

Child trafficking in the UK 2018: A snapshot



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Every Child Protected
Against Trafficking

Authors: Chloe Setter, Head of Advocacy, Policy & Campaigns, ECPAT UK;
Catherine Baker, Policy & Campaigns Officer, ECPAT UK

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About ECPAT UK

ECPAT UK is a leading UK-based children's rights organisation, campaigning and advocating for the rights of children to be protected from all forms of exploitation. We have a long history of campaigning in the UK, having produced the first research into the trafficking of children in the UK in 2001. An ongoing programme of research, training, youth participation and advocacy informs our campaigning efforts. ECPAT UK has been instrumental in raising awareness of the plight of children trafficked into the UK for all forms of exploitation, and has advocated for changes in policy and legislation to improve the response of the UK Government and its international counterparts to such abuse. We also work directly with young victims of trafficking, whose experiences and voices inform all areas of our work. ECPAT UK is part of the ECPAT International network, which is present in 95 countries, working to end child exploitation.¹

¹ <https://www.ecpat.org.uk/ecpat-international>

Executive summary

This snapshot report provides an overview of the state of modern slavery affecting children in the UK, compiling the latest statistics and recent policy developments on this important issue.

In this report, we draw on our experience of working with affected young people to flag concerns about the current response to child trafficking, despite progress made in reporting of such cases and the advent of dedicated legislation across the UK.

The ever-increasing statistics remind us that much more needs to be done to tackle child exploitation, both at home and overseas, and to protect its victims. A series of announcements in October 2017 outlined much-needed reforms to the National Referral Mechanism (NRM) for identifying and supporting victims of trafficking, however, the changes look to be nominal from a child-focused perspective. Commitments made by the Government under the 2015 Modern Slavery Act, such as

an independent child advocate scheme for child victims of trafficking are yet to fully materialise.

Whilst there has been significant progress implementing the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and the Human Trafficking and Exploitation (Scotland) Act 2015, key provisions remain unrealised. Training of frontline professionals across the UK remains an area that is underfunded and deprioritised. More broadly, children at risk of trafficking continue to be made more vulnerable by policies that cut funding to children's services and impose a hostile immigration environment for non-UK nationals.

More child-specific attention is needed to understand, identify and prioritise child exploitation, and to promote a rights-respecting policy response with the children's best interests at its heart.

"I feel the situation hasn't changed that much for young people. They still face almost the same issues that I faced. Some do receive better support than when I got out of exploitation, but not all of them. Being part of ECPAT UK has helped me build my confidence. It has helped me do more with my life and follow my dreams."

ECPAT UK youth group member



1. What is child trafficking?

Child trafficking is defined in the United Nations' Palermo Protocol as the "recruitment, transportation, transfer, harbouring or receipt" of a child for the purpose of exploitation. The definition of child trafficking differs from that of adults, which requires an additional element to be present – the 'means' of trafficking. The means element refers to 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"*. Although the means element is not required for the legal definition of child trafficking, it often still occurs. The Palermo Protocol definition merely recognises that a child cannot give informed consent to his or her own exploitation, regardless of whether he or she seemingly agrees to travel or genuinely understands the situation. A child is any person under the age of 18.

Essentially, child trafficking is child abuse and a human rights violation, and should be treated as such in a child protection context. Trafficking occurs both across international borders (i.e. into and out of the UK) but also within the UK (commonly known as 'internal trafficking'). In the UK, trafficking is recognised as a form of modern slavery.

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.² Children who are victims of trafficking have a right to specific assistance, support and protective measures in line with international standards.³ In the UK, local authorities have a duty to provide protection and support to child victims of trafficking under the child protection framework.

² Including: UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://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; Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/

³ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, articles 13, 14, 15, 16.

2. Recent trends

Victims

There are currently no accurate figures of how many child victims of trafficking there are in the UK. However, the Government estimates that there are 13,000 victims of modern slavery nationally, of which around a third (more than 4,000) are believed to be children.⁴ The head of the National Crime Agency (NCA) has stated more recently that the actual number of adult and child victims could be in the tens of thousands.

In 2017, there were 2,118 children referred into the National Referral Mechanism (NRM), which is the current system for identifying victims of trafficking and modern slavery. Children comprised nearly half (41%) of the total number of suspected trafficking victims in 2017, and the number of children suspected of trafficking rose by a staggering 66% compared to the previous year.⁵ This shows that awareness of the issue is increasing, but we are aware that the true number of child victims of trafficking is most likely substantially higher. This indicates that significant barriers remain and continue to impede our ability to identify, refer, and support these children. The recently established Modern Slavery Helpline has also published its first set of data, reporting 4,886 victims of modern slavery through calls to the helpline in 2017, 300 of which were children and 1,052 cases where the adult/child status was unknown.⁶

Of those referred into the NRM in 2017, the most common country of origin of these children was the UK (32%), followed by Vietnam (17%), Albania (10%), Sudan (7%) and Eritrea (6%). Other notable countries of origin include Iraq, Afghanistan, Nigeria, Iran, Ethiopia and Romania.⁷ There was a sharp rise in UK nationals referred into the NRM in 2017, building on a gradual increase in recent years, which is in part a result of the increasing

recognition of UK national children as victims of trafficking. There was a particular increase in the number of UK national children who were sexually and criminally exploited.⁸

As the number of UK national child victims has risen, we have also seen a concurrent shift from predominantly female victims, to predominantly male victims. In 2017, 62% of children identified as potential trafficking victims were male compared to 38% female. Though we know that children of all ages are trafficked, the NRM data no longer publishes the specific ages of victims, thereby leaving a gap in our ability to analyse the trends in age over time.

From 2016 onwards, data on the proportion of those referred into the NRM who received positive 'conclusive grounds' decisions as trafficking victims is no longer publically available. From earlier data, a trend is apparent where child victims from the UK and the EU are more likely to receive victim status (in the form of a 'conclusive grounds' decision through the NRM) than some of those from countries outside the EU. This raises concerns about a potential institutional bias against non-EU nationals.

There are significant problems with the way that the NRM data is recorded and presented, and practice in presenting this data constantly changes, making it incredibly difficult for practitioners to assess the needs of these children. Data is not broken down into important categories of exploitation type, and statistics on the decisions made about whether children are officially recognised as victims and given positive decisions about their trafficking status is not currently published.

Sadly, trafficked children in the UK have a very high risk of going missing from the care system. ECPAT UK's Heading Back to Harm report revealed that from September 2014 to September 2015, 28% of trafficked children (167 children) and 13% of unaccompanied children (593 children) in care went missing at least once. Of these, 207 missing, trafficked, or unaccompanied children had not been found.⁹

⁴ Home Office. (2014). Modern Slavery Strategy: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf

⁵ National Crime Agency (2018), National Referral Mechanism statistics – end of year summary 2017: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2017-nrm-statistics/884-nrm-annual-report-2017>

⁶ Unseen (2018), Modern Slavery Helpline: annual assessment 2017: <https://www.unseenuk.org/uploads/20180413150810356.pdf>.

⁷ National Crime Agency (2018), National Referral Mechanism statistics – end of year summary 2017: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2017-nrm-statistics/884-nrm-annual-report-2017>

⁸ Ibid.

⁹ ECPAT UK (2016), Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK: <https://www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk>

Obtaining accurate data on child trafficking (and those children who go missing) continues to be a challenge due to the way in which child protection is devolved and thus overseen at a local level by local authorities.

Exploitation types

Of the children referred into the NRM in 2017, the most common exploitation types recorded were labour exploitation (48%) and sexual exploitation (26%), followed by unknown exploitation (20%) and domestic servitude (6%). There are no further details or distinctions provided within these categories. We are unable to assess the number of children exploited for criminal purposes or which areas of labour and criminal exploitation were most prevalent. This is very unhelpful in terms of planning and resourcing adequate services. It is also concerning that the exploitation experienced by such a large proportion of children is recorded as 'unknown' and points to a lack of awareness amongst frontline workers, as well as challenges in how the current system identifies exploitation types. From the data we have on decision-making within the NRM, a trend is apparent indicating that it is more likely for victims of sexual exploitation to receive a positive conclusive grounds decision as being a victim of trafficking than for victims of labour exploitation, despite the latter being the more common exploitation type recorded amongst children.¹⁰

Children are exploited for a wide range of reasons. Whilst child trafficking was initially viewed as predominantly a crime and immigration issue in the UK, independent from child sexual exploitation (CSE) and other internal trafficking issues, there is increasing understanding that child victims of trafficking are often exploited in multiple, overlapping ways. Victims of one form of trafficking are commonly identified as also having experienced other forms of exploitation. It is ECPAT UK's view that children should not be put into pigeon-holes according to their specific exploitation history but instead, professionals should focus on each child's individual experience of exploitation and their specific vulnerabilities. However, there is still a disconnect between how CSE and modern slavery are viewed. This confusion manifests itself in policy

and practice, with much confusion existing as to when CSE constitutes modern slavery or trafficking, hence the relatively low number of British nationals recorded as victims of sexual exploitation by the NRM as compared to the national estimates.¹¹ One issue that has received increasing recognition is child criminal exploitation (CCE) in the form of 'county lines' drug running, where young people may be exploited to facilitate the transportation and sale of drugs from major cities into smaller towns and rural areas. A 2017 NCA report found 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.¹² Many of these children are exploited, but they are still not recognised as victims and continue to be criminalised with limited recognition of their safeguarding needs. The lack of guidance, training and support for frontline practitioners on CCE of children compounds this issue.

There are other worrying trends concerning child sexual exploitation (CSE). In 2017, the NCA warned that grooming to elicit illegal images of children and child sexual abuse videos is increasing, as is the use of live streaming platforms by online sex offenders.¹³ Technological advances, such as cloud storage, the 'dark web', social media sites, peer-to-peer sharing, and video blogs, have enabled greater contact between offenders and victims. Offenders are able to initiate contact easily and anonymously and use popular social media sites to access, groom, manipulate, and exert control over thousands of children and adolescents. These dynamics affect both UK national children and children around the world, and the NCA's report highlights the significant threat posed by travelling child sex offenders who abuse children overseas.¹⁴

Children on the move continued to be at great risk of trafficking and exploitation, especially if they are separated children (outside their country of origin and separated from both parents, or their previous legal / customary primary caregiver). In 2017, large numbers of unaccompanied children across Europe continued to be at risk of trafficking and exploitation, with few options for

¹⁰ For example, in 2015 labour exploitation was the basis for 29% of children referred into the NRM and 27% of conclusive grounds decisions, whereas sexual exploitation was the basis for 22% of child referrals but over 72% of conclusive grounds decisions. National Crime Agency (2015), National Referral Mechanism statistics: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2015-nrm-statistics>.

¹¹ Children's Commissioner (2017), Investigating Child Sexual Abuse: The length of criminal investigations: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Investigating-Child-Sexual-Abuse-CCO-April-2017-1.2-1.pdf>

¹² National Crime Agency (2017), County lines gang violence, exploitation and drug supply 2017: <http://www.nationalcrimeagency.gov.uk/publications/832-county-lines-violence-exploitation-and-drug-supply-2017/file>

¹³ National Crime Agency (2017), National strategic assessment of serious and organised crime: <http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>; National Crime Agency (2017), '245 children safeguarded and 192 arrests for child sex abuse offences': <http://www.nationalcrimeagency.gov.uk/news/1252-245-children-safeguarded-and-192-arrests-for-child-sex-abuse-offences>

¹⁴ Ibid.

protection.¹⁵ A 2017 survey showed that 91% of the migrant children (aged 14–17) who travelled to Europe through the Central Mediterranean route (through North Africa to Italy) suffered exploitation and abuse on their journey.¹⁶ European governments' failures to respond with proper safeguarding strategies mean that these children's vulnerability is further increased. Since the demolition of the Calais camp in northern France, children living in the area are thought to be in even more precarious situations: a survey of minors living in the area found that 96.5% had experienced police violence and 85.9% said they did not feel safe.¹⁷ These worrying trends have profound impacts on the children coming to the UK, as well as implications as to the shortcomings of the governments who have duties to protect them.

Funding to children's services

Under the UK Government's austerity agenda, funding to children's services has been drastically cut, which has serious implications for child victims of trafficking. One report found that there had been a real terms decrease in central Government funding for children and young people of £2.4 billion between 2010/11 and 2015/16.¹⁸ According to estimates, austerity will have put an extra 15 million children into poverty by 2021.¹⁹ Last year, the United Nation's Committee on Economic, Social and Cultural Rights confirmed that the UK Government's austerity measures and social security reform are in breach of their obligations to human rights, and had a particularly adverse impact on child rights.²⁰

Funding shortfalls deprive local authorities of the necessary resources to address the complex needs of particularly vulnerable children, including victims of trafficking. In particular, cuts are falling on prevention, training and early intervention services for children – the services that can help prevent children from becoming more vulnerable to abuses such as exploitation and trafficking – with the burden increasing on 'crisis' or 'late' intervention services. Reinforcing the rights and protection of all children also reduces the broader vulnerability of children to trafficking, abuse and exploitation.²¹ This funding gap should be urgently addressed to prevent children being put at further risk.

Policing and prosecutions

In the year to March 2017, 2,255 modern slavery offences were recorded in England and Wales, a 159% increase from the previous period. In the same timeframe, 60 offences were recorded in Scotland and 35 in Northern Ireland.²² 2017 saw the first case using the Modern Slavery Act to prosecute for human trafficking involving criminal exploitation, which marks a significant step forward.²³ There is no publicly available data on the proportion of these cases that involved acts perpetrated against children, which ECPAT UK believes is very unhelpful and masks the reality that many children's cases are not successfully prosecuted. This gap in data should be addressed and remedied in a timely manner as it detracts our ability to understand the scope and nature of child trafficking and abuse.

¹⁵ UNICEF UK (2017), Harrowing Journeys: children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation: https://www.unicef.org/publications/files/Harrowing_Journeys_Children_and_youth_on_the_move_across_the_Mediterranean.pdf

¹⁶ All Party Parliamentary Group (APPG) on Human Trafficking and Modern Slavery, (2017) Nobody deserves to live this way! An independent inquiry into the situation of separated and unaccompanied minors in parts of Europe: <http://humantraffickingfoundation.org/sites/default/files/HTF%20Separated%20%26%20Unaccompanied%20Minors%20Report%20%5BHi-Res%5D.pdf>

¹⁷ Refugee Rights Data Project (2017), 6 months on: filling information gaps relating to children and young adults in northern France following the demolition of the Calais camp: http://refugeerights.org.uk/wp-content/uploads/2017/04/RRDP_SixMonthsOn.pdf

¹⁸ The Children's Society, Action for Children & the National Children's Bureau (2017), Turning the Tide: <https://www.childrenssociety.org.uk/sites/default/files/turning-the-tide.pdf>

¹⁹ 'Austerity will have cast an extra 15million children into poverty by 2021' The Guardian, <https://www.theguardian.com/society/2018/mar/14/austerity-will-have-cast-an-extra-15m-children-into-poverty-by-2021>

²⁰ UN Committee on Economic, Social and Cultural Rights, (2016) Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, UN Doc. E/C.12/GBR/CO/6: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fGBR%2fCO%2f6&Lang=en

²¹ UNICEF (2009), Training manual to fight trafficking in children for labour, sexual and other forms of exploitation: action against child trafficking at policy and outreach levels: https://www.unicef.org/protection/Textbook_2.pdf

²² UK Government (2017), 2017 UK annual report on modern slavery: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652366/2017_uk_annual_report_on_modern_slavery.pdf

²³ Press Association, (2017), 'Pair guilty of human trafficking after drugs raid in UK legal first': The Guardian, 6 December: <https://www.theguardian.com/uk-news/2017/dec/06/mahad-yusuf-fesal-mahamud-guilty-human-trafficking-drug-bust-uk-legal-first-london-swanse>

The numbers of convictions for trafficking offences are steadily rising, yet remain low compared to the large number of crimes recorded. In 2017, in England and Wales, there were 15 convictions under the Modern Slavery Act.²⁴ In 2016-17 in Scotland, there were no convictions overall, with 25 cases ongoing. In Northern Ireland, four people were convicted for trafficking offences.²⁵ Again, we do not have data on the number of these cases that involved acts perpetrated against children. The significant rise in prosecutions initiated under the Modern Slavery Act is encouraging evidence that this legislation is starting to bed in, however, conviction numbers remain very low compared to the high numbers of victims and it is thought that convictions in children's cases in particular are not proportionate with the number of child victims. With the Acts still relatively new and with proceedings in these cases typically proving to be complex and lengthy, we expect the number of convictions to rise in coming years. In addition, a review of how the Crown Prosecution Service (CPS) handles cases found there was a "silo approach", with child sexual exploitation being dealt with separately from other exploitation types, as well as a general need for better support for victims.²⁶

Trafficked children continue to be treated as defendants rather than victims in the UK justice system, resulting in victimisation at the hands of the State, as well as those of their traffickers. The criminalisation of victims occurs despite the CPS guidance stating: "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."²⁷ As a safety net, there is also Section 45 of the Modern Slavery Act 2015 that introduces a defence for victims, including children, who are compelled to commit criminal offences.

However, as a UNICEF report found, there are "serious shortcomings in the implementation of the non-punishment principle in the UK, including few safeguards against arrest or prosecution at the earliest stages of the criminal justice process; very low levels of awareness among prosecutors, police, defence solicitors and frontline practitioners of the non-punishment protections for children that are in place; and little monitoring of the use of the presumption against prosecution or the statutory defence across the UK".²⁸ Cases involving children being convicted continue, which is deeply concerning.²⁹

An inspection of policing responses to modern slavery and human trafficking also highlighted that inconsistent and ineffective identification of victims is failing to prevent criminalisation of victims of trafficking. The inspection found low awareness of the Section 45 defence for victims of modern slavery who commit an offence, limited use of preventative powers, and low numbers of notifications to the Home Office about potential victims.³⁰ There is still a long way to go towards recognising these children as victims entitled to protection and ensuring that they have proper access to justice.

²⁴ UK Parliament, HL 22 May 2018 WA7598 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-05-08/HL7598/>

²⁵ Independent Anti-Slavery Commissioner (2017), Annual report 2016-17: http://www.antislaverycommissioner.co.uk/media/1164/iasc_annual-report-16-17-web.pdf

²⁶ Crown Prosecution Service (2017), The CPS response to the Modern Slavery Act 2015: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2015-nrm-statistics/655-human-trafficking-national-referral-mechanism-statistics-april-to-june-2015/file>

²⁷ Crown Prosecution Service (2016), Human trafficking, smuggling and slavery: http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/

²⁸ UNICEF UK, (2017) Victim not criminal: trafficked children and the non-punishment principle in the UK: https://downloads.unicef.org.uk/wp-content/uploads/2017/05/Unicef-UK-Briefing_Victim-Not-Criminal_2017.pdf

²⁹ See for example: http://www.lancashiretelegraph.co.uk/news/15787347.JAILED__Vietnamese_men_found_guarding_cannabis_farm_with_900_plants/

³⁰ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) (2017), Stolen freedom: the policing response to modern slavery and human trafficking: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking.pdf>

3. Key policy developments

In 2017, the UK Government showed continued commitment towards ending child trafficking under the umbrella of defeating 'modern slavery'.³¹ Tackling these crimes remained high on the Government's agenda, through their UK-wide Modern Slavery Strategy and as a key foreign policy priority. These issues were consistently raised in international fora and funding provided for anti-trafficking work abroad. The continued attention to this issue is welcome and progress on raising awareness of these crimes and the people affected by it has been significant in recent years.

The Government's UK-wide strategy towards tackling modern slavery is based on the wider Home Office '4 Ps' strategy to counter terrorism and serious and organised crime: pursue, prevent, protect and prepare.³² There is no specific strategic priority regarding children within the strategy. In 2017 there continued to be a greater focus on law enforcement responses under the 'pursue' actions than in other areas. This included the provision of £8.5m to the police's anti-trafficking measures in England and Wales over a two-and-a-half year period. Whilst recognising the importance of policing responses for reducing trafficking crimes and securing justice for victims, this should not be at the expense of ensuring that victims are properly protected and supported.

The National Referral Mechanism and support for children

The National Referral Mechanism (NRM), the UK's identification and support system for victims of modern slavery, is a two-stage process decided by central Government, whereby initially a 'reasonable grounds' decision is made, within five days, if a person is a suspected to be a victim of modern slavery. This is

followed up by a 'conclusive grounds' decision after up to 45 days. The proportion of decisions that are made at the different stages of the process after individuals enter the system are not publicly available. Frontline practitioners continue to find that these time frames are not met, with long delays particularly experienced by children who are also claiming asylum.

More significantly, there continue to be major concerns that the NRM does not provide clear, additional benefits to the children it identifies as victims of trafficking. A positive conclusive grounds decision does not lead to any material benefit for the child in regard to care, immigration status or criminal justice experience. Central Government funds an annual £9m contract for the delivery of specialist support in England and Wales for adult victims. Yet there is currently no central funding available nationally for the specialist care of trafficked children who are instead supported by local authority children's services.

However, evidence shows that this support is not adequate to meet the needs of these children. 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.³³ The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) report found that local authority approaches to supporting child victims of trafficking in the UK were 'inconsistent' and that provision of support was 'patchy'.³⁴ In addition, a recent survey of frontline professionals by ECPAT UK found major concerns about the NRM's ability to safeguard children, and a strong desire to see decisions in relation to child trafficking cases made by existing multi-agency child protection teams, rather than central Government.³⁵

In October 2017, a series of reforms to the NRM was announced.³⁶ These include the creation of a single unit in the Home Office to handle all cases referred from frontline staff and to make decisions about whether an

³¹ UK Government, 2017 UK annual report on modern slavery: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652366/2017_uk_annual_report_on_modern_slavery.pdf

³² Home Office (2014), Modern slavery strategy: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf

³³ Department for Education & Home Office (2017), Local authority support for non-EEA migrant child victims of modern slavery. (Cordis Bright: London) <https://www.ecpat.org.uk/news/report-finds-major-gaps-in-la-support-to-migrant-children>

³⁴ Group of Experts on Action against Trafficking in Human Beings (GRETA) (2012), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/greta_report_united_kingdom_2012_en_2.pdf

³⁵ ECPAT UK (2017), Time to Transform: Frontline professionals' views on the National Referral Mechanism: <https://www.ecpat.org.uk/time-to-transform>

³⁶ Home Office, 'Modern Slavery Taskforce agrees new measures to support victims', 17th October 2017:

<https://www.gov.uk/government/news/modern-slavery-taskforce-agrees-new-measures-to-support-victims>; Home Office, 'Modern slavery victims to receive longer period of support', 26th October 2017: <https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>

individual is a victim of modern slavery, replacing the current case management units in the National Crime Agency and UK Visas and Immigration. This new body will be separate from immigration; responding to major concerns raised about an immigration approach to trafficking and identification within the NRM, including for children.³⁷ However, the unit will still be based in the Home Office, and far removed from the child affected. In addition to the new unit, a new digital system to support the NRM process will be created, details of which are yet to be announced.

Independent panels of experts will also be set up to review some negative decisions made in the NRM. This is a positive step, adding an additional level of scrutiny to decision-making. However, it is understood that these panels will only be set up to review decisions made at the conclusive grounds stage and not the reasonable grounds stage. This is despite evidence of poor decision-making for children at the first stage. Specifically in relation to children, the Government announced that it will look into making the NRM more 'child friendly'. Further details of what this will include are yet to be decided.

ECPAT UK remains very concerned that the NRM is not fit for purpose for children and requires a new approach in order to ensure children are identified quickly and accurately, safeguarded properly and given specialist support, with durable solutions found for each individual case. ECPAT UK continues to campaign for the NRM for children to be reformed to ensure that decisions about whether or not a child has been trafficked are made by trained multi-agency child protection actors under the existing child protection framework (such as in a Multi-Agency Safeguarding Hub, or equivalent).³⁸

Guardianship

Article 14.2 of the EU Trafficking Directive calls for all trafficked children to be appointed a guardian / representative to safeguard their best interests.³⁹ These

guardians must have the legal capacity to instruct solicitors on the child's behalf and to hold authorities to account effectively. The picture with regard to guardianship in the UK is mixed, with each administration adopting a conflicting approach. This worryingly means children receive different standards of protection in each area.

In October 2017, the Government re-stated its commitment to rolling out the Independent Child Trafficking Advocate (ICTA) scheme across England and Wales.⁴⁰ The scheme is currently operating in three 'Early Adopter Sites': Wales, Greater Manchester and Hampshire. The evaluation of a one-year trial showed that this was an extremely effective intervention for children.⁴¹ Despite continued commitment to the scheme, the timeframe for national rollout is still to be confirmed and is currently not expected to occur until at least 2019. This raises concerns that there is an unequal provision of support for children nationally. The scheme is only accessible for those children identified as trafficked, which given the well-established failings in identification and training among professionals, means that only those children lucky enough to be identified can benefit from an advocate. ECPAT UK, along with other children's charities, has long argued for all unaccompanied and separated children to be able to access a guardian or independent specialist advocate so that all vulnerable children can benefit, and to ensure failings in identification do not prevent children benefiting from having an advocate.

In Scotland, there seems to have been little progress with regard to expanding the soon-to-be statutory scheme of guardianship, which should include not just those with immigration issues. The non-statutory scheme has so far been widely praised for its inclusion of all unaccompanied and separated children within its remit. In Northern Ireland, it is understood that an NGO has been awarded the contract to run the national guardianship service but that this is not yet operational.

³⁷ ECPAT UK (2017), *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*: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=1dcfdd01-44fd-4b0f-90c3-ccbc36649a80>.

³⁸ ECPAT UK (2017), *Demand specialist support for trafficked children*: <https://www.ecpat.org.uk/demand-specialist-support-for-trafficked-children>

³⁹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Article 14.2.

⁴⁰ Home Office (2017), 'Modern slavery victims to receive longer period of support,' 26th October 2017: <https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>

⁴¹ Home Office, (2015), *Evaluation of Independent Child Trafficking Advocates trial: Final Report*: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486138/iccta-horr86.pdf

Overall, there are still concerns that the UK has a disjointed approach to guardianship and that it has been slow to recognise the importance of this function for children who are separated and / or have been trafficked.

Immigration

The 'Dubs Amendment', which was passed in May 2016, aimed to bring unaccompanied child refugees from France, Italy and Greece to the UK for protection.⁴² Only about 220 children have been transferred, despite evidence of local authorities offering places.⁴³ As conditions in Calais deteriorate and child protection measures remain lacking, there is a very high risk of children in this area being trafficked or exploited.⁴⁴ In addition, significant delays continue for children waiting to be reunited with family in the UK under the 'Dublin III' regulation.⁴⁵ A Parliamentary inquiry in 2017 found that the chaotic handling of these cases and the continuing lack of options for children feeds into the hands of traffickers.⁴⁶ There are however some signs that this situation will improve. Under the Sandhurst Treaty, signed in January 2018, the process by which refugee children apply for family reunification will be sped up to 25 days.⁴⁷ Expedited reunion should be implemented immediately to prevent children facing long delays in precarious situations around Europe, where they are at greater risk of trafficking and exploitation.

A continuing UK Government strategy to create a so-called 'hostile environment' aimed at deterring irregular migration to the UK has had a detrimental impact on non-UK national child victims of trafficking. One aspect of this is increasing sharing of data across Government departments. For example, in January 2017, an MOU was signed between the NHS, Department of Health and the Home Office to allow the NHS to share patient data for immigration enforcement. However, this was suspended in

May 2018. Hertfordshire Police are also piloting sharing the biometric data of child migrants with immigration enforcement for safeguarding purposes. There has not yet been any clarification or publicly available information on how this information will be used in an immigration context. Policies such as this can exacerbate fear and mistrust of authorities among child victims of trafficking; preventing them from seeking the protection and support they are entitled to for fear of detention and deportation. Recent UN guidance recommends that a 'firewall' between child protection services and immigration enforcement should be ensured.⁴⁸

Brexit

The UK's decision to leave the European Union poses a risk to children's rights in the UK, as well as specific risks with regard to children at risk of trafficking. It is as yet unclear how exactly EU legislation will be transposed into domestic law, but there is a danger that children's rights could be eroded during this process. For example, the 2011 EU Anti Trafficking Directive has in part been transposed into domestic law, but not all nations in the UK have transposed the full scope of provisions, which include important safeguards for child victims of trafficking.⁴⁹

It is also unclear whether the UK will continue to have access to cross-border intelligence-sharing programmes that support child protection and safeguarding.⁵⁰ EU national children in the UK who are at risk of trafficking are also made more vulnerable due to uncertainty around their immigration status. Full transposition of EU law into UK legislation, continued access to cross-border programmes for safeguarding and guaranteed status for EU nationals should be priorities in the next stages of Brexit negotiations.

⁴² The Dubs Amendment refers to an amendment to the 2016 UK Immigration Act tabled by Lord Alf Dubs, now incorporated into law as Section 67 of the Immigration Act 2016. It states that "the Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe".

⁴³ Elgot, J. (2017), 'Children needing asylum in UK not being helped by Dubs scheme', The Guardian, 23rd October: <https://www.theguardian.com/world/2017/oct/23/children-needing-asylum-in-uk-not-being-helped-by-dubs-scheme>

⁴⁴ Refugee Rights Data Project (2017), 12 months on: filling information gaps relating to refugees and displaced people in northern France a year on from the demolition of the Calais camp: http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP_TwelveMonthsOn.pdf

⁴⁵ Grant, H. (2017) 'Revealed: rescued refugee children facing limbo – and worse – in UK,' The Guardian, 19th October: <https://www.theguardian.com/world/2017/oct/19/refugee-children-uk-dubs-migration-eu>

⁴⁶ All Party Parliamentary Group (APPG) on Human Trafficking and Modern Slavery, (2017) Nobody deserves to live this way! An independent inquiry into the situation of separated and unaccompanied minors in parts of Europe: <http://humantraffickingfoundation.org/sites/default/files/HTF%20Separated%20%26%20Unaccompanied%20Minors%20Report%20%5BHi-Res%5D.pdf>

⁴⁷ BBC News (2018), 'Calais migrants: UK and France sign new treaty,' 19th January: <http://www.bbc.co.uk/news/uk-politics-42723401>

⁴⁸ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child, Joint General Comment on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return. CMW/C/GC/4-CRC/GC/23

⁴⁹ Brexit and Children's Coalition (2017), Making Brexit work for children: the impact of Brexit on young people: https://www.childrenssociety.org.uk/sites/default/files/brexit_discussion_paper_final.pdf

⁵⁰ Anti-Trafficking Monitoring Group (2017), Brexit & the UK's fight against modern slavery: <http://www.antislavery.org/wp-content/uploads/2017/07/ATMG-Brexit-paper.pdf>

4. Summary & priority recommendations

Despite increasing attention to the issue of child trafficking, there is a long way to go towards fully understanding the scale and nature of the issue and towards protecting the children affected. The UK Government has made significant progress towards preventing and raising awareness of child trafficking issues, as well as in supporting the victims. However, as this report highlights, there are significant gaps, particularly in the provision of care and support for child victims of trafficking. Despite recently announced changes to the NRM to protect victims, there appears to be little tangible benefit for children. In addition, the wider policy environment continues to impact on child victims of trafficking. In particular, cuts to services and the intention to create a 'hostile environment' undermine children's rights.

Our priority recommendations to the UK Government are:

1. Reform the NRM for children to ensure that decisions about whether or not a child has been trafficked are made by trained multi-agency child protection actors under the existing child protection framework (such as in a Multi-Agency Safeguarding Hub, or equivalent), rather than by central Government.
2. Improve data collection on child trafficking by a) ensuring that data is consistently disaggregated according to victim (whether adult or child), the age of the child and the specific type of exploitation is recorded and b) establishing a monitoring system to provide data on the outcomes of children after being referred into the NRM.
3. Provide a comprehensive, rights-based independent legal guardianship (advocacy) service for all separated and trafficked children and young people across the UK up to a minimum of 21 years old.
4. Provide funding for specialist care of trafficked children, including specialist accommodation and access to psychotherapy and counselling, at the local authority level so that a positive decision in the NRM is linked to specialist support.
5. Provide comprehensive, rights-based training on child trafficking for all frontline professionals working with children, including mandatory training on this issue for all social workers.
6. Ensure a durable solution for all children identified as victims of trafficking, by providing a grant of indefinite leave if that is established to be in the child's best interests.
7. Ensure child trafficking victims are not prosecuted for any crime that they were forced to commit as a result of their exploitation. In particular, the reasonable person test relating to the statutory defence in Section 45 of the Modern Slavery Act (England & Wales) should not apply to children and mechanisms should be established to properly monitor the implementation of the non-punishment principle.
8. Urgently address the funding gap for children's services and ensure that funding for prevention and early intervention services are maintained to protect child victims of trafficking and prevent children becoming more vulnerable to exploitation and abuse.
9. Ensure safe, legal routes are available for unaccompanied children to come into the UK, and review and reform immigration policies in line with international human rights standards, including reviewing any policies which create a 'hostile environment' for migrants.
10. Safeguard the rights of child trafficking victims against any potential weakening through the Brexit process, including by ensuring that all EU legislation is fully transposed into UK law, protecting the status of EU national children and ensuring membership of cross-border programmes for safeguarding and policing.