

# Trafficking toolkit: Tackling Trafficking

CRIMINAL JUSTICE SYSTEM



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# INTRODUCTION

## Aims

This toolkit has two primary aims:

- > To provide advice and support to frontline practitioners who may come into contact with victims and perpetrators of human trafficking; and,
- > To help strategic bodies (Local Criminal Justice Boards, Crime and Disorder Partnerships, Local Strategic Partnerships, Safeguarding Children Boards and Strategic Health Authorities) identify how tackling human trafficking can help meet local priorities.

The topics covered include:

- > Defining human trafficking and legislation.
- > Combating human trafficking: a national and local priority.
- > Developing local anti-trafficking strategies.
- > The role of the National Referral Mechanism/Identifying and referring victims into support.
- > Protecting and supporting victims.
- > Agency specific guidance.
- > Risk management, confidentiality and data sharing.

# TACKLING TRAFFICKING

## What is human trafficking?

### Definition

Putting it simply human trafficking is the recruitment, movement and receipt of a person, with deception or coercion, into a situation of exploitation.

The Palermo Protocol defines the trafficking in human beings as:

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

For practical purposes it is important to understand the difference between trafficking and smuggling.

### Nature of the crime:

- > Smuggling is primarily a crime against the State (*no victim*);
- > Trafficking is primarily a crime against the individual (*victim*).

### Nature of the relationship:

- > Smuggling: The smuggler provides a service to the migrant, ie transportation (consent);
- > Trafficking: A person is exploited by the trafficker as a commodity.

### Length of relationship:

- > Smuggling: Usually the relationship between migrant and smuggler is a voluntary, short-term one – coming to an end on the migrant’s arrival in the destination country;
- > Trafficking: Involves a longer-term exploitative *relationship* with the trafficker or trafficking network.

### **Nature of profit:**

- > Smuggling: The revenue from smuggling comes from a one-off payment by the migrant;
- > Trafficking: The revenue from trafficking is ongoing, coming from the ongoing appropriation of the benefits of the person's labour/exploitation.

### **Borders:**

- > Smuggling is always across a border;
- > Trafficking may be cross-border but can also be internal (within one country).

Intelligence suggests that, in the UK, the four main types of trafficking are:

### **Sexual exploitation**

The forcible or deceptive recruitment of women, men and children, for the purposes of forced prostitution or sexual exploitation:

- > Home Office analysis estimates that at any one time in 2003 there were up to 4,000 women who had been trafficked for sexual exploitation in the UK. Human trafficking is the world's third most profitable criminal enterprise. The exploitation of 4,000 women in the UK would generate profits of about £275 million;
- > Data collected in the UK indicates that trafficked persons identified in this country are predominantly young women between the ages of 16-30;
- > Certain factors may make individuals more susceptible to trafficking eg previous experience of violence, poverty and unemployment;
- > Trafficked people have very different experiences while in the trafficking situation. Some are held captive, unremittingly assaulted and horribly violated. Others are less abused physically, but are psychologically tormented, and live in fear of harm to themselves and their family members.

### **Labour trafficking**

Persons who are trafficked into exploitative labour situations (eg sweatshops, agriculture, construction, and into illicit activities) can be sold and resold. Persons are exploited and deprived of the most basic human rights. The European Court of Human Rights has interpreted *forced labour* as comprising two elements – involuntariness and an unjustifiable or oppressive character. Subsequent case-law adopts as a starting point the International Labour Organisation (ILO) definition:

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

- > According to ILO data, more than 2.4 million people are victims of forced labour, 1.1 million of them as a result of human trafficking worldwide;
- > Women and children are particularly vulnerable to abuse, but men are likewise affected, particularly in sectors such as construction. ILO data indicates

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<sup>1</sup>Belsar, P., M. de Cock, and F. Mehran. 2005. ILO Minimum Estimate of Forced Labour in the World, Geneva: ILO page 6.

approximately 56% of those trafficked into exploitative labour are women and girls, while 44% are men and boys<sup>1</sup>;

- > Many victims experience violence and coercion, such as physical and sexual violence, debt bondage and retention of identity documents; are forced to be excessively dependent on employers or third parties and are exposed to excessive working hours and sub-standard working and living conditions.

### **Domestic servitude**

Employment in private homes where victims are ill treated, humiliated and subjected to exhausting working hours and other exploitation. Domestic servitude is a form of trafficking for labour exploitation.

- > Many trafficked domestic workers do not speak English;
- > Many trafficked domestic workers may never, or rarely, leave the house for social reasons. A victim may have no private space, or proper sleeping space;
- > Some trafficked domestic workers also experience sexual exploitation, or other forms of multiple exploitation. A person who is identified as having experienced multiple forms of exploitation in a trafficking situation will be provided with services and support to meet the complex needs that will arise from their individual experience.

### **Child trafficking**

Any child moved into a situation of exploitation, or for the purposes of exploitation, is considered trafficked whether or not they have been forced or deceived.

- > Taking into account studies carried out by the Child Exploitation and Online Protection Centre (CEOP) and End Child Prostitution, Child Pornography and the Trafficking of Children (ECPAT UK) into child trafficking in 2007 and a subsequent strategic threat assessment by CEOP, it is estimated there are around 360 victims of child trafficking in the UK annually;
- > Child trafficking is a form of child abuse. Children are known to be trafficked for the purpose of sexual exploitation and also to be engaged in criminal activities for the benefit of organised crime gangs;
- > Children are also trafficked to become involved in sexual exploitation through prostitution, illegal adoption, under-age forced marriage, benefit fraud and child labour;
- > Child trafficking works through personal and family networks, as well as through highly-organised international criminal networks.

Children can be trafficked for the purpose of:

- > sexual exploitation (eg child prostitution, child abuse acts and images);
- > domestic servitude (eg domestic chores, looking after young children);
- > labour exploitation (eg working in restaurants, building sites, cleaning);
- > enforced criminally (eg cannabis cultivation, street theft, drug dealing and trafficking);
- > benefit fraud;

- > Illegal adoption; or,
- > servile and underage marriage.

Even though a child may have been trafficked for a purpose other than sexual exploitation, they become highly vulnerable to physical and sexual abuse once they have been trafficked. The use of trafficking for exploitative labour is often hidden within local communities and can be difficult to identify without the support of communities.

### **Techniques used by traffickers**

A range and variety of forms of deception and coercion techniques are used by traffickers. These commonly involve:

- > Debt bondage – where the trafficked person, or their family, owes the trafficker money for arranging the transport and employment and the person is not released from the situation once the debt has been paid;
- > Bringing the individual to the UK under the pretence of working in a legitimate profession, whilst knowing that in reality they will be working in a different and often illegitimate trade;
- > Bringing the individual to work in the UK under very different circumstances than were agreed with them before arrival into the UK (including salary, working hours, profession etc);
- > Forcing individuals to work in situations which they would not undertake voluntarily;
- > Removal of documentation – namely passport, identification and immigration papers;
- > Limitations on personal freedom and control of movement;
- > Threats to victims and/or their families; and,
- > Physical, sexual and emotional abuse.

Children and young people may be recruited into trafficking in the same ways as adults. Often children, as adults, will be seeking to escape poverty, without appreciating the risks to which they are exposed. However some children are abducted or kidnapped, although most children are trapped in subversive ways. There are also specific elements that apply in the case of children relating to the contributing role played by their parents.

As a result the child may have been deliberately *sold* to the trafficker by a family member, either as a matter of simple profit or removal of an uneconomic family burden, or both. The child may or may not know the planned outcome, but the family member conducting the sale will be aware or simply reckless as to the planned exploitation.

In many situations, parents part with their children believing that they will be offered a better life or opportunities in the place they are being taken to. Parents may also be deceived into believing that their children will have a better life elsewhere.



### **The Trafficking of UK Nationals**

This is the movement of persons of UK citizenship within the UK for the purpose of exploitation.

The UK Human Trafficking Centre (UKHTC) is taking a lead role in alerting police forces about children, mainly girls, being groomed into sexual exploitation, and where they are moved around within the UK.

The indicators detailed in guidance documents (eg Safeguarding Children who may have Trafficked) should not be read as a definitive list and professionals should be aware of any other unusual factors that may suggest a child might have been trafficked. They are intended as a guide, which should be included in a wider assessment of the young person's circumstances.

It is also important to note that trafficked children might not show obvious signs of distress or abuse, and this makes identifying children who may have been trafficked difficult. Some children are unaware that they have been trafficked, while others may actively participate in hiding that they have been trafficked.

### **Prevalence**

It is difficult to provide reliable figures about the scale and extent of human trafficking as it is often covert and deceptive. This is an issue that is shared with our international colleagues.

The UKHTC has a dedicated data collection and intelligence co-ordination role, working closely with other agencies. The UKHTC is currently analysing in more detail the intelligence outcomes of Operation Pentameter 2 (a multi-agency operation aimed at combating trafficking for sexual exploitation mounted in 2007/8) to help inform a more up to date picture of the nature of trafficking for sexual exploitation.

This will contribute to an updated estimate on the nature and scale of trafficking by the end of 2009. Home Office research into organised crime markets estimated that at any one time in 2003 there were up to 4,000 victims of trafficking for sexual exploitation in the UK and that remains our current estimate.

We have furthered our understanding of labour trafficking. Between May and September 2008 UK Border Agency led Operation Tolerance, a multi-agency pilot on trafficking for forced labour. As well as shedding more light on the nature and scale of labour trafficking,

Operation Tolerance also informed the development of the NRM and victim support arrangements for labour trafficking victims, including overseas domestic workers (who are supported under the same arrangements as victims of trafficking for sexual exploitation). Operation Ruby, staged after Tolerance, was a large scale multi-agency effort aimed at combating labour trafficking.

While the picture of trafficking for forced labour is still partial, these operations are helping us gain a better understanding, which is that victims tend to be males, EEA nationals who are exploited in the agricultural sector and that often there is overlap between trafficking for forced labour and labour exploitation (which does not constitute trafficking).

In relation to child trafficking, based on the figures in a CEOP scoping study (2007), the *Missing Out* report from ECPAT UK, and CEOP's 2009 strategic threat assessment, and applying assumptions during a recent impact assessment, our best estimate is of around 360 potential child victims per annum, not all of whom are unaccompanied asylum seeking children. However the assumptions are based on very limited quantitative data which inevitably lead to figures that are not fully representative.

## International legislation: UN and EU protocols

### UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

The most important international instrument on trafficking is the UN Convention against Transnational Crime 2000 (UNTOC) and its optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ([available at http://www2.ohchr.org/english/law/protocoltraffic.htm](http://www2.ohchr.org/english/law/protocoltraffic.htm)). This Protocol (known as the Palermo Protocol) was the first international instrument to define and address the trafficking problem.

The Trafficking Protocol has three main purposes, namely to:

- > Prevent and combat trafficking in persons paying particular attention to women and children;
- > Protect and assist the victims of such trafficking, with full respect for their human rights; and,
- > Promote co-operation among States in order to meet those objectives.

The United Nations Office on Drugs and Crime recently published an International Framework for Action: to Implement the Trafficking in Persons Protocol ([available at http://www.coe.int/t/dg2/trafficking/campaugn/Source/PDF\\_Conv\\_197\\_Trafficking\\_E.pdf](http://www.coe.int/t/dg2/trafficking/campaugn/Source/PDF_Conv_197_Trafficking_E.pdf)). This is a document to assist in the implementation and interpretation of the Palermo Protocol.

### Council of Europe Convention Against Trafficking in Human Beings

The Council of Europe Convention ([available at http://www.coe.int/t/dg2/trafficking/campaugn/Source/PDF\\_Conv\\_197\\_Trafficking\\_E.pdf](http://www.coe.int/t/dg2/trafficking/campaugn/Source/PDF_Conv_197_Trafficking_E.pdf)) is a comprehensive treaty which aims to:

- > Prevent trafficking;
- > Protect the Human Rights of victims of trafficking;
- > Prosecute the traffickers.

The Convention applies to:

- > All forms of trafficking: whether national or transnational, whether or not related to organised crime;
- > Whoever the victim: women, men or children;
- > Whatever the form of exploitation: sexual exploitation, forced labour or services.

Measures provided by the Council of Europe Convention include:

- > Awareness-raising for persons vulnerable to trafficking and actions aimed at discouraging *consumers*, are among the main measures to prevent trafficking in human beings;
- > Victims of trafficking must be recognised as such in order to avoid police and public authorities treating them as illegal migrants or criminals;
- > Victims of trafficking will be granted physical and psychological assistance and support for their reintegration into society. Medical treatment, counselling and information as well as appropriate accommodation are all among the measures provided. Victims are also entitled to receive compensation;
- > Victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision regarding their possible cooperation with the authorities. A renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to cooperate in a criminal investigation;
- > Trafficking will be considered as a criminal offence: traffickers and their accomplices will therefore be prosecuted;
- > The private life and the safety of victims of trafficking will be protected throughout the course of judicial proceedings;
- > Possibility to criminalise those who use the services of a victim if they are aware that the person is a victim of trafficking;
- > The Convention provides the possibility of not imposing penalties on victims for their involvement in unlawful activities, if they were compelled to do so by their situation; and,
- > Civil society has an important role to play as regards prevention of trafficking and protection of the victims. Consequently, the Convention encourages the co-operation between public authorities, non-governmental organisations and members of civil society.

## Which laws are being broken?

### International Law

The UK is a signatory to a number of relevant UN Conventions. The most relevant of these include:

- > The United Nations (2000) Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime. This includes a definition, a requirement to criminalise trafficking and measures that should be taken to support and protect victims.
- > The Convention on the Rights of the Child (1989).
- > The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979 which focuses on *Trafficking in women and exploitation of prostitution of women* in part 1, article 6.

There are also a number of non-binding international standards relating to trafficking, including:

- > The UN General Assembly resolution on Trafficking in Women and Girls (11 October 2002);
- > The Office of the High Commissioner for Human Rights' Recommended Principles and Guidelines on Human Rights and Human Trafficking (September 2002);
- > The UN Commission on Human Rights resolution on trafficking in women and girls (16 April 2002). Within this resolution, States were called on to criminalise all forms of trafficking, to penalise all perpetrators and to ensure exploited women and girls were neither criminalised nor penalised. An encouragement to governments to adopt standard minimum humanitarian treatment to trafficked persons was reiterated.

### European law

The European Union Council Framework Decision on Combating Trafficking in Human Beings was approved in 2002 and was incorporated into UK law in 2004. It contains a series of recommendations to counter trafficking and requires all member states to make trafficking a criminal offence with efficient and dissuasive penalties. An EU Directive on short term residence permits has not been adopted.

### Domestic law (England and Wales)

#### Sexual Offences Act 2003

Sections 57, 58 and 59 of the Sexual Offences Act (SOA) 2003 came into force on 1st May 2004. They deal with trafficking into, trafficking within, and trafficking out of the UK for sexual exploitation, respectively.

The elements of trafficking within the UK for sexual exploitation are:

- > A person (A) intentionally arranges, or facilitates travel, within the UK of a person (B) where A intends to do anything to, or in respect of, B that would result in the commission of a relevant offence involving B, or where he believes that another person is likely to do something to, or in respect of, B that would result in the commission of a relevant offence involving B;
- > In both cases, the relevant offence must take place during, or after, the journey but may take place anywhere in the world.

The elements of the offence of trafficking out of the UK for sexual exploitation are:

- > A person (A) intentionally arranges, or facilitates, the departure from the UK of a person (B) where A intends to do anything to, or in respect of, B that would result in the commission of a relevant offence involving B, or A believes that another person is likely to do something to, or in respect of, B that would result in the commission of a relevant offence involving B;
- > In both cases, the relevant offence must take place after B's departure and may take place anywhere in the world.

### **Asylum and Immigration (Treatment of Claimants) Act 2004**

Section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 makes it an offence for a person to arrange or facilitate the arrival in the UK (subsection (1)) or departure from the UK (subsection (3)) of an individual, if he intends to exploit that individual or believes that another person is likely to do so.

A person also commits an offence under subsection (2) if he arranges, or facilitates, travel within the UK by an individual in respect of whom he believes an offence under subsection (1) may have been committed, if he intends to exploit that individual or believes that another person is likely to do so.

For the purposes of the section, a person is exploited if (and only if):

- > He is the victim of behaviour which contravenes Article 4 of the European Convention on Human Rights;
- > He is encouraged, required or expected to do anything as a result of which he or another person would commit an offence under the legislation on organ transplants;
- > He is subjected to force, threats or deception designed to induce him to provide services or benefits (or to enable another person to acquire benefits); or,
- > He is requested or induced to undertake any activity, having been selected on the grounds that he is vulnerable and where a non-vulnerable person would be likely to refuse/resist.

This is the first time that trafficking for non-sexual forms of exploitation has been the subject of specific criminal offences in the UK.

## National and Local Responsibilities for Combatting Trafficking

Human trafficking is a heinous crime, where people are treated as commodities and traded for profit. It can be multi-faceted and linked to organised crime. Victims are often subjected to multiple violations (including intimidation, violence, sexual violence, psychological abuse, threats and theft). Although it is often hidden, the related impact on communities can be severe, contributing to wider criminality and anti-social behaviour.

### National level

At a national strategic level, action against human trafficking is a cross-government and UK wide priority. The UK Action Plan on Human Trafficking was launched in 2007 with updates published yearly.

The UK's end-to-end strategy to tackle human trafficking is based around four key themes: Prevention; Enforcement/Investigations/Prosecutions; Protection and Support for Victims; and Child Trafficking.

Governance of the Government's strategy is through an Interdepartmental Ministerial Group on Human Trafficking. This is chaired by the Home Office with a membership comprised of numerous Government departments (Attorney General's Office; Department for Business, Innovation and Skills; Crown Prosecution Service; Department for Communities and Local Government; Department for Children, Schools and Families; Department for International Development; Department for Health; Department for Work and Pensions; Foreign and Commonwealth Office; Government Equality Office; Ministry of Justice; Northern Ireland Office; Office of the First Minister and Deputy First Minister; and the Scotland Office).

An NGO Stakeholder Group, chaired by the Parliamentary Under Secretary of State for Crime Reduction and the Solicitor General, was set up by the Office for Criminal Justice Reform to act as a consultative forum on human trafficking.

The human trafficking strategy is primarily driven by:

- > Public Service Agreement 23: Make communities safer;
- > Public Service Agreement 24: Delivering a more effective, transparent and responsive Criminal Justice System for victims and for the public.

It can also have an impact on the following Public Service agreements:

- > PSA 3: Ensure controlled, fair migration that protects the public and contributes to economic growth;
- > PSA 15: Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief;
- > PSA 18: Promote better health and wellbeing for all;

- > PSA 19: Provide better health and social care for all;
- > PSA 21: Build more cohesive, empowered and active communities.

The Government's commitment to tackling human trafficking is highlighted in:

- > The CJS Strategy for 2008-2011 (*Working together to cut crime and deliver justice; A strategic plan for 2008-2011*);
- > The New Strategy to Tackle Serious Organised Crime (*Extending our reach: A comprehensive approach to tackling serious organised crime*).

## Local level

Crime and Disorder Reduction Partnerships, Local Criminal Justice Boards, Local Authorities and Local Strategic Partnerships have responsibilities to address crime; and protect and support victims and communities.

How can Local Criminal Justice Boards and Crime and Disorder Reduction Partnerships set the direction?

### 1. Develop local human trafficking strategies

Strategic planning for a local response to trafficking in people should start with a strategic review. This should consider:

- > What are the local risks?
  - » Are there entry points in the local area?
  - » What is the local level of prostitution (especially off-street prostitution)?
  - » Are there specific at-risk local labour markets?
- > What reviews of these risks have been carried out?
  - » What monitoring data on the extent of any problems is available?
- > What initiatives have already been taken and how effective have these been?
- > Based on the above, what do we now want to achieve?

This should highlight the key elements and priorities of a strategic action plan. Such an action plan should cover the requirements for:

- > Specific proactive monitoring and data collection
- > Multi-agency development including:
  - » Awareness raising;
  - » Training;
  - » Identifying, resourcing and networking of service providers; and,
  - » Agreement of appropriate multi-agency protocols.

### 2. Consider the needs of human trafficking victims as part of your Victim and Witness strategies and delivery plans ([available at http://frontline.cjsonline.gov.uk/.../victims-and-witnesses/Witness%20Charter%20LCJB%20Guidance.doc](http://frontline.cjsonline.gov.uk/.../victims-and-witnesses/Witness%20Charter%20LCJB%20Guidance.doc))

In particular note that:

- > These victims may be vulnerable and/or intimidated and eligible for special measures;



- > A significant proportion of those subjected to human trafficking will be non-UK nationals and you will need to consider providing services that are accessible for minority ethnic communities. In particular you will need to consider the availability of interpretative services;
- > That many of these victims will have been subjected to several forms of intimidation and/or violence (including sexual violence);
- > Identify local services that may be able to support victims and help them access services (including Victim Support, refuges, Sexual Assault Referral Centres, Sexual Health Clinics, Genito-urinary Medicine Clinics etc);
- > Consider that non-UK national victims/witnesses may wish to return to their home country so there will be a need to factor in appropriate communication methods for keeping the victim informed about a case.

### **3. Recognise how human trafficking links in with other local crime priorities**

#### **Neighbourhood policing**

- > Addressing anti-social behaviour. For example, brothels that have exploited trafficking victims have been found in residential and commercial properties, in both urban and rural areas; contributing to noise, rubbish, intimidation of local residents; and wider criminality;
- > Addressing on-street and off-street prostitution;
- > Adult males resident in the UK are used by trafficking groups to commit distraction burglaries or to commit *rogue trading* type offences;
- > Trafficked children are used as beggars, pick-pockets, and shop-lifters.

Tackling serious and violent crime, criminal gangs and networks including:

- > Child abuse including sexual abuse/paedophile networks;
- > Sexual violence and other forms of interpersonal violence and meeting the particular needs of these victims (including addressing Violence Against Women);
- > Drug dealing;
- > Addressing street robbery;
- > Addressing begging and street crime, carried out by children from Eastern Europe and other countries, trafficked to the UK and certain other Western European countries by organised crime networks, who control the children for profit;
- > Addressing hate crime. If significant numbers of victims are trafficked into forced labour situations this can lead to community tensions and hate crime.

#### **How do I know if trafficking is happening in my area?**

The early identification of victims is key to ensuring an end to the abuse that they suffer and to providing the assistance necessary to begin their rehabilitation programme. Alongside police officers and immigration officials, Local Authority staff may often find themselves in contact with people who could potentially be victims.



These staff include social workers, youth teams, environmental health officers and other frontline staff.

The people and places where staff from local authorities and their partner organisations may come into contact with potential victims of human trafficking during their daily duties are summarised in the tables below<sup>2</sup>.

### Child victims

Where do we look?	Who is likely to be the first point of contact?
Care homes and foster families	Foster carers Children's Services LSCBs
Private homes	Children's Services
Schools	Teachers Children's Services
Hospitals and GPs surgery	Children's Services A&E staff and GPs
Interviews with unaccompanied asylum seeking children	Children's Services
On the streets	Crime and Disorder Reduction Partnerships Youth Offending Teams

### Adult victims

Where do we look?	Who is likely to be the first point of contact?
Massage parlours	Licensing officers Prostitution outreach teams
On the streets	Prostitution outreach teams Gender equality officers
Shops, restaurants and factories	Health and Safety Inspectors Environmental Health Officers Trading Standards Officers
Private homes	Housing officers Adult social services Migrant integration teams
Local Authority Premises	All council staff

<sup>2</sup>A more detailed version of this information can be found in the SOLACE report 'The role of local authorities in addressing human trafficking' (2009) which can be downloaded from the SOLACE website <http://www.solace.org.uk/library.asp>

A network of professionals and agencies should be involved in the identification of potential victims and should work together in order to protect victims and ensure a referral network without gaps. Local staff need to be able to identify the signs that might indicate trafficking and will need to make operational judgements as to the appropriate immediate response. Proper procedures need to be in place to ensure that all relevant actors are aware of any suspicions of trafficking, and this information must be shared quickly and confidentially.

## Key agencies involved in trafficking

### UK Human Trafficking Centre

The United Kingdom Human Trafficking Centre [UKHTC] is a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings [THB], working together with other stakeholders from governmental, non-governmental and inter-governmental sectors in the UK and abroad.

It plays a key role in co-ordinating work across these various stakeholders and, with its partners, delivers a diverse set of programmes, including targeted campaigns to prevent and reduce THB. Raising the awareness of THB is the primary message and the UKHTC does this by addressing the four key audiences; victims; the public; law enforcement and other professionals. The UKHTC has responsibility for a number of important actions which are set out in the UK Action Plan on Tackling Human Trafficking. The Centre conducts research, develops improved training packages, promulgates best practice and develops an improved knowledge and understanding of the way criminal enterprises that are associated with human trafficking operate.

The UKHTC promotes the development of a victim centred human rights approach to THB and by working with NGOs and other partners it aims to improve the standard of care offered to victims. The UKHTC recognises that it is imperative that all victims of THB are identified and the provision of victim identification guidance to all sectors is an ongoing priority. A necessity is to reduce the harm caused by THB and to develop solutions to combat THB. The UKHTC aims to prevent human trafficking by working with all partners to build a knowledge and understanding of THB and the harm it causes and to use this knowledge and understanding to inform the UK response.

The focus of the work of the UKHTC encompasses the following:

### **Prevention**

There are three key areas of preventative work identified within the UK Action Plan on Tackling Human Trafficking. These are increasing our knowledge and understanding of the problem, working to identify and address the issues that impact on the supply and demand sides of human trafficking, and finally maximising the collective preventative effort.

The UKHTC contributes to work in all these areas, through its multi agency work groups:

- > Research;
- > Prevention;
- > Operations and Intelligence.

The UKHTC is the central point for the collation of data information and intelligence on all forms of trafficking, thereby striving to improve the local, national and international knowledge base on human trafficking.

### **Prosecution and Enforcement**

The UKHTC can provide tactical advice to investigators in respect of any trafficking investigation in the United Kingdom. Where necessary a dedicated tactical advisor will work with the senior investigator throughout the lifetime of an investigation, providing advice on operational planning and care of victims.

The UKHTC provides a central point for the development of law enforcement expertise in relation to all forms of trafficking. It is a key part of an ongoing commitment to excellence in delivering a strategic partnership and collaborative working between all UK law enforcement agencies including the Crown Prosecution Service, HM Revenue and Customs, Serious Organised Crime Agency and the UK Borders Agency.

### **Protection-Victim Centred Approach**

The UKHTC continues to pursue the continuing development of a victim-centred human rights based approach. Through the UKHTC multi agency *Victim Care* group, victim-centred protection measures continue to be developed. The UKHTC also works with partners in developing guidance on minimum standards for *support services* for victims of trafficking and to identify options for producing and disseminating information to victims.

The UKHTC houses a Competent Authority for assessing potential victims of trafficking under the National Referral Mechanism.

### **Partnership Approach**

The focused approach of the UKHTC is that of partnership governmental, inter-governmental and non-governmental agencies. This approach is fundamental to the

successful combating of THB. It is important that key partners are actively involved in the identification of good practice, thereby contributing to the UK's holistic approach to tackling trafficking in human beings. Simplistically, without effective partnership working it is impossible to successfully prevent, prosecute and protect.

## **Serious and Organised Crime Agency**

The Serious Organised Crime Agency (SOCA) is an Executive Non-Departmental Public Body sponsored by, but operationally independent from, the Home Office.

SOCA is an intelligence-led agency with law enforcement powers and harm reduction responsibilities. Harm in this context is the damage caused to people and communities by serious organised crime.

The Home Secretary may set SOCA strategic priorities and will judge the success of its efforts. Within that framework, SOCA plans its priorities, including how it will exercise the functions given to it by statute, and what performance measures it will adopt.

SOCA has five generic priorities:

- > To build knowledge and understanding of serious organised crime, the harm it causes, and of the effectiveness of different responses;
- > To increase the amount of criminal assets recovered and increase the proportion of cases in which the proceeds of crime are pursued;
- > To increase the risk to serious organised criminals operating in the UK, through proven investigation capabilities and in new ways;
- > To collaborate with partners in the UK and internationally to maximise efforts to reduce harm;
- > To provide agreed levels of high quality support to SOCA's operational partners and, as appropriate, seek their support in return.

## **Gangmasters Licensing Authority**

The GLA is a government agency set up to protect workers from exploitation in agriculture, horticulture, shellfish gathering and food processing and packaging.

The mission of the Gangmasters Licensing Authority is to safeguard the welfare and interests of workers whilst ensuring Labour Providers operate within the law. The mission will be achieved by:

- > Introducing and operating a system to licence Labour Providers, including a publicly accessible register;
- > Effective communication of the legal requirement for Labour Providers to become licensed, and to operate and remain within the formal economy;
- > Imposing the least possible burden on Labour Providers and Labour Users through efficient and effective processes and procedures;

- > Developing and promoting standards for best practice in the supply and use of temporary labour, in collaboration with stakeholders;
- > Checking licence holders for continued compliance with the licence conditions;
- > Taking enforcement action against those who operate illegally or who for other reasons are judged unfit to hold a licence;
- > Supporting enforcement of the law, by or in conjunction with the Enforcement Authorities of other Government Departments, and others as appropriate, through shared information and joint working;
- > Maintaining a continuous review of the activities of Gangmasters and the effects of the Act and the Authority on them.

The GLA is keen to hear from anyone who believes a Labour Provider is either operating in breach of Licence Conditions, or operating without a licence. In addition, contact should be made when a Labour User is using an unlicensed Labour Provider.

If you have any concerns you should contact the GLA on 0845 602 5020 (during office hours 9am – 5pm) or email them at [intelligence@gla.gsi.gov.uk](mailto:intelligence@gla.gsi.gov.uk)

The GLA has introduced a secure and confidential reporting form, this will allow:

- > Anybody who has information to provide it to the GLA anonymously (if they wish);
- > Anybody to provide information in Polish, Latvian, Lithuanian, Slovakian and Portuguese.

Any information provided through the reporting form is directed through a secure server, meaning that the GLA have no record or details of who provided the information (unless the information provider included these details themselves).

## HM Revenue and Customs

HM Revenue & Customs (HMRC) was formed on 18 April 2005, following the merger of Inland Revenue and HM Customs and Excise Departments.

In relation to human trafficking, HMRC enforces and administers border and frontier protection and enforces national minimum wages.

## Home Office Organised and Financial Crime Unit

The Organised and Financial Crime Unit (OFCU) is responsible for developing the Government's strategy against organised crime. The unit also oversees the recovery of criminal assets, and the detection and conviction of money launderers.

The objectives of OFCU include:

- > Improving the strategic picture on the threat from organised crime;
- > Working with the Organised Crime Strategy Group to develop a strategy to fight organised crime;

- > Ensuring that agencies and forces are given a clear steer on the priorities for combating organised crime, and designing effective strategies;
- > Ensuring that agencies and forces are able to generate, share and assess tactical intelligence effectively;
- > Giving forces and agencies the tools they need to carry out successful operations against organised crime;
- > Sponsorship of the Serious Organised Crime Agency (SOCA).

OFCU also contains the Organised Immigration Crime team (OIC). The OIC team have the overall lead on human trafficking policy. The primary focus of the OIC team is on human trafficking, through ownership of the cross-government UK Action Plan on Human Trafficking. The team is also developing policy on combating organised crime aspects of people smuggling and facilitation.

The responsibilities of the Organised Immigration Crime team include:

- > UK Action Plan on Human Trafficking;
- > Prevention;
- > Enforcement, investigations and prosecutions;
- > Knowledge and intelligence;
- > Oversight and funding of the UK Human Trafficking Centre;
- > International work: including priority countries; institutions (EU & UN) and international conventions;
- > Secretariat for the Interdepartmental Ministerial Group;
- > Policy development on people smuggling;
- > Strategic liaison with law enforcement.

## **Office for Criminal Justice Reform**

The Office for Criminal Justice Reform (OCJR) is the cross-departmental team that supports all criminal justice agencies in working together to provide an improved service to the public. As a cross-departmental organisation, OCJR reports to Ministers in the Ministry of Justice, the Home Office and the Attorney General's Office.

The key goals for the CJS are:

- > To improve the effectiveness and efficiency of the CJS in bringing offences to justice;
- > To increase public confidence in the fairness and effectiveness of the CJS;
- > To increase victim satisfaction with the police, and victim and witness satisfaction with the CJS;
- > To consistently collect, analyse and use good quality ethnicity data to identify and address race disproportionality in the CJS; and
- > To increase the recovery of criminal assets by recovering £250m of assets acquired through crime by 2009-10.

The Criminal Justice Strategic Plan 2008-2011 sets out how the agencies of the Criminal Justice System (CJS) in England and Wales will work together to deliver a justice system which:

- > Is effective in bringing offences to justice, especially serious offences;
- > Engages the public and inspires confidence;
- > Puts the needs of victims at its heart; and,
- > Has simple and efficient processes.

In relation to human trafficking, OCJR is part of a Virtual Trafficking Team, which works with colleagues from across Government, the criminal justice system and the non-Governmental sector to ensure that the UK Action Plan on human trafficking and the Convention are successfully implemented and to identify future strategic priorities.

OCJR holds the policy lead for providing protection and assistance to adult victims of trafficking.

## **UK Border Agency**

The UK Border Agency (UKBA) is responsible for securing the United Kingdom borders and controlling migration in the United Kingdom. Border control is managed for the United Kingdom using immigration and customs laws. Part of immigration management includes considering applications for permission to enter or stay in the United Kingdom, citizenship and asylum.

UK Border Agency has a crucial role to play in combating organised immigration crime. In targeting those who do the most harm, UK Border Agency is committed to breaking the chain of trafficking. UK Border Agency works closely and cohesively with other agencies to identify such crime. UK Border Agency has the necessary powers to tackle organised immigration crime and can both prevent and halt crimes against human beings.

## **Identifying victims and the impact of these crimes**

When identifying a victim it should not be a priority to label them as one type of victim or another, and assumptions should not be made about the type of exploitation a person may be suffering based on the person's characteristics such as age, nationality, gender, or other superficial characteristics such as the physical condition of the victim.

The key principles that should be followed are:

- > Think victim care and protection;
- > Don't judge;
- > Believe, test and confirm the victim's account; and,
- > Do not harm.

It is not uncommon for victims to feel both relief at having been identified along with feelings of fear and suspicion toward an identifying front line statutory responder, particularly from the police or immigration services.

This is often linked to their fear of being returned to their trafficking situation or to another unsafe situation in their home country. Many victims will have been told by their traffickers that the authorities would simply return them should they try to escape, or that they will be subject to abuse at the hands of the police. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim felt safe and came to trust the identifying officer.

For some victims, the identification and referral process may mimic aspects of what had happened to them during trafficking - promises of help and a good life, movement by persons they did not know, being taken to unknown locations where “everything would be fine” and “they would be taken care of”.

As such, for many trafficked persons the identification process itself appears suspicious, particularly when viewed through the lens of someone who is already stressed, frightened and confused.

Individuals who are in a trafficking situation may be extremely reticent with information, and may tell their stories with obvious errors. It is not uncommon for traffickers to provide *stories* for victims to tell if approached by the authorities and the errors or *lack of reality* may be because their initial stories are composed by others and learnt. Victims’ early accounts may also be affected by the impact of trauma. In particular victims may experience Post Traumatic Stress Disorder which can result in symptoms of hostility; aggression; difficulty in recalling details or entire episodes; and difficulty concentrating.

Be prepared to encounter victims with varying English language skills or other communication barriers. You should not use family members, friends or unqualified members of the public to interpret.

## **Adult victims**

Individuals may be reticent to perceive themselves as *victims* due to:

- > A fear of retribution/reprisals from their traffickers;
- > Fear and suspicion of authority figures, and a lack of awareness that these figures are in a position to help;
- > Accusations from authority figures that individuals were complicit to their *trafficked* situation;
- > Toleration of their situation as it is more favourable than their home circumstances;



- > Being in a relationship with their traffickers;
- > *Stockholm syndrome*, where due to unequal power victims create a false emotional or psychological attachment to their controller;
- > Fear of discrimination from their community and families.

In addition to suspecting an individual may be a victim of trafficking from the definitions provided in this toolkit, indicators (apparent symptoms of a situation) that may highlight that an individual could be a victim of trafficking may include:

#### **Physical indicators**

- > Injuries apparently as a result of assault or controlling measures;
- > Neurological symptoms: headaches, dizzy spells, memory loss;
- > Gastrointestinal symptoms;
- > Cardiovascular symptoms;
- > Musculoskeletal symptoms;
- > Tattoos or other marks indicating *ownership* by exploiters;
- > Work related injuries.

#### **Psychological indicators**

- > Expression of fear or anxiety;
- > Depression (lack of interest in engaging in activities, lack of interest in engaging with other individuals, hopelessness);
- > Isolation;
- > Suffering from post-traumatic stress and/or a range of other trauma induced mental or physical illnesses;
- > Drug use;
- > Alcohol use;
- > Self harm or suicidal;
- > Hostility (annoyed and easily irritated, temper outbursts);
- > An attitude of self-blame, shame and a pervasive loss of control.

#### **Sexual health indicators**

- > Females may be suffering from unwanted pregnancy resulting from clients or their traffickers. They may also have recently been forced to terminate a pregnancy;
- > High rates of sexually transmitted diseases;
- > Injuries of a sexual nature.

#### **Situational/environmental indicators**

- > Distrust of authorities;
- > The person acts as if instructed by another;
- > Difficulty in concentrating;
- > Lack of knowledge of area where located in the UK;
- > Fearful of saying what their immigration status is;
- > Fearful and emotional regarding family or dependents;

- > Limited English, only being able to speak limited vocabularies related to the exploitation situation they are in.

These may be hard to discern during an initial meeting with a victim, where the above behaviours and expressions may not be apparent to any one individual at a given time.

## Child victims

Trafficked children are not only deprived of their rights to health and freedom from exploitation and abuse – they are usually also deprived of their right to an education and the life opportunities this brings. The creation of a false identity and implied criminality of the children, together with the loss of family and community, may seriously undermine their sense of self worth. At the time they are found, trafficked children may not show any obvious signs of distress or imminent harm, they may be vulnerable to particular types of abuse and may continue to experience the effects of their abuse in the future.

Trafficked children are at increased risk of significant harm because they are largely invisible to the professionals and volunteers who would be in a position to assist them. The adults who traffic them take trouble to ensure that the children do not come to the attention of the authorities, or disappear from contact with statutory services soon after arrival in the UK, or in a new area within the UK.

As an aid to all agencies responding to the needs of child victims, the following have been produced:

- > The London Child Protection Procedures (London Board, 2007): ([available at http://www.londonscb.gov.uk/procedures/](http://www.londonscb.gov.uk/procedures/));
- > The Safeguarding Children who may have been trafficked guidance: ([available at http://publications.teachernet.gov.uk/eOrderingDownload/DCSF\\_Child%20Trafficking.pdf](http://publications.teachernet.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf));
- > ACPO guidance on Child Abuse Investigation: ([available at http://www.acpo.police.uk/policies.asp](http://www.acpo.police.uk/policies.asp)).

The following principles should be adopted by all agencies in relation to identifying and responding to children (and unborn children) at risk of or having been trafficked:

- > Trafficking causes significant harm to children in both the short and long term; it constitutes physical and emotional abuse to children;
- > The safety and welfare of children is paramount;
- > Trafficked children are provided with the same standard of care that is available to any other child in the UK;
- > All decisions or plans for the children should be based on good quality assessments and supported by easily accessible multi-agency services; and
- > All agencies should work in partnership with members of local communities, to empower individuals and groups to develop support networks and education programmes.

Most children are trafficked for financial gain. This can include payment from or to the child's parents, and can involve the children in debt-bondage to the traffickers. In most cases, the trafficker also receives payment from those wanting to exploit the children once in the UK. Some trafficking is carried out by organised gangs. In other cases, individual adults or agents traffic children to the UK for their own personal gain. The exploitation of trafficked children may be progressive. Children trafficked for domestic work may also be vulnerable to sexual exploitation or children initially trafficked for sexual exploitation may be resold.

## Working together to tackle trafficking

### National Referral Mechanism

From 1 April 2009 a National Referral Mechanism (NRM) was introduced to provide a framework within which public bodies such as the criminal justice agencies, UK Border Agency, local authorities and third sector partners could work together to identify individuals who may be victims of trafficking and provide appropriate protection and support.

The Council of Europe Convention on trafficking has a two stage process for identifying victims of trafficking in which the *reasonable grounds* test acts as an initial filter to a fuller more conclusive decision. Frontline professionals in named *first responder* organisations can refer individuals who they think may be evidencing signs of being a victim of human trafficking to designated *Competent Authorities* who work with partners to make an assessment. Adults must have given their consent before being referred through the NRM.

First responders are:

- > Designated Third Sector Organisations (The Poppy project, Migrant Helpline, TARA, Kalayaan);
- > The police;
- > UK Border Agency;
- > The Crown Prosecution Service;
- > Local Authority Children's Services;
- > The Gangmasters Licencing Authority;
- > Statutory Qualified Health Officials.

Competent Authorities (CA) are:

- > A central multi-agency CA based in the UK Human Trafficking Centre (UKHTC); and
- > Linked but separate CA in UK Border Agency (UKBA) to assess cases where trafficking is raised as part of an asylum claim or in the context of another immigration process.

Frontline staff in first responder organisations should refer possible victims of trafficking to the CA based in the UKHTC using an agreed format (initial target referral time is 48 hours). Where UKBA identify a potential victim, the case will be assessed by designated specialist staff within a UKBA CA which will also work with other relevant partners. Other frontline professionals (not in first responder organisations) can refer individuals to any of the organisations listed as *first responders* for advice.

Where the victim is under the age of 18 years, the first responders (apart from Children's Services) should refer that child or young person, in the first instance to their local authority Children's Services. Children's Services are the primary service provider for safeguarding and responding to the needs of a child trafficking victim. Thereafter, Children's Services should undertake relevant actions as detailed in the *Safeguarding Children who may have been Trafficked* guidance. Once all assessments have been undertaken the Children's Services should refer the case, through the NRM, to the CA.

For the referral of potential child victims, an assessment toolkit and referral form are available at: <http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>.

The tool kit incorporates a matrix of trafficking indicators to help the first responder identify whether the child is a victim of trafficking along with providing a structured set of questions to record evidence in a consistent way. Where a child is assessed to be a victim of trafficking the referral report to the CA for a decision should be sent to: [nrm@ukhtc.pnn.police.uk](mailto:nrm@ukhtc.pnn.police.uk).

### **Process and timescales**

The Competent Authority has a target (note that this is a target and not a deadline) of five working days from the date of receipt of the referral, within which to make a decision on whether the individual has reasonable grounds for being considered as a victim of trafficking. During this period, the CA may contact the first responder and other relevant organisations for further information. Once a positive *reasonable grounds* decision is made by the CA, the individual is granted a 45 day reflection/recovery period.

The temporary status of the 'reasonable grounds' decision provides the conditions for the fuller evaluation to be made, and allows the individual to escape the influence and control of the traffickers. The officer will have the discretion to extend the validity of the temporary admission beyond 45 days where circumstances warrant. Similarly the decision maker can curtail the reflection period and immigration status where the trafficking claim is found to be fraudulent. Following any decision, the officer will contact the victim to inform them of their case.

Once the CA has reached a decision, they will notify the individual by letter on their decision. A notification letter will also be sent to the first responder informing them of the outcome.

## Information sharing as part of the NRM

### Victims

It is essential that frontline professionals officially record all the information passed to them by victims of trafficking. One of the main reasons for this is so that victims do not have to repeat the same information to multiple organisations, which could re-traumatise them unnecessarily.

In addition, once a victim has disclosed, they are at serious risk of reprisal from their traffickers. Victim safety is therefore paramount, and hence if you are referring an individual to another organisation, the individual's situation must be made clear to that referral agency, so that adequate provisions are put in place immediately.

Security issues apply to:

- > Accommodation (including consideration of emergency alarms, video cameras, immediate access to police);
- > Victim behaviour;
- > Secure transport to/from services/hearings etc;
- > Witness protection where indicated.

First responders should refer details of all individuals identified as a victim of trafficking to the UKHTC. When an individual does not wish to engage in the NRM process, first responders should still pass on details of the case to the UKHTC for monitoring purposes, using the appropriate template. Cases where individuals do not wish to engage in the NRM will not receive an identification decision.

## Protection and support for victims of human trafficking

### Support provisions

Victims are a priority for the criminal justice system and our Human Trafficking strategy is firmly focused around their protection and support. The aim is to ensure that all victims receive the right support and protection:

#### **Support for all victims of crime:**

- > Victims of crime are legally entitled to minimum standards of service from the criminal justice agencies under the Victims Code of Practice: <http://www.homeoffice.gov.uk/documents/victims-code-of-practice>. This includes receiving information about appropriate support services in their local area; being kept informed regularly by the police (at least once a month) on the progress of their case, being informed of charging decisions if the case has gone to court.
- > Victims of violent crime may be eligible for compensation under the Criminal Injuries Compensation Scheme: <http://www.cica.gov.uk/>

- > Victims may be eligible for special measures to help give their best evidence if vulnerable or intimidated: [http://frontline.cjsonline.gov.uk/\\_includes/downloads/guidance/victims-and-witnesses/The\\_Witness\\_Charter.pdf](http://frontline.cjsonline.gov.uk/_includes/downloads/guidance/victims-and-witnesses/The_Witness_Charter.pdf)
- > Victim Personal Statements ensure that the impact of the crime on the victim is taken into consideration: [http://www.cjsonline.gov.uk/victim/coming\\_forward/victim\\_personal\\_statement/](http://www.cjsonline.gov.uk/victim/coming_forward/victim_personal_statement/)

**Victim Support**

Victim Support is a national charity which gives free and confidential help to victims of crime, their family, friends and anyone else affected. It is free at the point of demand, and is available across the whole of England and Wales.

Trained volunteers offer the following to victims of crime:

- > Someone to talk to in confidence;
- > Information on police and court procedures;
- > Help in dealing with other organisations;
- > Information about compensation and insurance;
- > Links to other sources of help.

There are three parts to Victim Support:

Community Service	Witness Service	Supportline
Police refer victims of crime to receive emotional and practical support from staff and volunteers.	In every court providing pre-trial visits and support on the day to prosecution and defence witnesses	Freephone number staffed by volunteers.

**Witness Care Units**

The aim of witness care units is to provide a single point of contact for victims and witnesses, minimising the stress of attending court and keeping victims and witnesses up to date with any news in a way that is convenient to them.

Under the Code of Practice for Victims of Crime, the Witness Care Unit has a legal obligation to:

- > Tell witnesses if they will be required to give evidence;
- > Tell witnesses the dates of their court hearings;
- > Give witnesses a copy of the *Witness in court* leaflet or other relevant leaflet, if individuals are required to give evidence;
- > Tell witnesses about court results and explain any sentence given within one day of receiving the outcome from the court.

Witness care units are jointly staffed by the police and the Crown Prosecution Service.

### **Support for children and young people**

The government's annual Victim Support grant includes providing support for young victims of crime.

- > The Code of Practice for Victims of Crime sets out the services victims can expect from the criminal justice system. Victims under 17 are automatically considered to be vulnerable and therefore entitled to an enhanced service.
- > In the youth justice system, Youth Offending Teams contact victims to ask if they want to be involved in a restorative justice intervention, in appropriate cases.
- > Young witnesses will automatically be considered for special measures in court, such as screens, TV links or intermediaries to help young witnesses give their best evidence.

The Youth Crime Action Plan (YCAP) announced further support for all young victims, starting with five pilot projects to test the best ways to support young victims. These projects have provided information to nearly 12,500 young people through school assemblies and workshops telling them about the dangers and consequences of crime, how to keep themselves safe and how to get help if they need it. They have also provided support for those who need it, including one-to-one sessions, activity breaks to share experiences with other young victims and simply referring young victims to existing local activities that will re-build self esteem. Nearly 400 young victims have been supported in this way. Over the next year, work will continue with the YCAP priority areas so that more areas adopt the good practice from the five areas and provide better support for young victims.

### **Specialist Support for Adult Victims of Trafficking**

- > Non-UK identified victims of trafficking are granted an extendable 45 day recovery period; however this is flexible and individual circumstances can be accommodated;
- > One year temporary residency permits are granted to non-UK victims who qualify: due to personal circumstances or participation in a criminal investigation;
- > Victims of trafficking can access safe accommodation, advocacy, living expenses, access to counselling, support through the criminal justice process, access to independent legal advice (where required), access to interpretative services, and help with resettlement through various service providers;
  - » Female victims of sexual exploitation and domestic servitude – Poppy project, TARA, Hibiscus, Salvation Army, Medaille Trust;
  - » Male victims of sexual exploitation and domestic servitude - Migrant Helpline, Kalayaan;
  - » Victims of forced labour – Migrant Helpline
- > Victims of human trafficking can also benefit from the roll out of other initiatives like sexual assault referral centres and independent sexual violence advisors.



- > Victims are exempt from the charging regulations of health care for migrants: [www.dh.gov.uk/en/Healthcare/Entitlementsandcharges/Overseasvisitors/DH\\_097596](http://www.dh.gov.uk/en/Healthcare/Entitlementsandcharges/Overseasvisitors/DH_097596);
- > Victims can access asylum support and local resettlement services and these can be found on the UK Border Agency website: <http://www.ukba.homeoffice.gov.uk/>;
- > Victims are eligible to apply for voluntary assistance returns.

### **Specialist Support for Child Victims of Trafficking**

Responsibility for the care, protection and accommodation of child trafficking victims falls within the designated responsibilities of local authorities for safeguarding and promoting the welfare of all children under the provisions of the 1989 and 2004 Children Acts.

Separated and vulnerable children from abroad enjoy the same entitlements as all UK born or resident children. Many child victims apply for asylum (often at the behest of their trafficker) and become categorised as an unaccompanied asylum seeking child (UASC).

As an aid to all agencies responding to the needs of child victims, the following have been produced:

- > The London Child Protection Procedures (London Board, 2007): ([available at http://www.londonscb.gov.uk/procedures/](http://www.londonscb.gov.uk/procedures/));
- > The Safeguarding Children who may have been trafficked guidance: ([available at http://publications.teachernet.gov.uk/eOrderingDownload/DCSF\\_Child%20Trafficking.pdf](http://publications.teachernet.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf));
- > ACPO guidance on Child Abuse Investigation: ([available at http://www.acpo.police.uk/policies.asp](http://www.acpo.police.uk/policies.asp)).

### **Assisted Voluntary Returns for Irregular Migrants**

All potential victims of trafficking should be informed of the opportunity to make a voluntary return under the Assisted Voluntary Returns for Irregular Migrants (AVRIM) programme which is particularly aimed at those who have been trafficked into the UK. This programme is run in partnership with the International Organization of Migration (IOM) who liaises with the applicant. Details of the scheme can be found at: <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/avrim/>.

The AVRIM scheme provides IOM assistance at the port of departure in the UK and assistance with immigration upon arrival in the country of origin if requested. It also meets the cost of a flight to the applicant's country of origin and onward domestic transportation. In some cases IOM will arrange referral to appropriate NGOs in the country of origin for victims of trafficking. Certain cases may also be eligible for some reintegration assistance to help with small business start up, vocational training or further education courses. Further information can be obtained from the IOM website at [www.iomlondon.org](http://www.iomlondon.org).



## What victims should expect from you

Your attitude and approach towards the individual will be pivotal in whether the person feels able to disclose fully, and for you to direct them to the necessary sources for help.

### General principles

- > Think about your gender, appearance and behaviour and the effect of all three on distressed and traumatised individuals;
- > Consider the location in which interviews/discussions are taking place. An individual should feel safe, secure and the dialogue should be conducted at a pace that meets the needs of the individual;
- > You must also consider language and communication barriers – if you feel as though an individual is in need of support, you must ensure that independent and professional interpreters are used when interviewing the individual;
- > It is important to be clear about your professional boundaries and how far your role extends;
- > You can listen and support, but other staff and agencies may be better equipped to provide the specialist help needed;
- > It is important to state the limits of confidentiality. In public organisations, if you have concerns about a risk of serious injury, self-harm or child protection risks these issues must be passed on to the appropriate people/agencies;
- > You must consider the individuals immediate needs. Victims should be removed from their place of exploitation at the earliest opportunity and taken to a place of safety. It is also vital that victims are able to access emergency health services if required.

### Identification

Many victims of human trafficking will not perceive themselves as having been trafficked. Some will have been complicit in the earlier stages of the process, and may blame themselves for the situation in which they consequently found themselves in.

If there is a risk that an interview to identify whether the individual is a victim of trafficking will cause harm or compromise their safety or mental health, the interview should not be undertaken.

One must do the utmost to ascertain the individual's psychological state and the effects that an interview may have. Very often individuals, particularly those who have escaped recently, are in a state of emotional crisis. It is not appropriate to interview someone who is in this state. Moreover an interview with them in this state would be of little use as the information disclosed will not be provided in a rational manner. It is critical that a person is in full control of their faculties when the interview is requested, and that during the interview they feel as though they have some control over the interview situation.

If you intend to refer the individual, you must obtain their informed consent to this process. They must understand what the NRM is and what information is going to be passed on and to whom. You must not identify the individual as formally being a victim of trafficking, unless you are a Competent Authority.

## **Referral**

### **Support services**

Your initial concern when a victim is identified is assessing their physical and mental wellbeing, and in ensuring that they receive appropriate emergency support. Given the abuse that may have been suffered, and the fears that will be harboured, individuals may not be in a position to make sensible decisions about their future or to make reliable statements to the police or other authorities.

Your organisation may provide specialised support for victims of trafficking, this will be listed in the agency-specific sections of this report.

Alternatively, you may be able to direct victims to support services in the community. Victims' access to appropriate support provision should happen as quickly as possible. A list of support services is provided in the voluntary organisation section of this toolkit, and the UKHTC can provide 24 hour advice (0114 252 3891).

Victims may not wish to be supported. In these circumstances, an attempt could be made to pass on a victim of trafficking leaflet. However, it is imperative that individuals are not put at risk, and it should be ensured that others are not aware that information has been given.

### **National Referral Mechanism**

It is your responsibility to fully explain what processes are in place in the UK for victims of trafficking; your organisation's role in the process and what will happen to the individual should they be referred through the National Referral Mechanism. You will find specific information relating to your organisation's role in this process within the dedicated sections of the toolkit.

For public organisations, if an individual has immigration issues, then these will have to be addressed. Advice is provided in the agency-specific sections of this report.

A referral form has been developed for use by all agencies when referring adults and children (<http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>). Frontline staff will need to capture as much information about the individual and circumstances and record it on the referral form.

**Information sharing and record keeping**

You must obtain the consent of the individual before any referral is undertaken, unless there are child protection concerns or serious concerns over harm to selves or others. If you are referring the individual on to another organisation, you must specify what details you will be passing on. It must be remembered that victims could be extremely traumatised, and having to repeat information to a multitude of organisations will be detrimental to their health and well-being.

**How to deal with disclosure**

Your attitude and approach towards the individual will be pivotal in whether the person feels able to disclose fully, and for you to direct them to the necessary sources for help. Think about your gender, appearance and behaviour and the effect of all three on the distressed and traumatised individuals. You must also consider language and communication barriers – if you feel as though an individual is in need of support, you must ensure that independent and professional interpreters are used when interviewing the individual.

Key principles:

- > Demonstrate an acceptance of what is being disclosed;
- > Do not judge;
- > Believe;
- > Listen and give the person time to talk, asking open and not closed questions;
- > Be supportive;
- > Tell them that it is not their fault; they are not to blame;
- > Explain that you will want to ask a few questions about their experiences, so that you can direct them to the right help and support both in your own organisation and in the community;
- > Provide information about where to go for help, and refer to relevant agencies when requested;
- > Take detailed notes about the disclosure following agreement from the individual;
- > If appropriate, and agreed, refer the individual through the National Referral Mechanism.

It is important to be clear about your professional boundaries and how far your role extends. You can listen and support, but other staff and agencies may be better equipped to provide the specialist help needed. It is also important to state the limits of confidentiality within your organisation; for example, within statutory agencies, if you have concerns about a risk of serious injury, self-harm or child protection risks these issues have to be referred on to the appropriate people.

## Multi-agency working to support victims

The development of a multi-agency approach that is able to develop long-term approaches to addressing human trafficking will be more effective than any individual initiatives. The development of such a capability depends on raising awareness of its need, developing the appropriate organisation structures and protocols to facilitate the multi-agency approach, and putting in place monitoring and review processes. Wherever possible it is preferable to build on existing structures to extend their capability to include trafficking.

Given the nature of the trafficking problem, the crimes it involves, the expertise required to address it effectively and the multiple needs of its victims, it is essential that a multi-agency approach is taken to any initiative. Establishing a management and operational framework will involve:

- > Identifying key contacts and agency representatives;
- > Establishing personal links between the various agency contacts;
- > Developing multi-agency training;
- > Jointly assessing the local priorities and developing strategies and action plans;
- > Sharing intelligence and data;
- > Developing protocols for joint working;
- > Agreeing management structures and processes for developing the multi-agency approach further.

Strong and effective leadership of multi-agency partnerships is of critical importance to their success.

Multi-agency partnerships should at a minimum comprise three distinct groups:

- > The key agencies responsible for tackling trafficking and supporting its victims (police, immigration, CPS, social services, and NGOs with specific support services to offer);
- > Any other agencies who are likely to come across trafficked victims (including refugee organisations, women's refuge organisations, HIV and drug service providers, health service providers);
- > The general public.