



House of Lords
House of Commons
Joint Committee on
Human Rights

Human Trafficking: Update

Twenty-first Report of
Session 2006-07



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Session 2006–07**

*Report, together with formal minutes
and appendix*

*Ordered by The House of Commons
to be printed 10 October 2007
Ordered by The House of Lords
to be printed 10 October 2007*

**HL Paper 179
HC 1056**
Published on 18 October 2007
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Lord Judd
Lord Lester of Herne Hill
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Dr Evan Harris MP (Liberal Democrat, *Oxford West & Abingdon*)
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The Reports and evidence of the Joint Committee are published by The Stationery Office by Order of the two Houses. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/commons/selcom/hrhome.htm.

Current Staff

The current staff of the Committee are: Mark Egan (Commons Clerk), Bill Sinton (Lords Clerk), Murray Hunt (Legal Adviser), Angela Patrick and Joanne Sawyer (Committee Specialists), Jackie Recardo (Committee Assistant), Suzanne Moezzi (Committee Secretary) and Jacqueline Baker (Senior Office Clerk).

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1 Introduction

1. Human trafficking – the slave trade by another name – is a scourge of the modern world. The trade in human lives, which often involves the coercion of women and children into the sex industry, is a gross abuse of human rights which shames us all. During 2006 we conducted a major inquiry into human trafficking, focusing on the scale of the problem in the UK and the adequacy of the Government’s policies in this area in terms of human rights protection. Our Report was published in October 2006.¹ This short Report is intended to provide an update on our continuing scrutiny of the Government’s actions against human trafficking. We are publishing it on 18 October to mark the European Union’s action day against human trafficking.

2. We acknowledge the assistance of our Specialist Advisers, Tomoya Obokata, Lecturer, Queen’s University, Belfast, and Vanessa Munro, Professor of Law, Nottingham University, in our original inquiry and in relation to the preparation of this Report.

¹ Joint Committee on Human Rights, Twenty-sixth Report of Session 2005-06, *Human Trafficking*, HL Paper 245/HC 1127 (hereafter *Human Trafficking*).

2 Our work on human trafficking

3. During our inquiry we found that there is no reliable estimate of the total number of adults and children trafficked into the UK, but Home Office research suggests that in 2003 there were up to 4,000 women in the UK who had been trafficked for sexual exploitation.² Thus human trafficking is not simply a problem in other countries, it is present in the UK today. Our main conclusion was that a more victim-centred approach to dealing with human trafficking was necessary in order to meet the UK's human rights obligations.³ We also urged the Government to sign up to the Council of Europe Convention on Action against Trafficking in Human Beings and to abandon its reservation to the UN Convention on the Rights of the Child relating to immigration and nationality, which we are concerned undermines the protection of child trafficking victims.⁴

4. The Government published a constructive response to our recommendations in December 2006⁵ and this was followed, in March 2007, by the UK Action Plan on Human Trafficking. The Government also signed the Council of Europe Convention, on 22 March 2007, and commenced work on ratification.

5. Our Report was the subject of debate in Westminster Hall on 24 May 2007. Contributors to the debate, including several Members of the Joint Committee, urged the Government not to let progress in implementing its Action Plan slip. In particular, Members called for a clear timetable to be set for ratifying the Council of Europe Convention. We were grateful that the Minister, Vernon Coaker MP, offered to keep us regularly informed of progress and we took him up on this offer in an informal meeting on 18 July. The Minister responded to a number of questions in the debate in writing to the Members involved. We are publishing the Minister's responses as an annex to this Report.

² Home Office, *UK Action Plan on Tackling Human Trafficking*, Mar 2007, (hereafter *Action Plan*) p14. The research has not yet been published – see *Human Trafficking*, paragraph 82.

³ see especially *Human Trafficking* paragraph 197.

⁴ *Human Trafficking*, paragraphs 180 and 205.

⁵ The Government Reply to the Twenty-sixth Report from the JCHR, Session 2005-06, *Human Trafficking*, CM 6996, Dec 2006 (hereafter *Government response*).

3 Key issues for further action

6. The Government's Action Plan, and the Minister's commitment to keep it up-to-date and to deliver from it, were welcome developments. In many areas, the Government's views are consistent with our own and we support the work being led by the Home Office and the new UK Human Trafficking Centre (UKHTC). On some issues, however, we are concerned that the Government has not gone far enough or has not so far showed signs of acting with sufficient vigour.

Council of Europe Convention

7. We welcome the Government's decision to sign the Council of Europe Convention on human trafficking, and the Government's endorsement of our view that signing the Convention would not undermine its immigration policy. The Convention is a comprehensive treaty, focusing on the protection of victims but also covering the prosecution of traffickers, preventative measures and the establishment of an independent monitoring mechanism.⁶ Implementation plans for ratifying the Convention are now being drawn up within Government, covering the necessary legislative changes and the introduction of nationwide victim support processes. The Home Office has offered to keep us abreast of its plans. Nevertheless, we were disappointed to hear the Minister state in debate on 24 May that "we do not have a timetable for ratification".⁷ In our view, this is a recipe for delay. **We wish to see the Council of Europe Convention on Human Trafficking ratified as early as possible. We recommend that the Government announce a target date for ratification and publish a ratification plan, to concentrate minds across Whitehall on the necessary action and guard against slippage.**

Legislative framework

8. There have been a number of welcome, recent changes to legislation relating to human trafficking. The Violent Crime Reduction Act 2006 introduced the power of forfeiture and detention of vehicles, ships and aircraft used in trafficking for sexual exploitation; and the UK Borders Bill seeks to criminalise trafficking carried out abroad by non-British nationals. The Committee recommended that the protection of victims should be incorporated into the legislative framework and that immigration laws and policies should be reviewed in the context of their impact on the victims of trafficking.⁸ The Government responded that this was an issue "we are exploring in the development of the UK Action Plan".⁹ **We reiterate our recommendation that the protection of victims should be incorporated into the legislative framework, particularly in relation to immigration law. We seek the Government's confirmation that this will be done as part of the process of ratifying the Council of Europe Convention.**

⁶ For more information see http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/IntroConv_en.asp.

⁷ HC Deb, 24 May 07, c539WH; and see HC Deb, 17 Sep 07 c2329W.

⁸ *Human Trafficking*, paragraph 118.

⁹ *Government response*, p 8.

9. The Council of Europe Convention provides for a minimum 30-day recovery and reflection period during which a trafficking victim who has been identified by the relevant authorities can recover from their experiences without being deported as an illegal immigrant.¹⁰ Such a period is an essential requirement for treating people who have been trafficked as victims rather than as criminals themselves and, in line with much of the evidence we received, we recommended that “three months would be an appropriate standard length of time for reflection periods”.¹¹ The Minister told the House that, in relation to implementing this provision, “we are considering the various models ... to establish what is appropriate”.¹² **We would welcome an early indication from Government of how Article 13 of the Convention, relating to the recovery and reflection period, will be implemented in UK law.**

Child trafficking

10. We are strongly of the view that the Government should drop its reservation to the UN Convention on the Rights of the Child. Our predecessors looked at this matter in detail in 2003 and concluded that it legitimised unequal treatment of asylum seeking children.¹³ We share their view and concluded in 2006 that the reservation had the potential to compromise the best interests of child trafficking victims.¹⁴ The Government restated its view in its response to our Report that the reservation is necessary to “preserve the integrity of our immigration laws”. We are not convinced by this reasoning, which also seems to have been a delaying factor in the Government’s decision on whether to sign the Council of Europe Convention on human trafficking.¹⁵ We note that a joint report by ECPAT-UK and UNICEF has echoed our view about the UK’s reservation to the UN Convention, arguing that “the government’s approach to human trafficking is still fundamentally anchored within an immigration and border control approach”.¹⁶ **We again urge the Government to drop its reservation to the UN Convention on the Rights of the Child, in order to ensure that the protection of the child victims of trafficking is not compromised in any way.**

Protection of victims

11. The Government has established the UKHTC, which is intended to become “the central point of development of law enforcement expertise and operational co-ordination”.¹⁷ A key issue for the UKHTC will be the development of measures to protect victims, including the initiation of new victim support projects nationwide and covering different forms of trafficking, to supplement the successful Poppy Project, which helps

¹⁰ Article 13.

¹¹ *Human Trafficking*, paragraph 203.

¹² HC Deb, 24 May 07, c539WH.

¹³ Joint Committee on Human Rights, Tenth Report of Session 2002-03, *The UN Convention on the Rights of the Child*, HL Paper 117/HC 81, paragraphs 81-87.

¹⁴ *Human Trafficking*, paragraph 180; and see Joint Committee on Human Rights, Tenth Report of Session 2006-07, *The Treatment of Asylum Seekers*, HL Paper 81-I/HC 60-I, paragraphs 173-182.

¹⁵ *Government response*, p 20.

¹⁶ Briefing note on joint UNICEF UK – ECPAT UK report “Rights here, rights now: Recommendations for protecting trafficked children”, Oct 07.

¹⁷ *Action Plan*, p 9.

women in London who have been victims of sexual exploitation. **We welcome the action the Government has taken so far to protect the victims of human trafficking, but much more work remains to be done. We recommend that the Government act positively to initiate and assist projects to support the victims of human trafficking and keep us informed of what is being done, including funding arrangements and access criteria.**

Reports to Parliament

12. We are grateful that the Minister has sought to keep us, and other Members of Parliament with an interest in human trafficking, updated on the Government's work in this area. Given the importance of this subject, we consider that routine reporting to Parliament is essential. For example, Parliament should receive an annual report on the activities of the UKHTC. **We recommend that the Government publish an annual report to Parliament on its work in combating human trafficking and helping victims, based on the Action Plan published earlier this year, and including an account of the activities of the UK Human Trafficking Centre.**

Conclusions and recommendations

1. We wish to see the Council of Europe Convention on Human Trafficking ratified as early as possible. We recommend that the Government announce a target date for ratification and publish a ratification plan, to concentrate minds across Whitehall on the necessary action and guard against slippage. (Paragraph 7)
2. We reiterate our recommendation that the protection of victims should be incorporated into the legislative framework, particularly in relation to immigration law. We seek the Government's confirmation that this will be done as part of the process of ratifying the Council of Europe Convention. (Paragraph 8)
3. We would welcome an early indication from Government of how Article 13 of the Convention, relating to the recovery and reflection period, will be implemented in UK law. (Paragraph 9)
4. We again urge the Government to drop its reservation to the UN Convention on the Rights of the Child, in order to ensure that the protection of the child victims of trafficking is not compromised in any way. (Paragraph 10)
5. We welcome the action the Government has taken so far to protect the victims of human trafficking, but much more work remains to be done. We recommend that the Government act positively to initiate and assist projects to support the victims of human trafficking and keep us informed of what is being done, including funding arrangements and access criteria. (Paragraph 11)
6. We recommend that the Government publish an annual report to Parliament on its work in combating human trafficking and helping victims, based on the Action Plan published earlier this year, and including an account of the activities of the UK Human Trafficking Centre. (Paragraph 12)

Formal Minutes

Wednesday 10 October 2007

Members present:

Lord Plant of Highfield, in the Chair

Lord Fraser of Carmyllie

Nia Griffith MP

Lord Judd

Dr Evan Harris MP

Baroness Stern

Mr Richard Shepherd MP

Draft Report [Human Trafficking: Update], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 12 read and agreed to.

Resolved, That the Report be the Twenty-First Report of the Committee to each House.

A Paper was ordered to be appended to the Report.

Ordered, That the Chairman make the Report to the House of Lords and that Dr Evan Harris make the Report to the House of Commons.

[Adjourned till Monday 15 October at 4pm.]

Appendix

Letter and attachment dated 16 July 2007 from Vernon Coaker MP, Parliamentary Under Secretary of State, Home Office

Firstly, I should like to thank the Liaison Committee for initiating the debate on human trafficking which took place at Westminster Hall on the 24th May which provided a further opportunity to consider this very important subject in some detail.

Due to shortness of time there were a number of questions that I was not able to deal with at the time and I agreed to provide answers in writing. I am pleased to enclose written answers to the questions that were outstanding.

Thank you for your continuing interest in this area.

Debate on the JCHR Report into Human Trafficking 24 May 2007

Responses to outstanding questions

Andrew Dismore

... the new visa rules will make things even worse, because they will prevent migrant workers from changing employer. I urge my hon Friend the Minister to talk to the Minister for Immigration and Asylum, my hon Friend the hon Member for Birmingham Edge Hill (Mr Byrne) to see whether that pernicious so-called reform can be urgently reviewed to deal with the problem.

I should be grateful if my hon Friend the Minister told us who will co-ordinate the required (*research*) work. When does he think that we will have a reliable estimate of the scale of the problem? More importantly will the research be published, as we recommend?

The Government action plan states that the UK supports a number of projects aimed at tackling trafficking at source. Perhaps my hon Friend the

We are aware of concerns with our intention to make provision for domestic workers under revised arrangements for business visitors. We are committed to working through such concerns and resolving them satisfactorily. We are taking this forward by first undertaking some research and analysis. The purpose of this will be to better understand the ways in which victims of trafficking enter the UK, especially to understand the risks associated with those entering as domestic workers. On the back of this research we will consult publicly on the business visitor arrangements and the safeguards around them. On the basis of both the research and the consultation, we are confident that we can put in place a solution that will provide the right level of protection whilst also protecting our immigration system from abuse.

The CEOP scoping study report into child trafficking was published on the 11th June. The Inter Ministerial Departmental Group will monitor the progress of all research being undertaken with the intention that such research be published wherever possible. Our understanding of the nature and scale of human trafficking is constantly being improved through the collation of intelligence as well as the commissioning of research. The proposed repetition of Operation Pentameter later this year will offer another opportunity to improve our understanding of the national picture.

The Department for International Development are represented on the Inter-Departmental Ministerial Group which oversees cross

Minister will explain how that work is co-ordinated in government and how its effectiveness is assessed. The Committee also recommended an increase in development projects to tackle the root causes of trafficking; the Government agreed. Will my hon Friend outline how that work will be taken forward and what steps the Government propose to take to work with our international partners, such as the International Labour Organisation?

We called for employers of trafficking victims to be named and shamed. Will my hon Friend confirm whether the Government has reached a view on that? What are his ideas on dealing with demand reduction, particularly regarding trafficking for sex and the trafficking of children?

I welcome the Government's confirmation that victims of trafficking should not now be charged with immigration offences and that the Crown Prosecution Service can discontinue cases where appropriate, I hope that translates into practice. Will my hon Friend the Minister say whether any such cases have been discontinued, and whether since that announcement any people have been charged?

Will my hon Friend the Minister confirm whether the Government share our view that more needs to be done to protect victims? ... and will the Government take on board our proposals for amendments to the UK Borders Bill as it proceeds through Parliament?

government work on human trafficking.

We are committed to continue to increase our development programme budget as stated in the Action Plan and to work with international partners such as the ILO to whom DfID currently contribute £6million to the second phase of their programme on reducing labour exploitation of women and children in the Greater Mekong region and to whom we shall provide almost £2 million to support their programme on forced labour over the next three years.

All funded projects aimed at tackling trafficking at source have their effectiveness assessed. Evaluation is one of the criteria for funding such projects.

There are no immediate plans to develop a policy to name and shame employers of trafficking victims. Where employers are convicted of knowingly employing such people we believe that the current legislation provides the basis for a stringent enforcement action. We are looking to develop the current understanding of demand factors for all human trafficking. In relation to trafficking for the purpose of sexual exploitation we shall do within the context of our co-ordinated strategy to tackle prostitution. We are investigating ways of building on the innovative work undertaken by Operation Pentameter to target users of prostitutes through the Prevention Sub Group of the UKHTC. With regards to child trafficking, demand reduction strategies will be developed in conjunction with the UKHTC and CEOP using the knowledge on the scale and nature of the crime contained in the CEOP report.

To date we have neither firm data on whether any cases against victims of trafficking have been discontinued or whether victims of trafficking have been charged. We shall be investigating how best this data can be collected to ensure that the policy is enforced.

Victims are at the centre of our strategy to combat trafficking. We have already undertaken a great deal of good work in this area. However, we accept that we cannot be complacent and there is always more that can be done. The Action Plan firmly sets out our commitment to continue building on the measures we have already implemented. We have signed the Council of Europe Convention and this sets the future framework for rights of all victims of trafficking in the United Kingdom. We are working closely with our partners in Northern Ireland, Scotland and Wales to ensure that we have a coherent and joined-up

approach to implementing the Convention.

The UK Borders Bill was introduced prior to our signature of the Council of Europe Convention and we do not intend for it to be a vehicle for all the legislative changes required to implement the Convention. It is essential that the Council of Europe Convention is implemented in an effective, considered way that makes a real difference in practice to victims of human trafficking. As well as legislative changes, implementation will also require the development of improved processes for the identification of victims of trafficking for front line agencies, including the police and immigration officers. Guidance and training will also be required. It would be premature to place the reflection period on a statutory footing before all the necessary changes are put in place simply because there is a legislative vehicle currently before Parliament.

We are also committed to consulting on the implementation of aspects of the Convention across Government and with stakeholders. In particular, what is the appropriate period of reflection or residence under the Convention will be one of the issues to be considered. The Convention imposes a minimum period of 30 days reflection and we will need to look at whether it is necessary to adopt a longer period. There is a difference in practice amongst European colleagues in this area and we will look at all the evidence.

The new United Kingdom Human Trafficking Centre has the potential to play an important role. It provides a 24 hour contact point for front line staff to help identify victims. We would welcome more information about how it is operating in practice, particularly on victim protection.

The UKHTC has spent considerable effort in publicising the service provided by the 24 hour contact point with good success. There is an increased awareness among forces of its existence and it is being well utilised for both the purposes of victim identification and tactical advice.

Will my hon Friend the Minister indicate how the Government are dealing with those problems (lack of front line training and need to improve the rate of prosecutions) and in particular how they will turn the large number of arrests last year into prosecutions?

The UKHTC Learning and Development Sub Group are taking forward the issue of training in a number of different contexts. In relation to law enforcement - training is being provided for senior investigative officers from all forces with the last course for the current year taking place in October. Training materials for first responders are also currently being developed and will be disseminated shortly and a training needs analysis for all interested agencies is being carried out. It is planned that further training will be delivered to the CPS and immigration staff in the near future. The Action Plan sets out a number of different training initiatives which are underway which include the investment of £270,000 over a 3 year period to support the training of front line practitioners who may come into contact with child victims of trafficking. Figures for the prosecution of human trafficking legislation have increased significantly year on year since the introduction of the dedicated human

Can my hon Friend the Minister confirm when the Government expect to ratify the optional protocol?

Anthony Steen

How do the Government square the fact that they have signed up to the convention (UN Rights of the Child) with the fact that 48 children have been lost in three local authority regions?

Does the Minister agree, for example, that by enacting the enforced returns programme set out in the consultation paper (Planning Better outcomes...), under which we would send failed unaccompanied child asylum seekers back to war torn countries such as the Democratic Republic of the Congo and Angola, we are removing safeguards for trafficked children, rather than protecting them, as we agreed to do when we signed the Council of Europe Convention and adopted the national action plan?

The children who disappeared were actually under the care of local authority social services. ...and I wonder whether the Minister would like to look into exactly what happened to each of those children?

Will the Minister help the House this afternoon to know when we can expect the report (*CEOP study*)

trafficking legislation. Increased training on the identification of victims will help this trend to continue.

We have recently carried out an assessment to determine whether the Government is compliant with the measures contained in the Optional Protocol and are currently reviewing this assessment. Following that review we are hopeful that we will be able to begin the ratification process.

Where a child in local authority care goes missing, the standard arrangements for carrying out a missing person's investigation should be implemented. All councils are required to appoint a senior manager to monitor missing from care incidents, so that information on children being absent from care can be provided and any necessary action to respond to these can be taken to minimise risks. ACPO has issued guidance on how cases of missing persons should be dealt with. We are reviewing these procedures and those used by immigration officers. In addition, we are publishing multi-agency guidance as a supplement to "Working Together to Safeguard Children" to assist all professionals in the early identification of trafficking victims and what measures should be taken to protect them.

We believe it is best for children to grow up in their own families and communities unless it is clear that that would be contrary to their welfare. Keeping children safe is always a key consideration in any decision to return. A child with no legal right to remain in the UK would only be returned to their home country if the Border and Immigration Agency was satisfied that safe and adequate reception arrangements were in place. Returning children who have no legal basis to stay in the UK, including unaccompanied children, is necessary in the interests of maintaining immigration control. The UK takes very seriously our stringent domestic and international obligations regarding children's rights.

As the ECPAT study (Missing Out) was an individual piece of research which reported a number of cases of missing children from local authority care we cannot inquire into each case as these are subject to individual confidentiality. However, if any looked after child goes missing the agencies responsible should implement and follow the standard protocols and arrangements for managing missing persons' investigations developed with the local police force.

The report was published simultaneously on the CEOP and Home Office websites on 11th June.

The Home Office consultation paper ... states that "targeted and protective services, including access to experienced legal advisors and specialist health care can be further improved upon". ... Will what is envisaged really give children a better deal and how will it work?

Presumably there will be massive legal aid, medical and other costs... I wonder whether the Minister has any idea of the cost of all that, and which Department's budget accommodates it.

However under the Consultation paper children will receive limited leave to remain not until they are 18 but only until they are 17 and a half. Why is that? I have asked the Minister about it before; what is that 17 and a half about? Is there a hidden agenda that the House does not know about? If they are under 18 do they not get the rights that they get on turning 18? Is the appeal procedure quicker if they are under 18? What is the mystical thing about the figure of 17 and a half? If it makes sense will the Minister explain?

What happens to unaccompanied children who are granted asylum. Is there any monitoring? Do they just get a bit of paper and shake hands, then off they go? Who cares for them? What happens to those who are refused? Are they sent back immediately? Should a group from the Joint Committee visit some of the section 20 and section 17 children in care? What happens to those who are granted limited leave to remain? How limited is the leave; what is it all about? Are they granted limited leave so they can have an education here? If they are to have that why are they sent back early? Where are they accommodated?

It is generally recognised that where children have been identified to have been trafficked and are at risk of being harmed, that services which are targeted to minimise this risk and improve their safeguarding, will secure better protection for that child. The Border and Immigration Agency consultation paper "Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children" – sets out the ways such targeted provision could be delivered. BIA currently spend approximately £145 million on supporting unaccompanied asylum seeking children (UASCs). The reform will ensure that the available money will be spent more efficiently allowing for special needs to be met without increasing its budget.

In February 2007 the Border and Immigration Agency issued a consultation document "Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children". The period for submitting comments was 31 May 2007 and we are now considering these comments.

The policy objective is to ensure that when Unaccompanied Asylum Seeking Children (UASC) reach 18 their immigration status is clear. Many UASC are refused asylum but granted limited leave to remain because the lack of adequate reception arrangements in their country of origin means they cannot be removed before they turn 18. The grant of limited leave gives the opportunity to apply to extend that leave shortly before it expires. If leave is granted until 17 and a half it should be possible to deal with any application for an extension before the person turns 18. Thus, the person has clarity about their long term immigration status on turning 18 - integration to the UK if he has secured further leave to remain or return to his country of origin if not.

Unaccompanied Asylum Seeking Children (UASC) and children granted refugee status, Humanitarian Protection (HP) or Discretionary Leave (DL) are supported by Local Authority Children's Services Departments in England under section 17 or section 20 of the Children's Act 1989. They are supported in the same way as UK children who are received into the care of the local authority.

At the very start of the asylum process UASC are referred to the LACS. In addition to this the Children's Panel of the Refugee Council are notified within 24 hours of the application.

Under the New Asylum Model (NAM) each applicant is assigned a Case Owner who will be responsible for the case throughout the process. In the case of UASC the case owner will have been trained in child protection issues and will be responsible for setting up a contact

management programme to monitor the well being of the child and be alert for any problems which may arise in the area of child protection issues.

All UASC are cared for by the relevant local authority children's services. Accommodation and support arrangements will depend on an assessment of need although it is widely accepted that foster care is the most appropriate option for those under the age of 16. Shared housing with varying levels of supervision and support is seen as more appropriate for those who are 16 and 17 years of age.

If they are refused asylum they may be considered for Humanitarian Protection (HP). If they fail to meet the criteria for the grant of HP they will be considered for a grant of discretionary leave (DL) under the general discretionary leave policy. If they do not meet the criteria for this they will be considered for a grant of DL under UASC policy being granted 3 years leave (12 months for some countries) or until they reach the age of 17.5 whichever is the shorter period. If they fail to fulfil the criteria for DL the Borders and Immigration Agency (BIA) will not seek to enforce their removal if we are not satisfied that there are adequate reception and accommodation arrangements in place in their country of origin.

Discretionary Leave is a form of limited leave which is granted to asylum applicants who do not qualify for refugee status or humanitarian protection. UASC who do not qualify for asylum or HP will be granted discretionary leave. Discretionary Leave is not granted for the purposes of education.

Identifying child victims of trafficking is a highly skilled job. Who does it and how are cases handled? How do we avoid sending children back as fast as possible? Does the consultation paper not aim to send children back as fast as we can?

Immigration officers are trained to identify children whom they consider may have been trafficked at the port of entry. They are assisted in this by the trafficking toolkit, multi agency Paladin type teams in some ports and BIA best practice contained in "Safeguarding Children: Border and Immigration Agency guidance on how to identify children in need and instruction and advice on what action to take." Where any concerns as to whether the child may have been trafficked are confirmed during the initial stage of screening, the Immigration Officer will resolve these by either carrying out further enquiries or referring the child to a police child protection officer or to local Children's Services. The New Asylum Model ensures that the immigration service and Children's Services work closely together to ensure that any risks to the child are identified including any that may exist if they return to their country of origin. Children are only returned where safe and adequate arrangements are in place for their reception.

One must agree with the Government's assessment and that there should be more concern and compassion but what has actually been achieved under the action plan? Has the joint committee of Ministers met yet and what is on their agenda? What is the feedback from those meetings? We are all interested in the joint committee of Ministers but what does it actually do?

How much money was confiscated from traffickers? Did the money go to the victims?

Will the Minister say something about the proposed Operation Pentameter 2? What will it do? When will it come on-stream and who will be in charge? What will the objectives of the operation be?

Will he say something about the liaison between EU police forces and about why Britain was not of the signatories at Prüm in Austria where seven of the more advanced countries on immigration control and trafficking came together? Why have we not signed up? Were we refused because of our track record is not good enough?

The Inter-Departmental Ministerial Group will meet on the 19th July to discuss progress against the Action Plan.

Approximately £250,000 was recovered as a result of Operation Pentameter. All receipts from recovered assets are transferred to the Treasury. Of this amount 50% are returned to the investigative prosecution body and enforcement bodies. The remaining 50% is received by the Home Office to fund its existing commitments on asset recovery which include community based crime reduction projects. This money in addition to being used for such projects is used by the Government to help law enforcement agencies seize, confiscate and recover even more wealth acquired from all types of criminality.

There are plans to repeat the successful Operation Pentameter which focussed on trafficking for sexual exploitation later this year. The Operation will be led by ACPO but will be multi-agency and will include Scotland and Northern Ireland. The development of strategic objectives will be part of the operational planning for the operation. United Kingdom law enforcement authorities have excellent co-operation arrangements with their EU counterparts. The UK is currently co-operating with other EU police forces in a G6 initiative to establish a joint period of operational activity on human trafficking.

The Prüm arrangements will add to those in facilitating the exchange of information between police authorities in the Member States. The key elements of the Prüm Convention have now been incorporated into EU law as the Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, which was agreed at the JHA Council on 12 June. The Decision will improve the sharing of information on fingerprint, DNA and vehicle registration data between law enforcement agencies within the EU. The Prüm Council Decision will improve our ability to prevent, detect and investigate crime and to this end will facilitate action in the fight against trafficking in human beings. It does not however have specific provisions on trafficking, nor did the original Prüm Convention.

The Government was invited to sign up to the original Prüm Convention and seriously considered doing so as we believe that the

Will the Minister say why he has been persistently against giving victims of trafficking residence permits?

information sharing aspects of the Convention will bring real value to the fight against terrorism and cross border crime. There were however aspects of the Prüm Convention, such as the provisions on air marshals, a measure on action to be taken in urgent situations and those on immigration that prevented our firm support for the Convention and consequently UK accession. We strongly believe however that this approach has not prevented the UK from achieving a positive result which will benefit our citizens.

The UK has not been persistently against giving victims of trafficking residence permits. The UK recognises that some individuals who have suffered at the hands of their traffickers will need time to recover and reflect on their position, and where it is appropriate to do so, permission to remain within the UK may be granted on either a limited or indefinite basis. The Council of Europe Convention requires us to formalise our provision of residence permits to identified victims of trafficking in certain situations and the best way to do this will be considered as part of the implementation process.

Nia Griffiths

What has been done to prevent trafficking in the countries of origin and to reduce demand for trafficked persons?

In conjunction with the Foreign and Commonwealth Office and the Department for International Development the Home Office supports a number of projects aimed at awareness raising and capacity building in source and transit countries to address human trafficking.

Additionally, we also support a number of projects aimed at addressing the factors that make poor people vulnerable to trafficking. In addition we recently supported a project co-managed by the UKHTC and the International Organisation for Migration in Romania and Bulgaria aimed at raising awareness of the human trafficking issue and further developing strong links between the law enforcement agencies of the three countries.

As stated in the Action Plan, the UK, through DfID, plays a leading role in the fight against poverty and social injustice through support for the long term development programme and we also support an number of anti trafficking initiatives through partner organisations such as the International Labour Organisation.

What progress has been made in making trafficking core police business? How would he define that and what is being done? Who is being trained in issues related to human trafficking – ordinary officers in police stations, those at the ports, people working in social services or others who might come into contact with those who have been trafficked?

Human Trafficking involves serious criminality and now should be "core" police business for police forces. We are continuing to work on the development of a performance regime around human trafficking. However, increased training will also assist with increasing the profile of trafficking with law enforcement. The UKHTC has been making progress in running and organising training for investigative officers

What has been done so far to produce and disseminate guidance on key indicators of criminality to assist with the identification of victims of trafficking for forced labour? I should also like to know more about what my hon Friend the Minister is doing in considering extending non-governmental organisation outreach support nationally?

What is being done to pilot support provisions for victims of trafficking for forced labour? What is being done to increase access to health and support services for victims of sexual violence and abuse?

What progress is being made with DFES working together with the Home Office and UK Visas to approve addresses and carers for unaccompanied children applying to stay in the UK for in excess of 28 days? What progress is being made on a proper system of guardians?

What information can the Minister give about talks on an international scale with EU partners, other members of the Council of Europe and

and is currently considering how best to disseminate training material to first line responders. It is planned that this training will be extended to other criminal justice agencies and the immigration service.

Those working in other non law enforcement agencies will receive training and awareness raising as part of the Government's cross departmental approach to tackling this issue as set out in the Action Plan.

Production of the guide for workplace inspectors is ongoing; cross government approval is required prior to publication. The UKHTC are also developing comprehensive indicators for a whole range of "first respondents" who may encounter victims which will include key indicators for all forms of human trafficking, including forced labour.

What provision is required for the support of victims of trafficking for forced labour will be considered and developed as part of the implementation process for the Council of Europe.

As outlined in the Action plan we have produced an on-line trafficking toolkit and a range of guidance and training for front-line police and immigration staff. We are currently working with the UKHTC to review and update this toolkit to ensure that is aligned with our increased knowledge and intelligence in this area.

NGOs play a vital role in not only supporting victims but also in assisting in the identification of victims. The Poppy Outreach Team has already extended its remit and is now working across the country to help identify hard-to-reach victims that have not been identified through direct enforcement activity. We are also currently considering the options for utilising the Outreach Team to help in the identification and support of victims during Pentameter 2.

We will of course consider whether the outreach support can be further developed as part of the Convention implementation plans.

A cross government working group has been established to consider the viability of screening private fostering arrangements prior to a visa being agreed and issued. The Government does not consider that an additional guardianship scheme is necessary beyond that provided by the local authority social worker for children in care.

During our Presidency of the EU we worked closely with the European Commission and EU partners to develop an EU plan on best

countries further afield?

practices, standards and mechanisms to prevent and combat human trafficking. We continue to work closely with our EU partners to ensure the implementation of that plan, including a common system of data collection, the establishment of a new experts group by the Commission and increased co-ordination on human trafficking issues. We are working with the EU on plans for an EU Anti-trafficking Day to be held on the 18th October.

We are also engaged with a number of EU countries on a joint initiative which developed from an agreement amongst G6 ministers of interior to work more closely on human trafficking issues. Currently, Ireland, Italy, Poland, the UK and Netherlands are co-operating on this project.

Dr Evan Harris

I think that the UK Government have set up a telephone line for authorities to get advice, but have not gone as far as we recommended. I should be grateful if the Minister told us whether he recognises that suggestion as a way forward.

We have, in conjunction with NSCPCC, CEOP and ECPAT UK established a Professionals Advice Line for those who may come into contact with child victims of trafficking. We have, in addition established a 24 hour advice line for law enforcement professionals within the UKHTC and there is of course the nationally known Crimestoppers number for people to call if they think someone is a victim of a crime as well as the national missing person's helpline. In the light of this there are no plans to establish another national helpline number.

What steps has he taken to identify the best practice in Europe?

Prior to signature of the Convention we took steps to consider best practice from European colleagues and also from elsewhere. We continue to look at the approaches of other European countries in a similar position to the United Kingdom to investigate best practice and to explore both the similarities and differences in approach to see what aspects of other approaches could be effectively adopted

We are also working with the Council of Europe to explore the possibility of hosting a regional seminar in December on the implementation of the Convention in order to exchange best practice with 7 other countries on the protection and assistance of victims.

Reports from the Joint Committee on Human Rights in this Parliament

The following reports have been produced

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| First Report | The Council of Europe Convention on the Prevention of Terrorism | HL Paper 26/HC 247 |
| Second Report | Legislative Scrutiny: First Progress Report | HL Paper 34/HC 263 |
| Third Report | Legislative Scrutiny: Second Progress Report | HL Paper 39/HC 287 |
| Fourth Report | Legislative Scrutiny: Mental Health Bill | HL Paper 40/HC 288 |
| Fifth Report | Legislative Scrutiny: Third Progress Report | HL Paper 46/HC 303 |
| Sixth Report | Legislative Scrutiny: Sexual Orientation Regulations | HL Paper 58/HC 350 |
| Seventh Report | Deaths in Custody: Further Developments | HL Paper 59/HC 364 |
| Eighth Report | Counter-terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 | HL Paper 60/HC 365 |
| Ninth Report | The Meaning of Public Authority Under the Human Rights Act | HL Paper 77/HC 410 |
| Tenth Report | The Treatment of Asylum Seekers: Volume I Report and Formal Minutes | HL Paper 81-I/HC 60-I |
| Tenth Report | The Treatment of Asylum Seekers: Volume II Oral and Written Evidence | HL Paper 81-II/HC 60-II |
| Eleventh Report | Legislative Scrutiny: Fourth Progress Report | HL Paper 83/HC 424 |
| Twelfth Report | Legislative Scrutiny: Fifth Progress Report | HL Paper 91/HC 490 |
| Thirteenth Report | Legislative Scrutiny: Sixth Progress Report | HL Paper 105/HC 538 |
| Fourteenth Report | Government Response to the Committee's Eighth Report of this Session: Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9 order 2007) | HL Paper 106/HC 539 |
| Fifteenth Report | Legislative Scrutiny: Seventh Progress Report | HL Paper 112/HC 555 |
| Sixteenth Report | Monitoring the Government's Response to Court Judgments Finding Breaches of Human Rights | HL Paper 128/HC 728 |
| Seventeenth Report | Government Response to the Committee's Tenth Report of this Session: The Treatment of Asylum Seekers | HL Paper 134/HC 790 |
| Eighteenth Report | The Human Rights of Older People in Healthcare: Volume I- Report and Formal Minutes | HL Paper 156-I/HC 378-I |
| Eighteenth Report | The Human Rights of Older People in Healthcare: Volume II- Oral and Written Evidence | HL Paper 156-II/HC 378-II |
| Nineteenth Report | Counter-Terrorism Policy and Human Rights: 28 days, intercept and post-charge questioning | HL Paper 157/HC 394 |
| Twentieth Report | Highly Skilled Migrants: Changes to the Immigration Rules | HL Paper 173/HC 993 |
| Twenty-first Report | Human Trafficking: Update | HL Paper 179/HC 1056 |

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| First Report | Legislative Scrutiny: First Progress Report | HL Paper 48/HC 560 |
| Second Report | Deaths in Custody: Further Government Response to the Third Report from the Committee, Session 2004–05 | HL Paper 60/HC 651 |
| Third Report | Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters Volume I Report and Formal Minutes | HL Paper 75-I/HC 561-I |
| Third Report | Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters Volume II Oral and Written Evidence | HL Paper 75-II/HC 561-II |
| Fourth Report | Legislative Scrutiny: Equality Bill | HL Paper 89/HC 766 |
| Fifth Report | Legislative Scrutiny: Second Progress Report | HL Paper 90/HC 767 |
| Sixth Report | Legislative Scrutiny: Third Progress Report | HL Paper 96/HC 787 |
| Seventh Report | Legislative Scrutiny: Fourth Progress Report | HL Paper 98/HC 829 |
| Eighth Report | Government Responses to Reports from the Committee in the last Parliament | HL Paper 104/HC 850 |
| Ninth Report | Schools White Paper | HL Paper 113/HC 887 |
| Tenth Report | Government Response to the Committee's Third Report of this Session: Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters | HL Paper 114/HC 888 |
| Eleventh Report | Legislative Scrutiny: Fifth Progress Report | HL Paper 115/HC 899 |
| Twelfth Report | Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9) Order 2006 | HL Paper 122/HC 915 |
| Thirteenth Report | Implementation of Strasbourg Judgments: First Progress Report | HL Paper 133/HC 954 |
| Fourteenth Report | Legislative Scrutiny: Sixth Progress Report | HL Paper 134/HC 955 |
| Fifteenth Report | Legislative Scrutiny: Seventh Progress Report | HL Paper 144/HC 989 |
| Sixteenth Report | Proposal for a Draft Marriage Act 1949 (Remedial) Order 2006 | HL Paper 154/HC 1022 |
| Seventeenth Report | Legislative Scrutiny: Eighth Progress Report | HL Paper 164/HC 1062 |
| Eighteenth Report | Legislative Scrutiny: Ninth Progress Report | HL Paper 177/HC 1098 |
| Nineteenth Report | The UN Convention Against Torture (UNCAT) Volume I Report and Formal Minutes | HL Paper 185-I/HC 701-I |
| Twentieth Report | Legislative Scrutiny: Tenth Progress Report | HL Paper 186/HC 1138 |
| Twenty-first Report | Legislative Scrutiny: Eleventh Progress Report | HL Paper 201/HC 1216 |
| Twenty-second Report | Legislative Scrutiny: Twelfth Progress Report | HL Paper 233/HC 1547 |
| Twenty-third Report | The Committee's Future Working Practices | HL Paper 239/HC1575 |
| Twenty-fourth Report | Counter-Terrorism Policy and Human Rights: Prosecution and Pre-Charge Detention | HL Paper 240/HC 1576 |
| Twenty-fifth Report | Legislative Scrutiny: Thirteenth Progress Report | HL Paper 241/HC 1577 |
| Twenty-sixth Report | Human trafficking | HL Paper 245-I/HC 1127-I |
| Twenty-seventh Report | Legislative Scrutiny: Corporate Manslaughter and Corporate Homicide Bill | HL Paper 246/HC 1625 |
| Twenty-eighth Report | Legislative Scrutiny: Fourteenth Progress Report | HL Paper 247/HC 1626 |

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| Twenty-ninth Report | Draft Marriage Act 1949 (Remedial) Order 2006 | HL Paper 248/HC 1627 |
| Thirtieth Report | Government Response to the Committee's Nineteenth Report of this Session: The UN Convention Against Torture (UNCAT) | HL Paper 276/HC 1714 |
| Thirty-first Report | Legislative Scrutiny: Final Progress Report | HL Paper 277/HC 1715 |
| Thirty-second Report | The Human Rights Act: the DCA and Home Office Reviews | HL Paper 278/HC 1716 |