its annual labour market enforcement strategy.²²

ATMG welcomed the GLAA expansion and the creation of the DLME for their potential for intelligence-led, proactive, approaches to the investigation of abusive labour practices. GRETA has repeatedly praised the GLAA and it is often cited as an example of good practice in the prevention of labour exploitation. Similarly, the ILO commended the GLAA in their report on regulating labour recruitment to prevent human trafficking and foster fair migration.²³

As a result of these new powers the GLAA has increased in size to 127 full time staff in 2018/19. However, the ability of the GLAA to tackle exploitation across the entire labour market depends on having resources available to make this enforcement truly effective. The increase in funding to the GLAA was allocated to the GLAA’s new police-style powers, rather than its licensing and regulatory activity.²⁴ The capacity of the GLAA is under pressure to proactively monitor and enforce the labour sectors that fall within its new remit. This also impacts on the potential of the GLAA to engage in effective intelligence gathering, conduct proactive investigations or monitor existing licensing holders.

The importance of labour inspections is threefold: not only does it reduce vulnerability to exploitation by enforcing effective licensing and inspection frameworks, it also identifies those at risk in sectors where forced labour is high. Finally, it also contributes towards intelligence sharing and expertise between the labour inspectorate and other authorities. Without sufficient resources to effectively and efficiently carry out its new role, the GLAA is unable to meet its full potential to combat trafficking.

The Joint Slavery and Trafficking Analysis Centre (JSTAC)

The government recognises that “a further aspect of preventing trafficking is to take tough action against organised criminals.”²⁵ To increase the risks for traffickers, governments must enhance their intelligence capabilities and ensure these efforts are coordinated. The Joint Slavery and Trafficking Analysis Centre was created “in order to deliver a single, authoritative picture of the

²¹ The Gangmasters and Labour Abuse Authority (GLAA), Our Aims and Objectives. See: www.gla.gov.uk/who-we-are/our-aims-and-objectives/the-gangmasters-and-labour-abuse-authority

²² The first strategy was launched in May 2018.

²³ B. Andrees, A. Nasri, P. Swiniarski, Regulating labour recruitment to prevent trafficking, 2015, p.79. See: www.ilo.org/wcmsp5/groups/public/-ed_norm/---declaration/documents/publication/wcms_377813.pdf

²⁴ GLAA, *supra* note 24.

²⁵ Modern Slavery Strategy, *supra* note 14, p.3.

threat posed by modern slavery and human trafficking to the UK and its interests overseas.”²⁶ Made up of analysts from the NCA, police, UKBF, Immigration Enforcement (IE), HMRC and the GLAA, JSTAC mirrors a joint-working model used to gather intelligence on terrorism.²⁷ JSTAC is an example of good practice in multi-agency working. It has seconded a ‘national expert’ to Europol to increase coordinated activity between UK law enforcement and their European counterparts.

The centre is also supported by the police’s National Insight Team and regional analysts who form part of Regional Organised Crime Units (ROCU). Both produce thematic assessments and provide analysis to inform policing across the UK. While gathering intelligence on perpetrators who commit trafficking is welcome, a number of respondents were concerned about information sharing between particular agencies for the purpose of immigration control. ATMG recommend that JSTAC commits to maintaining a firewall between immigration control and the prevention and pursuit activities of the multi-agency centre. The speed at which intelligence and information is shared and the cultivation of working relationships and practices by JSTAC is welcome. However, it is too early to evaluate the impact of this measure in the prevention of trafficking. It is important that the Government acknowledges that using “much greater and much more systematic information”²⁸ requires long-term investment to provide intelligence at local and national level, to ensure that intelligence-led partnerships like JSTAC continue to increase our understanding of trafficking.

Independent Anti-Slavery Commissioner (IASC)

Article 29 of the Convention provides that Parties shall consider appointing national rapporteurs to monitor the anti-trafficking activities of state institutions and the implementation of national legislation requirements.²⁹ A rapporteur should drive through good practice in anti-trafficking measures and hold governments to account for ensuring appropriate procedures are in place to protect vulnerable victims and bring traffickers to justice. Most European countries have opted for establishing an equivalent mechanism rather than a rapporteur, with only Finland and the Netherlands having independent national rapporteurs.

The UK currently does not have a rapporteur as envisaged by the Convention and the Directive. Instead, the Home Secretary is responsible for producing a report to meet the obligations under international law. While the Home Secretary oversees many preventative counter-trafficking measures, they cannot fulfil all the necessary requirements of a rapporteur as outlined above, because they are not independent from the UK Government.

The office of the IASC was created as an equivalent mechanism under the Modern Slavery Act 2015, with the aim to increase “the numbers of victims of modern slavery that are identified and referred for appropriate support; and, in tandem, to see an increase in the numbers of prosecutions and convictions of traffickers and slave masters.”³⁰

The majority of respondents to this research felt that since the IASC appointment in 2014, the UK’s response to understanding of human trafficking improved overall. Most lauded its work on victim

²⁶ Modern Slavery Police Transformation Unit, *Modern Slavery Police Transformation Fund annual report*, 2018, p.15. See: www.npcc.police.uk/Publication/MSPTP_Annual_Report_to_310318.pdf.

²⁷ *Ibid*

²⁸ N. Tilley, “Problem-Oriented Policing, Intelligence Led Policing and the National Intelligence Model”, JDI Short Reports, 2009, p.2. See: www.researchgate.net/publication/237780221_Problem-Oriented_Policing_Intelligence-Led_Policing_and_the_National_Intelligence_Model.

²⁹ *Explanatory Report*, *supra* note 1, para. 298.

³⁰ Independent Anti-Slavery Commissioner, *Strategic Plan 2015-17*, 2015, p.3. See: www.antislaverycommissioner.co.uk/media/1075/iasc_strategicplan_2015.pdf.

protection and international work on prevention. The IASC focused on prevention by building transnational relationships and developed programmes of work in Nigeria, including capability building to the Nigerian National Agency for the Prohibition of Trafficking in Persons as well as developing a Human Trafficking Unit in Lagos Airport. Responding to the high number of trafficked persons from Vietnam, the IASC built the foundation for a Memorandum of Understanding with Vietnam to enhance cooperation in the prevention of trafficking. This work is significant in the context of prevention because it allows the Commissioner to call on the Government to devote constant and intensive attention to the socio-economic drivers to human trafficking.

While the Commissioner has established some baselines in the work to reduce people's vulnerability to exploitation, the IASC role in monitoring anti-trafficking policy and evaluating UK overall performance has been limited by the role's remit. During the passage of the Modern Slavery Act, ATMG supported calls for extending the IASC's autonomy to enable the office to operate as a fully independent body and have the power to direct authorities to act and drive change.³¹

Unfortunately, the Modern Slavery Act does not provide the IASC with the independence to monitor the UK's overall performance. The role is also unable to enforce the implementation of anti-trafficking measures, as is a key requirement of a rapporteur. Additionally, the Commissioner is not given access to data held by the NCA or the police, rendering any true analysis impossible. As a result of this, the ISAC cannot be effective in ensuring the Government is accountable in preventing trafficking in human beings.

ATMG recommends that the Government draws lessons from other roles like the Children and Young People's Commissioner Scotland which has powers to investigate and research matters relating to children. Likewise, the Equality and Human Rights Commission has a range of enforcement powers to strengthen and expand people's rights.

ATMG recognises that the issues outlined in this report are complex and cannot be fixed quickly. However, the UK's anti-trafficking response would be greatly improved across all areas, including prevention, if the role of the Commissioner was equivalent to a National Rapporteur as set out in Article 29.5 of the Convention. Enabling this independence would allow the Commissioner to provide the Government with adequate and reliable information and with objective advice. National Rapporteurs must be placed above the system in order to guarantee their independence, allowing them the exclusive mandate to oversee the implementation of anti-trafficking policy in the UK.

This is echoed by the first Finnish National Rapporteur on Trafficking in Human Beings, who stated:

"To have any added value, a Rapporteur must be independent. That is an absolute precondition. In my view, the added value of a Rapporteur lies in providing an objective analysis of how human trafficking is being addressed."³²

The *Explanatory Report to the Council of Europe's Convention on Action against Trafficking in Human Beings* (hereafter the "*Explanatory Report*") – which also calls for the appointment of National Rapporteurs or equivalent mechanisms – expressly mentions the Dutch National Rapporteur as an example of an independent monitoring mechanism.³³ If given more independence, the IASC, could better support the Home Secretary and the UK Government as a whole by providing an independent monitoring mechanism.

³¹ The Anti-Trafficking Monitoring Group (ATMG), *Modern Slavery Bill Report Stage – House of Lords February 2015, Part 4: Independent Anti-Slavery Commissioner*, 2015. See: www.antislavery.org/wp-content/uploads/2017/02/atmg-antislaverycommissioner-briefing.pdf.
³² National Rapporteur on Trafficking in Human Beings, *Human Trafficking – ten years of independent monitoring*, 2010, p.28. See: www.nationaalrapporteur.nl/binaries/8e-rapportage-nrm-eng-web-tcm64-310472_tcm23-34822.pdf.
³³ Explanatory Report, *supra* note 1, para. 298.

Local Government and Civil Society

The engagement of local government in anti-trafficking has gradually taken shape over the last few years and has been bolstered by support from the IASC. Collaboration between the Commissioner and local government has helped to outline their role clearly and establish councils and local leaders as key actors in the prevention of trafficking. There have been a number of national conferences, including the Modern Slavery and Human Trafficking: Supporting Victims and Reducing Exploitation conference in Manchester, that have brought local services together to share and develop better responses to trafficking at local levels. Good practice has also been identified across the UK. One positive trend is the development of multi-agency models, such as the Modern Slavery Partnership for Hampshire and the Isle of Wight, chaired by the Office of the Police and Crime Commissioner. These examples champion a holistic response and ensure that agencies combat trafficking by working in partnership. To bolster multi-agency action on victim identification and support to adult survivors, the Human Trafficking Foundation produced several resources to support local authorities.

Good Practice: London Working Group

The Human Trafficking Foundation, together with the London Working Group, a network of frontline and advocacy, has developed a modern slavery protocol for local authorities. The protocol was designed to help councils across London improve their response to trafficking and increase their ability to identify and support adult survivors. It includes definitions and indicators for identifying victims of trafficking, information on the NRM and the statutory duties of a local authority to identify and support victims.

The Local Government Association (LGA) developed guidance for councils in 2017 to “increase awareness of modern slavery and provide clarity for councils on their role in tackling it.”³⁴ ATMG welcomes the approach of the LGA and recognise the good practice demonstrated in implementing and developing guidance in responding to human trafficking. The LGA has also held five regional workshops to help councils understand their role in tackling modern slavery, including identifying slavery, working in partnership and supporting victims.³⁵

While this is an important step forward in the prevention of human trafficking, the LGA has been vocal in highlighting some of the challenges facing local authorities. The reduction of funding to all UK councils over the last eight years has had a severe impact. The LGA states: “Government needs to urgently address this cliff-edge and the growing funding gaps facing local services.”³⁶

Local authorities have an important role in combatting and preventing trafficking. However, many participants interviewed for this paper voiced concerns around governance and coordination of local government and civil society groups. Pockets of good practice and multi-agency working exist across the UK, but the myriad of networks that have begun to emerge lack consistency and coordination as set out in the Convention. In addition, trends that emerge in different parts of the UK are not routinely shared and examples of good partnership and coordination models remain centred on large cities, where NGO presence is generally stronger.

³⁴ Local Government Association, Tackling Modern Slavery: A Council Guide, 2017, p.4. See: <https://www.local.gov.uk/modern-slavery-council-guide>.

³⁵ *Ibid.*

³⁶ Local Government Association, LGA responds to modern slavery report, 2018. See: <https://www.local.gov.uk/about/news/lga-responds-modern-slavery-report>.

Prevention Initiatives Since 2012

Article 5.2 of the Convention encourages states to adopt a holistic approach to prevention and includes the following measures as key to preventing trafficking: research, awareness-raising, socio-economic initiatives and training programmes.³⁷

This section considers prevention measures in the UK since 2012 and examines how these measures contribute to the UK's efforts to prevent trafficking in human beings, with a focus on:

- Research and data collection
- Education and awareness-raising
- Programming in the UK and abroad
- Training

While there has been a significant increase in the number of stakeholders engaging in measures to prevent trafficking across the UK, with examples of good practice at local and regional levels, the extent to which these measures enhance the UK's ability to combat trafficking is not easily determinable. This section will reflect how the UK Government is yet to understand the prevalence of human trafficking, how victims become exploited or who is affected by the issue.

This was recognised in 2017 by a member of the Parliamentary Public Accounts Committee who stated, "there are some glaring gaps in our understanding of this crime and how it manifests itself. There are also problems about clear lines of accountability, how much money is spent across Government and how effective the governance and performance frameworks are."³⁸ Equally, while measures exist in the UK to prevent trafficking, it is not clear that their function in preventing trafficking is always understood. One interviewee explained that the Government lacked a comprehensive understanding of the issue, stating:

"In my opinion the Government has failed to grasp the complexity of this issue for a number of years; resources are not coordinated and they don't understand the consequences of that."

Civil servant, April 2018

Research and Data Collection

Research and data are essential for evidence-based policy making. The Explanatory Report to the Convention recognises that "research on combatting trafficking is essential for devising effective prevention methods."³⁹ New trends in people trafficking emerge year-on-year and the ways in which trafficked persons are exploited also change. Therefore, there needs to be long-term investment in data collection across the UK, to build up a thorough picture of the scale and nature of trafficking. Currently, the Government lacks a comprehensive framework to understand the nature and prevalence of the crime and this remains a concern for many participants in this research.

³⁷ *Ibid*
³⁸ Public Accounts Committee, *Oral evidence: Reducing Modern Slavery & Emergency Services Network: progress review, HC 886*, 21 February 2018, Q.4. See: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/reducing-modern-slavery/oral/78890.html>.
³⁹ *Explanatory Report*, *supra* note 1, para. 103.

The lack of comprehensive data is an issue widely recognised in the UK. This was identified as early as 2009 by the Home Affairs Select Committee: “Data on the scale of trafficking in the UK is highly unreliable and out of date. An extensive investigation into the nature and extent of this crime is now long overdue.”⁴⁰

Several years later, GRETA noted in its second evaluation round that “there are gaps in the collection of data on human trafficking, limiting the possibility of analysing trends and adjusting policies. There is a lack of statistical data regarding investigations, prosecutions, convictions and compensation in relation to human trafficking.”⁴¹

In 2013, the Home Office’s Chief Scientific Adviser reported on an exploratory analysis of the scale of modern slavery in the UK. Subsequently, the Government estimated that in the UK there are between 10,000 and 13,000 potential victims of trafficking.⁴² This figure continues to be the UK Government’s official estimate on the scale of human trafficking. However, three years later, evidence submitted to the Work and Pensions Committee inquiry into Victims of Modern Slavery, stated that the government would fail to meet the needs of victims without a more comprehensive understanding of the scale and size of the problem in the UK. The evidence submitted informed the committee that the UK understanding of the prevalence of trafficking is out of date. This was echoed by the National Audit Office finding that the “government will need to build much stronger information and understanding of perpetrators and victims than it has now.”⁴³

Although there have been estimates on the scale of modern slavery in the UK through research and analysis, the UK’s primary source of data is the NRM, which is the principal mechanism for referral of potential victims to support services. This system only captures a snapshot of potential victims of trafficking (over 5,000 in 2017), as only those who are identified and consent to being referred will be recorded. So, although the formal calculation of those in exploitation is out of date, it is still relied upon by the Government as an estimate of the prevalence of trafficking in the UK, believing it to be the most “robust current estimate of the scale of modern slavery in the UK.”⁴⁴

The MSHTU, a body within the NCA, collects data for, the NRM. While there is a wealth of information available in the NRM, including the types of exploitation and trends of trafficking, its limitations are less considered. There has been a gradual increase in the disaggregation of NRM data, although this appears to have been approached selectively by the Government and it is unclear why particular information is included or removed. This lack of methodological transparency provides little foundation for assessing the depth and quality of the information provided by the NRM. Furthermore, some published NRM data is erroneous. A parliamentary inquiry described a system reliant on NRM data as “clunky. It is not a system that enables us to use data in a sophisticated way.”⁴⁵ Another source of data the Government relies on is the information provided under the duty to notify provision and the number of modern slavery crimes recorded by the police. The Government states that each source of data cannot provide a reliable assessment of the actual prevalence of modern slavery, but, rather, offers an approximate picture of how the prevalence and reporting may be changing over time.

⁴⁰ Home Affairs Committee, *Memorandum submitted by the Salvation Army*, 2009. See: <https://publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/23we13.htm>.

⁴¹ GRETA, *supra* note 19, para. 73.

⁴² Home Office, *Modern Slavery: an application of Multiple Systems Estimation*, 2014. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/386841/Modern_Slavery_an_application_of_MSE_revised.pdf.

⁴³ National Audit Office, *supra* note 15.

⁴⁴ Home Office, *UK Annual Report on Modern Slavery*, 2017, p.4. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652366/2017_uk_annual_report_on_modern_slavery.pdf

⁴⁵ Public Accounts Committee, *supra* note 42, Q15.

The Government recognises the limitations of the NRM as the UK’s primary source of data and announced in 2017 the digitisation of the NRM with a view “to understand much better the trends and the statistics.”⁴⁶ This proposed reform aims to wholly digitise the NRM referral process through an online platform. The commitment to improve the NRM is recognised and welcomed by ATMG, which recommends that implementation of this digital system is carried out with input from key stakeholders to improve data collection and analysis of NRM data to inform prevention work.

Many individual agencies also collect data, which gives a confused and potentially misleading picture on the UK’s response to the issue. For example, the Ministry of Justice (MoJ) collects data on convictions and prosecution of trafficking, where the trafficking offence charged is the principal offence on the indictment. At the same time, the Crown Prosecution Service (CPS) collects data from its case management system, where cases involving a trafficking charge are flagged. Crucially, this includes situations where the defendant is found guilty of other offences at the trial but not the trafficking charge. The result is dual systems of data collection, which create uncertainty over the number of perpetrators actually brought to justice for trafficking.

Developing data collection systems that capture the breadth and complexity of the issue is challenging for all governments. However, the need for accurate and up-to-date information is an important component in understanding the issue and developing ways to combat it. While distinct data is important, the use of this data, and the ways it is exchanged between statutory bodies, requires monitoring. The current differences in data collection between government departments, local government and law enforcement bodies across the UK gives a fragmented and confusing picture on how successful the UK is in tackling trafficking.

Most of the government-led research and data analysis focuses on capturing quantitative data and provides basic categorisation such as gender, nationality or location of referral. While this information is important for assessing the scale of the problem and resource planning, detailed qualitative assessment is required to inform prevention.

In October 2017, the UK Government took a first step in this direction and published a report on a Typology of Modern Slavery Offences in the UK. The data sampled consisted of anonymised case files for 250 victims referred to the NRM since 2015, who had received positive conclusive grounds decisions.⁴⁷ It also included details from 78 cases of human trafficking and modern slavery convictions across England, Wales, Scotland and Northern Ireland since 2004. This included cases convicted under current and previous anti-trafficking legislation.⁴⁸ The ATMG welcomes the Government’s rationale behind devising a typology of modern slavery offences to understand the different ways that modern slavery manifests in the UK and to help inform tailored policy and operational responses. However, the typology refers to a very small proportion of victims across four years of NRM data. By only including cases that have been conclusively determined as trafficking, and excluding information from victims who have received positive/negative reasonable or conclusive grounds determinations, the Government is missing a key source of vital information to inform its prevention measures.

Participants interviewed for this research stated that there should be a commitment to long-term analysis of trends in trafficking into and within the UK. There remains limited research on the role specific sectors play in responding to and preventing trafficking, including education and health providers, private landlords or authorities at local and regional levels.

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⁴⁶ *Ibid.*

⁴⁷ Home Office, A Typology of Modern Slavery Offences in the UK, 2017. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf

⁴⁸ *Ibid*

The Government is working to increase the UK's understanding of the issue and there has been gradual development in research for specific types of exploitation including forced labour, domestic servitude and debt bondage. However, the scope of this work remains relatively limited in comparison with research on sexual exploitation. The British Academy has received funding from the Government to conduct research on Modern Slavery. It is particularly focused on Sustainable Development Goal (SDG) 8.7, which encourages states to take immediate and effective measures to eradicate forced labour, end modern slavery and secure the prohibition and elimination of the worst forms of child labour.⁴⁹ The programme funds problem-focused research that produces evidence geared towards informing policies and interventions related to SDG 8.7. It also provides grants to researchers across the humanities and social sciences, from the UK and overseas, to examine research gaps in the field, including how to bolster current interventions and what works at scale.

Despite the increase in research over the last five years in the UK, there are still knowledge gaps, particularly around the underlying systemic factors that contribute to people's vulnerability to trafficking from abroad and the vulnerability of British nationals to exploitation. Furthermore, little is known about the environmental factors of human trafficking, including the impact of climate change.

Much of the granular, qualitative, research is still produced by NGOs, universities and think tanks. Universities that have continually undertaken research include Leeds, Liverpool and Nottingham. In 2017, the University of Nottingham announced a new partnership with the Walk Free Foundation. The Foundation has a data set on trafficking which includes face-to-face interviews with more than 70,000 people in more than 50 countries and a year-on-year comparative database on worldwide government responses to trafficking. The university aims to incorporate new data on factors that make people vulnerable to enslavement and develop new methodologies for combatting trafficking.

The collective work of NGOs and universities has done a great deal to further the picture of human trafficking in the UK. The work of these organisations cuts across various aspects and issues of human trafficking, building understanding of trafficking and foregrounding best practice across different societies, sectors and countries. For example, Focus on Labour Exploitation has published extensive research on forced labour and provided recommendations on reducing this form of exploitation.

Encouragingly, the Modern Slavery Innovation Fund (MSIF), launched in 2017, funded 10 organisations working to reduce the prevalence of trafficking and exploitation, particularly in countries from which victims are trafficked to the UK. This includes research projects by the International Organization for Migration (IOM) and the University of Bedfordshire, such as their study 'Vulnerability' to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK. The research explores the risks associated with unsafe migration. Similarly, Anti-Slavery International and ECPAT UK have implemented a project focused on understanding the vulnerabilities of Vietnamese nationals along migratory routes in Europe. (See Chapter 6 for detail.)

⁴⁹ United Nations, Sustainable Development Goals, 2018. See: <https://www.britac.ac.uk/tackling-slavery-modern-business>.

⁵⁰ University of Bedfordshire and the International Organization for Migration, 'Vulnerability' to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK, 2018. See: <https://www.beds.ac.uk/trafficking/info>.

CASE STUDY: Consolidating Modern Slavery Research

In 2017, the Independent Anti-Slavery Commissioner began efforts to collate existing research in the UK and invited submissions focused on a range of issues, covering law enforcement, victim support and protection and monitoring of trends. This is a significant initiative which acknowledges the importance of collating research in order to understand the complexities of trafficking and capture long-term trends.

It is evident that research into trafficking has increased across the UK and there has been significant progress in addressing the collective understanding of trafficking. However, the majority of people interviewed for this report felt that there was little to no coordination between the different strands of work. This means that there is a risk of duplication, while some areas remain under-researched.

Although trafficking policy is a devolved matter and funding for research measures should be provided by the relevant administration's own budget, the commitment to research across the UK's different administrations is not consistent. Many practitioners described a lack of resources as the primary cause of this.

"The commitment to research is important, but there is no joined-up thinking. Northern Irish organisations have no access to funding from central government and we lack the resources here to do more research."

NGO worker, January 2018

The ATMG welcomes the work of the Commissioner to bring together the work in this area and recommends that the Government commit to invest in research that covers a broad range of policy areas, in order to inform and increase its understanding of trafficking in the UK. Expanding the Commissioner's role to collate all anti-trafficking research across the UK would enhance the development of anti-trafficking strategies and programmes.

If the UK is to truly strengthen national coordination it must do more to ensure its knowledge and comprehension of prevention and trafficking more broadly is prioritised. Research should be understood as an essential component in informing the prevention of trafficking and should be formally recognised in the Government's anti-trafficking strategy with additional resources and funding as required.

Education and Awareness-Raising

Education and awareness-raising address the vulnerability of those at risk of trafficking and educate other audiences by raising the profile of the issue. Educating those at risk of exploitation through programmes that equip individuals with the skills necessary for employment opportunities can reduce their need to migrate through unsafe and risky channels or to take on jobs in exploitative conditions.

⁹⁸Hales & Gelsthorpe, *The Criminalisation of Migrant Women*, 2012. Aee Section 8.4, p. 102 http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf

⁹⁹See: www.theguardian.com/law/2011/jun/02/nigeria-baby-farm-raided-human-trafficking

The education and awareness programmes foreseen by the Convention include:

- Projects or campaigns to raise awareness within general populations;
- Targeted campaigns to at-risk groups, educating them on the dangers of trafficking;
- Awareness-raising and specialist training amongst government departments, agencies and professionals.⁵¹

As with other prevention measures, education and awareness-raising must be based on research and designed wherever possible with input from the target group. GRETA noted that the UK must “systematically assess the impact of these efforts and plan future information and awareness-raising campaigns on the basis of previous research and impact assessment.”⁵² There is currently no strategic approach to measuring or monitoring the long-term impact of awareness-raising carried out by the government or with government funding in the UK.

Recent Government campaigns have been aimed mainly at the general public. The Home Office ran its *Slavery is closer than you think*⁵³ campaign in 2014, on television and online. The Government’s objective was “to end the enslavement of workers who have been trafficked to or within the UK for exploitation, convict the gangs behind it and increase the protection and support for victims.”⁵⁴ The campaign did encompass the most prevalent forms of exploitation in the UK, and focused on both men and women. The campaign was hailed a success because “more people are aware of modern slavery in the UK. More people understand what slavery is and who is affected.”⁵⁵

Awareness-raising campaigns were also conducted in devolved administrations. Northern Ireland’s Department of Justice (DoJ) ran a campaign in 2017. A video was produced by *No More Traffik entitled Spot the Signs*,⁵⁶ and posters and leaflets were distributed by councils around the country, offering advice on how to identify suspicious activity. Responding to the 2017 Northern Ireland anti-trafficking strategy and “engagement with perceived ‘at-risk’ groups,”⁵⁷ the Law Centre (NI) recommended that the DoJ increase its focus by commissioning “short radio pieces in a number of different languages targeting certain groups, including and importantly, during night hours.”⁵⁸ In addition, in response to objective two of the strategy, the Law Centre recommended that the DoJ should ensure that all persons in immigration detention and prisons have access to independent information and advice.⁵⁹ The Welsh Government developed the *Say No to Slavery*⁶⁰ campaign in 2018, which aired on Welsh television channels and included posters displayed at transport hubs and other public areas across Wales.

⁵¹ *European Convention*, *supra* note 1, Article 5.2.

⁵² GRETA, *supra* note 19, para. 88.

⁵³ See: <https://youtu.be/yOe2-j3QzKl>.

⁵⁴ Home Office, *Modern Slavery Marketing Campaign Evaluation Report*, 2014. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/451964/150806_Modern_Slavery_Evaluation_for_publication_FINAL.pdf.

⁵⁵ *Ibid.*, p.8.

⁵⁶ See: <https://vimeo.com/user33442858>.

⁵⁷ Department of Justice, *supra* note 17.

⁵⁸ Law Centre Northern Ireland, Law Centre (NI) response, 2016, p.8, point 7. See: <https://www.lawcentreni.org/Publications/Policy-Responses/DoJ-draft-Human-trafficking-strategy.pdf>.

⁵⁹ *Ibid.*

⁶⁰ Wales Online, Campaign in bid to end modern slavery and human trafficking across South Wales, 8 June 2018. See: <https://www.walesonline.co.uk/news/wales-news/campaign-bid-end-modern-slavery-14760460>.

CASE STUDY: Human Trafficking is Happening in Scotland

The *Human Trafficking* is happening in Scotland campaign was aired in 2017 and demonstrates good practice in both targeted awareness-raising amongst certain sections of society and capitalising on information available from the NRM. The Scottish Government's campaign intended to change public perception and highlight that trafficking and exploitation happens in local communities. Locations where victims of human trafficking have been identified over the last five years were publicised in order to challenge perceptions that the crime is confined to Scotland's major towns and cities.

Surveys were conducted to assess the impact of the campaign. Although from 2017–2018, awareness amongst Scottish citizens of the trafficking of adults and the industries in which they are exploited was generally similar both before and following the campaign; there were significant increases in awareness of trafficked adults being involved in particular industries. These include: farming, beauty industry, tourism and catering and hospitality.

Awareness-raising of trafficking amongst people travelling was implemented at several UK ports to gather intelligence around threats, trends and risk profiles of potential victims of trafficking:

CASE STUDY: Operation Outrun

Operation Outrun involved speaking to people travelling and raising awareness in local communities.

Leaflets were distributed to passengers and UKBF interviewed over three hundred potential victims of trafficking at locations such as Glasgow Airport. Passengers on flights to Belfast International & Belfast City Airport were interviewed and several referrals were made to the Police Service of Northern Ireland (PSNI) for further investigation. This was a joint operation involving seconded police officers from Romania, using profiling to identify Eastern European females vulnerable to sexual exploitation.

The commitment to dedicated anti-trafficking operations involving multiple agencies at the border such as Outrun, were repeatedly praised by participants in this research. Awareness and understanding were seen to have increased amongst border officials enabling them to confidently identify indicators and potential victims. However, the limitations of operations like Outrun need to be recognised. The process for gathering information and intelligence from potentially vulnerable people at the border is marred with inconsistent and undocumented processes.

While activities such as Operation Outrun demonstrate a proactive approach to awareness-raising and educating people travelling of the risks of trafficking, the limitations are less understood. It is important that the information and intelligence gathered from potentially vulnerable people is consistently recorded and documented, and that the human rights of victims and potential victims are a central feature of awareness-raising in the UK.

While ATMG welcomes the Government's commitment to raising awareness of the issue, we recommend that the Government reviews its evaluation methods for targeted information campaigns on human trafficking and exploitation. Because there are limited evaluations of campaigns in the UK, it is difficult to assess their impact in raising general awareness of trafficking amongst the public.

Prevention Programming

Programming focused on at risk-groups in the UK and abroad is largely undertaken by civil society actors, often with Government funding. Many of these projects share an overarching aim of reducing the prevalence of human trafficking by addressing the factors that make people vulnerable to exploitation as well as focusing on priority source countries for victims of trafficking. These currently include Albania, Nigeria and Vietnam.

Albania

The number of people from Albania referred to the NRM as potential victims of trafficking by UK authorities has remained high over the last several years and there has been a surge in social and economic initiatives to help reduce Albanian victims' vulnerabilities. For example, programmes of volunteering have been developed by an NGO, Shpresa, with the aim of increasing employability as well as promoting education and health. Women engaging with this project are able to access work placements and internships. Some UK anti-trafficking services, supporting women identified in the NRM, have also forged connections with Albanian anti-trafficking organisations, including *Different and Equal*.⁶¹ This is in order to reintegrate survivors who return to Albania and reduce their vulnerability to trafficking. However, this work is largely led through individual initiative, rather than being embedded within a consistent UK Government strategy. Respondents recommended that the Government should work closely with NGOs which are building and developing international links, to share good practice in programmes which aim to reduce vulnerability and support reintegration.

In 2014, the UK Government signed a Memorandum of Understanding (MoU) with the Government of Albania with a view to improving identification, referral and assisted return of victims and potential victims of trafficking. This agreement is aimed at forging direct links between the competent authorities of both countries in order to quickly find suitable solutions for cases of trafficking identified.⁶² This was an important step forward in the cooperation between the UK and Albania. Several years on, however, it is unclear how this MoU has contributed to, or is intended to contribute to, the reduction of vulnerability of Albanian nationals to trafficking.

Nigeria

Nigeria has been among the top countries of origin for victims for a number of years. In addition to programming in country, a number of prevention programmes and initiatives have also been developed with Nigerian communities across the UK to raise awareness about the issue. The NGO AFRUCA piloted a campaign to end domestic slavery in London and Manchester. This included training of champions from UK-Nigerian communities to lead on developing awareness-raising events in mosques and churches about domestic slavery. Additionally, Anti-Slavery Day 2017 was marked with a parliamentary event that brought together diaspora community leaders and anti-trafficking experts to discuss policies to reduce the drivers of trafficking, methods to raise awareness amongst those at risk and necessary improvements in the protection and recovery of victims. Further funding has been allocated by the Modern Slavery Innovation Fund to build the capacity of Nigerian law enforcement in preventing trafficking and providing protection for survivors.

⁶¹ See: <http://differentandequal.org/sq/>

⁶² Written Answer, HC, 24 July 2018, hl9400

Vietnam

In 2016, 227 Vietnamese children were identified as potential victims in the UK. In the first six months of 2018, 169 Vietnamese children were referred to the NRM, making it the top country for children trafficked into the UK.

Good Practice – The Secret Gardeners, animated film by ECPAT UK

Research conducted by ECPAT UK found an alarming number of Vietnamese children trafficked into the UK for cannabis cultivation were being prosecuted for drugs offences.

To raise awareness about this, ECPAT UK produced an animated film called *The Secret Gardeners*, aimed at frontline workers about the rights of child victims of trafficking, as well as children in Vietnam who may be at risk. The film represents good practice in the intersection of research, education and awareness.

The animation was launched in 2017 in the UK and Vietnam, in partnership with the Pacific Links Foundation, as part of an education programme in schools to help prevent young people being trafficked.

Direct programming in countries of origin is increasingly addressing the underlying social and economic factors and should be welcomed. However, measuring the impact of these programmes and evaluating the ways in which they enhance prevention is limited.

Similarly, while the Government recognises the importance of raising awareness of trafficking in countries of origin and communities at risk, this work lacks coherence and coordination with UK anti-trafficking measures. The Government is developing programming to reduce the vulnerability of those at risk, but it is essential that these lead to viable opportunities for those at risk to reduce their vulnerability.

The expertise and leadership of DfID and the FCO is indispensable in this area and the establishment of dedicated Modern Slavery Units in both departments in recent years is positive. The increased consideration and mainstreaming of anti-trafficking efforts across rule of law, stabilisation and livelihoods portfolios has the potential to significantly impact underlying causes of trafficking.

Training

Training and building core capabilities of authorities is necessary for the prevention of trafficking in human beings. Article 29 of the Convention explains that is essential that public authorities have proper training and places an obligation on states to provide training for “relevant officials engaged in prevention of and action to combat trafficking in human beings.”⁶³ As the number of agencies and relevant persons in the UK grows, so too must the training of these organisations and individuals. Widening the UK’s training initiatives is not just about building and maintaining capacity, it is vital if the UK is to prevent trafficking. Capacity building helps to “improve the prevention and protection of (potential) victims, as well as the identification and prosecution of traffickers.”⁶⁴

⁶³ *European Convention*, *supra* note 1, Article 29.3.

⁶⁴ European Commission, *Study on Prevention initiatives on trafficking in human beings*, 2015, p.50. See: http://ec.europa.eu/antitrafficking/sites/antitrafficking/files/study_on_prevention_initiatives_on_trafficking_in_human_beings_0.pdf

During its second-round evaluation, GRETA concluded “that the UK authorities should continue their efforts in order to ensure that comprehensive training programmes are organised in a systematic and harmonised way across the UK for all relevant officials. In particular law enforcement officials, lawyers (including duty solicitors), prosecutors, magistrates, judges, social workers, child specialists and medical professionals. The relevance, effectiveness and reach of these programmes should be evaluated at regular intervals.”⁶⁵

Since 2012, a number of training materials and initiatives have been developed for relevant officials. There has been investment in a basic one-hour e-learning training on modern slavery, which is mandatory for staff most likely to come into contact with victims, in particular staff of the police forces, NCA, UKBF, UK Visas and Immigration (UKVI), IE, GLAA, Her Majesty’s Revenue and Customs (HMRC), local authority children’s services, health workers and judiciary. The training is naturally limited in its scope and insight into modern slavery, its indicators and general information around types of exploitation.

Training has also been prioritised by the National Health Service (NHS) England, with a focus on awareness-raising and multi-agency working with other organisations. Similarly, the Royal College of Nursing produced a pocket guide to help nurses and midwives identify victims of trafficking.

The Modern Slavery Strategy emphasised training for UKBF as a priority and confirmed it would undertake a programme of activity to strengthen its capability to tackle modern slavery, including “ensuring all frontline officials receive training that enables them to spot the signs of trafficking and to understand the trafficking threats specific to their airports or ports.”⁶⁶ These measures are welcomed by ATMG, however, upon their reinspection of UKBF, inspectors found that although many more UKBF staff had completed mandatory e-learning training, some referred to it as a “tick box exercise.”⁶⁷

During this reinspection, inspectors of border and immigration noted that staff from all jurisdictions were found to have a higher awareness of human trafficking and felt able to recognise the indicators of trafficking. However, Safeguarding Modern Slavery officers (SAMs) were often assigned to Safeguarding and Trafficking Units without sufficient training.

CASE STUDY: Train the Trainer

The Metropolitan Police Service (MPS), the Human Trafficking Foundation and Stop the Traffik have recently embarked on a project to establish a partnership network across London, supported by the Mayor’s Office for Policing and Crime (MOPAC). The MPS has been working with NHS England and London councils to secure funding for Train the Trainer sessions. These will be delivered to those working in local government, health and policing, raising awareness among colleagues. This approach will also ensure the message is consistent across all partners.

Training for police officers has improved somewhat through the introduction of mandatory e-learning on modern slavery. In England and Wales, for example, this was authorised by the College of Policing in 2015. While the introduction of e-learning is positive, very few forces evaluate

⁶⁵ GRETA, *supra* note 19, para. 67.
⁶⁶ Modern Slavery Strategy, *supra* note 14, p.55, 6.18
⁶⁷ D. Bolt, Independent Chief Inspector of Borders and Immigration, *A re-inspection of Border Force’s Identification and Treatment of Potential Victims of Modern Slavery*, 2018, para. 3.46

or regularly assess the impact of their training. A 2017 inspection by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) pointed out a lack of further training to help refresh knowledge and reflect developing trends.

While police forces across the UK have developed additional training materials, significant investment appears limited to England and Wales. In 2016, the UK Government and Police Reform & Transformation Board approved additional funding to police services in England and Wales to “transform the police service’s response to modern slavery.”⁶⁸ The funding introduced new dedicated roles, at national and regional levels, to increase intelligence and response of police across England and Wales. The significant investment by central government to increase the capacity of the police and their response to this complex organised crime is welcome. However, it is difficult to assess the long-term impact given that the initiative is only funded until 2019.

Training and capacity building is a long-term process, but the Government is yet to address issues of sustainability around its measures. In its report, entitled *Stolen Freedom*, HMICFRS found examples of good work but noted that policing practice and levels of activity were highly inconsistent. Lack of training was a key finding of the report as well as coordination across national, regional and local levels. The report stated: “Neither improved training nor the various Police Transformation Programme areas of work will provide a panacea for addressing these problems.”⁶⁹

ATMG’s research found that while there is a growing commitment to improve training across the UK, there is no central coordination or quality control for training.

Training in Devolved Administrations

In Northern Ireland, the landscape is different. While training has remained high on the agenda, practitioners informed us that it has remained a challenge and is consistently identified as a gap in their response to the issue. Although training has been identified as a priority by the DoJ, a competent training analysis is yet to be undertaken. A number of civil agencies are taking the lead on training in Northern Ireland. The Northern Ireland Human Trafficking and Modern Slavery Strategy 2016-17 cites “dedicated PSNI training/workshops”⁷⁰ in relation to ongoing training on human trafficking and exploitation. Many respondents reported concerns around the strategic delivery and evaluation of training, with some stating that they would like to see the coordination of training measures led by the DoJ. During interviews with Northern Ireland practitioners, one respondent highlighted:

“Often, the Government lacks the capacity to deliver training. Reporting and measuring the impact of training initiatives is extremely resource intensive, and the Government does not have the resources to commit to training.”

NGO worker, January 2018

⁶⁸ Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), *Stolen Freedom, the policing response to modern slavery and human trafficking*, 2017, p.24. See: <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking.pdf>.

⁶⁹ *Ibid.*, p. 83.

⁷⁰ *Department of Justice, supra* note 26, Objective 3.

In Wales, examples of coordinated training are evident. The CPS has implemented three tiers of training as part of the Welsh prevent strategy. This included a conference on tackling modern slavery with airline, aviation and hospitality officials, delivered by the UK Modern Slavery Training Delivery Group. Coordination of training is supported by the Wales national training framework on human trafficking and is delivered by a number of different organisations across the country. The training extends to health visitors and midwives, solicitors, police and other support agencies and has been designed and led by the Wales Anti-Slavery Leadership Group. This group, which consists of statutory and voluntary sector organisations, agrees annual strategic objectives with the Welsh Anti-Slavery Co-ordinator.

Conclusion

It is clear that measures to prevent trafficking have increased over the last five years and this progress is to be welcomed. The UK has expanded its governance framework and committed to building up information on the causes and types of trafficking. Despite this, existing frameworks appear to lack coordination and the absence of an overall strategy calls into question the strength of the UK's governance structure.

Interventions, including training and awareness-raising, remain high. It is evident that some of these initiatives are targeted at specific groups and there are examples of good practice across the UK, at regional and national levels. However, the majority of these measures are not evaluated, therefore assessing their preventative impact is difficult.

Increasingly, more attention is being paid to understanding the root causes of trafficking from a range of actors. It is important that this information is collected and analysed to build up a more comprehensive understanding of the issue. Equally, there must be more attention paid to the underlying and structural causes of trafficking, both internationally and in the UK. Currently, the UK is falling short on integrating anti-trafficking aims into existing foreign and domestic policy areas including migration, sustainable development, poverty and social exclusion.

The Convention and the Directive require states to conduct prevention in a holistic and coordinated manner. While there have been some welcome steps forward in the role of local authorities and statutory bodies, the coordination of agencies across the UK is not consistent. Gaps identified at the national level undoubtedly impact on the ability of local governments to respond to trafficking. The role of local government and civil society in the prevention of trafficking is gathering pace. However, these efforts could be enhanced by incorporating a top-down approach by the UK Government. This would need to maintain an inclusive and multi-agency approach, in line with the Convention and the Directive. Leadership is key and local governments require support and oversight of projects they are delivering.

The ISAC has proved effective in enhancing the response from local government and civil society, and its international work on prevention must also be commended. ATMG recognises the good work of the Commissioner. We recommend addressing the independence of the role and reviewing its powers to enable monitoring and coordination of anti-trafficking work across the UK.

This would not only increase the success of prevention models, it would help to evaluate and champion models of good practice. Strong governance is required at regional and local levels to clarify roles and responsibilities, and monitor and evaluate measures in order to improve them in future.

Finally, while training has increased across the UK, it is delivered in an inconsistent way and without any quality control. Appointing a body to oversee training and identify gaps in knowledge would help improve coordination and quality control.

Chapter 3: Prevention of Crime – Increasing the Risks for Traffickers

Increasing risks for potential traffickers through crime prevention measures and prosecutions are essential parts of trafficking prevention. Effective law enforcement increases the risks of prosecution for traffickers and can act as a deterrent. This chapter outlines how law enforcement has developed since 2012 and examines the UK’s capacity to investigate trafficking offences.

Despite the existence of laws against human trafficking across all UK jurisdictions, the extent to which these are successful largely depends on how they are implemented and monitored.

In 2016, the Home Secretary commissioned an independent review of the Modern Slavery Act. The Haughey report found “a lack of consistency”⁷¹ around the implementation of the various provisions of the Act by law enforcement and criminal justice agencies dealing with modern slavery. The principal issues identified were as follows. Training for police officers, investigators and prosecutors was sporadic and sometimes absent. There was a lack of reliable intelligence on the nature and scale of trafficking at regional, national and international levels and this was found to obstruct the operational response to trafficking. Finally, the report noted that there was not a structured approach from law enforcement agencies in prosecuting and preventing slavery.

Several years have passed since the introduction of the UK’s legal instruments to combat trafficking. To date, the Modern Slavery Act remains the only piece of legislation to have been reviewed. Inevitably, this means there has been no comprehensive assessment or evaluation of the UK’s anti-trafficking legislation. A review of the effectiveness of criminal justice provisions in Scotland and Northern Ireland is yet to be carried out.

Police

The implementation of criminal justice measures often starts with the police. There are forty-three police forces across England and Wales but both Scotland and Northern Ireland have a single force, unified under one central command. Some forces have specialist modern slavery/human trafficking units, including Devon and Cornwall, MPS, Greater Manchester, and PSNI, while Police Scotland has introduced named Human Trafficking Champions in each of its force’s divisions.

ATMG found in the past that where anti-trafficking units and/or specialisms have been developed, trafficking has been tackled with greater success. There have been other examples of good practice in the police response to trafficking over the last five years, such as the Modern Slavery Single Points of Contact (SPoCs).

⁷¹ Home Office, *Modern Slavery Act 2015 Review*, 2016. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf.

Good Practice – Modern Slavery Single Points of Contact

From 2017, the MPS has committed to introducing SPoCs within Borough Commands and has developed action plans for SPoCs to help them develop best practice. A programme of roadshows and events that bring these SPoCs together took place in 2017. Local officers are trained to advise colleagues on safeguarding victims as well as working with the Modern Slavery and Kidnap Unit (MSKU) for specialist support. The aim of this measure is to increase awareness and understanding across the MPS and enable the identification of potential victims.

Pockets of specialised multi-agency partnerships have also increased since 2012, which reflect the recognition that they help improve response to trafficking. For example, the MOPAC committed to support multi-agency partnerships tackling trafficking in the capital and established the London Modern Slavery Partnership Board. The board consists of senior partners across sectors working collectively, their aim being to develop whole system approaches, share resources, good practice and targeted responses. This example demonstrates what government led anti-trafficking strategies should encompass.

Despite these positive developments, HMICFRS reported that although “legislation against modern slavery and human trafficking has been strengthened this has not as yet resulted in the development of a concerted overall response on the part of the police service. We found a high level of inconsistency in the way the organisations we inspected have responded to the Act and to modern slavery and human trafficking more generally, with poor outcomes for many victims.”⁷² The inspection also found “little preventative activity taking place in the majority of forces.”⁷³

Inadequate training and lack of coordination of law-enforcement agencies across the UK was emphasised by the majority of respondents to this report. For example, in Northern Ireland, one participant highlighted:

“Pre-legislation, there was recognition that training was important. Three years into legislation it has still been identified as a priority. However, strategic delivery of training is not yet fully understood or developed in Northern Ireland.”

NGO worker, January 2018

Participants also stressed that communication and coordination between police forces across all UK jurisdictions was generally only utilised when there was a live case.

Crime Recording

Police crime recording is one source of data the Government uses to devise crime prevention strategies. In 2015, a category of modern slavery was introduced across the UK and the IASC worked with police forces to increase the consistency of recording of this crime. The ATMG welcomes the 159% increase in crime recording and recognises the shift in police culture. However, the significant disparity between the number of potential victims captured by the NRM indicates that many potential trafficking situations are not investigated. Furthermore, there is a

⁷² HMICFRS, *supra* note 72, p.9.

⁷³ *Ibid.*, p.10.

lack of recording of data for incidents where individuals choose not to enter the NRM, despite the Modern Slavery Act requiring government authorities to notify the NCA about suspected cases of modern slavery.

As one civil servant stated:

“The NRM and crime recording has no correlation, if an allegation of crime is recorded someone has to do something with it. The NCA don’t record crimes yet lead on the intelligence and law enforcement response, as well as administering the NRM. The NRM is a source of intelligence; every case within it is a source of intelligence, what is proactively being done to learn the stories of those victims?”

Civil servant, June 2018

It is clear that crime recording is an important measure in gathering intelligence to inform police understanding and to help build investigations against trafficking. Of equal importance is the need to establish the function of crime recording in the prevention of trafficking. Crime recording and the information gathered in the NRM currently operate under two different authorities which gather different statistics on trafficking. The result is that the UK is unable to present a clear picture on how successfully it is combatting trafficking.

Prosecution

Successful prosecution and conviction of traffickers can act as a deterrent and prevent others from offending, in particular if sentences are substantial or there is asset confiscation.

Prosecutorial authorities prosecute cases and bring perpetrators of trafficking offences to justice. There are three separate authorities in the UK:

- Crown Prosecution Service (CPS) in England and Wales
- Public Prosecution Service (PPS) in Northern Ireland
- Crown Office and Procurator Fiscal Service (COPFS) Scotland

Encouragingly, there has been a significant increase in training of casework lawyers tasked with prosecuting trafficking and modern slavery in England and Wales since 2012. However, the consistency of the training has been questioned by Her Majesty’s Crown Prosecution Inspectorate, (HMCPPI). Its inspection identified a “confused picture”⁷⁴ and recommended that training on human trafficking should be mandated for all prosecutors. The CPS accepted this recommendation in part, agreeing to provide training to all prosecutors who manage, or are more likely to manage, slavery and trafficking cases.⁷⁵

In other parts of the UK, ATMG found evidence that training was inconsistent, with prosecutors in Northern Ireland and Scotland lacking up-to-date and comprehensive training. HMCPPI identified good practice in mechanisms for sharing information at a national level with coordinated meetings, such as telephone ‘dial-ins’. Praise was given to prosecutors in Wales, for its Casework Review Group and strategic delivery plan.

⁷⁴ Her Majesty’s Crown Prosecution Service Inspectorate, The CPS response to the Modern Slavery Act 2015, 2017, para 1.9. See: www.justiceinspectorates.gov.uk/hmcpipi/wp-content/uploads/sites/3/2017/12/MSA_thm_Dec17_frpt.pdf.

⁷⁵ Crown Prosecution Service (CPS), *CPS Response to HMCPPI Joint Thematic Inspection of The CPS response to the Modern Slavery Act 2015*, 2017, p.5. See: www.cps.gov.uk/sites/default/files/documents/publications/cps-response-HMCPPI-modern-slavery-act-report-dec-17_0.pdf

Although the inspection identified considerable knowledge and experience in the CPS and its complex casework units, prosecutions for trafficking and slavery offences remain low across the UK compared to the number of victims identified year-on-year. The HMCPI report concluded that “victims are being let down at every stage. Identification, information flows, victim focus and investigative practice all need to be improved considerably, so that victims receive the full range of protections and safeguards to which they are entitled, and more offenders are brought to justice.”⁷⁶ The HMCPI also found “a significant disparity between the numbers of potential victims, the numbers that go through the National Referral Mechanism and the number of actual prosecutions. The volume of human trafficking referrals from the police rose in 2016–17 to their highest ever levels, but a smaller proportion resulted in a criminal prosecution and the volume of human trafficking convictions fell.”

The table below summarises prosecutions and convictions in the UK between 2013–2018:⁷⁷

April 2015–March 2018						
	Northern Ireland	England & Wales				Scotland
	2015–2018 (April–March)	2013–14	2014–15	2015–16	2016–17	2015–2018 (Nov–Feb)
Indictable Prosecution	7	226	187	295	295	2
No Prosecution	5	71	57	103	114	2
Convictions	2	155	130	192	181	2

Despite the disparity between the number of prosecutions and number of victims referred to the NRM, it is important to note that there are a number of factors which can impact on the authority’s ability to mount a prosecution. The two factors highlighted by most respondents to this research were inadequate victim support and lack of resources.

Lack of sustainable support for victims has a significant impact even where victims are willing to engage in proceedings. Support was described as inconsistent where cases took months or years to build. Victims were often left in limbo and when cases dragged on, victims were reported to withdraw allegations of exploitation. These poor support frameworks reveal that despite the importance of victim protection measures for a successful prosecution, these are often simply not in place. The effect is that victims are at risk of re-victimisation due to poor support systems and invasive questioning, and this can in turn affect their performance in court.

In terms of resources, cuts to the criminal justice system over the past decade have been substantial and a number of participants cited a lack of resources as an explanation for low prosecution and conviction rates of traffickers. Insufficient resources are a particular obstacle in trafficking cases. These are complex crimes, often involving multiple victims and perpetrators. They are often international and may include many other offences such as fraud, assault or extortion. One civil servant described prosecuting trafficking cases as like “wading through mud.”

⁷⁶ Her Majesty’s Crown Prosecution Service Inspectorate, *supra* note 78, para. 4.19.

⁷⁷ CPS, *Violence Against Women and Girls Report, 2016–2017*, p.A36. See: www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2017_1.pdf

A number of respondents also highlighted issues of cost intensive disclosure in these cases. For example, information relating to cases may span across various social media platforms, in different countries, in many languages. The cost and time to download and analyse the material is therefore high. One civil servant stated:

“Challenges around historical offences are difficult because gathering evidence is nearly impossible. Profiling information, intelligence and data in social media and information technology means there is no place to draw the line on prosecutions. More and more resources are required to tackle the growing complexity of the crime.”

Civil servant, April 2018

Finally, the introduction of new legislation has not always simplified prosecutions as intended. Respondents highlighted that the complex language of anti-trafficking legislation made it more difficult to interpret what was required for a successful prosecution. Many felt that the threshold for evidence had been raised. Consequently, there have been some efforts to identify alternative routes for bringing perpetrators to justice. For example, a lack of clarity around what constituted coercion and forced labour was reported in Northern Ireland. Here the efforts of Law Centre Northern Ireland are a good example of implementing alternative measures to increase the risks for traffickers through targeted enforcement rulings.

Good Practice – Prosecuting Forced Labour in Northern Ireland

Since the introduction of the Human Trafficking and Exploitation Act, there have been no prosecutions for forced labour or labour exploitation in Northern Ireland. Law Centre Northern Ireland has identified a key reason for this being the misunderstanding around the interpretation of forced labour in the act by various law enforcement authorities.

Responding to this, the Law Centre has worked collaboratively with other organisations including Migrant Help, Flourish and Women’s Aid Law Centre to bring forced labour cases through the Industrial Tribunals Office, an independent judicial body in Northern Ireland which hears and determines claims relating to employment matters. Identifying the lack of legal advice available in agricultural and fishing industries, the Law Centre aims to bring traffickers to justice through the enforcement of employment tribunals, where, unlike the criminal court, they believe there is a likelihood of success.

Across the UK there has been varying success using employment tribunals and labour courts. In England and Wales, the only cases that have succeeded in these courts concerned domestic servitude. Additionally, enforcing rulings of tribunals remains an issue, when often exploitative employers do not pay.

ATMG recognises the complexity and difficulty of prosecuting these crimes. The road to the court room for cases of exploitation is long and participants explained that managing the geographical dispersion of criminal activity and police jurisdictions was a challenge. Building coherent intelligence pictures for crimes that are often transnational and cross multiple police jurisdictions was seen as a barrier to delivering successful investigations. The UK should carry out thematic inspections of each public prosecuting agency to outline its response to the implementation of the Acts.

Despite these challenges, it is imperative that the coordination of public prosecution agencies improves. More rapid exchange of intelligence between countries and greater international cooperation should be prioritised to improve the speed at which evidence in cases is secured

and utilised. The majority of law enforcement agencies interviewed for this report stated that resourcing was inadequate. The Government should urgently commit more resources to the bodies responsible for tackling this crime.

Non-Punishment Provisions

Under the Convention and the Directive, the UK is required not to punish victims for crimes they committed as a direct consequence of trafficking. In the context of prevention, the failure to implement the non-punishment provision can lead to increased vulnerability of the trafficked person. This can be through secondary victimisation and exploitation, and through prolonged trauma, which is often brought on by the experience of a prison environment and the impact of being labelled a criminal. Convictions can affect a victim's life in the longer term by limiting their ability to find employment and increasing the risk of re-trafficking. Furthermore, failure to apply the non-punishment provision leads to traffickers escaping justice. Victims who are prosecuted are unlikely to assist in subsequent criminal proceedings against their traffickers. Finally, prosecuting victims instead of their traffickers diminishes the risks for traffickers and is counterintuitive to the positive obligation on the UK to investigate trafficking.

The non-punishment provision exists across all of the UK legislation and includes provisions, under which prosecutorial authorities can decide not to prosecute or discontinue prosecution of an individual who is a victim of trafficking. The ATMG has previously raised concerns over the application of the non-punishment provision and many victims are still prosecuted.

Criminalising Child Trafficking Victims

Criminalisation of child trafficking victims is occurring despite CPS guidance that any crimes committed by child victims of trafficking must be considered in the context of their trafficking by prosecutors.⁷⁸

Despite some legislation including defence for victims, cases involving children continue, which shows that the measures in place to prevent criminalisation of child trafficking are not proving to be effective. Between 2012 and 2017, more than 1,333 Vietnamese children were arrested, rather than being seen as potential trafficking victims.⁷⁹ The reasons for arrest included drug offences, despite the known links with exploitation for cannabis cultivation. Such responses are serving to make child victims of trafficking more vulnerable, rather than offering them protection towards preventing re-victimisation.

Overall, it is difficult to assess the effectiveness of the application of the provision. An FOI request by the ATMG revealed that this type of data is collected by neither the MoJ nor the CPS.

⁷⁸ The guidance states that: "If the defendant is a child victim of trafficking/slavery, the extent to which the crime alleged against the child was consequent on and integral to his/her being a victim of trafficking/slavery must be considered. In some cases the criminal offence is a manifestation of the exploitation." CPS, Human trafficking, smuggling and slavery, 2016. See: http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling.

Also: UNICEF UK, Victim not criminal: trafficked children and the non-punishment principle in the UK, 2017. See: https://downloads.unicef.org.uk/wp-content/uploads/2017/05/Unicef-UK-Briefing_Victim-Not-Criminal_2017.pdf.

⁷⁹ The Times, 'Police treat trafficked children like criminals', 19 March 2018. See: <https://www.thetimes.co.uk/article/police-treat-trafficked-children-like-criminals-hkczd9sgz>. ¹²⁸Helen Bamber Foundation, 2013, Further submission to the Joint Committee on the draft Modern Slavery Bill

Responding to the FOI request, the MoJ confirmed that it: “does not hold data on the use of the defence in section 45 of the Modern Slavery Act 2015. Neither does Crown Prosecution Service data capture such information. Data on NRM referrals made during court proceedings is not collated centrally and could only be provided, through examination of individual NRM referrals and court transcripts, at disproportionate cost.”⁸⁰

This lack of data makes it difficult to assess compliance with the non-punishment provision and the extent to which the UK guarantees victims their right not to be prosecuted. Similarly, it is difficult to evaluate whether effective use of this provision is enabling victims to see their trafficker(s) investigated.

Until recently the application of the provision was complicated by a burden of proof that rested with the victim. This has been reversed in a recent court judgment:

Case Study: Gega v Regina

In 2018, the Court of Appeal (Criminal Division) in England and Wales issued an important judgement on the application of the statutory defence. While the Modern Slavery Act established a statutory defence (non-punishment provision), it did not state where the burden of proof lies. The CPS issued guidance on the application of the defence, placing the burden of proof on the defendant. However, in *Gega v Regina*, the court established that the burden of proof is on the prosecution. Where the defendant raises the defence of being a victim of trafficking, the prosecution will now have to carry out in-depth investigation of the circumstances.

This case is an important step forward in the protection of victims of trafficking but also demonstrates the significance of international rule of law as a safeguard of victims' rights.

Prevention and Risk Orders

Since 2015, legislation across the UK introduced crime prevention measures in the form of Slavery and Trafficking Prevention and Risk Orders. Prevention orders can be applied to restrict the activities of convicted defendants. This can, for example, lead to a ban on an individual's ability to work in, or have contact with, a particular industry in the future. Risk orders are intended to reduce the risk of harm or prevent criminal activities by defendants who have not yet been convicted or have been acquitted.

The process of application for these measures differs by jurisdiction. In England and Wales, the court can issue prevention or risk orders against adult perpetrators, either on the magistrates' court's own accord or upon application by a chief officer of police, an immigration officer, or the Director General of the NCA.⁸¹ In Northern Ireland, the court can impose prevention orders upon sentencing or following an application by the PSNI.⁸² In Scotland, prevention and risk orders can be issued by the High Court, or applied for by the Chief Constable.

⁸⁰ Ministry of Justice, Freedom of Information Request, submitted 11 May 2018.

⁸¹ Home Office, *Guidance on Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders under Part 2 of the Modern Slavery Act 2015*, 2017, para. 3.5.2. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/610015/110417_-_statutory_guidance_part_2_-_GLAA_updates-_Final.pdf.

⁸² Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland), 2015, s.12 (4). See: <http://www.legislation.gov.uk/nia/2015/2/contents/enacted>.

Orders can tailor prohibitions and restrictions to individual cases, depending on the specific risk posed by an individual. Hence the orders have a real potential to prevent trafficking and exploitation. Unfortunately, the use of these orders across the UK still remains low.

The table below summarises the use of prevention and risk orders across the UK:

		Northern Ireland 2016-2018	Scotland 2017-2018	England & Wales 2015-2018
Prevention orders	Applied For		0	
	Granted	2	2	58
	Refused	0	0	0
	Withdrawn	0	0	
Risk Orders	Applied For	not in existence	0	
	Granted		0	29
	Refused		0	5
	Withdrawn		0	2

(Source FOI requests)

Reponses to FOI requests found inconsistency between the number of applications submitted by different agencies. For example, in 2016 the GLAA had not made any applications, while IE were granted three applications in England and Wales.

ATMG recognises that prevention and risk orders were introduced at different times across the UK (March 2015 in England and Wales, 2016 in Northern Ireland and 2017 in Scotland). So it is to be expected that the number of orders will differ across each jurisdiction and will also reflect the asymmetry of incidences of trafficking geographically.

Despite significantly higher number of prevention orders in England and Wales, cumulatively the use of these orders remains extremely low across the UK. This is brought into focus when considering that the Government estimates there to be 10,000–13,000 victims at any given time.

With such low numbers of applications, as well as granted applications, it is uncertain how far prevention and risk orders disrupt traffickers and prevent trafficking. During this research a number of respondents highlighted that training on the use of these orders was yet to be delivered. One civil servant stated:

“Risk orders are underused; police officers and police forces are not aware of them, and they are also challenged by court clerks who often do not understand them. There could be a lot more innovative use of risk orders – but they are not being applied. When an investigation can only go so far, a risk order can be used to monitor a suspect.”

Civil servant, May 2018

ATMG recommends an urgent review of the way in which prevention and risk orders are applied for and granted. This review should examine all applications for prevention and risk orders whether granted or refused by the court so that good practice can be built on, shared and improved.

Conclusion

The ATMG recognises investigations and prosecutions have improved since 2012, however, the UK's overall ability to prevent trafficking by increasing the risks for traffickers remains low. The number of successful prosecutions stands in stark contrast to the number of identified victims and estimates of the extent of trafficking in the UK. Prosecutions, convictions and civil orders are rising, however, there is no ongoing mechanism to monitor the outcomes and impact of the UK's anti-trafficking legislation to ensure it is working effectively.

The lack of resources and poor coordination of criminal justice measures were found to be the chief obstacles for effective criminal justice response.

The number of victims identified is rising, but the UK is yet to calibrate the success of its legislation.

Chapter 4: Wider Policies and Prevention of Trafficking

Many factors that impact on people's vulnerability to trafficking touch on a wide range of policies. This chapter will assess the impact of some UK policies in this regard.

Immigration Policy

A large proportion of those trafficked in the UK are migrants. Internationally, it is recognised that immigration policies that may lead to restricting the rights of migrants, their access to services and potentially criminalise migrants, will have an impact on addressing trafficking and protecting victims.

The ATMG found that the likely unintended consequence of changes in immigration policy and law since 2012 will be undermining anti-trafficking efforts, increasing the vulnerability of people to exploitation and re-trafficking, and preventing victims from coming forward because of fear of criminalisation.

The Immigration Act 2016 was introduced as a measure to address irregular migration. However, the Government failed to consider the potential impact this may have on people vulnerable to exploitation. The EU Commissioner for Human Rights voice this concern:

*"For many years now there has been a dominant political debate in the UK characterised by alarmism, laying primary emphasis on an urgent need to "regain control of EU migration by reforming welfare rules"; to "continue to cut immigration from outside the EU"; to "strengthen the enforcement of immigration rules"; to "tackle people trafficking and exploitation"; and to "ease pressure on public services and [the] local community."*⁸³

ATMG is concerned that a number of measures in the act increase vulnerability of migrants to exploitation, including:

- Measures making it illegal for those without status to rent accommodation;⁸⁴
- Measures creating criminal offences for landlords who "know or have reasonable cause to believe tenants are disqualified from renting as a result of their immigration status;"⁸⁵
- New eviction powers to proprietors;
- A new offence of illegal working.

The restrictive approach to irregular migration forces migrants into dangerous situations, isolating them from seeking help from authorities. The impact of such policies on those at risk of exploitation include risk of self-incrimination, the risk and fear of imprisonment and removal, impact on

⁸³ Council of Europe, Commissioner for Human Rights, *Memorandum on the human rights of asylum seekers and immigrants in the United Kingdom*, 2016, para. 25. See: <https://rm.coe.int/16806db68c>.

⁸⁴ A. Harvey, M. Karnik, Immigration Law Practitioners' Association (ILPA), *Public law problems arising from the Immigration Act 2016*, 2016, para. 31. See: www.ilpa.org.uk/data/resources/32318/16.07.14-Public-Law-Problems-arising-from-the-Immigration-Act-2016-PLP-conference-paper.pdf.

⁸⁵ *Ibid.*

seeking asylum, and of course the risk of further exploitation. The impact of this must not be underestimated, particularly with initiatives such as “Operation Vaken,”⁸⁶ reminding migrants via portable billboards of those arrested and deported in their area. Furthermore, victims of trafficking prosecuted as a result of this legislation will have a criminal record, which has implications for future immigration applications and therefore increases vulnerability in the long-term.

The offence of illegal working was raised by the NGO FLEX, which cited its concerns about the adverse impact of immigration reforms. “We know that the main priority for those without immigration status is to secure the right to remain in the UK, to be able to send back the money they promised their families when they left home. This new offence will make people so fearful of having money taken from them, being imprisoned and removed from the UK, that they will be less likely to take the gamble required to alert authorities to exploitation.”⁸⁷ The lines remain blurred between protecting vulnerable workers from exploitation and supporting them to leave these situations due to the enforcement of strict immigration controls for those encountered by licencing and enforcement bodies.

The impact of immigration regulation on workers vulnerability is most apparent in the case of migrant domestic workers in the UK:

CASE STUDY: Overseas Domestic Workers (ODWs)

In 2012, the ODW visa regime changed, removing the right of a worker to change employer and instead tying the worker to an employer: an arrangement that has been proven to increase the risk of exploitation.

The 2015 review into the terms of the ODW visa by James Ewins recommended that “the Government should relax the ‘employer tie,’ allowing ODWs to change employers and be granted an additional two years stay. This extension is the minimum required to give effective protection to those ODWs who are being abused in the UK.” The recommendation was endorsed in the 2nd GRETA evaluation and the 2018 Global Slavery Index.

Although the Government acknowledged the recommendations in the Ewins report and accepted that workers on the ODW visa should have an immediate escape route from abuse and exploitation, this right was granted only for the six-month period for which they were originally admitted. The evidence collected by the Ewins report, and supported by Kalayaan and other NGOs, suggests that changing employers during this six-month period will be extremely difficult. The six-month visa restriction does not achieve the Government’s stated aim of providing a real escape route from abuse. Instead, it leaves workers effectively tied to their employers. If workers escape, they cannot work beyond an initial six-month period, therefore re-employment is practically impossible.

Pre-2012, ODW visa arrangements were recognised to prevent exploitation, or at least to prevent re-exploitation, by giving workers a way out to find better employment. However, the preventative effect cannot be reinstated unless Ewin’s recommendations are implemented in full. Releasing a worker from their visa for a prolonged period that enables them to seek new employment is an effective way to prevent domestic worker exploitation. Without this we are unlikely to see a decrease in the vulnerability of domestic workers to exploitation.

⁸⁶ Home Office, *Operation Vaken Evaluation Report*, 2013. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/254411/Operation_Vaken_Evaluation_Report.pdf.

⁸⁷ Focus on Labour Exploitation (FLEX), *UK Immigration Act 2016: challenges ahead for efforts to tackle labour exploitation*, 2016. See: <http://www.labourexploitation.org/news/uk-immigration-act-2016-challenges-ahead-efforts-tackle-labour-exploitation>.

Additionally, more must be done to educate ODWs on the risks of exploitation during the visa application process. They should be seen alone, while physically apart from their employer and issued information on all their rights in a language they can understand. This information should also provide points of contact should they suffer abuse or exploitation.

Outreach to vulnerable groups, like domestic workers, is also a recognised prevention measure. The Ewins report made further recommendations in this regard, including the introduction of mandatory group information meetings for all overseas domestic workers who remain in the UK for more than 42 days.⁸⁸ The meetings were introduced by the Government to support those ODWs who experience abuse and exploitation to make informed decisions about their situation in the UK, including taking practical self-help steps to leave abusive employers, and support them in doing so.

In 2017, the Government announced a pilot of information meetings for ODWs who were newly arrived in the UK. Concerns were raised by a number of respondents to this paper in regard to the Home Office’s tender process for these pilots, which resulted in distinct flaws. For example, those delivering the service are not required to have direct experience in providing support to vulnerable migrant domestic workers or to demonstrate any prior knowledge or understanding of the NRM framework.⁸⁹ Attendance to the information meetings is non-compulsory, and travel expenses are not reimbursed for workers attending the meetings.

Immigration and Child Trafficking

To reduce the risk of trafficking, children must be able to seek assistance from services in safety.

Public services are among the primary places where trafficking indicators can be picked up, enabling a child to be brought to safety and identifying risks before a situation worsens. Many child victims of trafficking already live in fear of IE and of being arrested, detained or returned to their country of origin. However, public services are increasingly being asked to make immigration checks on individuals accessing services.

Similarly, police are piloting sharing biometric data of child migrants with IE.⁹⁰ This will likely exacerbate a general perception of fear of authorities amongst young people. Prevention of child trafficking requires children to be able to access services in safety, disclose their experiences and get support, without fear that their data will be used against them. This requires a complete separation between public services and immigration enforcement.

Prevention at the Border

The Convention obligates Member States to “strengthen cooperation among border control agencies” and points out that “better management of controls and cooperation at borders would make action to combat trafficking in human beings more effective.”⁹¹ The UK border can be

⁸⁸ J. Ewins, *Independent Review of the Overseas Domestic Workers Visa*, 2015 para. 13.1. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review_-_Final_Report__6_11_15_.pdf.

⁸⁹ Kalyaan, *Tendering process for ODW information meetings undermines government’s stated aim to empower workers and penalize exploitative employers*, 2018. See: <http://www.kalayaan.org.uk/wp-content/uploads/2018/06/Tendering-process-for-information-meetings-undermines-aim-to-empower-ODWs.pdf>.

⁹⁰ Independent Chief Inspector of Borders and Immigration, *An inspection of how the Home Office considers the ‘best interests’ of unaccompanied asylum seeking children, August – December 2017*, 2018, p.27. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695310/An_inspection_of_the_best_interests_of_unaccompanied_asylum_seeking_children_March_2018.pdf.

⁹¹ *Explanatory Report*, *supra* note 1, para. 111

crossed by sea, air or rail at over one hundred major entry points. Additionally, the border can be crossed outside the UK under juxtaposed control arrangements with other countries.

Prevention of trafficking at the border in the Modern Slavery Strategy focuses primarily on denying entry to a potential victim of trafficking. It is not clear what assessments are carried out by border force officials when potential victims are detected. Instead, they claim that “the majority of potential victims identified at the border by UK Border Force do not consent to referral to the NRM.”⁹² It is also not clear how this approach contributes to the reduction of vulnerability of the individual to trafficking or contributes to the UK meeting its obligation to protect victims.

The Border Policing Command of the NCA leads, supports and coordinates partners at the UK border in a “multi-agency response to tackle international modern slavery crime before it reaches the UK.

The UKBF states that it has established a dedicated programme of activity to strengthen its capabilities to detect potential victims and traffickers at the border, which includes deploying specialist safeguarding and trafficking teams at major ports and airports. Inspection evidence contradicts this and suggests that staff working at the border remain poorly trained and that UKBF is failing as an effective prevention measure (see discussion in Chapter 2, Training).⁹³ The IASC also found issues in the UKBF’s training and delivery, stating that it was being “let down” by its “own lack of data recording and inconsistent training of staff. Thus far, officers have had outdated, brief or no training at all on modern slavery and human trafficking.”⁹⁴

In 2017, the Independent Chief Inspector of Borders and Immigration noted several improvements following a reinspection of Border Force’s identification and treatment of potential victims of modern slavery. However, a number of recommendations regarding improved record keeping and data collection have so far not been adopted. Two areas of concerns identified by this report were, firstly, that data on the number of potentially trafficked people turned away at the border is not collected, and, secondly, that UKBF’s priority is clearly focused on preventing illegal migration.

The Government states that those deemed as vulnerable or potentially trafficked are assessed for risk of return, but little is known about the assessments carried out by UKBF officials. It goes without saying that returning potentially trafficked persons at the border will only increase their vulnerability to further exploitation.

The Convention states that authorities must be proactive in victim identification and assistance, but the number of UKBF referrals to the NRM remains consistently low. By contrast, as the table below shows, the number of nationals refused entry to the UK from three countries, which are consistently among the top ten countries of origin for trafficking.

⁹² *Ibid.*

⁹³ D. Bolt, Independent Chief Inspector of Borders and Immigration, *An Inspection of Border Force’s Identification and Treatment of Potential Victims of Modern Slavery*, 2016, para. 3.15. See: www.antislaverycommissioner.co.uk/media/1121/potential-victims-of-modern-slavery-inspection-report.pdf.

⁹⁴ See: www.gov.uk/government/news/border-force-urged-to-boost-response-to-slavery

Country	Year	Refused Entry	Refused Entry at Juxtaposed Controls	Potential victims referred to NRM by UKBF
Albania	2015	977	273	24
	2016	965	308	27
	2017	1,204	415	20
Nigeria	2015	686	47	4
	2016	512	61	3
	2017	379	47	2
Vietnam	2015	84	13	18
	2016	72	17	14
	2017	64	16	23

(Source: National Referral Mechanism statistics)⁹⁵

The UK must urgently address the issues presented at its borders to ensure that potential victims are informed about their rights and debriefed. The Convention states that exploitation need not have taken place for someone to be considered a victim of trafficking. Support and assistance at the border should be in place and an appropriate risk assessment that prioritises safety and is tailored to the individual’s circumstances should be delivered. To do so, UK authorities must improve links with relevant NGOs and embassies in countries of origin and the UK.

The Government’s overall position regarding the protection of vulnerable workers and the enforcement of irregular migration are contradictory and appear to undermine the UK’s commitment to prevent trafficking. The UK must adopt a broader approach when considering the links between vulnerability and exploitation in economic sectors. Decreasing options for legal migration increases demand for other ways to enter the country and prevents victims of human trafficking from coming forward.

Social Policies

Poverty and social exclusion are some of the circumstances that can increase vulnerability to trafficking. In recent years, the ATMG and others have seen an increase in trafficking linked to homelessness. Victims and potential victims can find themselves on the streets because of a lack of access to support and vulnerable rough sleepers can be recruited and put into situations of forced labour. The overall increase in homelessness, likely linked to austerity measures that have led to drastic cuts in social services, has meant a rise in the number of people who are extremely vulnerable to trafficking and exploitation.

Links between homelessness and trafficking have only recently been made in the UK and the recognition of this issue remains limited. In England and Wales, the Homelessness Reduction Act was introduced, which placed a duty on authorities to provide homelessness services to all those affected, regardless of priority need. It does not reference exploitation or trafficking. However, specific measures were introduced into the Homelessness Code of Guidance for Local Authorities. For example, the guidance suggests that a victim of trafficking or modern slavery “may have a priority need for accommodation if they are assessed as being vulnerable according to section 189(1)(c) of the 1996 Act.”⁹⁶ However, it should be noted that the guidance is not statutory.

⁹⁵ See: www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics

Although these changes are welcome, they fall woefully short of an effective strategy to prevent trafficking by reducing vulnerability. A thorough assessment of the links between trafficking and homelessness, as well as contributing factors, such as social and immigration policy implications, is yet to be carried out and a policy is yet to be proposed.

Social Policies and Child Trafficking

Public service cuts have put children at risk. Between 2010–11 and 2015–16, there was a real-terms decrease in central funding towards children and young people of £2.4 billion. By 2021, it is estimated that this policy will have put an additional 1.5 million children into situations of poverty. Staffing numbers have been reduced and services have closed, while demand for these services, and the need for preventative work to tackle child trafficking has grown.

With serious youth violence services forced to operate with fewer resources, they are only able to offer crisis intervention responses, not genuine prevention work.

Brexit

In July 2017, the ATMG published a report outlining how the UK’s exit from the EU jeopardises progress made domestically in combatting trafficking and protecting those vulnerable to exploitation.⁹⁷ The report highlighted that post-Brexit, there is a risk of reduced access (or, indeed, no access) to key EU bodies that have been an essential part of the UK’s law enforcement capability in this area. Furthermore, the lack of guarantees on victim protection and systems to protect vulnerable workers embedded in EU law further risks increasing people’s vulnerabilities to trafficking and re-trafficking.

There is no clarity as to if or how the UK Government aims to continue cooperation and participation in European Security and criminal justice measures,⁹⁸ including those that strengthen UK’s ability to combat human trafficking. The UK has benefitted significantly from access to EU criminal justice measures and bodies, such as Europol and Eurojust. The success of cross-border police anti-trafficking operations has relied heavily on funding and support from Eurojust.

The importance of intelligence sharing in combatting human trafficking was raised by a number of participants in this research. For example, in Northern Ireland, intelligence is shared with authorities in the Republic at the instigation of an individual who has specific ties across the border; it is not formally embedded within a consistent intelligence strategy. Good practice was found to be built on informal procedures and the PSNI stated that their ability to build successful criminal cases against traffickers across the Irish border was considerably improved by their close working with the Irish Garda. Concerns were raised that this could be undermined following the UK’s withdrawal from the EU.

One year on from the ATMG’s report, the impact of Brexit on the UK’s ability to prevent and address human trafficking has still not been assessed and has largely been absent from the EU

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⁹⁶ Ministry of Housing, Communities & Local Government, Homelessness code of guidance for local authorities, 2018, para. 27.17. See: www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-25-modern-slavery-and-trafficking
⁹⁷ The Anti-Trafficking Monitoring Group, *Brexit & the UK’s fight against modern slavery*, 2017. See: <https://www.antislavery.org/wp-content/uploads/2017/07/ATMG-Brexit-paper.pdf>.
⁹⁸ *Ibid.*

Withdrawal Act debates. The safeguards the ATMG recommended in this 2017 report to mitigate the likely impact of Brexit on anti-trafficking capability are still relevant and are even more pressing with the date for the UK's withdrawal less than a year away. They must be urgently addressed.

Brexit and Child Trafficking

Brexit poses some specific risks to the prevention of child trafficking. In particular, there is a danger that children's rights could be weakened as a result of this process. Parts of the Directive relate specifically to children, such as the obligation of governments to find 'durable solutions,' meaning long-term, stable and secure arrangements for trafficked children.

If these standards are not fully transposed into UK law post-Brexit, it would undermine prevention efforts by making children more vulnerable.

Conclusion

Effective anti-trafficking responses are necessarily interdisciplinary. This is becoming increasingly acknowledged and evidenced in the UK. Despite this, human trafficking is often scarcely addressed at a national, regional or local policy level, or is largely framed within approaches to immigration or fighting crime. These do not address the underlying causes and the UK must begin to mainstream anti-trafficking responses across a range of relevant policy areas.

Existing immigration and social policies should be reviewed as to their impact on prevention of trafficking and re-trafficking. This must include an urgent Government review of the impact of immigration policies on migrants' vulnerability to exploitation.

Regarding Brexit, attention should be paid to the impact leaving the EU could have on the UK's ability to tackle human trafficking, and efforts to provide migrants with advice and access to safe legal migration channels should be prioritised.

Similarly, the impact of the current approach to border control on preventing trafficking should be assessed, in particular whether the priority of preventing irregular migration does not undermine the UK's international obligation to identifying and safeguarding vulnerable people at borders.

Chapter 5: Long-Term Prevention – Prevention of Re-trafficking

This chapter explores how the UK’s mechanisms for victim support, return and repatriation contribute to the prevention of trafficking and re-trafficking in the long-term.

Victims of trafficking require long-term and supported recovery periods. The rehabilitative prospects of victims of trafficking who suffer complex trauma “depend upon the victims being or becoming able to build and maintain healing relationships with others.”⁹⁹ Without such support, “they will be at risk of suffering further isolation, feelings of alienation and agitation of their trauma symptoms. They will also remain specifically vulnerable to traffickers, whose trade flourishes from the availability of broken and subjugated people.”¹⁰⁰

Since 2012, measures involving the long-term support and recovery periods for victims of trafficking in the UK have gathered pace. However, despite the Government’s recognition that victims of trafficking need adequate support following their recovery and reflection period, in order to recover from their experiences, the dominance of immigration control in the Government’s agenda significantly limits sustainable prevention programmes.

Long-Term Prevention in the UK

Reducing the risk of repeated exploitation of victims depends on several main factors: adequate long-term support (achieving a durable solution); ensuring stable immigration status for foreign victims of trafficking; and the safe and dignified return of victims who do not wish to remain in the UK.

Renewable Residence Permit

Preventing re-exploitation remains one of the most important principles of the Convention. Article 14 provides for renewable residence permits and sets out how the provision for a residence permit meets both victims’ needs and the requirements of combatting trafficking.¹⁰¹ It states: “*The aim of these requirements is to allow Parties to choose between granting a residence permit in exchange for cooperation with the law-enforcement authorities and granting a residence permit on account of the victim’s needs, or indeed to adopt both simultaneously.*”¹⁰²

As well as providing victims with longer recovery time, residence permits allow victims to rebuild their lives through integrated programmes of support and the right to work. The Convention does not specify any length of time for a residence permit; however, it does require the permit to be renewable.

⁹⁹ OSCE Office of the Special Representative and Co-ordinator for Combatting Trafficking in Human Beings in partnership with the Ludwig Boltzmann Institute of Human Rights and the Helen Bamber Foundation, *Trafficking in Human Beings Amounting to Torture and other Forms of Ill-treatment*, Occasional Paper Series no. 5, 2013. See: <https://www.osce.org/cthb/103085?download=true>

¹⁰⁰ *Ibid.*

¹⁰¹ *Explanatory Report*, *supra* note 1, para. 180.

¹⁰² *Ibid.*

The UK issues renewable residence permits to recognised victims of trafficking under criteria set out in the Victims of human trafficking – competent authority guidance. It states: *“If the person does not meet the criteria for any of the other leave or protection categories, it may be appropriate to grant a victim of trafficking discretionary leave if their personal circumstances are compelling. For example, to allow them to finish a course of medical treatment that would not be readily available if they were to return home. This must be considered in line with the discretionary leave policy [Asylum Policy Instruction]... Unless further information has come to light, you do not need to reconsider a grant of discretionary leave if it has already been considered together with a related asylum claim.”*¹⁰³

However, this Government guidance on residence permits was ruled unlawful in 2018:

CASE STUDY: PK(Ghana) v Secretary of State

In 2018, the Court of Appeal handed down a judgment in the case of a victim of trafficking who had experienced prolonged breaches of his human rights. The appeal proceeded on the grounds that the Secretary of State’s policy guidance does not give effect to the UK’s obligations under Article 14(1)(a) of the Convention. The Court of Appeal declared the policy to be unlawful.

Article 14 of the Convention states that a renewable residence permit shall be issued to a victim if the individual’s stay in the member state is “necessary owing to their personal situation”. The Court of Appeal found that “necessary” in Article 14(1)(a) has to be seen through the prism of the objectives of the Convention. The only relevant objective of the Convention when considering whether an individual’s stay is necessary owing to their personal circumstances is the objective to protect and assist victims of trafficking. The Court found that the State does not have discretion to interpret the Convention and should make decisions on renewable residence permits for victims of trafficking on account of the victims’ personal circumstances.

If an individual is recognised by the UK authorities as a victim of trafficking, then this decision should determine their right to a renewable residence permit. In the case of PK, the Court concluded that the Secretary of State’s guidance requirements around the personal circumstances of victims of trafficking were too high and were “substantially beyond” the threshold of the Convention. To meet the obligations of the Convention, the test for the authorities in granting a renewable residence permit should be one of necessity and not require the individual to show compelling circumstances.

The judgment in this case highlights the impact that the Government’s immigration policy is having on its own anti-trafficking strategy and the protection afforded to victims of trafficking, which in turn can undermine prevention of trafficking.

At the time of writing of this report, the Government has not responded to the judgment, nor issued new guidance following the ruling. ATMG understands that some victims were informed by the Home Office that their refusal of discretionary leave to remain is on hold, leaving them in a limbo that could potentially put them at further risk. The ATMG has not been able to obtain data from the Government about how many such determinations are on hold.

¹⁰³ Home Office, *Victims of human trafficking – competent authority guidance*, 2013, p.98. See: <http://www.justice.gov.uk/Units/Trafficking/MainDocs/traffickingcompetent%20UK.pdf>.

Victim Support Bill

In England and Wales, victim support is not guaranteed by law. Given the importance of long-term support provision for victims' recovery and safety from further exploitation, Lord McColl of Dulwich introduced the Modern Slavery Victim Support Bill in the UK Parliament to strengthen victim protection provisions. If passed, it will provide protection and support for victims of trafficking in the short- and long-term, by guaranteeing the right to access specialised support and assistance during the recovery and reflection period, in line with international obligations, and for a further 12 months afterwards.¹⁰⁴

The Government has not supported the provisions of the bill to guarantee victim care within and beyond the NRM. Many respondents felt that the Government's position was linked to their increasingly restrictive immigration policies and failure to understand how strengthened victim protection provision in law can prevent further trafficking. Instead, in 2017, the Government announced a series of reforms that included extending the 'move on' time following the receipt of positive conclusive grounds for victims of trafficking who have a period of leave to remain in the UK. Consequently, victims in England and Wales with recourse to public funds will be entitled to be referred to one of the local authorities piloting the scheme, including in Birmingham, Croydon, Leeds, Nottingham, Derby and Redbridge. In March 2018, the Home Office released funds of £1 million divided across these six authorities to provide the pilot scheme from March 2018 – March 2019.

It is unclear what methods of evaluation and outcome measurements will be used to assess the impact of the local authority pilots and their ability to support trafficked persons. It has been established that long-term support for trafficked persons is key to their rehabilitation and reintegration. The pilots are an opportunity to inform the strategic development of long-term prevention measures, and ATMG recommend that they are independently evaluated.

Provision of long-term support post NRM has largely rested on civil society and private initiatives. Such schemes have been developed by the Salvation Army and regional NGOs such as the Medaille Trust. The Red Cross has also developed a project focused on developing longer-term support for trafficked people across the UK, aiming to enhance EU partnerships by sharing practice across the sector.

Joint private sector–NGO projects have also been launched, such as the Bright Future Programme, which assists victims into employment.¹⁰⁵

¹⁰⁴ See: <https://freeforgood.org.uk/about-the-bill/>

¹⁰⁵ See: <https://www.co-operative.coop/ethics/bright-future>

Good Practice: Bright Future Programme

In 2017, the Co-operative Group (Co-op) launched the Bright Future programme, which offers the opportunity of paid work placements and a job at their food business to victims of modern slavery.

Working in partnership with City Hearts, an NGO working with victims of trafficking, the organisation sought to build on an earlier initiative aimed at bringing survivors of trafficking into the workplace and empowering them into employment. A work experience model was developed and tailored to this specific group and formal placements were established for 30 people annually.

The Coop commissioned an independent interim review of the programme by the University of Liverpool and asked for recommendations in a number of areas. While improvements were recommended, the review found that: "Bright Future forges a clear pathway for one group of survivors of modern slavery – those with a right to work, who are ready and able to work, who have a suitable level of English and emotional stability – to rebuild their lives. It provides a remarkable opportunity for survivors (who are ready and able to do so) to experience decent work, and to enjoy the dignity and personal stability which goes with this." In 2018, Coop worked to secure the support of a number of other UK firms, which have pledged to provide employment for victims of trafficking.

ATMG welcomes measures aimed at reducing the prevalence of trafficking by increasing long-term integrated employment models for victims of trafficking. While it is positive that businesses are stepping up to assist in the prevention of trafficking, the ultimate responsibility to prevent trafficking through adequate victim support rests with the Government. The Government should look to build partnerships with, and take inspiration from, such initiatives like Bright Future and develop further sustainable pathways of support for trafficked persons.

Safe Return

Some trafficked persons may not be able to, or wish to, remain in the UK. In such cases, the UK is required to ensure their safe return. The Convention states any return should be carried out with "due regard for the rights, safety and dignity of that person"¹⁰⁶ and that returns should preferably be voluntary. States should "establish repatriation programmes by the adoption of legislative or other measures aiming at avoiding re-victimisation. At the same time, each Party should make its best efforts to favour the social reintegration of the victims."¹⁰⁷

To ensure that specific needs and vulnerabilities of trafficked persons are met, programmes that support the return of trafficked persons must include a rigorous risk assessment procedure. However, a number of respondents to this research confirmed that risk assessments for the return of trafficked persons are rarely completed prior to, or during, the repatriation process. One NGO worker stated:

"NGOs talk of doing this in terms of conducting risk assessments, but without linking this to the obligations set out in the Convention to provide international protection, the approach is inconsistent and monitoring the return of trafficked persons is not conducted."

NGO worker, May 2018

¹⁰⁶ *European Convention*, *supra* note 1, Article 16.2

¹⁰⁷ *Ibid.*, para. 205

¹⁰⁸ Home Affairs Select Committee, *The Trade in Human Beings: Human Trafficking in the UK*, HC 21, May 2009, para. 113, see: <https://publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/23i.pdf>

Respondents to this report raised that risk assessments are frequently completed by NGOs, without sufficient training, and are not subject to consideration of international standards. The assistance to victims is limited and comprehensive risk assessments and safe returns are not guaranteed. In 2009, the Home Affairs Select Committee recommended that the Government “make an assessment of the extent of re-trafficking.”¹⁰⁸ Almost ten years on, this is yet to be carried out. What has emerged is an inconsistent approach to assisted returns and reintegration for trafficked persons across the UK resulting in insufficient safeguard and support of victims.

Victims of trafficking were initially returned through the Voluntary Assisted Return and Reintegration Programme (known more commonly as Assisted Voluntary Return, or AVR) that operated the return of failed asylum seekers, victims of trafficking, and those without status.

Between 1999 and 2011, the AVR programme was managed by the IOM and then by Refugee Action. In 2015, the UK Government began to reduce assisted returns and reintegration through external partners and the returns programme is now managed by Immigration Enforcement. The programme does not address vulnerabilities of trafficked persons and there is a clear conflict between the IE objectives “to reduce the size of the illegal population and the harm it causes and encourage and enforce the return of illegal migrants from the UK”¹⁰⁹ and the UK’s obligations for safe and dignified return of trafficked persons. Many contributors to this ATMG research highlighted how the current model does not meet the needs of trafficked persons.

To a certain extent, the involvement of IOM and others addresses the limitations of AVR. ATMG understands that, where possible, organisations like IOM continue to provide support to victims of trafficking wishing to return home, and act as a conduit between the support providers in the UK and abroad. However, the issue remains that the repatriation of trafficked persons is built on individual pockets of good practice.

ATMG recognises that repatriation programmes cannot address underlying social and economic causes; however, they must better address the needs and vulnerabilities of the individual victims and assess their risk of re-trafficking. Reintegration assistance for trafficked persons must be appropriate to their needs over a sufficient period of time. Determining the success of repatriation programmes requires States to understand the risks associated with re-trafficking. Victims may return to ongoing economic difficulties, they may owe debts to local community members from costs incurred through their exploitation. They might also be at risk from threats or continuing control by their trafficker(s).¹¹⁰ The IOM recommended that “Reintegration can be considered sustainable when returnees have reached levels of economic self-sufficiency, social stability within their communities, and psychosocial wellbeing that allow them to cope with (re)migration drivers. Having achieved sustainable reintegration, returnees are able to make further migration decisions a matter of choice, rather than necessity.”¹¹¹

The Explanatory Report states “each Party should make efforts to favour the social reintegration of the victims.”¹¹² In its first report, GRETA urged the UK authorities to “review the appropriateness of existing assisted voluntary return programmes for victims of trafficking as a specific category

¹⁰⁹ See: <https://www.gov.uk/government/organisations/immigration-enforcement/about>

¹¹⁰ A. Jobe, IOM, *The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database*, 2010, p.13.

¹¹¹ IOM, *Setting the standards for an integrated approach to reintegration*, 2017. See: www.iom.int/sites/default/files/our_work/DMM/AVRR/IOM_SAMUEL_HALL_MEASURE_REPORT%202017.pdf

¹¹² *Explanatory Report*, *supra* note 1, para. 33.

and to adopt a clear legal and policy framework for the return of trafficked persons.”¹¹³ GRETA concluded that UK authorities should “consider the return of victims of trafficking as an integral part of anti-trafficking policy which is critical to achieve a comprehensive framework for the protection of victims and their rehabilitation.”¹¹⁴ Their second report revealed that the UK had not taken significant steps to adapt their policies or make them more effective in ensuring safe and sustainable reintegration of trafficked persons. It went on to highlight that, in devolved administrations, repatriation was similarly conducted on a case-by-case basis. Several years on from GRETA’s evaluation, these practices are still in place.

There is still very little known about what happens to trafficked persons once they leave the UK. The UK’s current framework for returning victims to their countries of origin suggests that the Government does not fully understand these risks. Understanding would be improved if data on the number of voluntary and forced returns of trafficked people were collected. At present, this data is not published, suggesting that the UK is not monitoring the returns of victims, therefore it is unable to determine the success of the programme in preventing re-trafficking.

ATMG recognises the difficulty in assessing the number of persons who are re-trafficked. However, it is important that the UK continues to reduce the vulnerability of trafficked persons to re-victimisation by urgently reviewing the practices it currently has in place. The Government should commit to introducing repatriation programmes that address the specific needs of victims and are linked to assistance and support in both destination and source countries to provide the highest level of protection from re-victimisation.

Conclusion

The UK’s provision for long-term support for trafficked persons is fragmented. The Government’s overarching concern with immigration control goes against the commitments the UK has made to safeguard those vulnerable to exploitation. While there are examples of good practice across the UK to integrate and provide long-term support to victims, these programmes can only support individuals with the right to work and a secure residence permit. There are a significant number of other victims of trafficking who are without this right under the UK’s current policy framework. Additionally, the long-term support programmes operate without monitoring or evaluation, and gaps are not easily identifiable when provisions of support vary so significantly across the UK.

¹¹³ GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, First Evaluation Round*, 2012, para. 31. See: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168067a080>.

¹¹⁴ *Ibid.*, para. 109

Chapter 6: Preventing Trafficking in Children

Children are particularly vulnerable to trafficking and require measures to prevent them from being trafficked. The UK Government is obligated under a range of international conventions to uphold the rights of children and to take action to combat child trafficking and exploitation.¹¹⁵ Children who are victims of trafficking have a right to specific assistance, support and protective measures in line with international standards.¹¹⁶

The United Nations Convention on the Rights of the Child (UNCRC)¹¹⁷ outlines a child's right to be protected from exploitation and the state's duties to prevent this from occurring. Article 9 of the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography stipulates the preventative measures states must adopt:

*"State Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level."*¹¹⁸

Under the Trafficking Protocol, states are also required to adopt legislative or other measures *"to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."*¹¹⁹

Under the Convention, Article 5.5 states that "each Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a *protective environment* for them."¹²⁰ This broad concept includes putting in place policies and programmes that ensure children's rights to survival, development and wellbeing in general, with a particular focus on strong child protection structures and measures that "minimize children's vulnerability, address known risk factors, and strengthen children's own resilience."¹²¹ This is an essential component of both prevention of trafficking and prevention of children being re-trafficked in the future. States are also required under the Convention to promote a human rights-based and child-sensitive approach in the development, implementation and assessment of all related policies and programmes.¹²²

¹¹⁵ UN General Assembly, *Convention on the Rights of the Child (UNCRC)*, *United Nations Treaty Series*, vol. 1577, 20 November 1989, p.3. See: www.refworld.org/docid/3ae6b38f0.html; UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000; EU Directive on Human Trafficking.

¹¹⁶ EU Directive on Human Trafficking, Articles 13, 14, 15, 16.

¹¹⁷ UNCRC. Articles 32, 34, 35.

¹¹⁸ Optional Protocol to the Child Convention on the Sale of Children, Child Prostitution and Child Pornography.

¹¹⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Art 9(5)

¹²⁰ COE Convention Against Trafficking in Human Beings, Art 5.5.

¹²¹ International Labour Organisation, *Training manual to fight trafficking in children for labour, sexual and other forms of exploitation. Textbook 2: Action against child trafficking at policy and outreach levels*, 2009.

¹²² COE Convention Against Trafficking in Human Beings, Art 5.3.

In the UK, in 2017 there were 2,118 suspected child trafficking victims, comprising nearly half (41%) of the total number of victims.¹²³ As children comprise such a significant number of those affected, assessment of child trafficking prevention must be considered in its own right. Effective prevention when it comes to children is even more significant when considering the long-term, often devastating consequences of trafficking on children that can extend well into adulthood.¹²⁴

This chapter will assess measures undertaken by the UK Government to prevent child trafficking from occurring, as well as to prevent child victims from being further exploited or re-trafficked. Prevention of child trafficking also requires assessing the wider policy framework affecting children and the contextual factors which make children vulnerable to trafficking, and which enable or benefit traffickers.

Policy Remit and Prevention Strategy

Trafficking is a form of child abuse that takes advantage of children’s vulnerabilities, such as poverty, inequality, family separation/breakdown and conflict. As such, an analysis of wider policies which are impacting on prevention will be included .

Across the UK, there are no known specific policies created solely for the purpose of preventing child trafficking. There are no current strategic documents specific to child trafficking produced by any of the UK administrations, although all three anti-trafficking strategies from the UK, Scotland and Northern Ireland Governments contain specific references to child trafficking prevention. Each has differing approaches and levels of detail.

The UK Government’s Modern Slavery Strategy outlines the approach to prevention primarily as deterring offenders, without much of a child-specific focus.¹²⁵ The principal policy remit rests with the UK Home Office. This is problematic as children’s services and safeguarding, which include responsibility for child protection, are distributed across a range of departments in the UK and devolved administrations. Institutional learning towards preventing child trafficking is therefore hampered as it falls outside the scope of the department with responsibility for child protection. The Home Office approach comes from a criminal justice perspective, as opposed to a children’s rights perspective, and there are concerns about the Home Office’s immigration-focused approach to trafficking and identification of victims, including children.¹²⁶ One positive step by the Home Office has been to create a dedicated Children’s Task and Finish Group, which has Government and non-governmental membership, to feed into implementation of the Government’s Modern Slavery Strategy. The Scottish Government also holds a Child Trafficking Strategy Group meeting on a quarterly basis, based on implementation of the Government’s strategy and including a broad membership of stakeholders.

The Scottish Government’s approach is markedly different. As one participant to this research noted:

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¹²³ National Crime Agency, National Referral Mechanism statistics – end of year summary 2017, 2017. See: www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2017-nrm-statistics/884-nrm-annual-report-2017.

¹²⁴ L. Ottisova, et al, *Psychological consequences of child trafficking: An historical cohort study of trafficked children in contact with secondary mental health services*, PLoS ONE 13(3): e0192321, 2018.

¹²⁵ Modern Slavery Strategy, *supra* note 14.

¹²⁶ ECPAT UK, *Lighting the way: steps that lawyers, legal guardians and child trafficking advocates in the UK can take to better identify and protect children who may have been trafficked*, 2017. See: www.ecpat.org.uk/Handlers/Download.ashx?IDMF=1dcfdd01-44fd-4b0f-90c3-ccb36649a80.

“The approach we took in Glasgow and which has been adopted across Scotland as the national policy, is to locate [child trafficking] first and foremost within child protection.”

Independent researcher, July 2018

Child protection agencies in Scotland have a greater role in the strategic direction of child trafficking policy, with Child Protection Committees (CPCs) involved in implementing strategy. The Scottish Human Trafficking and Exploitation Strategy is by far the most detailed in outlining its strategy on children.¹²⁷ It contains an entire section on child trafficking, outlining the need for specific attention to children and for an approach based on the best interests of the child. It also sets out clearly that the primary responsibility for responding to child trafficking lies within local child protection responses, helping to focus prevention efforts at the local level. This child-specific framing and detailed attention to the local level response is greatly welcomed.

The Northern Irish Strategy does not specifically outline any priorities or activities specifically on the prevention of child trafficking. However, it does note the specific vulnerability of all separated children to trafficking and the primary responsibility of child protection in this regard.¹²⁸ Participants in this research felt that Northern Ireland’s Health and Social Care Trusts (HSCTs), which have delegated responsibility for child protection, had an effective operational role but were less involved in strategic discussions.¹²⁹

With regard to specific exploitation types, particularly child sexual exploitation (CSE) and exploitation of children in the context of gang activities and ‘county lines’ situations,¹³⁰ policy has historically fallen within different areas of UK Government. This is because policy on these issues has evolved separately from that of trafficking and modern slavery. Formally, CSE policy was lead by the Department for Education. As of 2015, CSE and other forms of child exploitation are the responsibility of the Home Office. Policy strategy from central Government is more detailed on this form of exploitation and there is clear attention to prevention through early intervention with children at risk, through the strategic aim of “reducing vulnerability.”¹³¹ The Scottish National Action Plan has a similar approach, outlining as one of its proposed outcomes: *“the risk that children and young people are exploited is reduced through a focus on prevention and early identification.”*¹³² The approach is centred on the vulnerabilities facing children, aiming to make people *“better equipped to understand and address the risk factors that can lead to abuse”*. As such, UK-wide strategy on CSE has a stronger preventative focus than the wider Modern Slavery Strategy does for children.

Children exploited by gangs and in ‘county lines’ situations were stated as the Government’s priorities in 2016.¹³³ The priority areas included promoting “early intervention” however, participants

¹²⁷ Scottish Government, Human Trafficking and Exploitation Strategy, 2017. See: <https://beta.gov.scot/publications/trafficking-exploitation-strategy/pages/5/>

¹²⁸ Northern Ireland Department of Justice, *Northern Ireland Human Trafficking and Modern Slavery Strategy 2016/2017*, 2016. See: www.octf.gov.uk/OCTF/media/OCTF/documents/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Modern-Slavery-Strategy-2016-17.pdf?ext=.pdf.

¹²⁹ Interview, civil servant, Northern Ireland, July 2018.

¹³⁰ ‘County lines’ is a police term used to describe situations where young people may be exploited to facilitate the transportation and sale of drugs from major cities into smaller towns and rural areas.

¹³¹ HM Government, *Tackling Child Sexual Exploitation: Progress report*, 2017. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web_.pdf.

¹³² Scottish Government, *National action plan to prevent and tackle child sexual exploitation*, 2016. SEE: <http://www.gov.scot/Resource/0049/00497283.pdf>

¹³³ HM Government, *Ending gang violence and exploitation*, 2016. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/491699/Ending_gang_violence_and_Exploitation_FINAL.pdf.

in this research have stated that this has not been the approach taken in reality, which has been more focused on crisis intervention.¹³⁴ The Government has recently published a *Serious Violence Strategy*, which for the first time outlines a Government approach to exploitation in 'county lines' situations through a *County Lines Action Plan*.¹³⁵ 'Country lines' situations refer to urban gangs supplying drugs to suburban and rural areas in the UK using mobile phone lines. It involves the exploitation of vulnerable people, often children, by organised networks to move and sell drugs. The Government's action plan can be seen as a limited first step and one that is largely framed as a priority for law enforcement, rather than being centred around child exploitation and abuse.¹³⁶ For example, the strategy does not set out any activities under the remit of the Department for Education or local authority children's services towards tackling it.

Overall, respondents felt that there needed to be greater attention to prevention through a holistic, child-centred perspective. All three strategy documents make links between child trafficking and CSE, mentioning specific Government plans in this area. However, none explicitly refer to preventative or dedicated work on other important forms of child exploitation, such as domestic servitude. Despite increasing recognition of the links between different areas, largely between modern slavery and CSE, participants in this research felt that the issues continue to operate largely in siloes, especially at an operational level, and that the overall approach is patchy. This presents a barrier towards an overall understanding of effective approaches to ending the exploitation of children. Moreover, there is no explicit mention within any of the Government strategy documents of how child trafficking prevention is being measured or monitored. The Scottish Government Action Plan on CSE focuses on outcomes, thereby indicating how progress towards prevention might be measured, although no further detail is provided. Without proper tracking of progress made, there is no way of ensuring the approach is working effectively.

Information and Data Collection

Prevention of child trafficking requires policy interventions based on solid data. This includes data on the numbers of children affected, the types of exploitation they have experienced, their nationalities and ages, but also wider trends, such as on perpetrators and the future outcomes of these children.

The current system for recording data on child trafficking is the NRM. The data collected through this mechanism has been vital in developing an understanding of the nature of the issue in the UK. With the number of children represented rising each year (including by 66% in 2017 alone), and now comprising nearly half of the total number of suspected trafficking victims, this has gone some way towards improving recognition of the need for greater attention to this area. It has enabled the identification of trends, including a shift towards male victims, and improved knowledge about the countries of origin of victims.¹³⁷ The high numbers of Vietnamese children exploited has raised the profile of this group of victims, helping to lead to dedicated funding and programming towards prevention.

But whilst the NRM data on child trafficking has been important for prevention efforts, as for adults, it remains extremely limited and too generic. We do not know whether the trends reflected in the

¹³⁴ Interview, NGO worker, July 2018.
¹³⁵ HM Government, *Serious violence strategy*, 2018. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf.
¹³⁶ Interview, NGO worker, July 2018.
¹³⁷ Of those referred to the NRM in 2017, the most common country of origin is now the UK (32%), followed by Vietnam (17%), Albania (10%), Sudan (7%) and Eritrea (6%). National Crime Agency, *supra* note 127.

figures are due to increased trafficking or increased awareness of the issue. The NRM data that is published is also severely limited. For example, it is not broken down into important exploitation types, for example criminal exploitation is included within the labour exploitation category, meaning that it is impossible to assess trends for specific child criminal exploitation activities such as 'county lines' and cannabis cultivation. The published data is no longer broken down into ages of victims (beyond adult/child), making it hard to distinguish victim profiles. The data has also frequently changed over the years in terms of how it is presented, making it incredibly difficult to assess trends over time that might highlight specific areas which might need greater attention. Participants in this research stated that this data requires further disaggregation for it to be useful in enabling effective preventative interventions for children.

The NRM system also offers no monitoring of outcomes for children after the decision-making process has ended, so there is no collection of information on whether they go missing, are re-trafficked or are returned to their country of origin. It is therefore not possible to assess whether the current interventions for supporting children are working effectively and preventing them from further harm. Greater specificity within the NRM would also be helpful for prevention work overseas. For example, if the NRM collected data not just on victims' country of origin but on region, partners overseas would be better equipped to tailor preventative programming to specific areas.¹³⁸

As child trafficking is largely a child protection responsibility, much of the data, and therefore the potential learning, is held at a local level. But across the UK, local data collection practices on this issue are patchy and there is little that is centrally recorded. This is complicated by the fact that each of the four nations have different practices for collecting and publishing statistics on children in local authority care.¹³⁹ Data published on children in need and child protection does not provide information on the issue of trafficking and there is no standardised method of recording data on child trafficking at a local authority level. This means that it is both difficult to monitor the numbers of children who have been trafficked, and access information about their outcomes post-identification.

In a piece of research conducted by ECPAT UK, FOI requests were sent to all local authorities across the UK to provide data on the numbers of trafficked and unaccompanied children going missing from care.¹⁴⁰ As well as showing high numbers of children going missing, the research highlighted that local authorities had significant challenges in producing the information required. Many local authorities were unable to report the numbers of children at risk of trafficking or identified as trafficking victims from their area, commonly stating that they did not have a searchable data field for trafficking on their case management systems. This points to serious deficiencies in data collection at the local level, which impacts learning and strategic interventions nationally. Worryingly, a 2014 review of the NRM found that Directors of Children's Services rarely had any intelligence that could help them plan interventions in relation to trafficking.¹⁴¹

Data collection differs slightly in Northern Ireland and Scotland. In Northern Ireland participants felt that there was a fairly good understanding of child trafficking trends. This is partly because

¹³⁸ Interview, NGO worker, July 2018.

¹³⁹ All Party Parliamentary Group for Runaway and Missing Children and Adults, *Inquiry into the safeguarding of "absent" children, Final Report*, 2016. See: <https://www.childrensociety.org.uk/sites/default/files/appg-absent-inquiry-final-report-may-2016.pdf>.

¹⁴⁰ ECPAT UK, *Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK*, 2016. See: www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk.

¹⁴¹ Home Office, *Review of the National Referral Mechanism for victims of human trafficking*, 2014. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/467434/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf.

of the smaller numbers affected, but also because of the model for data collection used, where the HSCTs report to the Safeguarding Board for Northern Ireland on all trafficked as well as unaccompanied and separated children.¹⁴² This model was seen as effective in using the data to gain intelligence about trends. However, this data is not public and hence doesn't benefit other actors. In Scotland, the data that is held is also not publicly available so it is difficult to dig deeper into the statistics and understand patterns. It was also noted that there is a challenge publishing data on child trafficking here due to the small numbers of individuals affected and therefore the limitations presented by data protection and child protection.¹⁴³ However, in a positive move, research is currently being done to gain a national assessment of child trafficking in Scotland, establishing baseline figures and looking at routes into trafficking from a social and demographic perspective.¹⁴⁴

Legislation and Law Enforcement

In the UK, the three legal instruments outlined in Chapter 2 – the Acts – each contain provisions within them for children.¹⁴⁵

The anti-trafficking laws in place in Scotland and Northern Ireland have no specific obligations towards preventing child trafficking, such as that set out under the UNCRC, though they do contain aggravation provisions for when the offence involves a child.¹⁴⁶

In Northern Ireland, the legislation goes further to include aggravated sentencing penalties when the offender is a family member of the victim, in a position of trust and/or the offence was committed by use of threats against a family member of the victim.¹⁴⁷ By reflecting the severity of exploiting a child in law, this aims to serve as an additional deterrent to potential perpetrators. This child-specific focus to prevention in the legislation is welcome.

Unfortunately, we do not have data on the number of prosecutions and convictions under the Modern Slavery Act that involve cases concerning child victims. This makes it extremely difficult to assess whether the Act is working effectively for children's cases or not. The Convention makes clear that children cannot consent to trafficking or exploitation, however, this is not clear in the wording of the Modern Slavery Act. The imprecise wording can lead to confusion, thus hindering operational measures in prevention and identification. In particular, the exploitation of children can occur without the element of 'travel' or 'movement', but this element is required to prosecute under the human trafficking offence in the Modern Slavery Act. In order to prevent exploitation from taking place, it may be also be hard to prove a person's intention to exploit a child at the time of travel. For other children, it may prove difficult to account for their travel into or within the UK.

The Modern Slavery Act 2015 Review¹⁴⁸ – commissioned by the Home Secretary and published in July 2016 – recommended that 'exploitation' should be a standalone offence in the Modern Slavery Act. Leading children's rights organisations called for the inclusion of a separate offence of 'child exploitation' in all three Acts to ensure that the particular vulnerability of children to these

¹⁴² Interview, civil servant, July 2017.

¹⁴³ Interview, independent researcher, July 2017.

¹⁴⁴ *Ibid.*

¹⁴⁵ The Human Trafficking and Exploitation Act (Scotland), the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) and the Modern Slavery Act (England and Wales).

¹⁴⁶ Human Trafficking and Exploitation (Scotland) Act 2015, Part 1, Section 6.

¹⁴⁷ Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Part 1, Section 6.

¹⁴⁸ HM Government, *supra* note 75.

crimes was accounted for. A lower evidential threshold for cases involving children must therefore be considered. Without children being able to more easily secure justice for trafficking crimes, the legislation will be less effective as a deterrent tool against perpetrators.

All three Acts include provisions for preventative orders within the civil frameworks (as outlined in Chapter 3). These provisions are important tools to assist police in preventing or prohibiting convicted defendants from activities which could enable them to commit offences against children. However, we do not know the extent to which they have been used as a prevention measure against children being exploited, as there is no published data on their use in cases involving children. Similar orders used under the Sexual Offences Act have not been widely used and not sufficiently championed to ensure they are effective.¹⁴⁹

January 2018 saw successful prosecution under the Modern Slavery Act for acts perpetrated against children.¹⁵⁰ Three individuals were convicted for offences related to trafficking girls to work in nail bars. The rise in prosecutions since the 2015 Acts have come into place is encouraging. However, the number of convictions remains very low compared to the high number of victims. There is also no disaggregated data on cases involving acts perpetrated against children. This is the same with regards to the numbers, types of convictions, and use of Slavery and Trafficking Prevention Orders. Without this data, it is impossible to assess whether law enforcement efforts are benefitting children or not, or whether or not they can serve as a deterrent against future crimes against children.

In terms of operational policing responses, there is no UK-wide specialist investigation team resourced to work on child trafficking, whereas previously the Child Exploitation and Online Protection command (CEOP) held the national policing responsibility for child trafficking. The NCA's Modern Slavery and Human Trafficking Unit has a preventative remit, but has not publicly outlined any explicit child-specific functions.¹⁵¹ It is therefore unclear what the overall policing strategy for the prevention of child trafficking is.

In regards to CSE, there has been significant investment in operational approaches, including from a preventative angle.¹⁵² For example, as set out in the CSE Action Plan, a network of child sexual exploitation prevention officers has been established to work closely with the police and local services, as well as a regional network of police coordinators and analysts responsible for implementing the National Policing Child Sexual Abuse Action Plan.¹⁵³ The interaction of police specialist leads within local authorities is noted as particularly welcome practice that could be replicated to include other forms of child exploitation. As part of the programme, there has also been work done by the southwest and northwest Regional Crime Units alongside the Lucy Faithfull Foundation to work with people who don't reach the criminal threshold but may be harmful to children.¹⁵⁴ More information on the success of these initiatives would be helpful for assessing potential interventions in other areas.

¹⁴⁹ ECPAT UK, *Developments in the UK's response to child trafficking and child sexual exploitation, 2015*. See: www.ecpat.org.uk/Handlers/Download.ashx?IDMF=38e0f0bf-5f60-420c-b61b-4a13408b2e04.

¹⁵⁰ The Guardian, "Trio who used trafficked girls to work in nail bars jailed under slavery laws", 2 January 2018. See: www.theguardian.com/world/2018/jan/02/trio-trafficked-girls-work-nail-bars-jailed-slavery-laws-uk.

¹⁵¹ See: www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/prevention-protecting-victims-and-prosecution.

¹⁵² See: www.csepoliceandprevention.org.uk/prevent.

¹⁵³ HM Government, *Tackling Child Sexual Exploitation: Progress report, 2017*. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web_.pdf.

¹⁵⁴ See: www.csepoliceandprevention.org.uk/prevent.

Significant attention has also been paid to increasing operations around grooming to elicit illegal images of children and child sexual abuse videos. CEOP has highlighted its continuing operations specifically on this issue. For example, in December 2017, it conducted a “week of intensification to tackle child sexual exploitation and abuse,” where 245 children were safeguarded and 192 perpetrators arrested.¹⁵⁵

The NCA has increased its work on child exploitation. A report published in 2017 raised the profile of the issue significantly, finding that 65% of police forces in the UK reported ‘county lines’ activity linked to exploitation of children, with 42% of forces specifically reporting children ‘running’ (moving drugs/money) on behalf of drug lines.¹⁵⁶ As part of the Government’s Serious Violence Strategy, a new County Lines Coordination Centre is being established by the NCA to share information and coordinate the policing response around this issue.¹⁵⁷ This may help towards understanding trends around gangs that exploit children with a view towards prevention.

Whilst there are clearly good practice examples within the different areas of policing, prevention is hampered by a lack of coordination around the different forms of exploitation. Despite the UK’s anti-trafficking legislation linking CSE and all types of criminal exploitation with trafficking for the first time, these are still not widely accepted or seen as trafficking within the police and criminal justice system. One NGO worker stated:

“There is also still an apparent lack of understanding about what trafficking is and how cases of sexual exploitation and criminal exploitation could be cases of trafficking and that trafficking legislation could be used in these cases.”

NGO worker, July 2018

Furthermore, a review of how the CPS handles cases found that there was a “silo approach,” with sexual exploitation being dealt with separately from other types of exploitation, as well as a general need for better support for victims.¹⁵⁸ It was noted that this situation was further exacerbated by the fact that there are different models within the police forces for referring cases to the CPS. Child sexual exploitation tends to sit in a separate specialist police unit, presenting a challenge in collecting an overarching picture of child exploitation and trafficking.

Training, Awareness and Programming

Training

Comprehensive, regular training for police, local authority staff, health practitioners, border officials and all frontline workers who are in contact with children is vital to ensure potential indicators are detected and that staff are aware of trends and profiles and to know how to respond. Early identification in particular can prevent re-trafficking, and if frontline staff understand the issue in greater depth, they will be better able to detect risk and prevent children being exploited in the first instance.

¹⁵⁵ National Crime Agency, *County lines gang violence, exploitation and drug supply*, 2017. See: <http://www.nationalcrimeagency.gov.uk/publications/832-county-lines-violence-exploitation-and-drug-supply-2017/file>

¹⁵⁶ National Crime Agency, *County lines gang violence, exploitation and drug supply*, 2017. See: <http://www.nationalcrimeagency.gov.uk/publications/832-county-lines-violence-exploitation-and-drug-supply-2017/file>.

¹⁵⁷ HM Government, *Serious violence strategy*, 2018. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf.

¹⁵⁸ HMCPSI, *supra* note 78.

There are rising numbers of children referred to the NRM, which suggests that there is improving awareness amongst frontline professionals. The increase in referrals of British nationals in particular is a sign that there is increasing recognition of these children as victims when compared to several years ago.¹⁵⁹ There are still very few British national children referred to the NRM in Scotland and one respondent noted that this may be due to lack of awareness of the links between different types of exploitation and trafficking.¹⁶⁰

Despite positive developments, low awareness levels remain, particularly amongst professionals working with children. Of particular concern is the lack of awareness amongst social workers, as they have primary responsibility for the child. The Government’s own review of the NRM found that children were not always being referred to the system because of low awareness.¹⁶¹ An ECPAT UK survey of frontline professionals about the NRM for children also found low levels of training, and a desire for greater awareness-raising efforts, training and improved clarity around lines of responsibility and accountability.¹⁶² Research has shown that despite statutory guidance, social workers may not have enough knowledge and training to make NRM referrals, or do not understand the specific vulnerabilities of these children in order to properly safeguard them.¹⁶³ This highlights that they may not be equipped to properly respond to children who are being trafficked, let alone respond in a preventative manner.

Training within child protection systems, particularly of social workers, is therefore of utmost importance. However, comprehensive training opportunities for professionals within the wider child protection system are not in place in most parts of the United Kingdom, although there are better systems in place in Wales.¹⁶⁴ Of principal concern is the fact that there is no mandatory training for social workers on child trafficking.

The lack of knowledge and skills within social services are experienced by the young people affected. As one young person stated:

“The problem is that they [social services] don’t listen to you. You go to many meetings, it is very confusing and you don’t really understand everything. It always feels like you can say something, but they have already made up their mind and do what they want anyway.”

Young man from ECPAT UK youth group, August 2018

In order to provide a service that keeps children safe, training needs to be focused on equipping social workers to engage meaningfully with young people to understand their experiences and find solutions that meet their needs.

Encouragingly, the Department for Education has been funding training for foster carers to improve the care of separated children seeking asylum and child victims of trafficking. Training was commissioned in 2016, and run by ECPAT UK and the Refugee Council, providing 60 four-hour interactive training courses to foster carers and accommodation support workers across England. It focused on reducing vulnerability of these children from going missing and re-trafficking, and can therefore be seen as a positive preventative initiative. More training of this kind has been re-issued this year.¹⁶⁵ Continuation of this training is now needed to ensure that foster carers in

¹⁵⁹ Home Office, *supra* note 145.

¹⁶⁰ Interview, independent researcher, July 2017.

¹⁶¹ Home Office, *supra* note 145.

¹⁶² ECPAT UK, *Time to Transform*, 2017. See: www.ecpat.org.uk/time-to-transform.

¹⁶³ ECPAT UK, *supra* note 130.

¹⁶⁴ ECPAT UK, *supra* note 130.

¹⁶⁵ See: www.ecpat.org.uk/News/dfе-training-for-foster-carers.

all areas receive training on a regular basis and further intensive training is required to provide specialist foster carers.¹⁶⁶

Within the legal system, additional training is also vital. Training for magistrates and others in civil court proceedings is one area that requires additional resources. Training for solicitors and barristers to represent trafficked children is urgently needed, especially those who work in areas other than Northern Ireland, Scotland, London and Manchester, where they are most concentrated.¹⁶⁷ In particular, there needs to be greater understanding of the specific vulnerabilities of these children and the impact of their trauma on their ability to cooperate with the legal system. Duty solicitors who practice in criminal law also require training, as there are concerns that they are not currently identifying children who may have been trafficked.¹⁶⁸

Participants also raised broader concerns about the definitions and thresholds for exploitation and trafficking, and the conflation between trafficking and other issues. They noted that this is causing confusion at the frontline and undermining prevention efforts. As one respondent noted:

“There is still a debate about what constitutes trafficking in terms of exploitation... there’s still a lot of confusion around smuggling, trafficking, illegal migration... there’s a need for more training and understanding of the specifics and the links between all those aspects, but also that they’re not one and the same.”

Independent researcher, April 2017

Greater progress towards preventing child trafficking is hampered by low levels of awareness across the sectors working with children, but also continued confusion around terminology and conflation of trafficking with other issues. Training should therefore be seen as an area for increased prioritisation in terms of prevention work in the UK.

Programming in the UK

Child trafficking prevention programming has largely been focused on awareness-raising campaigns, without much child-specific content. The Home Office awareness-raising campaigns in 2014¹⁶⁹ did not focus on children, although the written material did include child-specific information, such as signs specific to child trafficking. Without any publicly available evaluation of this campaign, it is unclear as to whether it has had a positive preventative impact with regard to children or not. An evaluation of a 2017 public campaign undertaken by the Scottish Government did not show any significant increase in awareness around the types of child trafficking and sectors involved, despite seeing an overall improvement in those who would report suspicious activity to the authorities.¹⁷⁰

¹⁶⁶ L. Shuker, *Evaluation of Barnardo’s Safe Accommodation Project for Sexually Exploited and Trafficked Young People*, 2014. See: www.barnardos.org.uk/resources/research_and_publications/evaluation-of-barnardos-safe-accommodation-project-for-sexually-exploited-and-trafficked-young-people/publication-view.jsp?pid=PUB-2340

¹⁶⁷ ECPAT UK, *supra* note 130.

¹⁶⁸ *Ibid.*

¹⁶⁹ UK Home Office, *Slavery is closer than you think*, 2014. See: <https://youtu.be/yOe2-j3QzKI>

UK Home Office, *Modern slavery: a briefing*, 2013. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/638368/MS_-_a_briefing_NCA_v2.pdf.

¹⁷⁰ Scottish Government, *Human trafficking research: summary of findings*, 2018. See: <https://beta.gov.scot/publications/human-trafficking-research-summary-of-findings/>.

Aside from these, there have been no centrally directed awareness-raising campaigns on child trafficking. There has been no Government-sponsored education campaign in schools specifically on modern slavery and no Department for Education lead on this issue. This is an area that would be welcome for future Government efforts, so that children can learn about the causes and consequences of exploitation.

Several NGO-led awareness-raising campaigns have produced education packs for schools on the issue, though more focused child-centred content is needed in this area. A significant step forward has been the creation of a specific Government fund dedicated to ending child trafficking and exploitation: the Child Trafficking Protection Fund (CTPF).¹⁷¹ The funding from this has gone towards several innovative projects, for example, AFRUCA's Say No To Omo-Odo campaign, the term used in Nigeria for domestic child slavery. Specifically focused on prevention within the Nigerian community, this project uses volunteer champions in London and Manchester to lead education initiatives in communities on the risks of using children as domestic slaves, as well as the indicators of exploitation and abuse. Over 2,000 people were reached during the campaign training events from December 2017 to June 2018.¹⁷²

Another project, led by ECPAT UK in partnership with Cordis Bright and Missing People, provides a specialist consultancy service to four local authorities across England in order to improve localised responses to child trafficking. By auditing case files, policy documents and training staff, the project aims to improve the local response in a holistic and systemic way, addressing data collection issues and other barriers to prevention, as well as supporting better awareness and upstream interventions.¹⁷³ The project has a wide remit, but the emphasis on the systemic improvement of local level practice can be seen as an innovative prevention measure. The project is still ongoing so learning from it are not yet publicly available.

Participants to this research felt that much could be learned from related programming areas, particularly from the CSE response. There has been much greater attention to CSE, including on prevention efforts, largely as a result of child sexual exploitation scandals that have emerged in recent years.¹⁷⁴ In this area, there has been much greater awareness-raising and other programming efforts across the UK, typically focusing on improving understanding of the signs of abuse and education around healthy relationships.

In the UK, the *Together, we can tackle child abuse* campaign, led by the Department for Education, aimed to "raise awareness and encourage the public to report child abuse and neglect." An evaluation showed that the campaign gave people confidence to report suspicions, however, this evaluation has not been made publicly available.¹⁷⁵ There has also been a campaign on preventing teenage abuse, which in its evaluation found that over a third of teenagers surveyed claimed they would be more likely to change their behaviour in relationships after watching the adverts.¹⁷⁶

¹⁷¹ Home Office, *Government delivers £40 million to tackle child sexual abuse and child trafficking*, 2017. See: www.gov.uk/government/news/government-delivers-40-million-to-tackle-child-sexual-abuse-and-child-trafficking.

¹⁷² <https://www.afruca.org/afruca-modern-slavery-say-no-omo-odo-campaign/>.

¹⁷³ ECPAT UK, *Partnership Against Child Trafficking project*, 2017. See: www.ecpat.org.uk/partnership-against-child-trafficking-project.

¹⁷⁴ Scandals in Rotherham and Rochdale in particular, where organised sexual abuse of children was uncovered, revealed major failings in local authority and policing responses and have led to significant developments in policy and practice.

¹⁷⁵ *Together, we can tackle child abuse campaign*: www.dfechildprotection-munroforster.com.

¹⁷⁶ HM Government, *Tackling Child Sexual Exploitation: Progress report*, 2017. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web_.pdf

In Scotland, the Government launched a national campaign in 2016 specifically on raising public awareness of CSE, focused on young people aged 11–17.¹⁷⁷ However, there is no publicly available progress report or evaluation. Increasing efforts on raising awareness of child sexual exploitation online are also welcome, for example through CEOP's online safety campaign, using video material and social media to raise awareness amongst children and families.¹⁷⁸

A particularly positive step has been made by Public Health England, which produced a report on supporting local public health leaders to prevent and intervene early in cases of child sexual exploitation.¹⁷⁹ Similar initiatives, targeted at a specific sector or profession, for other forms of child exploitation would be welcome. However, as the report notes, while the evidence base for CSE is rapidly expanding, “there is no definitive evidence base on the specifics of ‘what works’ in addressing this issue.”¹⁸⁰

Another important development has been the creation of a Centre of Expertise on Child Sexual Abuse, set up with Government funding to focus on data-led approaches and disseminating best practice on prevention.¹⁸¹ In particular, it has a focus on developing analysis of offenders with an aim towards prevention.¹⁸² The centre has also produced a series of “key messages from research” documents that tailor research towards different professional groups to share good practice.¹⁸³ Regarding the Government's CSE measures, a parliamentary inquiry recommended further localising prevention efforts, by ensuring Local Safeguarding Children Boards include prevention and awareness-raising within their strategies and that more is done to ensure that CSE prevention is part of the education curricula.¹⁸⁴

Outside of Government, there have been some innovative approaches to CSE prevention. One particularly inventive initiative and example of good practice has been the Marginal Gains project. Part of the University of Bedfordshire's CSE and Policing Knowledge Hub, it is aimed at enhancing police responses to CSE.¹⁸⁵ The project emerged from direct consultation with young people and in partnership with police, who have since developed resources, such as awareness-raising posters, to reduce barriers for young people seeking help. By bringing young people in as a core part of the project design and implementation, this can be seen as particularly good practice in regards to prevention programming. Certain CSE prevention efforts have also been subject to criticism. The use of CSE films for raising awareness in schools have received some backlash, criticising their potentially damaging effect on young people, particularly if the children viewing them are themselves victims of abuse.¹⁸⁶ The films have also been criticised for a lack of evidence that they are effective, and some even for potentially leading to victims being blamed for their own abuse. This has generated greater debate about how to ensure safe discussion of CSE issues with young people, as well as a discussion of where the emphasis is best placed in prevention work.

¹⁷⁷ Scottish Government, *Human Trafficking and Exploitation Strategy*, 2017. See: <https://beta.gov.scot/publications/trafficking-exploitation-strategy/pages/5/>.

¹⁷⁸ See: www.theeducationpeople.org/blog/new-ceop-video-and-campaign-the-world-changes-children-dont/.

¹⁷⁹ Public Health England, *Child sexual exploitation: prevention and intervention*, 2017. See: <https://www.gov.uk/government/publications/child-sexual-exploitation-prevention-and-intervention>.

¹⁸⁰ *Ibid.*

¹⁸¹ HM Government, *supra* note 187.

¹⁸² See: www.csacentre.org.uk/research-publications/perpetrator-research/.

¹⁸³ See: www.csacentre.org.uk/research-publications/key-messages/.

¹⁸⁴ Barnardos, *Report of the Parliamentary inquiry into the effectiveness of legislation for tackling child sexual exploitation and trafficking within the UK*, 2014. See: www.barnardos.org.uk/cse_parliamentary_inquiry_report.pdf.

¹⁸⁵ See: www.our-voices.org.uk/news/2017/marginal-gains-poster-small-steps-that-make-a-big-difference-for-improving-police-responses-to-cse.

¹⁸⁶ J. Eaton, ‘*Can I tell you what it feels like? Exploring the harm caused by CSE films*’. Victim Focus, 2018. See: https://irp-cdn.multiscreensite.com/f9ec73a4/files/uploaded/Can%20I%20tell%20you%20what%20it%20feels%20like_CSEfilmsreportJEATONJan2018A.pdf.

Government initiatives¹⁸⁷ aimed at tackling ‘county lines’ models of exploitation were seen by respondents as positive but limited and “ad hoc.”¹⁸⁸ Prevention work done by NGOs includes the Children’s Society’s toolkit aimed at raising awareness and equipping practitioners to work with children in these contexts.¹⁸⁹ In addition, the *County Lines Demonstration Pilot Project*, run by St Giles Trust and Missing People, and funded by the Home Office, trialled a number of interventions to help children move away from involvement in this type of exploitation.¹⁹⁰ It found that specialist advocacy was the most effective measure, a model of support which has been rolled out further since.

One NGO worker raised the barriers to people approaching authorities about this issue:

“We desperately need to destigmatise coming forward about this. Loads of parents are unwilling to come forward and say ‘my kid goes missing once a week and disappears for four or five days to sell drugs in Margate.’ They are very worried, reasonably so, that social services’ response will be to... take them into care. We find lots of parents are not reporting their kids missing because of that fear.”

NGO worker, July 2018

More generally, as seen in many of the above examples, there is no proper monitoring or evaluation of the work that is being done on child trafficking. Where it is being done, it is not being shared widely and learned from. As one participant stated:

“Prevention feels like a very long way away when we can barely define what the acute problem looks like and haven’t worked out what a good response is. We genuinely don’t know.”

NGO worker, July 2018

Another noted that very few services are evaluated properly in Scotland, including those that had been running for many years, such as the support services for adults by the NGO TARA.¹⁹¹ It was felt, therefore, that the UK Government was getting better at identifying victims, but that there was no evidence that practice is improving in terms of supporting their recovery and reintegration.¹⁹² Another significant concern was the lack of programming centred on people with lived experience of child trafficking. In relation to ‘county lines’ exploitation cases, for example, one participant in this research noted that skilling-up local people with a background in gangs would be vastly more effective in communicating preventative messages to young people at risk of exploitation.¹⁹³

Programming Abroad – Prevention Efforts in Vietnam

Due to the UK Government’s £11 million Modern Slavery Innovation Fund, there has been significant

¹⁸⁷ Home Office, *County lines: criminal exploitation of children and vulnerable adults*, 2017. See: www.gov.uk/government/collections/county-lines-criminal-exploitation-of-children-and-vulnerable-adults.

¹⁸⁸ Interview, NGO worker, July 2018.

¹⁸⁹ The Children’s Society, *Criminal exploitation and county lines: a toolkit for working with children and young people*, 2017. See: www.childrensociety.org.uk/sites/default/files/publications/toolkit_criminal_exploitation_and_county_lines.pdf.

¹⁹⁰ Interview, NGO worker, July 2018.

¹⁹¹ *Ibid.*

¹⁹² Interview, independent researcher, July 2018.

¹⁹³ Interview, NGO worker, July 2018.

investment in child trafficking prevention work in Vietnam.¹⁹⁴ This funding marks a significant step forward in attempts to gain insights on child trafficking from abroad, which, in turn, can assist in targeted prevention in origin countries.

Respondents welcomed funding focused on Vietnam, with one describing it as a good “first step” in scoping the socio-economic factors and vulnerabilities that exist there.¹⁹⁵ Some of the funded projects seek to fill current knowledge gaps, including around education and work opportunities for children and young people. Another positive aspect is the regional specificity of the funding. One of the project’s recipients working in Vietnam noted that the UK Government’s focus is now on the main provinces affected, whereas previously they looked at the country as a whole. This was felt to be a significant step forward.¹⁹⁶ One interviewee stated that the funding was “strategically dispersed,” with “lots directed towards Vietnam”¹⁹⁷ when instead it could have been more evenly distributed across other priority countries.

Two of the funded projects focused on are one led by CORAM and UNICEF UK and the other led by Anti-Slavery International, ECPAT UK and Pacific Links Foundation, although the latter project has both adult and child-focused elements.¹⁹⁸ One funded project, led by CORAM and UNICEF UK focuses on research, capacity building and policy. This involves interviews with victims and other stakeholders in Vietnam, household surveys to understand the prevalence of exploitation and beneficiary surveys for victims receiving support.

Another funded project, co-led by Anti-Slavery International, ECPAT UK and Pacific Links Foundation, involves a range of activities focused on prevention. ECPAT UK partnered with Animage Films to produce a short animation, *The Secret Gardeners*, which highlighted vulnerabilities of Vietnamese children being trafficked to the UK.¹⁹⁹ This short film was used to raise awareness in the UK and with at-risk communities in Vietnam. The project also involved youth consultations with at-risk children in Vietnam to understand what they perceived were the risks. Vietnamese young people who were victims of trafficking in the UK were also consulted. This information will be incorporated into broader field and desk-based research on the vulnerabilities of children trafficked from Vietnam to the UK, to inform prevention work with regard to child victims of trafficking from Vietnam.

There were divergent views from participants about the effectiveness of different approaches to prevention work in Vietnam. There was a general perspective that more research was vitally needed, but more mixed opinions on awareness-raising as an effective approach. Some suggested that raising awareness is a positive intervention as it helps change perspectives on child trafficking as a form of child abuse, rather than just a migration issue.²⁰⁰ Others were critical that awareness-raising activities may be limited and potentially problematic. For example, one participant noted:

¹⁹⁴ Home Office, Home Secretary pledges £11 million for groups fighting modern slavery, 2016. See: www.gov.uk/government/news/home-secretary-pledges-11-million-for-groups-fighting-modern-slavery.

¹⁹⁵ Interview, NGO worker, July 2018.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ A project led by NSPCC’s Child Trafficking Advice Centre also focuses on children. See also, ECPAT UK, *End-to-End Vulnerability Mapping*, 2018. See: www.ecpat.org.uk/end-to-end-vulnerability-mapping.

¹⁹⁹ Further information in Chapter 2. See: www.ecpat.org.uk/the-secret-gardeners.

²⁰⁰ Interview, NGO worker, July 2018.

“Raising awareness is basically an activity that is based on the wrong assumptions... that people and children take high risks when they migrate because they lack information... in the majority of cases this is not the case. People are very often fully aware of the risks they take. It’s what they are moving away from that makes them take these risks.”

NGO worker, July 2018

Overall, there was consensus that awareness-raising activities alone could not be effective without sufficient follow-up work, in particular offering children and families alternatives to the paths which lead to exploitation. A focus on providing education and work opportunities for young people is essential. Other participants felt that there should be greater funding for developing child protection systems in Vietnam and other countries, and towards “developing a cross border approach to child protection.”²⁰¹ In this way, child protection systems could be supported to identify potential victims of trafficking upstream.

Overall, participants agreed that expansion and further resources are needed to ensure that prevention in Vietnam is effective. Given the cross-border nature of the crime, it was felt that more needs to be done to understand the root causes before effective prevention interventions can be properly developed. Participants encouraged the UK Government to take a long-term approach to preventing child trafficking in Vietnam, with sustained funding over longer periods.

More broadly, preventing child trafficking abroad also requires recognising and investing in efforts towards ending lesser-known forms of child exploitation. One area that is receiving increasing attention is that of ‘orphanage trafficking,’ the active recruitment of children from vulnerable families into residential institutions for the purpose of exploitation.²⁰² Recognition of this form of trafficking in legislation and policy, divestment of funding away from institutions that harm children and increasing public awareness, are among suggested prevention initiatives.²⁰³

Support for Children and Prevention of Re-Trafficking

Guardianship

A key aspect of child trafficking prevention is envisaged in Article 14.2 of the Directive, calling for all trafficked children to be appointed with a guardian to safeguard their best interests.²⁰⁴ Under international standards a guardian should be appointed to every separated migrant child (including potential victims of trafficking), be enshrined in statute, be independent from the state, have legal authority and have adequate legal powers to represent the child’s best interests and be inspected by an existing regulatory body.²⁰⁵ They should be trained as specialists in trafficking risk factors in order to assume a preventative role.²⁰⁶ This model would act as a preventative measure, as it pays special attention to children at risk who are temporarily or permanently deprived of

²⁰¹ *Ibid.*

²⁰² K.E.V. Doore, ‘Paper orphans: Exploring child trafficking for the purposes of orphanages.’ *The International Journal of Children’s Rights*. 24(2), 2016, p.378.

²⁰³ US State Department, *Trafficking in persons report*, June 2018. See: www.state.gov/documents/organization/282798.pdf

²⁰⁴ EU Directive Against Trafficking, Article 14.2.

²⁰⁵ European Union Agency for Fundamental Rights, *Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*, 2015. See: <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care/>.

²⁰⁶ *Ibid.*

their parental environment.²⁰⁷ This approach takes different forms across Europe but is widely recognised as a particularly essential step towards protecting children against trafficking and re-trafficking.

The measure has been partially adopted across the UK, with guardianship models varying significantly. Northern Ireland’s ‘Independent Guardians’ model, run by Barnardo’s, is the most comprehensive. The law provides for an individualised service for all unaccompanied/separated children or children who have been trafficked to Northern Ireland. All have a minimum of five years’ social work experience and Office of Immigration Services Commissioner Level 1 & 2 training. The scheme became operational in spring of 2018. Participants in this research welcomed this as a strong measure to support children that would likely play a strong role in prevention, but recognised that it is too soon to measure its preventative impact.

The Scottish Guardianship Service was introduced in 2010 and is run in partnership with the Scottish Refugee Council and Aberlour Child Care Trust, supporting all unaccompanied and separated children in Scotland. It provides specialist independent advocates for unaccompanied and separated children in Scotland. Research participants saw this as an important measure for prevention, because it is available to all unaccompanied and separated children. It also ensures that victims are not missed, because it can take time for a trafficking episode to become apparent or be disclosed.²⁰⁸ An evaluation of the service found widespread benefits, including its role in facilitating young people to make disclosures of trafficking and exploitation.²⁰⁹ Scotland’s trafficking legislation in 2015 put guardianship for trafficked children on a statutory footing.²¹⁰

In England and Wales, Section 48 of the Modern Slavery Act sets out provision for Independent Child Trafficking Advocates (ICTAs).²¹¹ This scheme is currently operating in three “early adopter sites:” Wales, Greater Manchester and Hampshire, with further sites including the West Midlands soon to be operational.²¹² The Government has re-stated its commitment to roll out the service nationally, but, beyond one-third of sites being operational by April 2019, the timeframe is unclear.²¹³ Despite significant calls by campaigners to widen the scheme to all separated migrant children, in line with international standards, this model only provides an advocate for children who are identified as trafficked through the NRM. As such, it is significantly restricted in its ability to act as a preventative tool, primarily acting as a support measure that can prevent re-trafficking but not prevent trafficking in the first place.

Despite its limitations, this measure showed significant positive impact in an independent evaluation of an initial trial of the service.²¹⁴ The benefits to children included “ensuring clarity, coherence and continuity, working across other services responsible for the child, over time and across contexts.”²¹⁵ The ICTAs also provided a significant role in keeping children “safely visible”

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²⁰⁷ *Ibid.*

²⁰⁸ Scottish Government, *Human trafficking and exploitation strategy: first annual progress report*, 2018. See: <https://beta.gov.scot/publications/human-trafficking-exploitation-strategy-first-annual-progress-report/documents/00536753.pdf?inline=true>.

²⁰⁹ H. Crawley and R.K.S. Kohli, *She endures with me: An evaluation of the Scottish Guardianship Service Pilot*, London: Paul Hamlyn Foundation, 2013.

²¹⁰ Human Trafficking and Exploitation (Scotland) Act. A consultation to clarify the roles and responsibilities of this service and how it will sit with the existing provision is due to commence soon.

²¹¹ Modern Slavery Act, 2015, s.48.

²¹² Home Office, *Government commissions independent review of the Modern Slavery Act 2015*, 30 July 2018. See: <https://www.gov.uk/government/news/government-commissions-independent-review-of-the-modern-slavery-act-2015>.

²¹³ Home Office, *Modern slavery victims to receive longer period of support*, 26 October 2017. See: <https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>.

²¹⁴ Home Office, *Evaluation of Independent Child Trafficking Advocates trial: final report*, 2015. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/486138/icta-horr86.pdf.

²¹⁵ *Ibid.*

and helped children feel stable enough to plan for their future and reduce their likelihood of further exploitation.

Respondents to this research noted that careful monitoring and evaluation of guardianship/ advocate services are essential to ensure they are working to reduce children's vulnerability.

The ICTA scheme is only provided until the age of 18, while the Scottish Guardianship Service works with young people beyond the age of 18 (in line with social work statutory duties to care leavers) and the Northern Ireland Scheme can support young people until the age of 21. Research has shown that young people in their late teenage years are particularly vulnerable and that unaccompanied children in particular face specific vulnerabilities at this time, compared to non-migrant children in local authority care.²¹⁶ Many children go missing at this point as a result of this heightened vulnerability, as discussed later in this chapter. Prevention of trafficking and re-trafficking of young adults would be improved by extending the guardianship schemes to cover this critical transition point, for example until the age of 21.

Specialist Support for Trafficked Children

International standards state that creating a “protective environment” for child trafficking victims is essential in order to prevent further exploitation and re-trafficking. Whilst we do not have data that records the rates of re-trafficking of child victims, children going missing from care is a key indicator. Research by ECPAT UK and Missing People published in November 2016 revealed that trafficked and unaccompanied asylum-seeking children go missing from care at an alarmingly high rate.²¹⁷ The report revealed that from September 2014 to September 2015, 28% of trafficked children (167 children) and 13% of unaccompanied children (593 children) in care in the UK went missing at least once. Of these children, 207 had not been found.²¹⁸ Research by *The Times* found that 150 Vietnamese minors disappeared from care and foster homes between 2015 and October 2017.²¹⁹ At least 104 children went missing between August 2016 and July 2017 in the UK after being transferred from Calais.²²⁰ The issue is therefore significant and highlights that more needs to be done to protect children who have been trafficked from further harm.

In Scotland a smaller proportion of trafficked children are going missing, considered to be around 10%.²²¹ A participant in this research noted that it may be as a result of the strong child protection system in Scotland, or the fact that there is a guardianship service that has been operational for some time. However, it was acknowledged that it is not fully understood why this is the case, and that there is a need for better understanding in order to learn from any potentially good practice.²²²

²¹⁶ Children's Society, *Crumbling futures: why vulnerable 16 and 17 year olds need more support as they move into adulthood*, 2018. See: www.childrensociety.org.uk/sites/default/files/seriously-awkward-full-report.pdf;

R. Maloni and E. Chase, *Becoming Adult Project: transitions into institutional adulthood*, 2017. See: <https://becomingadult.net/2017/12/12/six-new-research-briefs-launched-today/>.

²¹⁷ ECPAT UK, *Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK*, 2016. See: www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk.

²¹⁸ *Ibid.*

²¹⁹ The Times, 'Child trafficking victims vanish from council care and into the hands of criminals', 13 October 2017. See: www.thetimes.co.uk/article/child-trafficking-victims-vanish-from-council-care-and-into-the-hands-of-criminals-baroness-butler-sloss-rochdale-gctdcqgg6.

²²⁰ The Independent, 'More than 100 child refugees missing in UK after being smuggled from Calais', 22 July 2017. See: www.independent.co.uk/news/uk/home-news/child-refugees-uk-missing-calais-smuggled-jungle-camp-crisis-lorries-parliament-dubs-resettlement-a7853991.html.

²²¹ Interview, independent researcher, July 2018.

²²² *Ibid.*

The NRM is the system for providing support to trafficking victims,²²³ however, for children, this system is not tied to any provision of support. Unlike for adults, child trafficking victims are supported by local authority children’s services, who are responsible for their safeguarding and support. Once children are identified as trafficked through the NRM, there is no follow-up provision and no specific funding provided to children’s services to offer additional or specialist support. Given that frontline workers in child protection services already have little awareness of trafficking issues (as outlined above), this often results in the issue being overlooked or ignored by those with direct responsibility for the child.²²⁴

A survey conducted by ECPAT UK of frontline professionals found major concerns about the NRM’s ability to safeguard children. Only 8% believed it was always effective and only 7% believed it always helped to ensure an appropriate safeguarding response to children who have been exploited.²²⁵ Respondents to this research consistently cited the failures of the NRM for children. One respondent noted that the NRM offered little additional benefit for children criminally exploited in ‘county lines’ situations and that children in gang situations are particularly reluctant to provide information in this context.²²⁶ This raises questions about the effectiveness of the current NRM system as a preventative tool against child trafficking.

At the local authority level, support is very limited. Support and accommodation is provided to child victims of trafficking by children’s services in the local authority, where their needs are identified, most commonly under Section 20 of the Children Act 1989 (in England & Wales).²²⁷ There is an assessment framework that provides a structure for the assessment of need across three domains and includes the child’s development needs, the parenting capacity and family and environmental factors. However, there are extremely limited specialist placements available for child victims of trafficking, especially those who are trafficked for exploitation types other than sexual exploitation. A 2017 report commissioned by the Home Office and Department for Education found that there was a limited availability of specialist provision for migrant children who are identified as potential victims of modern slavery by local authorities.²²⁸ GRETA’s report also found that local authority approaches to providing this support to child victims of trafficking in the UK were “inconsistent” and “patchy.”²²⁹

Along with guardianship, specialist accommodation is consistently cited as a vital measure for protecting child victims of trafficking from further harm. However, there are no agreed safety standards for accommodating child victims of trafficking and no specialist statutory provision. Instead, accommodation provision varies significantly across the UK and child trafficking victims can be placed in residential care homes, shared flats and houses, bedsits, bed and breakfast emergency housing, and foster care. A joint parliamentary inquiry in 2012 into children who go missing from care stated:

²²³ UK Government, *Modern slavery victims: referral and assessment forms*, 2010. See: www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms.

²²⁴ Interview, NGO worker, July 2018.

²²⁵ ECPAT UK, *Time to Transform*, 2017. See: www.ecpat.org.uk/time-to-transform.

²²⁶ Interview, NGO worker, July 2018.

²²⁷ This does not give them full parental responsibility over the child.

²²⁸ Department for Education & Home Office, *Local authority support for non-EEA migrant child victims of modern slavery*, 2017. See: www.ecpat.org.uk/news/report-finds-major-gaps-in-la-support-to-migrant-children.

²²⁹ GRETA, *supra* note 117.

“The evidence received by the Inquiry unanimously argued that the best solution to help trafficked children to break the contact with their traffickers and prevent them from going back was specialist foster care.”²³⁰

Similarly, an independent evaluation of Barnardo’s Safe Accommodation Project, which piloted specialist foster carers for sexually exploited and trafficked young people, found that it was a highly effective means of protecting children from further exploitation.²³¹

In Northern Ireland, children are accommodated in one facility, which has security in place to prevent traffickers from entering. A participant in this research noted that the facility has helped prevent children from going missing, with a few missing incidents since it opened in 2014.²³² There are also small-scale specialist services provided by NGOs. For example, the charity Unseen have recently opened a specialist accommodation and care service in England for trafficked children, although details have not yet been provided as to its success regarding re-trafficking prevention.²³³

Baca, a Leicestershire-based charity, also provides specialist supported accommodation and development training for separated young people who are seeking asylum, some of whom have been victims of trafficking.²³⁴ Lessons from these models should be collected and analysed in order to understand more about the best accommodation options for preventing child victims from becoming vulnerable to further exploitation. In addition, statutory funding for more specialist accommodation services was seen as vital by participants to this research.

There are wider problems around support provision for creating a “protective environment” for child trafficking victims. As a child transitions into adulthood, financial challenges and access to employment and education opportunities are a major source of stress. Accessing education can be challenging, with many young people being offered courses in English as a Foreign Language (ESOL), but not further vocational training or other routes that would lead to longer-term stability and security. A greater focus on providing meaningful education and work opportunities would allow young people greater stability, reducing their vulnerabilities over the long-term.

In regards to exploitation in ‘county lines’ situations, participants noted that specialist casework is regarded as the most effective means of helping children move out of situations of exploitation.²³⁵ Progress has been made in growing funding for this. For example, a new London-wide support service has been set up to provide specialist casework for individuals involved in this type of exploitation. Children and young people ‘at risk’ of exploitation are included in the project, such as siblings, girls and young women involved by association. This is welcome from a prevention perspective, though it is of course limited to London.²³⁶

Overall, if support services for young people affected are to prevent them from further harm, they must prioritise the views of children themselves. A young person interviewed for this research stated that:

²³⁰ The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers, *Report from the joint inquiry into children who go missing from care*, 2012. See: <https://www.gov.uk/government/publications/report-from-the-joint-inquiry-into-children-who-go-missing-from-care>.

²³¹ L. Shuker, *supra* note 176.

²³² Interview, civil servant, July 2018.

²³³ See: <https://www.unseenuk.org/what-we-do/chips-in-development>

²³⁴ See: <https://www.bacaproject.org.uk/home>.

²³⁵ Interview, NGO worker, July 2018.

²³⁶ Interview, NGO worker, July 2018.

“They need to really listen to what children want to do and to help them. You just feel that everything is in your head and you don’t know this country. I did not know what I could do because we did not have it like that in our country.”

Young woman from ECPAT UK youth group, August 2018

CASE STUDY: Failure to Prevent Re-Trafficking

The UK Government was recently found to be in breach of its obligations under Article 4 of the European Convention on Human Rights, when a Vietnamese child trafficking victim went missing. ‘TDT’, a Vietnamese victim, was found by police in the back of a lorry in Kent in September 2015. He was treated by IE as an adult and placed in immigration detention in Dover Immigration Removal Centre and then at Brook House in Sussex. No age assessment was carried out and he was not initially treated as a potential trafficking victim, despite presenting clear indicators.

After seeing a specialist support worker at the Refugee Council, he was referred to the NRM. His lawyer challenged the Home Office on various aspects of his treatment, including the failure to conduct an age assessment and to recognise him as a potential victim of trafficking, as well as calling for his release into safe and secure accommodation. The Home Office did not reply.

He was subsequently released on temporary admission without any protection measures in place. His solicitors had sought assurance that he would be released under arrangements that would minimise the risk of re-trafficking. However, he was released by the Home Office to an address that was not residential but actually listed as a Buddhist temple. He went missing soon after and was last seen by police with a man at Gatwick Airport railway station. He has not been seen since. The police have made enquiries as to his whereabouts but without success. His solicitors believe that he was re-trafficked. This case highlights the serious failure to prevent re-trafficking of child victims and the lack of structures in place to prevent this from occurring.

Durable Solution

Article 16.2 of the Directive states that “Member States shall take the necessary measures with a view to finding a durable solution based on an individual assessment of the best interests of the child.”²³⁷ A durable solution refers to long-term sustainable arrangements. Giving children stability and security and a chance to recover and develop, plays a significant role in the prevention of further exploitation and re-trafficking.²³⁸ No such process is in place in the UK.²³⁹ In the current system, separated child trafficking victims, if they have not been granted refugee status, are granted limited leave to remain in the UK. This is called Unaccompanied Asylum Seeking Child (UASC) leave, and it lasts until they are seventeen-and-a-half. At this point, when many child victims are just beginning to recover and rebuild their lives, the uncertainty of their immigration status presents a significant challenge that actually serves to make them more vulnerable.

²³⁷ EU Directive Against Trafficking in Human Beings, Article 16.2.

²³⁸ UNICEF UK, *Achieving a durable solution for trafficked children*, 2015. See: https://downloads.unicef.org.uk/wp-content/uploads/2016/01/Unicef_DurableSolutions_ExecSummary.pdf

²³⁹ECPAT UK, *supra* note 130.

Many child victims of trafficking face significant challenges in the asylum system. Their personal histories may not always meet the Refugee Convention definition, or they may have difficulty disclosing their experiences and thus not present as “credible.”²⁴⁰ Albanian young people are particularly likely to be refused asylum and typically are only given status when they have very extended appeals processes with highly expert legal advice.²⁴¹ There are a lack of services and support provision for young people in general at this transition age (18–21) and local authority pathway planning has been shown to be limited. This is compounded when there is uncertainty as to whether a child will be able to remain in the UK or not.²⁴²

Research and litigation has highlighted that many young people can wait for well over a year, sometimes two years, and become adults before receiving a decision on their asylum cases.²⁴³ Participants noted that there are consistently similar delays to the NRM, with asylum decisions often seeming to be further delayed by the NRM process. Often, both decisions arrive once the individual has turned 18. This high degree of uncertainty and the stress of this transition period can be very challenging for these young people. As a young person interviewed for this research stated:

“You never know when you will get your decision. They don’t believe you and you just have to keep going back. You just can’t move on or do anything until they decide. I felt so depressed.”

Young man from ECPAT UK youth group, August 2018

The challenges during this transition period can therefore lead to further vulnerability. The reality is that many are forced into destitution after being discharged from services.²⁴⁴ Research into young unaccompanied children transitioning to adulthood found that a cause of some young people going ‘missing’ was that they intentionally chose to disengage from statutory services at 18, because of fear of detention and forced removal.²⁴⁵

Those that disengaged from services often ended up living in precarious situations to avoid authorities, often working cash in hand, for low pay and often in exploitative conditions. In fact, young people may even *reach out* to underground networks, either to reunite with family members or to find a way to earn money and settle debts. Many young adults have additional challenges and vulnerabilities, for example being pregnant or single mothers. Support provision and timely decision-making greatly need to be improved in order to prevent vulnerability to exploitation during these children’s transition to adulthood.

Returning a child to their country of origin can perpetuate vulnerability to re-trafficking and exploitation. There are additional protection measures afforded to children who should not be returned to their state “if there is indication, following a risk and security assessment, that such a return would not be in the best interests of the child.”²⁴⁶ In practice, returns rarely occur because, with the exception of family care, reception arrangements are seldom found to be adequate.

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²⁴⁰ *Ibid.*
²⁴¹ R. Maloni and E. Chase, *supra* note 231.
²⁴² UNICEF UK, *supra* note 253.
²⁴³ Elder Rahimi Solicitors, *Systemic delays in the processing of the claims for asylum made in the UK by unaccompanied asylum seeking children (UASC)*, 2018. See: www.elderrahimi.co.uk/UserFiles/Files/p_nS4kT4.pdf.
²⁴⁴ Coram Children’s Legal Centre, *Growing up in a hostile environment: the rights of undocumented migrant children in the UK*, 2013. See: www.childrenslegalcentre.com/wp-content/uploads/2013/11/Hostile_Environment_Full_Report_Final.pdf.
²⁴⁵ N. Sigona, E. Chase and R. Humphries, *Becoming Adult Project: Understanding causes and consequences of going ‘missing’*, 2017. See: <https://becomingadult.net/2017/12/12/six-new-research-briefs-launched-today/>.
²⁴⁶ *Ibid.*, Article 16.7.

However, the UK Government is exploring the possibility of returning Albanian children, which would have a significant impact given that these children are among those most commonly identified as trafficking victims.

For unaccompanied asylum seeking children identified as victims of trafficking, there is no assessment procedure in place for them when they are returned as young adults. There is a distinct lack of scrutiny and human rights-based risk assessment for the returns process. Many young people face return to countries where they may not have lived for years, have few connections and face serious risks of re-trafficking. It was also highlighted by participants that the children and young people who incur debts from undertaking their journeys to the UK face additional risks if that debt has not been paid. There is no monitoring or data collected on what happens to these young people once they have been returned, meaning that there is no real understanding of whether further exploitation or re-trafficking has occurred.

For children from EEA countries, who can be returned if a social worker determines that there is someone who can provide parental responsibility for them, there is less clarity on the child's rights and legal status in regards to the returns procedure. There is little understanding of whether these children are at risk of exploitation and trafficking upon return. Research has shown that decisions on returns are often made on an ad hoc basis, with the potential for mistakes to be made.²⁴⁷ Without adequate data on returns it is impossible to assess whether the UK Government is fulfilling its obligations to prevent re-trafficking in this regard. This has extremely serious implications. As one NGO worker stated:

“Arguably the decision to return a victim of trafficking to their country of origin, where there is a risk that they would be subject to the same exploitation, is equivalent to a violation of the principle of non-refoulement. When we look at prevention of re-exploitation this is what we need to be looking at... broader than service provision and child protection systems, looking at the long-term solutions that we find, or fail to find, for child victims of trafficking.”

Interview, NGO worker, June 2018

Without proper prevention of re-trafficking for child victims, by offering them a durable solution, the insecurity renders children more vulnerable, leading to further victimisation in adulthood. In line with international standards, the UK should provide a ‘best interests’ assessment for each child identified as a trafficking victim, to determine a durable solution. Alternative pathways to regularisation for young people who have been trafficked, but have had their asylum claims rejected, would allow those with established long-term links with the UK to recover and have stability. Children should never be returned to their country of origin without a proper, human rights-based risk assessment and a full assessment of the best interests of the child.

Conclusion

This research has shown that there is no clear, overall, strategy on preventing children from being trafficked across the UK. Since 2012, there has not been a strategic and coordinated approach to preventing child trafficking, and little focus on reducing vulnerability of children to exploitation and on creating a “protective environment” for children, as set out in international law. Prevention work on trafficking is rarely child-specific, and rarely centred on a child protection response. Despite

²⁴⁷ UNICEF UK, *supra* note 253.

some clearer strategic direction in Scotland, and on specific forms of exploitation, such as CSE, detailed and coherent prevention strategies for children are lacking.

Specific anti-child trafficking efforts are limited, and can be seen to be largely focused on the investigation and prosecution of traffickers, and to some extent on awareness-raising interventions. However, there is little data collected, or evidence provided, to show that this is an effective response. There has been no effective measurement of activities undertaken to understand which interventions are effective. Data is severely limited, which further hampers understanding and progress towards prevention. A case study on work funded by the UK Government towards preventing child trafficking in Vietnam shows that there are positive signs of progress, but that there is a need for sustained funding focused on reducing Vietnamese children's vulnerability and those from other high risk countries of origin.

There is evidence that good practice is occurring in certain areas, largely led by civil society. However, progress is not being effectively monitored or evaluated and work on the different forms of exploitation still largely occur in isolation from each other. Little is known about the extent to which children are re-trafficked, but their vulnerability to it is being increased by the lack of specialist support provided and the failure to ensure each child has a durable solution available to them. Moreover, the wider policies of austerity, a hostile immigration environment and the threats posed by Brexit are all serving to undermine prevention efforts by making children more vulnerable.

Chapter 7: Conclusion and Recommendations

Conclusion

The Anti-Trafficking Monitoring Group welcomes the increase in efforts to prevent trafficking in the UK since 2012. We also note with appreciation the rise in the number of organisations and institutions engaged in anti-trafficking work and the expansion of the governance framework.

However, the ATMG found that these positive efforts are often disjointed and siloed due to the absence of a comprehensive UK prevention strategy and this lack of strategic focus means that prevention of trafficking is not mainstreamed across other policy areas.

ATMG was encouraged to see the Government support for programmes and research aimed at addressing measures to tackle the socio-economic factors that exacerbate people's vulnerability to trafficking. Unfortunately, some of the good practice in addressing these social and economic factors is marred by immigration enforcement measures.

Through this research, the ATMG found improvements in crime recording and data collection through the NRM, but overall data gathering remains fragmented and the reliance on NRM as the key source of information is limiting. The ATMG believes that this would be improved by the introduction of a comprehensive system of data collection and a statutory body to oversee all relevant data collection and research into trafficking.

The ATMG found that following the introduction of new laws in 2015, the UK's ability to deter the crime of trafficking through an effective criminal justice system has improved, but not significantly. Criminal justice cuts, lack of coordination and inconsistent training have been identified as key issues preventing substantial progress.

Two overarching themes that emerged throughout this research were a lack of coordination and a lack of evaluation of prevention measures. While there are examples of good practice, the lack of overall coordination and impact assessment makes it difficult to track progress.

Child-specific strategic approaches and responses to prevention of trafficking remain lacking across the UK. Scotland's strategic approach, which focuses on reducing children's vulnerability, is to be welcomed and greater emphasis and investment in Child Sexual Exploitation (CSE) across the UK is starting to lead to upstream work to reduce children's vulnerability. New funding streams on child trafficking at home and overseas are also positive steps.

However, too often the prevention response for child victims has been the same as the response for adults. There is no clear child-specific prevention strategy in England and Wales or Northern Ireland, with little evidence that prevention initiatives are being properly monitored, measured or learned from. Moreover, the various forms of child trafficking continue to receive different levels of attention and resourcing, meaning that approaches to child exploitation as a whole are not joined-up.

Responsibility for preventing this area of child abuse rests primarily at the local authority level. However, without significant investment towards specialist services, training and reporting structures, those working at the local level are not properly equipped to respond preventatively.

Reduction of funding for children's services, coupled with a significant focus on trafficking as a criminal justice and immigration issue, has meant that a child-specific response, centred on reducing vulnerability and supporting child protection systems, is yet to materialise.

To ensure that efforts to prevent trafficking honour the human rights of trafficked persons, the Government should urgently review other areas of policy and legislation that affect trafficked persons. Prevention must become an integral part of anti-trafficking policy in the UK, with a primary focus on reducing the vulnerabilities of trafficked children and adults, as well as those at risk of trafficking.

Recommendations

The ATMG's recommendations are intended to assist the UK Government and the devolved administrations in making prevention a core element of anti-trafficking policies and thus help reduce vulnerabilities of people at risk of trafficking and those trafficked, as well as increasing the risk for traffickers.

Recommendations for the UK Government

Policy Response

- In collaboration with devolved administrations, relevant government departments, and civil society, develop a UK-wide evidence-based, time-bound, prevention strategy, as well as a child-specific strategy;
- Regularly commission independent evaluation of all prevention measures funded by the UK Government and devolved administrations, including gender and human rights impact assessments;
- Review the independence and remit of the Independent Anti-Slavery Commissioner (IASC) and consider making the IASC accountable to the UK Parliament;
- Review the effectiveness of coordination of all government departments, agencies and groups across the UK with a prevention role, locally, regionally, nationally and internationally;
- Commission an independent review of the impact of criminal justice cuts and Brexit on the UK's capacity to pursue and punish traffickers;
- Expand the resources of the Gangmasters and Labour Abuse Authority (GLAA) to implement a phased expansion of its licensing regime;
- Undertake an impact assessment of extant and any new immigration legislation and regulation on prevention of trafficking, in particular whether the provisions may make migrants more vulnerable to exploitation because of these changes or less willing/able to come forward and seek protection from exploitation;
- As a part of the Brexit process, ensure that all EU legal provisions on trafficking and workers' rights are transposed into UK law; and retain UK membership in EU criminal justice cooperation measures such as Europol and Eurojust.

Protection and Awareness-Raising

- Develop targeted awareness-raising campaigns on trafficking in specific industries, and conduct impact assessments for all awareness campaigns commissioned by the Government;
- Strengthen collaboration with key countries of origin on preventative activities and review established memorandums of understanding, ensuring they include measures aimed at safe, legal, migration;

- Ensure trauma-informed support, tailored to the needs of trafficked persons during criminal justice proceedings and beyond, to reduce the risk of re-trafficking;
- Revise the migrant domestic worker visa to include the unconditional right to change employer, with all changes reported to the Home Office and the right to renew their visa for up to two-and-a-half years;
- Improve the delivery of information during the visa application process. Migrant domestic workers must be seen alone, physically apart from their employer. They must be issued an information sheet in a language and format they can understand informing them of all of their rights and who to contact in the event they suffer any abuse or exploitation. The contract with commercial partners providing services at the Visa Application Centres must specify these express requirements in clear and enforceable terms to ensure UKVI is discharging this duty in practice;
- Develop a standard procedure for risk assessment of trafficked persons who wish to return home independently, ensuring reintegration assistance provided to victims of trafficking is adequate and comprehensive post-return;
- Guarantee assistance and support to victims, following conclusive determination by a competent authority, to reduce the risk of re-trafficking; provide further assistance and support for 12 months from the day on which support provided under the National Referral Mechanism ceases;
- Ensure sufficient resourcing of local authorities to support those vulnerable to homelessness, poverty and social exclusion;
- The Government should support the expansion of the Bright Future programme and establish supported work programmes for those ready to seek employment following a conclusive determination by the competent authority.

Knowledge and Training

- Commit to continuous investment into research on the socio-economic causes of trafficking in the UK and countries of origin;
- Ensure training of front-line staff is up-to-date and regularly reviewed, in order to enhance knowledge, raise awareness and empower them to respond effectively to trafficking;
- Ensure training of all front-line staff responsible for identifying victims of trafficking covers understanding the physical and psychological impacts of trafficking;
- Improve data collection. In particular, create a unified data collection system for NRM data, crime recording and all prosecutions and convictions of traffickers, regardless of the final charge. Allow for further qualitative analysis to inform prevention work. Include information on victims who have invoked the non-punishment provision, disaggregated by age and gender;
- Review and collate existing guidance for all trafficking and forced labour-related offences across the UK's anti-trafficking legislation. In particular, take into consideration the differences between each Act, to ensure all prosecuting advocates and judges share knowledge and information on the application of offences in each UK jurisdiction;
- Provide comprehensive, regular training for all staff at the UK's borders who are in contact with potential victims of trafficking;
- Consider appointing independent anti-trafficking safeguarding leads at all UK borders to enhance the identification and protection of those individuals who are trafficked or at risk of trafficking.

Prevention of Child Trafficking

- Create child-specific prevention strategies across the UK with measurable, time-bound objectives;
- Harmonise prevention strategies across the different forms of child exploitation, including by prioritising an overall approach based on the reduction of children's vulnerability and the creation of a 'protective environment' for child victims and children at risk;
- Prioritise data collection and disaggregation on all forms of child exploitation, including by:
 - creating a standardised system for collection and reporting of information from local authority children's services;
 - improving the collection, disaggregation and publishing of NRM data on children;
- Provide a comprehensive, independent, legal guardianship scheme for all separated children across the UK;
- Provide comprehensive, regular, training for social workers, police, health practitioners, border officials, legal practitioners and all frontline workers who are in contact with children;
- Ensure identification as a child victim of trafficking through the NRM is tied to specialist support provision, such as specialist foster care, and includes specialist accommodation and comprehensive, trained, legal representation in order to prevent re-trafficking;
- Create a process to provide a 'best interests' assessment for each child identified as a trafficking victim to determine a durable solution and prevent them from being re-trafficked;
- Ensure all prevention-focused initiatives are monitored and evaluated, with learning shared to generate a picture of best practice;
- Provide long-term, sustainable, funding towards reducing children's vulnerability to being trafficked from abroad;
- Consult with children and young people in all areas of prevention efforts and provide direct funding towards projects and initiatives driven by their views and needs;
- Ensure safe, legal, routes for children at risk of trafficking to enter the UK and overturn any policies which prevent child trafficking victims from seeking assistance from public services based on their immigration status;
- Ensure children's services have sufficient funding to direct resources towards reducing children's risk and vulnerability to trafficking;
- As part of the Brexit process, ensure all child-specific standards are transposed into UK law and that membership of European agencies vital for safeguarding children is maintained.

Recommendations for the Scottish Government

- Improve coordination of anti-trafficking work with other UK administrations;
- Strengthen collaboration with key countries of origin on preventive activities;
- Develop anti-trafficking aims into other areas of Scottish policy to enhance the long-term impact of anti-trafficking measures.

Recommendations for the Northern Ireland Executive

- Improve training for all frontline staff responsible for preventing trafficking across public authorities;
- Introduce a training coordinator to oversee the development of appropriate training resources and respond to changing trends, policies and legislation;

- Improve coordination of specific measures to prevent trafficking, including better coordination with the UK and Scottish Government;
- Ensure anti-trafficking aims are integrated further into other policy areas including poverty and social exclusion.

Recommendations for the Welsh Government

- Evaluate the impact of the Anti-Slavery Coordinator role in improving coordination of Welsh anti-trafficking efforts in data-collection, awareness-raising and training professionals;
- Conduct research on trafficking for purposes of forced labour and other types of exploitation in Wales;
- Ensure anti-trafficking aims are integrated further into other policy areas including poverty and social exclusion.

ANNEX

Acronyms and abbreviations frequently used

ATMG	Anti-Trafficking Monitoring Group
AVR	Assisted Voluntary Return (and Reintegration)
CEOP	Child Exploitation and Online Protection Centre
COPFS	Crown Office and Procurator Fiscal Service (Scotland)
CPS	Crown Prosecution Service
CSE	Child Sexual Exploitation
DEL	Department for Employment and Learning (Northern Ireland)
DfE	Department for Education
DfID	Department for International Development
DHSSPS	Department for Health, Social Services and Public Safety (Northern Ireland)
ECPAT UK	Every Child Protected Against Trafficking UK
EHRC	Equality and Human Rights Commission
EU	European Union
FCO	Foreign and Commonwealth Office
GLAA	Gangmasters and Labour Abuse Authority
GRETA	Group of Experts on Trafficking in Human Beings of the European Commission
HMCPI	Her Majesty's Crown Prosecution Inspectorate
HMRC	Her Majesty's Revenue and Customs
IASC	Independent Anti-Slavery Commissioner
IDMG	Inter-Departmental Ministerial Group on Modern Slavery
IE	Immigration Enforcement
ILO	International Labour Organization
IOM	International Organization for Migration
LSCB	Local Safeguarding Children Boards
MARAC	Multi-Agency Risk Assessment Conference
MoJ	Ministry of Justice

MOPAC	Mayor's Office for Policing and Crime
MSHTU	Modern Slavery and Human Trafficking Unit
NCA	National Crime Agency
NGO	Non-Governmental Organisation
NHS	National Health Service
NRM	National Referral Mechanism
NPCC	National Police Chiefs Council
OCTF	Organised Crime Task Force (Northern Ireland)
ODW	Overseas Domestic Worker
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PPS	Public Prosecution Service (Northern Ireland)
PSNI	Police Service of Northern Ireland
SDGs	(UN) Sustainable Development Goals
SOCA	Serious Organised Crime Agency
TARA	Trafficking Awareness Raising Alliance (run by Community Safety Glasgow)
UKBF	UK Border Force
UKVI	UK Visas and Immigration
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

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The Anti-Trafficking Monitoring Group (ATMG) was founded in May 2009 to monitor the United Kingdom's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2005), which came into effect in the UK on 1 April 2009. Following the UK's decision to opt into the EU Directive on preventing and combatting trafficking in human beings (2011/36), which entered into force on 5 April 2013, the ATMG also monitors the obligations set out in this framework.

The thirteen organisations belonging to the ATMG are:

AFRUCA

Amnesty International UK

Anti-Slavery International

Ashiana

Bawso

ECPAT UK

Focus on Labour Exploitation (FLEX)

Helen Bamber Foundation

Kalayaan

Law Centre (NI)

Snowdrop Project

TARA (Trafficking Awareness Raising Alliance, a service run by Community Safety Glasgow)

UNICEF UK

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The **Anti Trafficking** **Monitoring Group**



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