



House of Commons Home Affairs Committee

The Trade in Human Beings: Human Trafficking in the UK

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Volume I

Report, together with formal minutes

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The Home Affairs Committee

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Contents

| Report | <i>Page</i> |
|--|-------------|
| Introduction | 4 |
| Legislative background and international conventions | 4 |
| The UK Action Plan and UK Human Trafficking Centre | 5 |
| 1 Describing the problem | 8 |
| How trafficking manifests itself | 9 |
| How people become victims | 11 |
| Scale of the problem | 14 |
| Sex industry | 15 |
| Domestic servitude | 16 |
| Forced labour | 17 |
| Child trafficking | 17 |
| Overview | 18 |
| 2 Prevention | 20 |
| Public awareness | 20 |
| Preventing forced labour: the role of employers and employment law | 20 |
| Migrant Domestic Workers | 26 |
| Registration of EEA nationals as employees | 26 |
| Reducing demand for sex trafficking | 27 |
| Advertising | 27 |
| Legislation on the sex industry | 28 |
| 3 Identifying victims | 29 |
| The police | 30 |
| Operations Pentameter 1 and 2 and Paladin | 32 |
| Specialist Units | 33 |
| UK Borders Agency | 35 |
| Reflection Time and the Fast Track process | 39 |
| Returning victims to their home country | 43 |
| Access to legal advice | 43 |
| Issuing Migrant Domestic Worker Visas | 44 |
| Awareness amongst other authorities | 46 |
| Local authorities | 46 |
| Health and education services | 48 |
| Other statutory bodies | 49 |
| National Referral Mechanism | 51 |
| 4 Protection | 54 |
| Availability of support services for victims | 54 |
| Protection of children | 55 |
| 5 Prosecution | 60 |

| | |
|---|-----------|
| 6 The international dimension | 64 |
| UK authorities and their overseas equivalents | 64 |
| Role of European Union institutions | 65 |
| European Commission | 65 |
| Europol | 66 |
| Co-operation within the EU | 68 |
| Relations with source and transit countries | 69 |
| 7 Effectiveness of UKHTC | 74 |
| Conclusions and recommendations | 75 |
| Formal Minutes | 84 |
| Witnesses | 86 |
| List of written evidence | 88 |

Key facts

Between 100,000 and 800,000 people are trafficked into the EU each year

At a conservative estimate, there are at least 5,000 trafficking victims in the UK

About 8,000 women work in off-street prostitution in London alone, 80% of whom are foreign nationals

Over 1000 women trafficked into prostitution have been referred to the Poppy Project since March 2003

200-300 victims of trafficking for domestic labour register with the relevant NGO each year

It is estimated 330 child victims will be trafficked into the UK each year

About 60% of suspected child victims in local authority care go missing and are not subsequently found

There is long-term government funding for 35 places for victims in safe accommodation

92 people were convicted of sex trafficking and four for labour trafficking between 2004 and December 2008

There are only 100-300 prosecutions for trafficking across the EU each year

Each sex trafficker earns on average £500-£1000 per woman per week

1 Introduction

1. Over the last few years, there has been a growing awareness that, despite the abolition of slavery in most of the world, insidious forms of trading human beings for forced labour and sexual exploitation persist. The stories of Chinese cockle-pickers who died in Morecambe Bay in 2004 and other similar accounts have begun to awaken the UK media and the public to the fact that such exploitation also takes place in this country, not only in poor lands far away.

2. Our sister Committee, the Joint Committee on Human Rights, undertook an inquiry into human trafficking, publishing its report in October 2006.¹ Naturally, this report concentrated on the human rights of victims. It was very critical of the UK Government's efforts to combat the trade. In 2008, we decided to undertake our own inquiry, examining progress since the Joint Committee's report and, in addition, focusing on the multinational efforts to deal with what is, as far as the UK is concerned, largely a transnational crime.

3. In the course of our inquiry we took oral evidence from Mr Alan Campbell MP, Parliamentary Under-Secretary for State for Crime Reduction at the Home Office, and from Rt Hon Harriet Harman MP, Minister for Equality; the UK Human Trafficking Centre (UKHTC), the Child Exploitation and Online Protection Centre (CEOP) and the Metropolitan Police; Europol and the European Commission; a number of the NGOs working in the field—Anti-Slavery International, the Poppy Project, Kalayaan and End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (known as ECPAT UK); the Gangmasters Licensing Authority; the Anti-Trafficking Legal Project (ATLeP); the London Councils' Children and Young People's Forum; the Association of Directors of Children's Services; Newsquest, a local newspaper group; and Mr Misha Glenny, an investigative journalist. We received written evidence from many of these witnesses and from 20 other individuals and organisations. We also wrote to the Embassies of a number of countries involved in combating trafficking; we received replies from just four. These letters and all the other written and oral evidence we received are published with this Report. We are very grateful to all who gave evidence to us.

4. We undertook two visits in connection with this inquiry. In May 2008 we visited Ukraine and Russia, meeting fellow politicians, representatives of the police forces, border guards, immigration officials and other civil servants, and the NGOs working with victims of trafficking in these countries. We also met some of the victims, whose stories deeply moved us. We visited Prague in March 2009 to discuss the Czech government's priorities for its Presidency of the EU, which included an emphasis on combating human trafficking. We would like to thank all those who gave up their time to meet us and explain their work during these visits.

Legislative background and international conventions

5. The legislation relating to human trafficking is complex as it is not all gathered together in one statute. There are also numerous relevant international conventions. We mention here only the main legislation and conventions to which we refer elsewhere in this Report.

¹ *Human Trafficking*, Twenty-Sixth Report of Session 2005–06 (HL Paper 245, HC 1127)

6. In relation to trafficking for sexual exploitation, the Sexual Offences Act 2003, which came into force on 1 May 2004, established wide-ranging offences of trafficking of people into, within or from the UK for sexual purposes. Equivalent Scottish provisions are contained in the Criminal Justice (Scotland) Act 2003. Legislative provision relating to trafficking for labour and organ exploitation is contained in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Under both of these Acts offences carry a maximum of 14 years' imprisonment, which is longer than the maximum sentence in many other European countries. There are also several provisions in the Children Act 1989 which are relevant to the prohibition of trafficking, and the investigation, prosecution and punishment of traffickers. For example, a local authority must investigate if it has a reasonable cause to believe that a child who lives or is found in its area is suffering from harm; Section 49 establishes an offence of knowingly and without lawful authority abducting children; and local authorities are authorised to inspect premises used for private fostering, and may prohibit private fostering under certain circumstances.

7. Other laws applicable to trafficking for both sexual and labour exploitation are:

- The Gangmasters (Licensing) Act 2004, which established the Gangmasters Licensing Authority. This body is responsible for setting up and operating a licensing scheme for labour providers in agriculture, shellfish gathering and associated processing and packaging sectors. The Act and the Gangmasters (Licensing Authority) Regulations 2005 apply to all parts of the UK.
- Under the Immigration, Asylum and Nationality Act 2006, employers who employ illegal migrants are subject to a civil penalty, or, if they knowingly employ illegal migrants, a maximum penalty of two years' imprisonment and unlimited fine.
- The Proceeds of Crime Act 2002 allows authorities to confiscate criminal assets of traffickers, among others. This legislation applies across the UK.
- Article 3 (prohibition on torture) and Article 4 (prohibition on slavery) of the European Convention on Human Rights can be invoked to address certain aspects of trafficking by virtue of the Human Rights Act 1998.

8. The UK has signed and ratified the UN's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the 'Palermo Protocol'), which supplements the UN Convention against Transnational Organised Crime 2000. The UK has also signed and recently ratified the Council of Europe Convention against Trafficking in Human Beings. Other international conventions concerning organised crime and sexual offences are also relevant.

The UK Action Plan and UK Human Trafficking Centre

9. In March 2007, following consultation and tying in with the commemoration of the abolition of the slave trade, the Government published its *UK Action Plan on Tackling Human Trafficking*. The purpose of the Action Plan was to:

1. Draw together all the work that is currently underway across government and other agencies on human trafficking
2. Identify gaps in existing work which require further consideration

3. Increase transparency and enable us to be held to account on delivery of our objectives
 4. Provide a platform for developing a more strategic and holistic approach to tackling human trafficking.²
10. Apart from announcing that the Government had decided to sign the Council of Europe Convention on Action Against Trafficking in Human Beings, the Action Plan stated that the Government had established a new UK Human Trafficking Centre (UKHTC) to forge “closer links between the immigration service and law enforcement” and that “Dealing effectively with human trafficking will be an integral part of the new Border and Immigration Agency’s³ business”. The Action Plan also said: “Up to now, our effort has focussed mainly on trafficking for sexual exploitation. We now need to move beyond this and also spotlight other forms of trafficking for increased attention, such as child trafficking and trafficking for forced labour.”⁴ The Government committed itself to developing its approach to issues of demand: “Firstly, by recognising the different pull factors that apply to different types of human trafficking and building a greater understanding of the demand factors in areas such as trafficking for forced labour. Secondly, through the UKHTC we will consider undertaking specific measures targeted at reducing demand.”⁵ The Action Plan listed 62 Action Points, allocating specific responsibilities to a variety of government departments and agencies and involving extensive co-operation with NGOs and, in some cases, the private sector.
11. Many of the actions proposed in the Action Plan involve the UKHTC. The UKHTC brings together staff and officers from the police, UKBA, Crown Prosecution Service, Serious Organised Crime Agency and social services. According to the Home Office: “The UKHTC provides a central point for the development of expertise and the strategic and operational coordination in respect of all forms of trafficking of human beings....[It] offers law enforcement a 24/7 support line for tactical, immigration, victim and legal advice and has sought to raise awareness amongst police forces about human trafficking in a number of ways”. One of the UKHTC’s tasks has been to improve knowledge of the scale and nature of human trafficking. In its written evidence to us, the Home Office describes the UKHTC as “the central repository of all data and intelligence on human trafficking.”⁶ Another function is increasing public awareness of trafficking, in the hope of identifying and rescuing more victims. It recently ran a ‘Blue Blindfold’ campaign, including posters on public transport and television advertisements, which had the slogan ‘Don’t close your eyes to human trafficking’. As far as its operational work is concerned, the UKHTC is organised into five core working groups in the areas of victim care, prevention, research, learning and development and operations and intelligence.⁷

2 Executive Summary, p4

3 Now UKBA, the UK Border Agency

4 Executive Summary, p6

5 Executive Summary, p8

6 Ev 192, para 5

7 Ev 202, paras 86–87

12. Both the Home Office and the UKHTC on its website emphasise the close co-operation between the UKHTC and SOCA. SOCA, however, devotes only 12% of its effort to all organised immigration crime, which includes human trafficking but the majority of which falls into the category of people smuggling.⁸

13. The Home Office told us: “The model of working presented by the UKHTC is already being presented in international forums as an example of best practice. Although only in existence a short time it has established a good reputation both nationally and internationally.”⁹ To a large extent, this Report provides an analysis of how well the UKHTC is doing in meeting the expectations set out in the Government’s Action Plan.

8 SOCA’s Annual Report 2007–08 For the difference between trafficking and smuggling, see paragraph 16 below.

9 Ev 202, paras 87

2 Describing the problem

14. The term ‘human trafficking’ covers a wide range of criminal activity. The victims may be legal or illegal immigrants or nationals of the country within which they are trafficked, adults or children, male or female, engaged in a variety of work or in criminal activity, subjected to violence or not. They may have been sold to traffickers by their family or others, have initially willingly put themselves into the hands of people smugglers to reach western Europe, or they may have thought that they were applying for a legitimate job. The UN defines human trafficking 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 of 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.¹⁰

What the victims have in common is that they are, in effect, ‘owned’ by the traffickers.

15. The traffickers are equally varied, but a significant number are part of an organized criminal network that includes passport and visa forgers, bogus employment agents, drivers, pimps, brothel owners or other employers and sometimes state officials. They are thus able to organise the whole operation, including arranging travel documents, tickets, meals and housing.

16. Human trafficking is distinct from people smuggling, which is a voluntary arrangement made between the illegal migrant and the organiser or facilitator. Trafficking also does not always involve illegal migration: Anti-Slavery International told us their research had shown that the majority of those trafficked into the UK from overseas entered the UK legally, though they noted this was perhaps because legal migrants were more willing to identify themselves as victims of trafficking as they had less to fear from drawing themselves to the attention of the authorities.¹¹

17. Trafficking is a worldwide problem: while the source countries are generally poor and richer nations are the destination, any country may be a transit point for the trade in human beings, and traffickers also recruit victims from vulnerable groups within rich countries.¹² UNICEF’s analysis of the flows of cross-border trafficking in Europe showed two-thirds of countries were countries of origin, more than three-quarters were countries of destination and in more than half there was trafficking in both directions. There was also internal trafficking in half the countries of Europe, including the UK.¹³ The UK is an

¹⁰ UN Protocol to Prevent, Suppress and Punish Trafficking in persons

¹¹ Q 19; see also Ev 97, para 3.14

¹² The Poppy Project has helped German and Swiss women trafficked for sexual exploitation, for example: Q 52

¹³ Ev 110, para 2.1

important destination country, but, we were told, no more so than France or Italy. Western Europe as a whole, and increasingly Central Europe also, is a favoured destination. Organised gangs trade where they will make most profit and where they consider it easy to gain access. They also often move victims from town to town and from country to country in order to prevent the victims from gaining enough knowledge and confidence to escape.¹⁴

How trafficking manifests itself

18. The archetypal form of trafficking is for the purpose of sexual exploitation, but other forms of trafficking may be at least as common—or, for some categories of victim, more common—than sexual abuse. Europol said that, based on the information it received, the most prevalent form of trafficking in the EU was of young women and children for sexual exploitation, but it admitted that it was not sure whether its information accurately reflected the real situation across the EU.¹⁵ As we discuss later, the exploitation of migrant domestic workers became so notorious that in 1998 the Government introduced special visas for them.¹⁶ CEOP, the multi-agency centre dedicated to tackling the sexual abuse and exploitation of children, suggested there was a “large undercurrent of children who are being subjected to domestic servitude or being used in forced labour or who are being indoctrinated into committing other crime types (and they are the vast majority that lie below the surface here).”¹⁷ Europol commented that the trafficking of children to commit street crimes (linked particularly to begging) was a ‘big issue’ and Anti-Slavery International said it was increasing.¹⁸ ECPAT UK also listed cannabis cultivation, forced marriage and benefit fraud as purposes for which children were trafficked.¹⁹ Adults might be trafficked to commit crimes such as shoplifting, pick-pocketing and the sale of pirate CDs and DVDs on the street.²⁰ The legal employment sectors in which victims are found performing forced labour are those in which there is heavy reliance on seasonal or temporary staff: construction, food processing and packaging, agriculture and associated industries, catering, and care/nursing. There is also anecdotal evidence about people being forced to work in motorway service stations, in laundries, in nail parlours or as casual labour in ports.²¹

19. There is a fine line between those who voluntarily take a job that may be unpleasant or low status or where the wages and conditions are worse than normal for that type of occupation and those who are victims of trafficking. However, there are indicators that point to trafficking:²² the use of violence or threats of violence by employers; debt bondage,²³ confinement to a workplace; removal of identity documents; requirements to

14 Qq 12–13 (Anti-Slavery International) and 402 (CEOP)

15 Q 328

16 See paragraph 58 below.

17 Q 402

18 Q 328 and Ev 271, para 8

19 Ev 104, para 2

20 Ev 96, para 3.4 (Anti-Slavery International)

21 *Ibid.* and Q 6

22 See, for example, Qq 24 (Anti-Slavery International) and 224 (UKHTC) and Ev 194, para 23 (Home Office)

23 In the UK context, debt bondage usually involves making people work for little or no payment in order to discharge the cost of getting them to the UK, or to pay fees for finding employment or for non-existent taxes or charges supposedly levied by the UK government.

live in accommodation or to use transport provided by the employer, especially if the accommodation is overcrowded and the means of transport unsafe, coupled with exorbitant charges for these compulsorily docked from wages; below average wages for that type of work or no wages; little or no time off; no sick pay. When dealing with a number of victims, for example when providing ‘agency’ labour or in brothels, traffickers also tend to try to isolate the victims from the resident population and from each other through language barriers (mixing different nationalities together) or by moving victims frequently from place to place to deter escape.²⁴

A group of women from the Baltic States were repeatedly recorded on CCTV shoplifting in supermarkets in the South of England. The recordings showed a man that seemed to be supervising the group. The police raided the flat where the women were staying and found that they were all sleeping in one room. The flat was very basic and none of the stolen goods were found on the premises. The women denied knowing the man that appeared to be the supervisor and seemed anxious, afraid and intimidated. In an informal talk with a translator, they seemed ashamed of what they were doing and said that they had come to work, but the work they were promised was not available when they arrived.

Care workers from Bulgaria paid £2000 for jobs to be arranged in the UK, which was then deducted from their wages and included very high interest rate charges. A Polish woman was told that according to the law in the UK she had to pay £300 as part of facilitating a job as an au-pair.

20. Moreover, even when victims have fled this abuse, many are still at risk from the traffickers. The Anti-Trafficking Legal Project (ATLeP) told us that their clients “see colleagues of their traffickers in the markets when they go out so they are very much at risk”.²⁵ The Poppy Project said victim support groups sometimes move their clients to another town, occasionally a hundred or more miles away, to give the victims greater confidence that they will not be identified by the traffickers, their associates or other people involved in their exploitation such as clients of prostitution.²⁶

21. A number of our witnesses provided anonymised case studies of the experiences of victims. We include edited versions of these in text boxes throughout this Report.

22. Because of the range of work into which people may be forced by traffickers, no region of the UK is immune from trafficking. This does not mean there are victims in every town, but even in places where no victims live, it is possible that they will have passed through there while being moved round the country.²⁷ The Poppy Project believes: “Where you have off-street prostitution, you are very likely to have trafficked women.”²⁸ The Poppy Project, though London-based, has received referrals of victims from Birmingham, Glasgow, Sheffield, Manchester and Liverpool; but smaller towns may also be affected: in

²⁴ Qq 25 and 29 and Ev 96, paras 3.8–3.9 (Anti-Slavery International) and Ev 122–123 (Kalayaan)

²⁵ Q 180

²⁶ Q 57

²⁷ Qq 9–10 (Anti-Slavery International)

²⁸ Q 56

2004 a group of Ugandan women trafficked for sexual exploitation were found in the seaside—and retirement—town of Worthing in West Sussex.²⁹ Kalayaan, an NGO that supports migrant domestic workers, and also London-based, receives calls from abused domestic workers from all over the UK, though most of the clients it sees are living in London.³⁰ The Gangmasters Licensing Authority finds trafficking victims in all the regions where the industries it regulates (agriculture, food processing and packaging, shellfish gathering) are based.³¹ Most of the cases of human trafficking with which the Metropolitan Police have dealt relate to the sex trade, but there have also been examples of domestic servitude and a few of forced labour.³²

How people become victims

23. A common feature of many of the victims of trafficking is that their home countries are poor and there are few opportunities for employment. The groups most vulnerable to this crime are those of low status, without powerful protectors (typically women and children—especially orphans or those subject to domestic violence—but also impoverished men), and those in debt bondage.³³ Some studies of those trafficked into the sex industry have suggested that 6% of ‘recruitments’ are done by a close relative, while in another 30% the trafficker is a close friend. Almost half of the recruitments are performed by other acquaintances of the victim.³⁴ ECPAT UK, a coalition of eight charities campaigning against the commercial sexual exploitation of children, including trafficking, said:

The majority of trafficked children are already highly vulnerable in their home country before they become the targets of traffickers. Some children trafficked to the UK have already been exploited and abused, and many appear to have been living in households with adults who do not have parental responsibility. The circumstances of them travelling with traffickers are often the result of being deceived, sold or coerced rather than abduction or kidnapping.³⁵

Many of the adults arriving in the UK are actively seeking work abroad when they are trafficked but are deceived about the type of work they will be doing, or are charged exorbitant fees by agencies for ‘arranging’ work (forming a debt burden difficult to clear) or, when they arrive, are tricked or intimidated into surrendering their travel documents and either forced into prostitution or subjected to forced labour.³⁶ The types of legitimate work that women think they are being recruited to do include jobs in the restaurant trade, domestic work, childminding and accountancy, or they are promised education or training opportunities.³⁷ Some women may know that they may have to work as prostitutes for a

29 Qq 56 and 58 (Poppy Project)

30 Q 153

31 In three police force areas, the Authority is the ‘first responder’ alongside the police to suspected incidents of labour trafficking: Q 246 (UKHTC)

32 Q 428 (Metropolitan Police)

33 Q 11 and Ev 96, para 3.8 (Anti-Slavery International)

34 Ev 260

35 Ev 104, para 1 See also Ev 109, para 7 (UNICEF) and EV 205, paras 3.4-4.1 (Refugee Council)

36 Qq 19 (Anti-Slavery International) and 53 (Poppy Project), Ev 96, para 3.8 (Anti-Slavery International), Ev 156, para 5.3 (Poppy Project) According to the Home Office, Chinese victims typically are forced into prostitution to repay the ‘cost’ of smuggling them to the UK: Ev 195, para 27

37 Ev 156, para 5.3 (Poppy Project) and Ev 195, para 26 (Home Office)

while, but they have no idea of the violence and degradation to which they will be subjected.³⁸ Many children, or their families, think they are opting for a better life, with better education and employment opportunities, sometimes within a (private) foster family.³⁹

Katerina was a student in Romania. She built up a friendship with a friend of a friend named Alex, who invited her to the UK and told her that she could stay at his house; he would even help her with the air fare. When she arrived in the UK, Katerina was held prisoner in a flat where she was repeatedly beaten and raped. Alex told her that she could have her freedom, but she would have to work as a prostitute to pay back the money that he had paid to bring her here. Katerina eventually gave in and began work, paying all of the money she made to Alex. Katerina was forced to return to work in the sex industry for over a year until Alex decided that he would sell her on to some other men. While trying to carry out the transaction Alex was arrested.

24. Their countries of origin vary. Anti-Slavery International said “there is not a typical victim of trafficking, ... people are trafficked to the UK from all parts of the world and the trends are changing”.⁴⁰ However, all the NGOs involved in victim support had detected a degree of specialisation. Anti-Slavery International suggested the majority of people trafficked

- for agricultural labour came from Central or Eastern Europe;
- for cleaning work, South America;
- for the sex trade, Eastern Europe (especially Lithuania), some African countries (particularly Nigeria) and parts of Asia (principally China and Thailand);
- for labour exploitation, from Vietnam;
- for crime, from Vietnam;
- for domestic labour, from the Philippines, India and Sri Lanka.⁴¹

The other NGOs were largely in agreement with this list, though the Poppy Project also noted the high number of Albanian women trafficked into the sex trade. The Gangmasters Licensing Authority pointed out that the foreign nationals most prominent in the agricultural sector were Poles, Lithuanians and Slovaks.⁴² ECPAT UK said that it had identified more than 25 source countries for trafficked children over the previous five years, but the vast majority of victims were from Africa, China and Vietnam.⁴³ Both the

38 Q 274 (Misha Glenny)

39 Q 102 (ECPAT)

40 Q 11

41 Qq 11 and 15; see also Ev 97, para 3.7

42 Qq 52 (Poppy Project), 120 and 124 (GLA) The GLA told us that 82% of agricultural gangmasters employ at least some Poles, a minority employ solely UK nationals: Q 120

43 Ev 104, para 2

Poppy Project and ECPAT UK indicated that trends were changing. The Poppy Project said that 42% of the women it accommodated were of African origin now, and increasing numbers of African and Asian women victims were being referred to them. Uganda is now one of the top five source countries for victims, together with China, Nigeria, Albania and Thailand. ECPAT UK's informants in the police and local authorities suggested increased trafficking of Chinese children in 2007–08 (coinciding with increasing numbers of children going missing from local authority care⁴⁴), with the result that the "vast majority" of trafficked children were Chinese; but also increased trafficking of Vietnamese children for cannabis cultivation; and of Roma children from Bulgaria and Romania for the purposes of street crime. ECPAT UK also noted that, whereas previously African child victims had originated from West Africa, now they came from countries throughout the continent.⁴⁵

25. We asked how these people managed to enter the UK. We were told that, as far as women trafficked into the sex trade were concerned, those coming from other EU Member States normally travelled with their own, valid documents; women from Africa arrived mostly with false visas and passports—and some had been involved in the process of obtaining the false documents; and women coming from European countries outside the EU were normally coerced and smuggled into the UK, but some entered the EU with their own valid documents only to have them replaced with false documents by the traffickers before onward transmission to the UK.⁴⁶ Although some children travelled on their own passports and others were smuggled in without documentation, the vast majority came with false documentation—either a valid passport that belonged to another child or a false passport. Some children travelled on their own, others were accompanied by an adult.⁴⁷

26. However, some of our witnesses uttered a note of warning: it would be rash to assume that all victims of trafficking in the UK are foreign nationals. IN 2008–09, 27 UK-born women were referred to the Poppy Project as victims.⁴⁸ Operation Glover, directed against the internal trafficking of teenage girls for sexual exploitation, rescued 33 girls, although it is not clear how many of these were UK-born.⁴⁹ Anti-Slavery International is aware of some evidence of internal trafficking within the UK, but they pointed out that, when the Netherlands studied the phenomenon recently, its Government was surprised at how many people were trafficked within the Netherlands.⁵⁰ A recent study conducted by ECPAT UK for the Children's Commissioner for Wales found evidence in Wales of the trafficking of British children: the UK was the country of origin of two of the 32 children identified as trafficking victims.⁵¹ No one gave us an estimate of how many UK nationals may be trafficked within the UK.

⁴⁴ See paragraphs 147 and 149 below below

⁴⁵ Qq 52 (Poppy Project) and 84 (ECPAT) and Ev 104, paras 2 and 3 (ECPAT)

⁴⁶ Q 53 and Ev 257, para 2.3 (Poppy Project)

⁴⁷ Qq 103–104 (ECPAT)

⁴⁸ Ev 257, table

⁴⁹ Ev 203, para 94

⁵⁰ Q 18

⁵¹ *Bordering on Concern: Child Trafficking in Wales*, March 2009

Scale of the problem

27. According to the International Labour Organisation (ILO), about 12.3 million people worldwide are in forced labour, bonded labour, forced child labour or sexual servitude at any given time. Other estimates range between 4 million and 27 million. According to US Government-sponsored research, about 800,000 people are trafficked across national boundaries each year, about 80% of whom are women and girls and 'up to 50%' are children.⁵²

28. Neither the NGOs nor government agencies were willing even to guess the total number of trafficking victims in the UK. Chief Constable Maxwell, Programme Director of the UKHTC, one of whose main responsibilities is to obtain accurate information about the scale of the problem, admitted "at the minute I do not think we have got a real handle on what the figures are".⁵³ The same few statistical studies in specific areas (the Poppy Project's analysis of information provided by victims of sexual exploitation who had been referred to it, Kalayaan's analysis of responses from its migrant domestic worker clients, ECPAT UK's research on child victims in three UK regions) were cited to us time and again. The nearest we came to an overall total was when we added up the result of these studies and suggested to Anti-Slavery International that they implied that there were more than 5000 victims in the UK; Anti-Slavery International concurred.⁵⁴

29. The Poppy Project's account of the difficulties of estimating the scale of sex-trafficking applies to all forms of trafficking:

Firstly, trafficking is illegal and therefore may occur undetected. Secondly, victims of trafficking may be unwilling to disclose that they have been trafficked because they fear retribution from traffickers or are too traumatised by the experience. Thirdly, there has been a lack of cooperation between key agencies that hold relevant data that could be used to calculate the number of women trafficked to the UK.⁵⁵

In estimating the number of trafficking victims in the EU, Europol faces not only these problems but also the fact that Member States and NGOs define trafficking in a variety of ways, thus making available figures not fully comparable.⁵⁶ Taking account of the International Labour Organisation's estimates of forced labour, the European Commission suggested that between 100,000 and 800,000 people are trafficked into the EU every year.⁵⁷

30. The picture currently therefore consists of a number of snapshots, but there is some agreement on two aspects: that the cases known to the authorities represent only a minority of those trafficked (Anti-Slavery International estimated that only about 10–15%

⁵² All figures in this paragraph are cited in US State Department *Trafficking in Persons Report 2008*, Introduction

⁵³ Q 257

⁵⁴ Qq 5–7

⁵⁵ Ev 153, para 1.2

⁵⁶ Q 325 According to UNICEF, this lack of consistency presents a particular problem in identifying child victims: Ev 110, para 19

⁵⁷ Q 345

of cases were known to the authorities) and that the number of cases discovered was increasing—which might indicate a growth in the trade, or might be just the result of greater success in identifying victims.⁵⁸

Sex industry

31. Currently, there is no agreed estimate of the scale of sex trafficking into the UK.⁵⁹ A Home Office study in 2000 estimated that between 142 and 1420 women had been trafficked into the UK in 1998 for sexual exploitation. More recent research cited in the Government's *Action Plan on Tackling Human Trafficking* estimated 4000 women trafficked into the UK for sexual exploitation in 2003.⁶⁰ NGOs such as Anti-Slavery International and the Poppy Project considered this a conservative estimate.⁶¹ In the summer of 2004 the Poppy Project conducted a survey of off-street prostitution (ie those working in flats, massage parlours and saunas) in London, where it found that 80% of such prostitutes were foreign nationals. (This situation is the reverse of five years previously, when it was estimated that 80% of off-street prostitutes were British nationals.⁶²) Given that about 8000 women are believed to work in off-street prostitution in London, Poppy's survey gives a figure of about 6,000 foreign nationals, a large percentage of whom the Poppy Project believed to have been trafficked.⁶³ The Metropolitan Police was loath to accept that there were victims of trafficking in the majority of London brothels, but agreed that there would be victims in a significant percentage of them.⁶⁴

32. Other indicators of the scale of sex trafficking are the results of recent police operations and referrals of potential victims to NGOs for support. In the four months that it ran, Operation Pentameter 1 identified 88 women in forced prostitution, including 12 minors.⁶⁵ Operation Pentameter 2 recovered 167 victims.⁶⁶ The Poppy Project received referrals of 925 possible victims in the five years between its establishment in March 2003 and March 2008.⁶⁷

33. The UKHTC is exploring ways to obtain better estimates of sex trafficking. When the UKHTC gave evidence to us, it was examining a project undertaken by the South West Regional Intelligence Unit of the police: based on where victims had been found and brothels were known to be and on their professional knowledge of the character of different areas within their patch, the Unit had extrapolated the known statistics to establish a figure for sex trafficking for the whole region. The UKHTC conceded this was still an estimate, but argued that it was more firmly-based than previous estimates; and it

58 Qq 1 (Anti-Slavery International), 217 (UKHTC) and 325 (Europol)

59 Ev 153 (Poppy Project)

60 p14

61 Q 2 (Anti-Slavery International)

62 Q 73 (Poppy Project)

63 Q 50 and Ev 153, para 1.5 cf also the Salvation Army's study of the situation in the London Borough of Croydon: Ev 139, paras 8-9

64 Q 427

65 Ev 95, para 2.1 (Anti-Slavery international)

66 Home Office Press Notice, 'Government ratifies European Convention against human trafficking', 17 December 2008. See paragraph 79 below for an account of Operations Pentameter 1 and 2.

67 Q 50

was considering whether the model could be transferred to other regions to obtain a national total.⁶⁸ The Poppy Project believed that statistics about on- and off-street prostitution could be used to derive estimates of trafficking. It thought more use could also be made of information from Immigration Appeals tribunals and the removal statistics produced by the UKBA.⁶⁹

Domestic servitude

34. The figures for people trafficked into domestic servitude are even more difficult to ascertain, as these people, by definition, work alone or in small groups in residential properties, are scattered and very rarely come to the attention of the UK authorities. They are therefore also unlikely to be aware of help and advice available from NGOs, unless they have some contact with their own community or faith group in the UK or learn of such assistance from other domestic workers by word of mouth. Moreover, although there is a specialist NGO working in this area, Kalayaan, its remit is actually as a workers rights and community organisation for all migrant domestic workers—so, unlike the Poppy Project, it is not solely geared to the support of victims of trafficking.⁷⁰

35. Despite this, Kalayaan's statistics make disturbing reading. In the twelve months from April 2006, Kalayaan registered 340 new migrant domestic worker clients and asked them questions about their experiences. Of these:

- 69% reported psychological abuse;
- 24% reported physical abuse;
- 68% were allowed no time off;
- 61% were not allowed outside their employer's house without the employer's permission;
- More than half had no room or private space of their own;
- 32% had had their passports and other identity documents taken by their employers;
- 9% reported sexual abuse (though Kalayaan fears this is an under-estimate as workers are ashamed to talk about subjects like this until they know Kalayaan staff better);⁷¹ and
- (in relation to those who registered in 2006) 41% reported lack of food.⁷²

68 Qq 217 and 258

69 Ev 153, para 1.5

70 Q 157

71 Ev 118, para 7 These figures are comparable with those given by Kalayaan in relation to calendar year 2006: see Supplementary Memorandum, Ev 122

72 Ev 122

Kalayaan concluded that most of the domestic workers it saw had been trafficked, but many did not see themselves in this light and no public authorities had identified them as such.⁷³

36. Kalayaan told us that it did not know how representative these figures were of migrant domestic workers as a whole—presumably, those generally treated well would be unlikely to register with Kalayaan, but, conversely, those most abused would be unlikely ever to learn of Kalayaan’s existence.⁷⁴ The UK has a special visa regime for migrant domestic workers. 18,206 such visas were issued for calendar year 2006. Many of those covered by these visas would have accompanied their employers to the UK for only a short visit. However, some will have stayed for significantly longer. The 200–300 trafficking victims who registered with Kalayaan in a year may well be only a small proportion of trafficked domestic workers in the UK.

Forced labour

37. Even less is known about those subjected to forced labour in other legal employment sectors. The Gangmasters Licensing Authority has no statistics on the number of trafficking victims in the industries in its remit as its regulatory efforts are directed at the employers and not the workers: it knows how many licences it revoked but not how many workers were affected, let alone what percentage of the workers were victims of traffickers.⁷⁵ In 2006 Anti-Slavery International published the results of a six-month research project into how migrants were trafficked into forced labour and what sectors were affected; it was not a quantitative study. The study identified 27 people as having been trafficked for forced labour in the UK. More than one person had been working in each of the following sectors: agriculture, construction, food processing and packaging, care/nursing, and the restaurant trade.⁷⁶ None of these people had been identified as trafficking victims before Anti-Slavery International’s project, and in the majority of cases there was no information about what happened to them subsequently.⁷⁷

Child trafficking

38. In 2006 ECPAT UK’s research covering three regions of the UK found 80 reported cases of known or suspected child trafficking. 28% of these children were under 16 years old.⁷⁸ CEOP’s scoping study for the Government⁷⁹—which was based on information held by the statutory services and NGOs—identified 330 possible victims who had been in contact with those services over an 18 month period. CEOP considered that in just over 30% of these cases there was a high probability that the child had been trafficked. Building on this, CEOP’s data for the 2008 Strategic Threat Assessment also showed 330 possible child victims, but this time over a 12 month period and, because the quality of the data was

73 Q 157

74 Q 151 and Ev 118, para 8

75 Qq 122–123

76 Ev 96, para 3.4 and Q1

77 Ev 97, para 3.16

78 *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*, p7

79 A Scoping Project on Child Trafficking in the UK, Aarti Kapoor, June 2007

better, it was believed there was a strong probability of trafficking in 53% of the cases.⁸⁰ From past research and interviews with local authorities, ECPAT UK believes a very conservative estimate would be “at any given time a minimum of 600 children, known or suspected of being trafficked, will be in the asylum system or will have been in the asylum system before going missing from local authority care”. ECPAT UK points out that this is 10% of the Home Office’s figure of 6,000 unaccompanied asylum-seeking children in the system.⁸¹

39. Again, it is very unlikely that these figures represent anything more than a minority of cases of trafficked children. They do not, for example, take into account children accompanied by an adult when entering the UK who are then subject to abuse by that adult or someone else to whom they are handed. Europol told us that it had seen a number of cases where gangs had trafficked large numbers of people into the EU, including one case where more than 1,000 children had been brought into the EU for labour exploitation or criminal activities.⁸² It is reasonable to believe that a significant proportion of those brought into the EU would, at some time or another, enter the UK.

Overview

40. **Trafficking is a hidden crime: its victims cannot or dare not make themselves known to the authorities (for fear of retaliation or because they are or think themselves to be illegal immigrants) and, as we discuss later,⁸³ some do not even realise that they are victims. They are concealed by physical isolation or language or cultural barriers, and may be operating under false identities. It is therefore not surprising—though it is frustrating—that no one was able to give us even a rough estimate of the scale of trafficking in the UK.**

41. The UKHTC told us that it was “well advanced on a multi-agency programme of assessment work around various areas”, and it was working with existing researchers at universities and would shortly be employing a full-time researcher itself to co-ordinate data gathering and analysis.⁸⁴ The Home Office Minister, Mr Alan Campbell, explained that his department was trying to obtain an overall picture of the scale of trafficking through a three strand approach: it was funding work on organised crime by ten police intelligence units round the country, and the role of Human Trafficking in organised crime would be examined within that; the UKHTC was analysing the data obtained from Operation Pentameter 2; and SOCA and CEOP were providing data from their work. He expected that these three strands would come together some time in 2009 to provide a better assessment of the scale of the problem.⁸⁵ However, **victim support organisations have been calling for better data on the scale of trafficking for years, and we had understood that production of such data (from a variety of sources) was one of the main tasks for which the UKHTC was established. Without reasonable estimates of the scale of the**

⁸⁰ Q 358

⁸¹ Ev 106, para 15

⁸² Q 325

⁸³ Paragraphs x–y

⁸⁴ Q 257

⁸⁵ Qq 525–526

problem, it is difficult to raise public awareness and concern and to engage the variety of professionals who would be able to play a part in identifying possible victims. It also makes it impossible to gauge what support services are needed for victims.

42. We are pleased that progress is finally being made, but are disappointed it has not been faster. We look forward to seeing the results of the Minister's three-pronged approach later this year.

43. Several of the NGOs that gave evidence to us urged the establishment of an Independent National Rapporteur with statutory power to request information from the police, the immigration authorities, social services and NGOs and to report to Parliament. Its task would be purely that of data collection and analysis: it would have no operational or policy-making responsibilities. The UKHTC, they felt, was not sufficiently independent of either the police or the Government to fulfil this role.⁸⁶ Given the UKHTC's apparent difficulty in making progress with data collection so far, this idea has its attractions. However, this would also add yet another organisation to the multitude involved in analysing and combating trafficking. An alternative would be to ensure that the UKHTC is properly resourced for the work of data collection, which should be given a high priority as it will form the basis of a proper assessment of the resources needed to tackle human trafficking and support victims.

⁸⁶ Ev 153, para 1.6 (Poppy Project); Qq 113 and 115 and Ev 105, paras 6–8 (ECPAT); Ev 271 (Anti-Slavery International); Ev 250, para 6 (STOP THE TRAFFIK) ECPAT's damning conclusion was: "This work is not being carried out by the UKHTC so [a National Rapporteur] would not duplicate current arrangements": Ev 262, para 10.

3 Prevention

Public awareness

44. We have already indicated the hidden nature of human trafficking: victims come from a variety of ethnic and national groups represented in the general population, are isolated from society but also may be found in many different ‘normal’ occupations, in any part of the UK. It is therefore essential that not only the police and immigration authorities but also those working for other public services, politicians, the judiciary, the media and the general public should be aware that people they meet in the ordinary course of their lives may be victims of trafficking. Europol argued: “In many cases, the victims of trafficking in human beings can be seen in public and in many cases people who are using these services [provided by the victims] are ... a player [in the situation] and they should have an understanding that these people have been trafficked.”⁸⁷

45. Public awareness of human trafficking has been low in the UK, though it has risen recently with such stimuli as the commemoration of the bicentenary of abolition of the slave trade, increasing numbers of newspaper articles and the publication of several books, fiction and non-fiction, about victims and perpetrators. The UKHTC was set up, in part, to spread awareness of this crime. At first, efforts to increase public consciousness concentrated on sexual exploitation, which the UKHTC believed was successful because it was very easy to understand that those traded were the victims of a crime. The UKHTC told us it was now changing emphasis to try to raise awareness of labour exploitation and domestic servitude. The key audiences for this were law enforcement agencies (especially the neighbourhood teams who might in the course of their work pick up clues to the existence of brothels or indicators of forced labour) and the general public. The UKHTC’s next target audiences were victims themselves and other professions with which victims had contact—the health service and social services, for example. The UKHTC had worked closely with Anti-Slavery International on its national prevention strategy, which had included the ‘Blue Blindfold’ advertising campaign started in 2008. The UKHTC told us that its budget for this strategy was only £1.6 million, so it and its NGO partners had had to ask bus companies, cinemas and so on to show the ‘Blue Blindfold’ adverts for free. The UKHTC was also about to produce a DVD aimed at schoolchildren, warning about the dangers of becoming a victim of trafficking.⁸⁸

Preventing forced labour: the role of employers and employment law

46. Victims of forced labour may be found in many legitimate employment sectors which depend on seasonal or casual staff. Because of notorious exploitation of such workers in one such sector, agriculture and food processing, Parliament approved legislation establishing a licensing regime for those supplying casual labourers to the sector—gangmasters—and a special regulatory body, the Gangmasters Licensing Authority, was set up to police the regime. As this is the only sector with experience of such a licensing regime, we asked the Gangmasters Licensing Authority to tell us about the licensing

⁸⁷ Q 329

⁸⁸ Qq 244–245 and 256 Stop the Traffik had some doubts about the efficacy of the Blue Blindfold campaign to increase awareness among the general public: Ev 250, para 3

scheme, how they policed it and what, if any, evidence of forced labour they had found. They told us that their conditions for issuing and continuing a licence were that the labour provider:

- Paid the National Minimum Wage, tax, National Insurance and VAT;
- Did not subject workers to debt bondage, harsh treatment or intimidation;
- Provided suitable accommodation (where accommodation was provided with the job);
- Respected general employment rights (including no excessive hours and proper recruitment and contractual arrangements);
- Followed health and safety requirements;
- Used only licensed sub-contractors; and
- Did not employ illegal workers.

The Gangmasters Licensing Authority considered these “a reasonable range of measures that should be in place in any well-run business complying with the law.” The Authority may also impose additional licensing conditions, which have to be met within a specified time. It is a criminal offence to operate as a gangmaster without a licence, or to use an unlicensed labour provider; the maximum penalty for the former offence is a prison sentence of ten years and a fine, for the latter a prison sentence of six months and a fine of £5000.⁸⁹

47. The Gangmasters Licensing Authority has received over 3000 reports of possible illegal activity since it started work in 2006. These reports have come from other government agencies, licence-holders concerned about apparently unfair competition, labour users (farmers, manufacturers, etc) and from workers. The Authority told us: “We always action pieces of intelligence.”⁹⁰ In six of the seven most serious cases with which it had dealt up to spring 2008, where the licence was revoked with immediate effect, the Gangmasters Licensing Authority had found evidence of activities matching the International Labour Organisation’s indicators of forced labour: the intimidation of workers with threats of violence; attempted forced evictions from tied accommodation; debt bondage;⁹¹ the withholding of wages; and threats to cut off water and electricity from tied accommodation. The Authority had sent reports on these cases to the UKHTC for further investigation.⁹² The Authority told us that for the first two years of its existence it had concentrated on licensing legitimate businesses. It has now moved on to targeting the

⁸⁹ Ev 214, paras 3.1–4.1

⁹⁰ Q 128

⁹¹ The Gangmasters Licensing Authority says: “no one must be retained against their will, whether or not there is a debt owing. If a worker is lent money by the gangmaster to meet travel or other expenses in order to take up a position, they must be provided with details in writing of the amount loaned and the agreed repayment terms. If loan repayments are deducted from workers’ wages, they must give their written permission for this to be done”: Ev 215, para 6.3

⁹² Ev 215, paras 6.1–6.2 and Q 118 The Authority has subsequently found evidence of forced labour in two more cases: Ev 213, paras 2–7

unlicensed and illegitimate operators and has launched Operation Ajax, a series of major, unannounced, intelligence raids due to take place over the years 2008–2010.⁹³

48. We asked the Gangmasters Licensing Authority whether there was any evidence that its activity had pushed those who might have supplied forced labour to work in other sectors. The Authority at that time did not know what had happened to the companies whose licences it had revoked: they might have disappeared completely or moved on.⁹⁴ Subsequently, the Authority has given us further evidence that at least one of those companies was continuing to operate “in the non-GLA regulated sectors, including construction.”⁹⁵ If the Authority uncovers evidence of exploitation in another sector, it passes that evidence on to the body that inspects employment agencies in general.⁹⁶

Care workers were made to work 95–97 hours a week without being entitled to days off. These workers were contracted by an agency to provide care in the home of clients, but the travel time between clients (often an hour) was not included in their work hours or their pay, even though the clients were paying the agency for the travel time.

Two Vietnamese men were recruited to work in the UK. They paid the agent £18,000 to arrange the job and came to the UK under the work permit scheme with a promise to receive £4.95 per hour for their work. On arrival in the UK an agent met them at the airport and took their passports away from them. The men worked in a major hotel chain for two months without receiving any pay. All they were given was food. They attempted to organise a strike at the hotel, but almost immediately after this their families in Vietnam received threats. The men were too frightened to approach the Vietnamese Embassy or the police and only approached a Citizens Advice Bureau office via a Vietnamese speaking person they met on the street.

49. The Department for Business, Enterprise and Regulatory Reform (BERR) has an Employment Agency Standards Inspectorate whose task is to ensure that employment agencies of all kinds⁹⁷ comply with relevant employment legislation, in particular the employment rights of vulnerable workers. Its remit covers a very wide range of employment sectors (modelling, the entertainment industry, IT and office workers, as well as industry, the construction and transport sectors) and it does not have the specific licensing powers of the Gangmasters Licensing Authority. The way in which it conducts its work is set out in detail in the latest Employment Agency Standards Inspectorate *General Enforcement and Procedural Guidance*, published in March 2009. The Agency’s inspections are normally undertaken in response to a complaint (received on the Agency’s telephone helpline or from other sources). Agencies found to be in breach of legislation “may need to

93 Qq 126–127 and Ev 218, para 8.1

94 Q 134

95 Ev 213, para 3

96 Q 134

97 The inspectorate deals with both employment agencies and employment businesses, as defined by sections 13(2) and 13(3) of the Employment Agencies Act 1973. In essence, agencies introduce workers for direct employment by the final employer, while an employment business supplies individuals whom it employs to hirers under temporary contracts.

be considered for follow up action to obtain full compliance ... if a follow-up visit is deemed necessary, this should take place between 3 to 6 months following the previous visit". When serious infringements are found, the inspector should consider criminal proceedings, but before this is possible the inspector "should obtain details of workers or hirers affected by the breaches of the legislation and sample documentation to support these breaches", and before starting such an investigation the Inspector should also seek advice from line management who will themselves seek advice from BERR lawyers on whether a prosecution is possible.⁹⁸ In less serious cases, inspectors are told to draw the employment agency's attention to any infringements and issue corrective advice; the agency has to confirm in writing what remedial action it intends to take.

50. The NGOs who work with victims were not impressed by the general approach outside the Gangmaster Licensing Authority's sector: "very often it is just the workers that are being targeted: they are deported without anybody asking about the conditions [of their work] and the employer gets away with a fine, sets up a new company the next day and the whole thing goes on."⁹⁹

51. The Employment Agency Standards Inspectorate's annual report highlights the changes made to its powers by the Employment Act 2008; the employment agency provisions came into force only on 6 April 2009. These provisions increase the penalties for agencies who refuse to comply, enable inspectors to seek the financial records of agencies from banks in certain circumstances and, more significantly for victims of trafficking, allow the Inspectorate to bring charges of 'attempting to commit' offences, doing away with the need for witnesses who might be unwilling to give evidence through fear. The report also notes that the Government has recently doubled the number of inspectors—from 12 to 24, plus four staff for the helpline; the helpline is now open from 9.00–17.00 on weekdays, instead of 9.30–16.30; and both the Gangmasters Licensing Authority and the Employments Agency Standards Inspectorate will undergo Hampton implementation reviews¹⁰⁰ in the course of 2009, including consideration of whether they need powers to impose administrative sanctions such as 'comply or stop now' or on-the-spot fines.¹⁰¹

52. The Minister mentioned to us the Vulnerable Worker Enforcement Forum, which was led by BERR and had on it representatives of the agencies enforcing employment law (including the Gangmasters Licensing Authority and Employment Standards Agency), trade unions, employers and third parties.¹⁰² The Minister told us that the Forum was intended to improve co-ordination among regulators and was considering how best to help vulnerable workers access advice and assist in enforcing their employment rights. The Forum published its final report in August 2008.¹⁰³ The report does not discuss trafficking victims as such, but contains sections on the particular problems faced by migrant workers (in particular, language difficulties and unfamiliarity with UK law and public authorities). However, like the rules governing the Employment Agency Standards Inspectorate, the

⁹⁸ Paragraphs 21–23 and 29–30

⁹⁹ Q 33 (Anti-Slavery international)

¹⁰⁰ These are reviews of the appropriateness of the burdens placed upon employers etc by regulatory authorities.

¹⁰¹ *Employment Agency Standards Inspectorate Annual Report for 2007–08*, December 2008, pages 7–8 and 14

¹⁰² Qq 135 (Gangmasters Licensing Authority) and 536 (Minister)

¹⁰³ *Vulnerable Worker Enforcement Forum – Final Report and Government Conclusions*, August 2008

report is posited on the idea that exploited workers will be able, if given information, to take the initiative to approach the regulators for help. In the case of victims of trafficking, this is very unlikely: either they are physically unable to escape from their exploiters, or they are deterred by violence or threats.¹⁰⁴ The report notes that there had been extensive discussion, but no agreement, in the Forum about the extension of the Gangmasters Licensing Authority's licensing regime to other sectors.

There was ... agreement that the GLA had started to raise standards in the sectors where compliance with employment rights had previously been notoriously poor. The Forum, however, heard contrasting points of view from union and business and Citizens Advice representatives on the case for extending GLA-style licensing.

Some representatives on the Forum supported an extension of GLA-style licensing to all labour providers, particularly in the sectors where they believed that there were a higher proportion of vulnerable workers. The sectors of most concern were construction, hospitality and cleaning services. Some were not convinced that the EAS was equipped in terms of legal powers or resources to prevent abuses in unlicensed sectors. They said EAS was limited in its ability to take immediate action to prevent an agency trading. There were also concerns about non-compliant labour providers moving out of the licensed sectors into the EAS-regulated sectors.

Other members were unconvinced of the need for an extension of licensing. They said most of the benefits of the licensing model were already present in the EAS model without the additional costs and bureaucracy. The priority was effective enforcement of the existing law which could be achieved by increasing the powers, resources and profile of the Inspectorate. The evidence for displacement was also disputed.¹⁰⁵

The Government concluded:

The government does not currently intend to extend licensing but to prioritise effective enforcement of the existing law. It will do this by taking steps to strengthen the EAS and ensure that it develops a significantly higher profile amongst agency workers and agencies themselves, building on the stronger investigative and penalty powers being legislated for through the current Employment Bill.¹⁰⁶

¹⁰⁴ Q 20 (Anti-Slavery International)

¹⁰⁵ *Ibid.*, paras 7.9–7.11

¹⁰⁶ *Ibid.*, Executive Summary, p7

53. As our evidence from UCATT showed,¹⁰⁷ some trade unions are moving into the breach, but many of the sectors in which trafficked workers are employed—especially catering, but also some care work and cleaning businesses—are not heavily unionised. Moreover, even if trafficked workers do try to claim, for example, the Minimum Wage, they are not always considered entitled to receive it: illegal immigrants have no right to back pay or compensation if they have been paid less than the Minimum Wage, and Kalayaan reported considerable difficulties in persuading the Minimum Wage Compliance Team that migrant domestic workers were entitled to the Minimum Wage. In fact, the UKBA's Instructions to entry clearance officers state that even if an employer applying for a Migrant Domestic Worker visa says that he intends to pay a worker much less than the Minimum Wage, this is not a reason to refuse to issue the visa.¹⁰⁸ **We think it wrong that entry clearance officers are instructed to issue Migrant Domestic Workers visas even when they know that the employer intends to pay the worker less than the UK Minimum Wage: this makes a mockery of the concept of a legal minimum wage.**

54. We asked the Gangmasters Licensing Authority whether it believed its work should be extended to sectors other than agriculture, food processing and the shellfish industry. It responded, in effect, that it was already fully occupied with its existing remit.¹⁰⁹

55. Neither the Minister nor Anti-Slavery International thought there was a need for more legislation to tackle the problem of forced labour.¹¹⁰ We agree that **existing employment law, the National Minimum Wage, regulations on rented accommodation and so on should be sufficient to prevent the sorts of abuses highlighted by the Gangmasters Licensing Authority and UCATT—but only if they are enforced.** It seems to us that, outside the Gangmasters Licensing Authority's sectors, enforcement is at best patchy and at worst non-existent.

56. **Part of the solution lies in increasing public awareness of trafficking as a whole and of the different forms that it can take, including into ‘normal’ jobs. More particularly, there is a need to train a variety of public officials—health service workers, social workers, building inspectors, health and safety inspectors and others—about the various indicators of forced labour and where to find help if they suspect someone has been trafficked.**¹¹¹

57. **Another part of the solution is to look more closely at the sectors in which victims are employed. This could be done either by expanding the remit of the Gangmasters Licensing Authority or by giving the relevant existing regulatory bodies equivalent licensing and enforcement powers to that Authority. We suggest that the construction industry should be the first focus and if, after two years, the Employment Agency Standards Inspectorate has not succeeded in reducing abuse, then the remit of the Gangmasters Licensing Authority should be extended to cover construction.**

¹⁰⁷ See paragraphs 133 below

¹⁰⁸ Q 34 (Anti-Slavery International); Ev 120, para 16 and Ev 122 (Kalayaan) The relevant guidance is contained in the Immigration Directorate's Instructions issued in December 2002, Chapter 5, Section 12, para 3.3

¹⁰⁹ Q 135

¹¹⁰ Qq 32 (Anti-Slavery International) and 536 (Minister)

¹¹¹ We discuss this further in the next chapter, paragraphs 120ff.

Migrant Domestic Workers

A young man, in his late twenties or early thirties, came to the attention of the UK immigration authorities. He had never slept on a bed, had never sat in a chair and had never been paid any money. He had been brought here at the age of 11 from Pakistan into a family home and had no documentation and no evidence of ever having been here.

58. In 1998 the UK Government introduced a special visa regime for migrant domestic workers to try to curb abuse by employers. Amongst other things, this type of visa allows such workers to change employers, but they must remain in full time employment in one job as a domestic worker in a private household. As Kalayaan says, “This provides [Migrant Domestic Workers] with a vital escape route from exploitation....[as] they are able to leave an exploitative situation without jeopardising their immigration status, seek advice, and if they wish they can seek assistance from the police or go to an employment tribunal.” The first visa is usually issued for six months; subsequent renewals can be for up to a year, provided the worker stays in full-time employment.¹¹²

59. We note in the next chapter difficulties experienced by migrant domestic workers: the police do not always understand their special status and the immigration authorities frequently fail to follow the correct procedures for issuing visas, procedures that would help to identify abuse. However, for all the reasons already stated,¹¹³ **domestic workers are peculiarly vulnerable to abuse; and we agree with Kalayaan that:** “To retain the existing Migrant Domestic Workers visa and the protection it offers to workers is the single most important issue” in preventing the forced labour and trafficking of such workers.¹¹⁴ We note the Government’s decision to continue with this visa regime, despite the introduction of the Points-based System for those from outside the EEA applying to work in the UK. However, the extension of the Migrant Domestic Worker visa regime is only for two years, though the Government has also agreed to carry out research into migrant domestic workers in the UK and use this research to inform future decision on visas. We consider it likely that migrant domestic workers will need the special status afforded by the current visa regime for much longer than two years.

Registration of EEA nationals as employees

60. All the problems relating to forced labour that we have mentioned so far may be faced by those with a legal right to work in the UK as well as illegal migrants. However, one of our witnesses raised with us a problem that affects only EEA nationals. Those from the A8 Member States (the Central and Eastern European countries which acceded to the EU in 2004) have to register employment in the UK within one month of starting work. To register, they must produce a letter from their employer proving the employment relationship. Employment of unregistered workers is in theory punished with a fine, but in practice those found during routine enforcement procedures to be employing unregistered

¹¹² Ev 118, paras 5–6

¹¹³ Ev 117, para 2 (Kalayaan)

¹¹⁴ Ev 117 and 119, paras 11–12

staff are simply encouraged to get their employees registered. The difficulty for employees is that unregistered workers are not entitled to the same protections under UK employment law (for example, the Minimum Wage and Working Time Regulations) as indigenous workers even though they pay the same tax and National Insurance; and workers cannot register themselves without a letter from their employer. The Advice on Individual Rights in Europe Centre (AIRE), which provides legal advice to workers, told us: “unscrupulous individuals can easily trick A8 nationals into believing that legitimate work awaits them in the UK without fear of their victims’ encountering problems at the border, and then fail to register their workers and engage in unacceptable and frequently illegal labour practices without fear of legal action.”¹¹⁵ Such employers often threaten the workers with deportation, thus preventing them from leaving the job in which they are being exploited.

61. AIRE suggested that the authorities should actually use the sanctions against employers of unregistered workers as a disincentive to exploitation of such workers, and they recommended that when enforcement operations took place the officials should be careful to look out for signs of trafficking.¹¹⁶ We endorse these recommendations.

Reducing demand for sex trafficking

Advertising

62. We were concerned that the growth in the number of ‘adult entertainment’ establishments, such as lap dancing clubs, and the ease with which these businesses advertised themselves (particularly in local newspapers) were fuelling demand for sex workers and therefore indirectly for sex trafficking. The Poppy Project was of this view, noting that newspaper adverts often referred to women of particular ethnic origins being ‘newly arrived’. Chief Constable Maxwell, speaking on behalf of both the UKHTC and ACPO, also thought adverts for personal services encouraged trafficking. He suggested that editors should come to an agreement not to accept such adverts.¹¹⁷

63. We invited the Society of Editors to give oral evidence to us; it declined. However, one of the companies that owns a substantial number of local newspapers, Newsquest, agreed to give evidence. A few weeks before it was scheduled to appear before us, Newsquest decided to stop taking classified advertisements for ‘adult’ services, which, we were told, had resulted in a substantial loss of income—between £200,000 and £250,000 for the Hampshire region alone. The Editor-in-Chief of the *Southern Daily Echo*, representing Newsquest, said that he had become aware of such adverts creeping into newspapers only over the previous ten years. We also asked what, if anything, had happened to the adverts his group now rejected. He reported that the Hampshire police thought they were moving onto the Internet. We also asked him whether any guidance on this area was available from the Society of Editors or Newspaper Society: the guidance from the Society of Editors simply stated that it was for individual newspapers to decide whether to take such adverts,

¹¹⁵ Ev 179, para 62

¹¹⁶ Ev 180, para 67

¹¹⁷ Qq 59 (Poppy Project) and 250–251 (Maxwell)

and the Newspaper Society advised that if editors noticed adverts that were clearly for sex establishments, they should tell the advertising manager not to accept them. The Editor said that he would welcome guidelines from the Society of Editors.¹¹⁸

64. We welcome Newquest's decision; and urge other local newspapers to follow that lead and the Society of Editors to issue clear guidelines that newspapers should not accept advertisements for sex encounter establishments.

Legislation on the sex industry

65. While we were pursuing this inquiry, the Government announced that it would propose legislation to make having sexual intercourse with prostitutes "controlled for gain"—including those trafficked into prostitution—a strict liability offence: in other words, it would not be a defence to claim that you did not know the prostitute was controlled by someone else or had been trafficked. A strict liability offence already existing in this area of the law is that of having sexual intercourse with an underage person. The Minister for Equality defended the Government's proposals to us, arguing that the majority of off-street prostitution was controlled by organised crime gangs who bought and sold women to work in the brothels, and that the prostitutes' clients rarely helped them even when the women made it clear that they were being coerced.¹¹⁹ The Minister echoed one of the messages given by the Blue Blindfold campaign, summarised by the UKHTC as "if a man has sex with a trafficked woman, whether he thinks he has paid for it or not, he has raped that woman".¹²⁰

66. The provisions to give effect to the Government's proposals have been introduced as part of the Policing and Crime Bill, currently awaiting its Report stage in the House of Commons.¹²¹ Some of the organisations representing prostitutes have objected to the introduction of such an offence, arguing that it would be likely to drive prostitution further underground, increase the control exercised by violent criminals over the trade, deter the more law-abiding clients—who, they claim, are more likely to report concerns about potential trafficking to the authorities—and in general make it more difficult to protect sex workers.¹²² Police officers whom we have questioned have different concerns: they think in practice it would be very difficult to enforce a strict liability law in this area.

67. We do not intend to comment on the moral and practical arguments about the desirability of de-criminalising or further criminalising prostitution in the UK, as this was not part of our terms of reference in undertaking this inquiry. We do, however, wish to draw to the Government's attention the serious concerns expressed to us by police officers about the practicability of enforcing the proposed legislation.

¹¹⁸ Qq 290-292, 297, 299 and 310-311

¹¹⁹ Qq 493-497

¹²⁰ Q 256

¹²¹ Clauses 13-14 of the Bill as reported from Committee

¹²² See, for example, the written evidence from the International Union of Sex Workers, Ev 231-239

4 Identifying victims

A young woman was trafficked to the UK from east Asia and forced to work in a brothel which was later raided by the police. She was detained at Oakington Detention Centre for 10 days until released for the purpose of obtaining a medical report. She was recovered by her 'pimp' on release and forced back into prostitution. She was apprehended in a brothel, again by the police, and again was detained in Oakington for 10 days. Her asylum claim was refused. Her lawyer encouraged her to report her abuser to the police. No interpreter was provided and no ongoing investigation was conducted by the police.

68. "Victims of trafficking share many characteristics with other categories of migrants and people experiencing abuse".¹²³ Victims rarely approach public authorities to complain about their treatment or to seek help, and, even when they do, those authorities may not immediately realise that the complainants' problems may be a result of trafficking.¹²⁴ Public authorities are most likely to come across those trafficked as a result of criminal activity (off-street prostitution, street crime, complaints from neighbours about activity such as noise because of unsocial working hours or overcrowding) or as immigration cases (80% of the Poppy Project's clients are referred to it by UKBA and another 13% by lawyers representing women seeking asylum¹²⁵).

69. Key agencies are, of course, the police and UKBA but also, in the case of children, social services departments. However, each of these agencies has its own pressures and priorities and, because victims have a variety of backgrounds, may present in many different ways and are scattered over the country, it is difficult to ensure that the front-line staff most likely to come into contact with victims are aware of and can apply the criteria to assess whether someone is a possible victim of trafficking.¹²⁶ Other organisations may chance upon victims in the course of their work: Citizens Advice Bureaux, trade union representatives and local migrant organisations sometimes find people who have been trafficked for forced labour, but there is no system for helping these victims so there is little such organisations can do. Moreover, officials do not always recognise signs of trafficking and, if they feel concerns, they are not always sure what to do: Anti-Slavery International cited a case where a social services official saw a large number of workers' passports locked in a drawer in a factory; the official felt suspicious but did not know what to do and her supervisor told her not to get involved.¹²⁷ Amnesty International UK told us that some medical practitioners had seen patients with injuries they suspected to have been incurred in the course of forced labour, but they have not known what they should do in these circumstances.¹²⁸ A further problem has been the absence of co-ordination among the

¹²³ Ev 154, para 2.2 (Poppy Project)

¹²⁴ Ev 195, para 29 (Home Office); Ev 138, para 20 (Salvation Army); Ev 151, paras 5-6 (Stop the Traffik); Ev 185, para 11 (Amnesty International UK); and Ev 250 (UNICEF)

¹²⁵ Q 51

¹²⁶ ECPAT UK referred to a "culture of disbelief" which it said existed across the UK in local authorities, police and immigration services: Ev 261, para 2

¹²⁷ Ev 97, para 3.18

¹²⁸ Ev 186, para 17

organisations dealing with trafficking. The Poppy Project told us that the lack of a formal mechanism for co-ordination meant that victims could be referred to them without the police being involved, or to the UKHTC without the Poppy Project being aware, or to individual police or immigration teams who might not even identify them as victims.¹²⁹

70. Taking all these factors together, this means that the identification of victims depends heavily on the knowledge, experience and commitment of individual police officers and public officials or (where they exist) small specialist units.¹³⁰

The police

71. In general, our witnesses considered that the police were treating trafficking seriously and that there was greater awareness of the problem among police officers than among other public officials. However, leaving aside the difficulty of determining whether prostitutes are being coerced or not, two particular areas where people may be treated as criminals rather than victims were brought to our attention. One related to children arrested in the course of criminal activity, especially cannabis cultivation. Several of our witnesses were very concerned about the number of Vietnamese children—some as young as 14—prosecuted for drug and immigration offences after raids on cannabis factories.¹³¹ Amnesty International UK also mentioned prosecutions of victims for begging, benefit fraud, financial and credit card fraud, pickpocketing and other petty crime which they had been forced to commit by traffickers.¹³² The Home Office Minister, Mr Alan Campbell, told us that the Government did not believe there should be a blanket exemption from prosecution for children—he stated, for example, that some of those employed in cannabis factories were paid well for their work. However, he acknowledged that children found engaged in crime had to be treated with care in case they were victims of human trafficking. As a result, the Home Office was considering whether the guidance for the CPS and ACPO was adequate in this regard.¹³³ **We welcome this reappraisal.**

One domestic worker managed to run away—through a window—from the family that treated her like a slave. She was terrified had bruises on her body. Her passport was locked in the house. The policeman at the station asked her for her documents. She wanted to tell him what happened, but he insisted on her documents first and said he must first know who she was.

72. The second area of particular concern related to migrant domestic workers. Migrant domestic workers fleeing abusive employers sometimes approach Kalayaan for help. 32% of those who register with Kalayaan have had their passports taken from them by their employer, and are therefore unable to prove their identity or immigration status. Employers frequently claim that, because the visa was issued on the basis of their

¹²⁹ Q 51

¹³⁰ Ev 154, para 2.12 (Poppy Project)

¹³¹ Q 21 (Anti-Slavery International) and Ev 105, para 4.7 (ECPAT)

¹³² Ev 272, paras 11–13 According to Amnesty International, the European Commission is currently reviewing the EU definition of trafficking to include trafficking for the purpose of criminal activity. See also Ev 132, paras 27–32 (Immigration Law Practitioners Association); Ev 190, paras 40–42 (Refugee Council); and Ev 269, para 37 (ILPA)

¹³³ Qq 539–540

employment of the worker, it is their [the employer's] responsibility to "cancel" it if the worker leaves the job. The UKBA has published guidelines on its website saying that employers should not retain passports, but employers either ignore these or are unaware of them. Kalayaan suggested it is not clear from the guidelines that retention of such documents is illegal. Kalayaan follows a set procedure when passports have been taken from workers: first it telephones the employer to ask for the passport to be returned to the worker or to the worker's embassy. If this fails, Kalayaan writes to the employer giving seven days to return the passport. If the passport is not returned, Kalayaan approaches the police with this evidence that the passport is being deliberately withheld by the employer.¹³⁴

73. Retaining someone else's identity documents is illegal under s25(5) and 26 of the Identity Cards Act 2006. Kalayaan told us: "Despite this it is rare that the police will ever take action against the employer. We have never had an experience where the police see this withholding of documents as an indicator of trafficking and decide to investigate further," adding that frequently the police react with suspicion and oblige the workers to prove their status, treating them as possible immigration offenders rather than as victims. The police often choose to report the passports only as lost, not stolen.¹³⁵

74. Furthermore,

we have many cases where missing person units contact us because employers have gone to the police saying that their domestic worker has escaped. Surely if an employer is approaching the police saying someone has escaped the police should ask a few questions about why that person would have escaped and why did they need to escape if they were here as a worker, but the police have not been taking a proactive approach in that way at all.¹³⁶

75. There is a clear need for greater awareness training in police forces so that officers realise that domestic workers, too, may be victims of trafficking and are not merely possible illegal immigrants. This training should cover signs such as deliberate confiscation and retention of identity documents and reports by employers that domestic workers have absconded from their homes.

76. The UKHTC has been working to raise awareness of all forms of trafficking and spread best practice on identifying victims among police forces. CEOP brought together police forces with relevant experience and gave the Sussex Police the task of devising best practice guidance for police forces to promote understanding of child trafficking and help in identifying victims. A number of different models were assessed and the guidance was completed in October 2008.¹³⁷ SOCA and the UKHTC have worked on developing national intelligence for large-scale operations such as Pentameter 2; SOCA doubled the number of its staff embedded in the UKHTC in 2008; and the Director of Policy of the UKHTC led two programmes for SOCA, on human trafficking and the exploitation of

¹³⁴ Ev 120, para 15

¹³⁵ Qq 160 and 172 and Ev 119, para 9

¹³⁶ Q 171 See also Ev 119, para 14

¹³⁷ Q 364

migrants.¹³⁸ The Metropolitan Police—one of the forces most aware of and active against human trafficking—told us it had good relations with the UKHTC, which helped it with training and the provision of intelligence, though not as much intelligence as the Metropolitan Police would have liked.¹³⁹

77. However, everyone agreed more needed to be done. The Poppy Project argued:

What we do not have is on the street officers, apart from the Met Human Trafficking Team, specialist officers who are out there identifying and bringing cases to court and I think that that has to be a priority. We have to date 75 cases of trafficking or trafficking associated cases that have gone to court. It is dreadful that, since we started the project in 2004, there have only been that many cases. That is what makes the UK a haven for traffickers because there are not the police out there who are doing that work.¹⁴⁰

78. In the last two years, there has been a significant increase in anti-trafficking operations by police forces across England and Wales. Several were underway in the summer of 2008 when the UKHTC gave oral evidence to us.¹⁴¹ Three of the best-known operations in recent years have been Pentameter 1 and 2 and Paladin, in all of which the Metropolitan Police was heavily involved.

Operations Pentameter 1 and 2 and Paladin

79. These three operations differed from the numerous others carried out by police forces across the country as they were sustained operations involving a number of agencies. Both Pentameter Operations comprised hundreds of raids. Pentameter 1 focused on sexual exploitation, Pentameter 2 on sex trafficking but also forced labour.¹⁴² Operation Pentameter 1 lasted for four months and identified 88 victims, including 12 girls aged under 18. Pentameter 2 saw raids on 833 premises during which 167 victims were recovered and 522 arrests made. There was also a concentrated attempt to damage the profitability of the trade: more than £500,000 was seized and assets worth over £3 million held under restraint.¹⁴³ The Home Office argued that Pentameter 2 had been innovative in its use of Local Safeguarding Children's Boards and the telephone helpline, CTAIL, and of a model protocol for interviewing child victims.¹⁴⁴ Pentameter 2 did not escape criticism, however, particularly from those involved in the support of child victims. In summary, they thought that the operation was initially planned without the special requirements of children being taken into account, and that later attempts to address this had led to

¹³⁸ Q 228

¹³⁹ Q 447

¹⁴⁰ Q 74

¹⁴¹ Qq 220–221

¹⁴² Qq 220–221 (UKHTC)

¹⁴³ Ev 95, para 21 and Home Office Press Notice, 'Government ratifies European Convention against human trafficking', 17 December 2008. We discussed Pentameter 2 during our oral evidence sessions, but at that time the Operation had not been evaluated.

¹⁴⁴ Ev 202, paras 90–91

confusion and a lack of timely action to address the immediate needs of the traumatised children who were rescued.¹⁴⁵

80. Operation Paladin is very different. It aims to identify child victims entering the UK via London's ports (the airports, Eurostar terminus, Victoria Coach Station and the Asylum Screening Unit at Croydon, which is legally classified as a port). The Paladin team consists of six police officers and two border agency staff. It works closely with children's services and liaises with other relevant public agencies and NGOs and with commercial companies (such as the airlines) to raise awareness and identify children at risk. Operation Paladin has been running for four years and has identified hundreds of children as being potentially at risk. Twelve people have been convicted as child traffickers as a result, and three operations have been passed on to SOCA as involving organised crime in trafficking networks. A number of other UK and some foreign police forces have visited the Paladin team to learn from them. The Paladin Team have helped the International Organisation for Migration to produce a handbook on trafficking for law enforcement agencies.¹⁴⁶ Paladin was praised enthusiastically by ECPAT UK and its approach is considered best practice by CEOP and the ACPO Child Trafficking Steering Group. CEOP has been supporting the development of a Paladin Manual which would enable the model to be applied throughout the UK, with variations in resourcing according to perceived need.¹⁴⁷ Stop the Traffik provided a vivid example of the Paladin Team's effectiveness when other agencies (a local police station, a local immigration unit, the CTAIL helpline and CEOP, and the UKHTC) had failed to intervene to help a child victim reported by a member of the public.¹⁴⁸

81. According to the members of the Metropolitan Police's specialist human trafficking unit, most of the intelligence on which they based their operations came from the local level, the borough commands, who knew where brothels were located, or who were approached by victims or by local residents concerned about some activity, or who were tipped off by, for example, cards in telephone kiosks advertising 'Girls Newly Arrived'. The unit also received intelligence via Crimestoppers or from NGOs assisting possible victims.¹⁴⁹ However, they believed that, when dealing with the organised criminal gangs, "You do not take out such people by routine policing": it requires officers with experience in the way in which such trafficking gangs operate and of how to put together information from a variety of sources, national and international, to make a complex case.¹⁵⁰

Specialist Units

82. When asked to cite best practice, the UKHTC more or less equated this with the existence of effective specialist units: they rated the Metropolitan Police's specialist unit at the top of the league table, followed by the team formed by the West Yorkshire, South Yorkshire and Humberside Police, and the Kent Police. In addition to these, CEOP

¹⁴⁵ Ev 245, paras 4.1–4.4 (NSPCC), Ev 247 (NSPCC and ECPAT) See also Ev 250, para 1 (Stop the Traffik) for more general criticism of Pentameter 2.

¹⁴⁶ Ev 241

¹⁴⁷ Qq 110 (ECPAT) and 364 (CEOP) and Ev 241

¹⁴⁸ Ev 250, para 9

¹⁴⁹ Q 429

¹⁵⁰ Q 434

mentioned that the Sussex and Scottish police forces were actively engaged in seeking out intelligence on trafficking, and Anti-Slavery International complimented the work of the Cambridgeshire and Devon and Cornwall forces.¹⁵¹ The UKHTC did not believe that every force should have a specialist unit: only those where a problem had been identified. (The Metropolitan Police identified the need in their area through the work of their Vice Squad.)¹⁵² NGOs also heaped praise on the Metropolitan Police's Human Trafficking unit; and other police forces, such as the Police Service of Northern Ireland and Strathclyde Police, have visited the unit to see whether they could or should transfer the model.¹⁵³

83. We were therefore concerned to learn that the Home Office has decided to cease funding for the Met's Human Trafficking unit. We asked the unit's officers why this was happening and what they expected the consequences to be. They explained that when the unit was set up, the Home Office provided £870,000 a year as a pump-priming exercise: "at that time it was very clear that this was a high priority for government and there was a lot of activity, not only in policing but with the immigration service." Subsequently, SOCA and the UKHTC had been established and there was a change of personnel (the police officers did not specify where the change occurred). "We had an expectation, being a priority, that funds would continue to be made available... When it became apparent with SOCA and the UKHTC that there were doubts about funding" in late 2007 the Metropolitan Police wrote to the Home Secretary. They were told that the funding from the Home Office would decrease to £600,000 for 2008–09 and again to £400,000 for 2009–10.¹⁵⁴ These figures were confirmed by the Minister, Mr Alan Campbell, who said he understood the Metropolitan Police would provide from its own resources match funding, pound for pound, for the £435,000 given by the Home Office. This would allow the unit an extra year in which its approach and expertise could be spread into the 'core business' of the force. He argued this was appropriate as the issue of human trafficking was not a regional problem but a national one. He added that if the Metropolitan Police considered the unit's work essential after 2010, it could fund the unit entirely from its own resources.¹⁵⁵

84. When asked about the impact of the funding reduction on the force's work on human trafficking, the police officers replied that the Metropolitan Police was having to review the way it handled both trafficking and the immigration crime of facilitation. In discussions with UKBA, it was considering moving resources to deal with "criminal networks" rather than just those traffickers arrested at the end of the chain in the UK. The officers stated baldly that the loss of funding would affect their ability to find trafficking victims.¹⁵⁶

85. Despite what the Minister implied, it is clear from the evidence given to us that the Human Trafficking unit of the Metropolitan Police serves a national as well as a local role, in providing an example of best practice that is regarded as a model by other police forces, by NGOs and—as we note later—by foreign law enforcement bodies and multinational agencies such as Europol. We have been given examples where the unit

¹⁵¹ Q 404 and Ev 273, para 20 (Anti-Slavery International)

¹⁵² Qq 218–219

¹⁵³ Qq 74–75 (Poppy Project) and 445 (Metropolitan Police) and Ev 273, para 20 (Anti-Slavery International)

¹⁵⁴ Qq 409–415

¹⁵⁵ Qq 512–522

¹⁵⁶ Qq 415–416 and 418–419

has played a key role in operations conducted with other police forces within the UK and abroad. In principle, we agree that best practice must spread out from specialist units to inform the work of every police officer and PCSO in the UK if trafficking victims are to be identified and rescued whenever and wherever they appear. However, we are still a long way from that ideal, even within London: as our witnesses acknowledged, the UK is just starting to tackle the problems of trafficking for forced labour and for street crime. We are therefore particularly disturbed by the police officers' assessment that closing down the unit will make it more difficult to identify trafficking victims.

86. Furthermore, we are concerned about the continuing tendency to view trafficking as an immigration crime, coupling it with facilitation or people smuggling, which is completely different. Not only does this increase the risk that victims will be treated only as those whose immigration status needs to be determined, it also poses the threat that those whose immigration status is not in doubt—UK nationals or those from the EEA, or migrant domestic workers with the correct visas, for example—will be ignored altogether.

87. As a result, we recommend that the Home Office continue to provide funding at its original level for the specialist Human Trafficking unit of the Metropolitan Police beyond 2010, until it can be proved that sufficient expertise on identifying victims of trafficking and dealing with the perpetrators has been spread through police forces throughout the UK.

88. We note also that only two of the six police posts in the Paladin Team are funded specifically for this purpose.¹⁵⁷ This team, also, is a national and international exemplar, and we recommend it be fully funded so that it can continue its vital work.

UK Borders Agency

89. The UKBA has a role in monitoring ports to detect potential victims, identifying victims among those whose immigration status is uncertain and in connection with its shared responsibility for the issue of visas before foreign nationals come to the UK. In concert with the UKHTC, it has set up a number of 'immigration crime' teams across the UK, part of whose remit is human trafficking.¹⁵⁸ We were concerned that one of our witnesses, ATLeP, considered the monitoring of potential trafficking victims at ports to be less vigilant than it was five years ago, and that victims, even if identified, were less likely to be referred to support services.¹⁵⁹

90. The problem of correct identification of victims is particularly acute with children, who may have no idea what trafficking is, or even think that the way they are being treated is quite normal, either because they have always been abused or because they have no idea of norms in the UK, or simply because they are more vulnerable to coercion or threats against

¹⁵⁷ Ev 241, para 2

¹⁵⁸ Q 219 (UKHTC)

¹⁵⁹ Ev 174, para 23

themselves or their families.¹⁶⁰ CEOP described the difficulties faced by immigration officials at ports as follows:

if you imagine as you walked here this morning if you identified an adult with a child 15 feet away from you and then tried to make an assessment before you passed them about whether or not that child was trafficked, they are faced with those type of problems Some of these children who are coerced are shown videos of what to do and where to go and where to hide until they present themselves at a particular stage, even at airports. So there are issues that make it difficult for them ...¹⁶¹

91. A practical suggestion was that there should be separate immigration entry channels at ports of entry for children accompanied by someone other than their parent or guardian. At present, the child and adult go through the same channel and are interviewed together by an immigration official. We were told this means that often the adult is questioned more than the child. ECPAT UK suggested separate interviews so that the answers could be compared and any discrepancies could be examined more rigorously.¹⁶²

92. Furthermore, unaccompanied children are unlikely to be questioned in depth when they are first taken into care by local authorities as the policy is to grant discretionary leave to remain in the UK to minors, so there is no need to give substantive consideration to their cases. The result is that children may not be asked the right questions until they are approaching the age of 18 when they have to seek extension of leave to remain in the UK—and then, as we discuss later, immigration officials often are suspicious that the trafficking claim is simply a ploy to enable them to stay in the UK.¹⁶³ The NSPCC concludes: “Given the length of time and level of support it took for the children in our service to disclose their experiences of trafficking we think it is unlikely that the majority of separated children who have been trafficked will ever be identified as such.”¹⁶⁴

93. There is also a specific difficulty that affects babies and very young children. We were told that those trafficked for benefit fraud or illegal adoption, and generally those too young to speak for themselves, do not fall within the definition of trafficking used in the Asylum and Immigration (Treatment of Claimants etc) Act 2004.¹⁶⁵ We understand that the Government disputes this interpretation of the legislation, arguing that babies are covered by section 4(d) of the Act: a person is trafficked if “requested or induced to undertake any activity and would likely to have refused the request or inducement if he was without illness, disability, youth or family relationship.”¹⁶⁶ However, in a recent case where a woman was accused of buying a baby in Nigeria and bringing him back to the UK in order to get priority housing, she was prosecuted for people smuggling rather than trafficking. Others who commit such crimes and are caught are presumably prosecuted under legislation relating to benefit fraud and adoption. However, we assume that those

¹⁶⁰ See, for example, Q 362 (CEOP) and Ev 114, para F.3 (NSPCC)

¹⁶¹ Q 376

¹⁶² Q 111

¹⁶³ Q 183 (ATLeP) and Ev 106, paras 14 and 16 (ECPAT)

¹⁶⁴ Ev 114, para F.2

¹⁶⁵ Q 209 (ATLeP); Ev 105, para 5 (ECPAT); Ev 264, paras 5-12 (ILPA); Ev 241, para 10 (Stop the Traffik)

¹⁶⁶ HL Deb, 6 April 2004, col 1645ff and HL Deb, 6 July 2004, col 671ff

they exploit cannot be treated as trafficking victims. It is imperative that the Government amend the 2004 Act to clarify the status of such victims. We note that the Borders, Citizenship and Immigration Bill [Lords] now awaiting second reading in this House presents a good opportunity to make such an amendment.

94. Representatives of those victims who came to the attention of the immigration officers after they had escaped from their traffickers in the UK, were in general very critical of their clients' treatment by the immigration authorities. The members of ATLeP said that their clients' stories were typically disbelieved. As a result they were questioned numerous times, often in ways that added to their distress and sometimes led to suicide attempts; they were held in prison or detection centres; were given no protection against their traffickers; and often encountered "prejudice, hostility and occasional direct abuse" from immigration judges.¹⁶⁷ ATLeP argued that these attitudes were especially damaging to child victims, who were also interviewed repeatedly to establish their age: it was not unusual for such children to be interviewed 20 times by different professionals.¹⁶⁸ ECPAT UK said that the asylum claims of trafficked children were "routinely rejected", which it attributed to ignorance and lack of concern about human trafficking among UKBA officials and immigration lawyers.¹⁶⁹

95. The Poppy Project told us that very few, if any, applications for asylum from their clients were accepted at initial decision level, and this situation had not changed under the New Asylum Model. However, about 80% of these cases either succeeded at appeal or the women were given indefinite leave to remain as refugees or under humanitarian protection. The Poppy Project suggested this was six times the rate of successful asylum appeals in general. Unfortunately, most appeals were not accepted as fully meeting the criteria under the Refugee Convention, so they were not considered as establishing case law—which in turn meant that they could not feed through into improving the initial decision-making process.¹⁷⁰

96. We were told that the UKBA's guidance to its employees on the identification and treatment of trafficking victims (the Operational Enforcement Manual, or OEM) was very good, and all that needed to be done was to apply the profile at the first interview with the applicant.¹⁷¹ For example, the guidance states:

"During Operations enquiries into whether a person is a victim of trafficking should take precedence over enquiries into the individual's immigration status. Officers should be aware that victims of trafficking for sexual exploitation are likely to be classified as vulnerable persons and detention will not normally be appropriate.Officers are advised to deal with such individuals in a professional and sensitive manner and should be aware that the individuals concerned may be extremely vulnerable.

¹⁶⁷ Ev 173, paras 11, 15 and 18 See also Ev 206, para 6.1 (Refugee Council)

¹⁶⁸ Ev 174, para 20 and Ev 176, para 31

¹⁶⁹ Ev 106, para 19

¹⁷⁰ Q 64 and Ev 155, paras 3.3–3.4 ATLeP also criticised the quality of initial decision making: Ev 176, para 32

¹⁷¹ Qq 194 and 198 (ATLeP)

It is likely that individuals will have been isolated from their family circle/friends and living in an unfamiliar country/area. As a result, in addition to possible feelings of fear and intimidation they may feel dependant upon their controllers. Individuals may on initial contact exhibit an unwillingness to cooperate with authorities, especially if they are in the presence of their controllers or around other victims. In addition many victims may not understand the concept or think that they are victims of trafficking...

Be aware that victims of trafficking may suffer a wide range of health, mental health, psychological and physical problems. Look out for signs of distress or physical injury and watch for signs of drug/alcohol abuse and associated unusual behaviours.

Victim's participation in any future proceedings will often depend on their psychological, emotional, physical and mental health. It is important to ensure that the appropriate physical healthcare and psychological support is provided to these individuals....”¹⁷²

ATLeP told us that the police follow similar advice quite effectively, but among immigration officials it “is not followed in practice. It is certainly not followed by all enforcement officers. It should also be reproduced and given greater prominence as guidance/training for case officers and adopted by immigration judges.”¹⁷³

97. ATLeP noted Home Office initiatives to introduce specialised case workers to deal with suspected victims of trafficking, but said that after a while the best of these case workers were promoted or moved and there was no process of continual training to support their successors. ATLeP also expressed surprise that case workers knew only about the specific aspects of immigration law relevant to their current job, and were unable to take a broader view. ATLeP suggested that immigration officials should be expected to show the same level of expertise as immigration lawyers, who were barred from giving advice unless they were accredited in all aspects of immigration law.¹⁷⁴

98. The Metropolitan Police said it was an over-simplification to suggest that the UKBA officials were simply focusing on removing as many illegal immigrants from the UK as possible. The police thought the attitude of officials had changed recently and that they did recognise the special status of trafficking victims.¹⁷⁵ We were told by police officers that they had never known a child victim identified under Operation Paladin returned to the child’s home country, nor an adult returned before they had been asked whether they were prepared to supply information about their traffickers.¹⁷⁶ Mr Alan Campbell, the Home

¹⁷² In Chapter 42, Identifying Victims of Trafficking for Sexual Exploitation

¹⁷³ Q 198 and Ev 175, para 24 (ATLeP) See also Ev 135, paras 3.3 and 3.6 (CARE); Ev 169, paras 4.18-4.19 (Trafficking Law and Policy Forum)

¹⁷⁴ Q 182

¹⁷⁵ The Poppy Project also told us that the number of referrals it received from the UKBA had increased in 2008–09 which, it thought, indicated greater awareness of trafficking in the Agency: Ev 258, para 3.2.

¹⁷⁶ Qq 455–456

Office Minister, also thought that the UKBA's ability to identify trafficking victims was improving, but he said that identifying victims early was the key, otherwise there was a suspicion that they might be claiming to be victims in order to get round the immigration rules.¹⁷⁷

99. Time after time in our inquiries into immigration and asylum matters we are told that the UKBA's rules and processes are good but they are not carried out properly. Our witnesses said that the UKBA is trying to ensure that victims of trafficking are correctly identified and then treated appropriately within the immigration system, and we are sure that many UKBA officials are doing their best. However, the evidence we have received is that there are still major gaps in awareness and training within the agency. These must be addressed by a greater emphasis on the excellent guidance already available.

100. We were also disturbed to hear anecdotal evidence of a lack of awareness about trafficking and its effect on victims among immigration judges. It seems that there is a pressing need for training of judges, too.

Reflection Time and the Fast Track process

101. One of the reasons for the high success rate of the Poppy Project's clients in being given leave to remain was that they were allowed a 'Reflection Period' of 30 days in which to recover from the trauma of their treatment and to decide whether they were able and wished to give information to the authorities that might lead to the arrest and prosecution of their traffickers.¹⁷⁸

102. Article 13 of the Council of Europe Convention on the Trafficking of Human Beings says:

1 Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.

2 During this period, the persons referred to in paragraph 1 of this Article shall be entitled to the measures contained in Article 12, paragraphs 1 and 2. [ie material help such as appropriate accommodation, medical assistance, counselling, legal advice, the services of interpreters, education for children]

¹⁷⁷ Q 528

¹⁷⁸ Ev 155, para 3.6

3 The Parties are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly.

The Explanatory Report accompanying the Convention clarifies the purpose of the Reflection Period:

173. ... This minimum period constitutes an important guarantee for victims and serves a number of purposes. One of the purposes of this period is to allow victims to recover and escape the influence of traffickers. Victims recovery implies, for example, healing of the wounds and recovery from the physical assault which they have suffered. That also implies that they have recovered a minimum of psychological stability.

174. Other purpose of this period is to allow victims to ... decide whether they will cooperate with the law-enforcement authorities in a prosecution of the traffickers. From that standpoint, the period is likely to make the victim a better witness: statements from victims wishing to give evidence to the authorities may well be unreliable if they are still in a state of shock from their ordeal. "Informed decision" means that the victim must be in a reasonably calm frame of mind and know about the protection and assistance measures available and the possible judicial proceedings against the traffickers. Such a decision requires that the victim no longer be under the traffickers' influence.

175. The reflection and recovery period provided for in Article 13(1) should not be confused with issue of the residence permit under Article 14(1). Its purpose being to enable victims to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities, the period, in itself, is not conditional on their cooperating with the investigative or prosecution authorities.

177. The Convention specifies that the length of the recovery and reflection period must be at least 30 days. ... At present countries which have a period of that kind in their domestic law have lengths of one month, 45 days, two months, three months or unspecified. ... The Group of Experts on trafficking in human beings which the European Commission set up by decision of 25 March 2003 recommended, in an opinion of 16 April 2004, a period of at least 3 months.

178. The ... victim must not be removed from the Party's territory during the recovery and reflection period. Although free to choose what method to employ, Parties are required to create a legal framework allowing the victim to remain on their territory for the duration of the period. ...

179. To help victims to recover and stay free of the traffickers for that period, it is essential to provide appropriate assistance and protection.

103. The Poppy Project cited 2006 research into the health consequences of trafficking which suggested that victims needed up to several months to recover from trauma before being able to give accurate information to the police or make informed decisions about whether they were willing to co-operate in any criminal investigation.¹⁷⁹ This, and the recommendations of other bodies such as the European Commission's Group of Experts, led the Poppy Project and other witnesses to state that the UK should adopt a Reflection Period of three months, rather than the minimum under the Council of Europe Convention of 30 days.¹⁸⁰

104. Some of our witnesses argued that the Fast Track system for considering asylum claims was fundamentally incompatible with the Reflection Period laid down by the Council of Europe Convention. Under the Fast Track, decisions on asylum applications have to be taken within one week. The Fast Track system depends upon a list of countries in which the UK Government considers there is little or no threat of persecution, so the presumption is that no one from these countries has a valid claim to asylum. However, the list includes a number of major source countries for trafficking victims, such as Albania, Moldova and Ukraine. Although the Home Office has issued instructions that, where there is evidence from a credible source such as the Poppy Project that an asylum applicant is a trafficking victim, the applicant should be excluded from the Fast Track process, other potential sources of evidence—such as evidence from health screening that a child has been sexually abused—is not enough to block use of the Fast Track.¹⁸¹

105. ATLeP was also concerned about the fit of a minimum 30-day reflection period with initial decision-making under the New Asylum Model, which came fully into force in March 2007. The New Asylum Model is intended to speed up the processing of claims by making one case worker responsible for each case from beginning to end, with the aim of concluding the process with either an approval or removal from the UK within six months. Within this model, different categories of applicant are dealt with in different ways. However, an initial decision is supposed to take only between 11 and 20 days.¹⁸² ECPAT UK suggested a system of renewable residence permits for victims as an alternative to having immediately to claim asylum.¹⁸³

106. We are concerned that the Government's laudable aims of deterring fraudulent applications for asylum and speeding up the decision processes for genuine asylum-seekers may disadvantage the often severely traumatised victims of trafficking. At the very least, the Government must consider whether the existing exemptions from Fast Track processes adequately protect people trafficked for forced labour who—not least because of the lack of support services for them—may well not present through recognised expert bodies like the Poppy Project. Removing people from the Fast Track does not mean that their cases would be examined less rigorously; it just means that there would be more time in which evidence of trafficking might be adduced.

¹⁷⁹ Ev 154, para 2.4

¹⁸⁰ Ev 154, para 2.7 (Poppy Project); Ev 167, paras 4.4-4.15 (Trafficking Law and Policy Forum); Ev 188, para 24 (Amnesty International); Ev 206, para 7.1 (Refugee Council)

¹⁸¹ Q 190 (ATLeP) and Ev 175, paras 27–29 and footnote 149 (ATLeP) Also Ev 129, paras 16–22 (ILPA); Ev 188, paras 34 and 36–38 (Amnesty International); and Ev 272, para 17 (Anti-Slavery International)

¹⁸² Ev 175, para 28 See also Ev 189, para 30 (Amnesty International) and Ev 207, para 12.1 (Refugee Council)

¹⁸³ Ev 106, para 13

107. Since we finished taking oral evidence for this inquiry, the UK has ratified the Council of Europe Convention Against Human Trafficking. It has announced the introduction of a 45 day reflection and recovery period, and “the possibility” of a one-year residence permit for victims. We welcome many aspects of this, but would like the Government to confirm that clear instructions have been issued to all immigration case workers that the reflection and recovery period applies to all victims of human trafficking, not just those forced into the sex trade, and that it is not dependent on the victim’s co-operation with law enforcement authorities. We would also like clarification of whether the 45-day period came into force immediately on ratification of the Convention by the UK on 17 December 2008.

108. We remain concerned that, for some severely traumatised victims, 45 days may be too short a time for them to recover sufficiently to make an informed decision about co-operating with the police—not least because there are so few support and counselling services available to victims. We recommend that provision exceptionally be made for the reflection period to be extended for the most severely traumatised, where this is recommended in reports from psychiatrists experienced in dealing with such victims.

109. Our witnesses who represented victims also wanted those who co-operated with the law enforcement authorities to be given an automatic right to stay in the UK longer-term:

At present, there are no automatic rights for victims of trafficking to remain in the UK even if they provide substantial information and/or agree to testify in court proceedings against their traffickers and perpetrators. The threshold to qualify for leave to remain under Asylum and Humanitarian Protection legislation remains very high, with the burden of proof falling to individual victims to show that they are at risk of persecution if returned to country of origin. As a result, victims of trafficking are asked to make the decision to co-operate with the authorities without knowing whether this may potentially put them at further risk, should any pending application for leave to remain in the UK be refused.¹⁸⁴

Our witnesses denied that an automatic right to stay would ‘open the floodgates’ and in effect encourage illegal immigration to the UK in the hope of permanent settlement. The Poppy Project argued that, first, if illegal immigrants wanted to stay in the UK they would avoid trying to identify themselves as victims because this immediately brought them to the attention of the immigration authorities; and, secondly, for some time Italy had been operating two routes under which those trafficked for sexual exploitation could remain in the country, one being co-operation with the law enforcement authorities and the other being a ‘social’ route for those who could not co-operate—this had not led to a flood of women claiming to have been forced into prostitution in Italy.¹⁸⁵

110. We also ask the Government to clarify whether victims would be able in any circumstances to obtain an extension of the one-year residence permit.

¹⁸⁴ Ev 154, para 2.5 (Poppy Project). See also Q 213 (ATLeP)

¹⁸⁵ Qq 65–66 and 70 (Poppy Project) and 213 (ATLeP)

Returning victims to their home country

111. We were told that in many cases deporting victims to their home countries led to re-trafficking. This was because they were being returned to exactly the same conditions that had made them vulnerable to trafficking in the first place—in fact, sometimes their position was worse as they were stigmatised because of the trafficking, so their families rejected them. 21% of the Poppy Project's clients had been re-trafficked, some only a short time after they had returned to their home country.¹⁸⁶ As a result of these dangers, ECPAT UK strongly opposed the introduction of enforced removals of unaccompanied children who refused voluntary return.¹⁸⁷

112. Our witnesses were not opposed to the idea of voluntary returns, but were concerned about the amount of support available in their home countries to those who returned. In some cases, victims were sent back to their families, as this was their government's stated policy, even when it was family members who had trafficked them in the first place.¹⁸⁸ The Home Office takes some account of the services available to those returned, but, according to ATLeP and Amnesty International UK, it has insufficient information to judge the adequacy of the provision: whether there are enough shelter places for the number of victims likely to be returned, or the length of time victims are allowed to spend in such sheltered accommodation, or whether victims are given any assistance (through training or placement in jobs) to help them support themselves financially. ATLeP said that Nigeria provided an example of this: while an organisation called NAPTIP had been set up to help trafficking victims, it was under-resourced, with the result that within six months of their return to Nigeria from Europe 60% of women had been retrafficked back, sometimes via NAPTIP institutions.¹⁸⁹

113. Voluntary returns of victims should be encouraged; but it is both cruel and pointless to return victims of trafficking to their home countries if they are just going to be sent back to western Europe again shortly afterwards. The UKBA must make more use of the intelligence available from the Foreign and Commonwealth Office, the Department for International Development and NGOs as to the real level of support for reintegration of victims into their home country in order to judge whether returning them is appropriate. We also recommend that the Government make an assessment of the extent of re-trafficking.

Access to legal advice

114. Putting together a case to enable a trafficking victim to claim asylum is often a complex affair, not least because of the unwillingness of victims to relive some of their terrible experiences through describing them to others. Healthcare professionals, psychiatrists and country experts sometimes have to be involved, and information may have to be obtained from foreign jurisdictions or international bodies like Interpol. We were told that these cases typically cost the lawyers who take them significantly more than

¹⁸⁶ Q 68 and Ev 156, paras 3.9–3.10 (Poppy Project); Ev 106, para 17 (ECPAT)

¹⁸⁷ Ev 106, para 19

¹⁸⁸ Ev 175, para 30 (ATLeP)

¹⁸⁹ Q 181 (ATLeP) and Ev 189, para 33 (Amnesty International)

the average for immigration cases, but not enough to exempt them from the fixed fee system for funding immigration advice.¹⁹⁰ We understand why the fixed fee system for immigration cases was introduced, and have no wish to encourage frivolous cases or vexatious appeals. However, we do in part share immigration lawyers' concerns that some law firms may be unwilling or unable to take the risk of such potentially high-cost cases. We recommend the Government to keep under review whether there is a decline in the willingness of lawyers to represent those suspected of being victims of trafficking, and, if so, to exempt such claimants from the fixed fee system, subject to safeguards such as the need for their claim to be supported by recognised experts like the Poppy Project.

Issuing Migrant Domestic Worker Visas

115. As explained above,¹⁹¹ there is a separate visa regime for Migrant Domestic Workers. Because these workers are allowed greater flexibility than others seeking employment in the UK, and because of the problems that had arisen under the previous regime where workers were brought into the UK as a visitor or family member, or given a "to work with" stamp, one of the requirements on those issuing visas is that the worker should be interviewed separately from the employer. Such workers are also supposed to be given information about their rights at this point. Kalayaan told us that the majority of workers registered with them had not been interviewed separately from their employer by entry clearance officers—many had not been interviewed at all—and they had not been informed of their rights.¹⁹²

116. We asked Kalayaan for further details, including which UK overseas posts were involved. We think it worth quoting Kalayaan's response extensively:

The 89 new migrant domestic workers who registered at Kalayaan between 3 January 2008 and 31 March 2008 when asked by Kalayaan about their visa application process reported the following:

Interviews when applying for visa:

52 were interviewed at an overseas British embassy

32 were not interviewed (but were issued a visa)

5 did not supply any data

Of those interviewed how many had their employer present during the interview?

41 told Kalayaan that their employer or a member of their employer's household was present during their interview

11 told us that they were interviewed alone

¹⁹⁰ Qq 191–193, Ev 176, paras 32–44 and 49–51 and Ev 182–183 (ATLeP)

¹⁹¹ Paragraph 58

¹⁹² Qq 159, 161–169 and 173 and Ev 119, para 13

At which British posts overseas were these 89 visas issued and how many interviewed the workers to whom they issued visas?

| British embassy | Total MDW visas issued by this post | How many of these workers were interviewed? |
|---------------------------|-------------------------------------|---|
| Didn't name embassy | 8 | 5 |
| India | 30 | 19 |
| Singapore | 2 | 0 |
| Jordan | 1 | 1 |
| Oman | 3 | 2 |
| Kuwait | 6 | 3 |
| Hong Kong | 4 | 2 |
| Brunei | 4 | 1 |
| UAE | 8 | 3 |
| Qatar | 2 | 2 |
| Saudi Arabia | 5 | 1 |
| Bahrain | 3 | 3 |
| Morocco | 1 | 1 |
| Russia | 3 | 3 |
| Cyprus | 1 | 1 |
| Israel | 1 | 0 |
| Nairobi, Kenya | 1 | 0 |
| Colombo, Sri Lanka | 2 | 2 |
| Lagos, Nigeria | 2 | 1 |
| Indonesia | 1 | 1 |
| Philippines | 1 | 1 |
| Total visas issued | 89 | 52 |

193

Kalayaan was not sure whether the heavy representation of workers from India in these figures was merely a reflection of the fact that predominantly their clients are from India, Sri Lanka or the Philippines.¹⁹⁴

117. Kalayaan was also aware of cases where domestic workers had applied to enter the UK as domestic workers—and their interview notes made it clear that they had done so—but they were still issued with a visitor visa. Other workers fleeing abuse had been issued with family member visas, and a few had no entry clearance (they had entered the UK on their employer's private plane and had not passed through immigration). Unfortunately, Kalayaan is unable to help any of these people at all, as its remit is limited to those who entered the UK on Migrant Domestic Worker visas.¹⁹⁵

118. **The Migrant Domestic Worker visa was introduced to deter abuse of such workers. An essential part of the regime is that before a visa is issued there should be screening to ensure that the worker is travelling of (usually her) own free will and there are no obvious signs of maltreatment. It is also vital that the worker is given information about her employment rights in the UK. This can be done only if the worker is interviewed by the post issuing the visa, and interviewed separately from the employer. We wish the posts named in Kalayaan's list as failing to follow the correct procedures to**

193 Ev 121

194 Q 166

195 Q 155

give us an assurance that they will tighten up procedures in future; and we want the UKBA to explain to us what they are doing to ensure that all posts are aware of and apply these requirements in future.

119. Kalayaan also told us that some Migrant Domestic Workers were not sure whether or not they had a visa as they had never been in possession of their passport, not even when they passed through passport control at their port of entry. We agree with Kalayaan that **immigration officers should look out for cases where adults are not holding their own passports and should make inquiries, if necessary insisting that the person not in possession of their passport be interviewed separately. Even if there is no evidence of abuse, this would enable migrant domestic workers to be informed of their rights at this point.**¹⁹⁶

Awareness amongst other authorities

120. The police and immigration authorities are not the only public bodies whose work brings them into contact with possible victims of trafficking. We were concerned that awareness of trafficking might be low outside the police and the UKBA and asked our witnesses what was being done to train other officials. We were told that NGOs such as the Poppy Project help with training in victim identification and support for law enforcement and other public and voluntary sector organisations. Trafficking profiles to help identify and refer potential child victims at ports have been developed in collaboration by the Home Office, ECPAT UK, West Sussex social services and others.¹⁹⁷ ECPAT UK has recently completed the second year of a three-year DCSF-funded project to help design and deliver awareness training to local authorities.¹⁹⁸ The NSPCC, aided by CEOP and ECPAT UK, has set up a telephone helpline, the Child Trafficking Advice and Information Line or CTAIL, intended to be used by any official, whether from the police, immigration authorities, social services, health service or schools, who suspects that a child has been trafficked. So far, the UKBA and police have made greatest use of it, but CEOP was disappointed that fewer people than expected had phoned the service. CEOP admitted that there needed to be greater efforts to publicise its existence to all those who might use it.¹⁹⁹ Funding for this helpline is due to end in July 2009.²⁰⁰

Local authorities

121. The evidence given to us by the Local Government Association emphasised the degree of confusion still surrounding the question of how to detect child victims of trafficking. The Local Government Association told us: “Our concern is that there is no exhaustive list of signs of trafficking”, adding that there was a need for greater clarity to differentiate between child smuggling “with no ulterior motives” and child trafficking “with the intention of exploitation”.²⁰¹ (This was despite the fact that in December 2007 the Home

¹⁹⁶ Q 173

¹⁹⁷ Ev 153 (Poppy Project) and Ev 174, para 23 (ATLeP)

¹⁹⁸ Ev 247, para 1

¹⁹⁹ Qq 372 and 385. Funding for CTAIL comes jointly from the Home Office and Comic Relief.

²⁰⁰ Ev 208

²⁰¹ Ev 148-149

Office and Department of Children, Schools and Families jointly published ‘multi-agency guidance’ on child trafficking, including risk indicators and advice on appropriate safeguarding action.²⁰²⁾ ATLeP was also concerned about the lack of expertise about trafficking among local authorities.²⁰³

122. The local authorities in London are considered to have made more progress in addressing the problem of trafficking than those in many other parts of the country, as they became aware of the problem earlier. As a result, in March 2008 the London councils held a conference for officers and councillors, bringing together lead members for children and families with those for community safety. A number of recommendations for best practice emerged from that conference, and the boroughs have also worked together to produce a London trafficking toolkit which, we were informed, was to be launched in 2009.²⁰⁴ We were told of a number of relevant initiatives by London local authorities, including a strategic review of the likely impact of the 2012 Olympics on the sex industry and sex trafficking, an investigation into whether private fostering was acting as a cover for trafficking (according to CEOP, a neglected area because Children’s Services are overburdened²⁰⁵), work with NGO partners and others on the dangers of trafficking via the new Eurostar terminus at St Pancras station, work with faith- and community-based organisations on child labour, as well as with NGOs on victim support and with PCSOs on the identification of trafficked children.²⁰⁶

123. Evidence given to the Vulnerable Workers Enforcement Forum described the Borough of Newham’s initiative with HMRC’s National Minimum Wage enforcement team and the Employment Agency Standards Inspectorate on training council workplace inspectors (those working in trading standards, environmental health and licensing) to report suspicions of infractions of employment law to the relevant enforcement bodies.²⁰⁷ Following the training, the Borough agreed to undertake a one year trial to see whether the partnership with the local authority can “generate useful intelligence about bad employers which can add value to the enforcement effort”.²⁰⁸

124. Councillor Shireen Ritchie of the London Councils Children and Young People’s Forum said that the team involved in the Pentameter Operations had given a presentation to the Local Safeguarding Children Board of the Borough of Kensington and Chelsea, and she thought this might also have happened in other London boroughs, but this kind of training was not general practice.²⁰⁹ However, she pointed out that one of the difficulties faced by local authorities was the division of responsibilities between children’s services

²⁰² Ev 193, para 13 and Ev 196, para 35 (Home Office) The guidance is called *Working Together to safeguard Children Who May Have Been Trafficked*.

²⁰³ Qq 183 and 198

²⁰⁴ Qq 463–466 (London Councils Children and Young People’s Forum) This may be the local authority toolkit mentioned by ECPAT UK as going “well beyond” anything being used by the UKHTC: Ev 261, para 9.

²⁰⁵ Qq 398–399

²⁰⁶ Q 475

²⁰⁷ The briefing covered national minimum wage and employment agency legislation, how the enforcement bodies operated, how complaints were handled, and how to make contact with the agencies when non-compliance was suspected. Initial feedback reported that the inspectors’ knowledge of these areas of enforcement had increased.

²⁰⁸ *Vulnerable Workers Enforcement Forum — Final Report and Government Conclusions*, paras 4.15–4.17

²⁰⁹ Q 484

and those involved in community safety.²¹⁰ Mr Steve Liddicott, the Borough of Croydon's director of Children's Services and representative of the Association of Directors of Children's Services, believed that there was little emphasis on human trafficking in the training provided to social workers now: there had been none when he was trained.²¹¹ He thought all authorities that had contact with children, and therefore potentially with child trafficking victims, needed to focus more on obtaining proof of the relationship between a child and the adult apparently responsible for that child. He had in mind, for example, more rigorous questioning when an adult was attempting to enrol a child for a school place or register the child with a GP.²¹² Mr Liddicott suggested that one of the most useful things the UKBA could do would be to give information to local authorities about how to detect false documents, such as passports, so that local officials were better able to determine whether a claimed relationship was true.²¹³

125. Councillor Ritchie made a number of suggestions as to how local officials could be encouraged to look out for trafficking victims in the course of their normal work. As far as children were concerned, she considered the Local Safeguarding Children's Boards key: they could train licensing, environmental health and housing officers, though, she noted, such Boards did not have the financial resources for training. She also suggested that local authority licensing boards could impose conditions on, for example, lap dancing establishments to try to protect employees.²¹⁴

126. Local authorities obviously are important in terms of their responsibilities for services for children. As the Vulnerable Workers Enforcement Forum pointed out, they can also be a valuable source of intelligence about where adult trafficking victims may be located as "they often know who the worst employers are in their area,"²¹⁵ and their officials may well come across victims in the course of routine inspections. We sought information about the spread of best practice in relation to awareness-raising and training in the identification of possible victims: the Local Government Association referred us to the London authorities. We applaud the imaginative action being taken by a number of London Borough Councils, and the fact that they appear to be conscious of the need to spread experience and best practice. We are, however, disturbed that yet again the initiatives seem confined to London—or, if they are not, the Local Government Association appears unaware of them. There must be a much more concerted effort to use local knowledge and the opportunities provided by existing local activities to identify trafficking victims. We ask the Government to inform us what it intends to do to encourage the spread of best practice among local authorities.

²¹⁰ Q 465

²¹¹ Q 484

²¹² Qq 469–471 and 486–487

²¹³ Q 484

²¹⁴ Qq 466 and 468

²¹⁵ *Op cit*, para 4.14

Health and education services

127. CEOP told us that its next target audience for awareness-raising was health and education providers. Sometimes victims became so ill that even the traffickers realised that they needed medical assistance, and they then normally used Accident and Emergency Departments. CEOP knew of occasions when A&E departments had contacted the police or local authority children's services about children they suspected were trafficking victims, but "when they have delved a bit deeper the child and accompanying adult in most of those cases disappear."²¹⁶ The Department of Health had seconded a part-time member of staff to CEOP in 2008. She had developed some guidance for the health sector, which CEOP hoped would be "out quite soon".²¹⁷ However, an inhibiting factor on these other public sector bodies sharing information about potential victims was fear of contravening the Data Protection Act. CEOP considered that, however much guidance was given that people should not feel inhibited from sharing information when someone's safety was at stake, in practice officials felt deeply uncomfortable about doing so. CEOP suggested this might be solved by the addition to the Act of a provision giving protection to named services if they shared information among themselves because they were concerned over the safety of a vulnerable person.²¹⁸

G jumped out of the window on the 2nd floor brothel where she was held against her will. She broke her foot in the fall and got lots of cuts and bruises. A passer-by saw her and called for an ambulance. She was referred to the POPPY Project via the hospital social worker.

128. CEOP is concentrating on raising awareness about child trafficking among those working in the health service and education. There is clearly also scope for raising awareness of adult victims of trafficking among health providers.

Other statutory bodies

129. As indicated earlier, victims of forced labour in legal employment sectors are even less likely to be identified than those involved in off-street prostitution or crime. Such victims sometimes come into contact with public authorities—for example, the social worker who noticed the passports locked in an office in a factory; or environmental health officers dealing with complaints about noise or overcrowded dwellings or public health concerns in relation to catering;²¹⁹ or health and safety inspectors; or those inspecting potentially unsafe vehicles; or buildings inspectors—but there appears to have been little or no effort to alert such officials to the problem of human trafficking, let alone to inform them of how to react if their suspicions have been aroused.

130. One exception to this is a sector where a tragedy—the death of Chinese cockle-pickers in Morecambe Bay—brought the problem of trafficking to public attention. As a result of

²¹⁶ Qq 379–381

²¹⁷ Q 382

²¹⁸ Qq 383–384

²¹⁹ See Councillor Ritchie's positive response to the idea of training inspectors in detecting victims: Q 467

this, the authority given responsibility for regulating labour in this sector, the Gangmasters Licensing Authority, is alert to the possibility that some of the workers it deals with may be victims of trafficking.

131. From May to August 2008, the Gangmasters Licensing Authority took part in a pilot scheme to identify victims of forced labour. The objectives of the pilot were:

- To increase understanding of the scale, scope and nature of human trafficking for forced labour in the UK;
- To increase awareness and the ability of front line staff to identify potential victims, and to limit the possibility of inaccurate identification;
- To improve an identification process, including a national referral mechanism²²⁰ to a competent authority;
- To provide access to accommodation and support for victims; and
- To increase investigations and convictions under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004.

The Gangmasters Licensing Authority led the pilot in the East of England, an area where traditionally large numbers of gangmasters have supplied labour to the local farmers and food processors and packers. Other strands of the pilot ran in the West Midlands (led by the UKBA) and North Yorkshire, and there was a further strand that involved third sector partners (Kalayaan and the Poppy Project) in London.²²¹

132. There is some anecdotal evidence that the closer regulation of the supply of labour in the sectors supervised by the Authority may be diverting traffickers into other sectors. Moreover, some areas of casual labour—the ethnic restaurant trade, for example—have been targets for traffickers for some years. We were aware that some trade unions were expressing growing concerns about the incidence of forced labour in the UK, and we decided to request evidence from one of the most vociferous, UCATT (the Union of Construction, Allied Trades and Technicians).

133. UCATT has conducted research across the UK to detect the scale of migrant trafficked labour. It provided us with a number of examples in three areas, the Midlands, North-West and Northern England, including: assaults and threats of violence; very low pay (below the National Minimum Wage); excessive deductions from pay for rent, tools and utility bills; and provision of sub-standard accommodation. UCATT stated: “The systematic abuse of workers by contractors, employment agencies and gangmasters in the construction industry is a constant thread in our research among migrant workers in the UK.”²²² However, it is impossible for us to determine whether the undoubted abuses amounted to trafficking in all cases because it is not clear whether any of the workers

²²⁰ See paragraphs 135–137 below for this

²²¹ Ev 215, paras 6.6–6.7 Most of the 50 victims identified in London were domestic servants: see Ev 253 (Kalayaan) and Ev 240, para 1.2 (Poppy Project) Other organisations involved were the UKHTC and Department for Work and Pensions, and the operation took place in five police force areas: Qq 223-224 (UKHTC)

²²² Ev 253, paras 3 and 5–7

willingly accepted the conditions and were free to leave their jobs if they disliked them. At least in part, this lack of clarity arises from the fact that the vast majority of workers on major construction sites are classified as self-employed. The extent to which those claiming to be self-employed in the construction industry really are self-employed is a matter of dispute. We note, in this regard, a recent report from our sister Committee, the Business and Enterprise Committee, *Construction Matters*, which set out the widely varying estimates of the relevant unions and HMRC, ranging between 200,000 and 1 million ‘bogus’ self-employed workers in the sector.²²³ UCATT told us that an important factor casting doubt on the ‘self-employed’ status of many workers was the increasing incidence of gangmasters providing labour to major construction sites. UCATT claimed: “gangmasters and labour providers’ use of illegal labour is rife on major [construction] contracts throughout the UK.”²²⁴

134. UCATT’s evidence on the changing profile of the construction industry confirms us in our conclusion that the GLA model should be extended to other sectors.

National Referral Mechanism

135. Anti-Slavery International considered the treatment of victims of trafficking in the UK had improved over the last five years or so.²²⁵ However, a number of our witnesses argued that the training and information provided currently were not sufficient to ensure that people were correctly identified as trafficking victims. They considered that the only way to do this was to have statutory involvement of relevant NGOs in the process. They argued that NGOs contributed different experience and expertise from law enforcement and immigration agencies and could encourage victims who were frightened of state authorities to come forward. Their ideal was a form of National Referral Mechanism: a multi-agency body consisting of experts in law enforcement, the indicators of sexual or labour exploitation, mental health and medical issues. This, they argued, would lead to swift identification of victims and provision of appropriate support to them. It would also have the beneficial result that the police and the UKBA could concentrate on their own jobs, without having to try to provide support services too.²²⁶

136. The NGOs pointed to two examples of where a National Referral Mechanism had been successful. One was in the Netherlands, where such an independent body has been in existence for more than 20 years. This body operates what is called a ‘help desk procedure’ under which all cases of trafficking or suspected trafficking are referred to it, so that its experts can carry out a thorough process of examination in order to identify any victims and to assess the victims’ individual needs. This system had, according to Anti-Slavery International, resulted in a “good number” of prosecutions of perpetrators.²²⁷ The other example was Operation Pentameter 2 in the UK, where the majority of the victims were identified as such by NGOs and not by the police or immigration officials. However, the Poppy Project conceded that not all the possible victims discovered during Pentameter 2

²²³ Ninth Report of Session 2007–08, HC 127, paragraphs 164–169

²²⁴ Ev 239

²²⁵ Q 36; see also Qq 376–377 (CEOP)

²²⁶ Q 36 (Anti-Slavery International); Q 62 and Ev155, para 2.8 and Ev 157 paras 6.1–6.3 (Poppy Project)

²²⁷ Q 36

were considered under the referral mechanism—some had opted to go home immediately without any referral. But of those referred, in only one case was there a dispute about the woman's status and that was not because there was any doubt as to whether she was a trafficking victim but because it was argued that she had been allowed enough reflection time already.²²⁸

137. With ratification of the Council of Europe Convention, the UK has adopted a new national referral mechanism. The Government has named the UKHTC along with the UKBA as the 'competent authority' under the National Referral Mechanism. According to the Explanatory Report accompanying the Council of Europe Convention:

129. By "competent authority" is meant the public authorities which may have contact with trafficking victims, such as the police, the labour inspectorate, customs, the immigration authorities and embassies or consulates. It is essential that these have people capable of identifying victims and channelling them towards the organisations and services who can assist them.

130. The Convention does not require that the competent authorities have specialists in human-trafficking matters but it does require that they have trained, qualified people so that victims can be identified. The Convention likewise requires that the authorities collaborate with one another and with organisations that have a support-providing role. The support organisations could be non-governmental organisations (NGOs) tasked with providing aid and support to victims.

Some of our witnesses have raised concerns whether the UKHTC and UKBA are qualified to be competent authorities. In particular, ECPAT UK argued that the UKHTC to date had not shown that it understood the specific requirements under the UK's international obligations to respect children's rights, as opposed to a generic approach to victim care. ECPAT UK said it would "like to see a multi-agency approach and local decision making as part of the national referral process. ECPAT UK believes that local authorities are well placed to make competent authority decisions about whether a child has been trafficked, yet the proposed Government model does not include local authorities as a 'competent authority'", adding: "It is not at all clear why the Government refuses to accept that Local Authorities be allowed to make competent authority decisions regarding the identification of trafficked children".²²⁹ Kalayaan reported a number of problems with the pilot operation for identifying trafficking for labour exploitation in May-September 2008,²³⁰ in which the UKHTC and UKBA had acted as the 'competent authority'. These included a lack of clear case ownership; delays in identifying potential victims far beyond the five day period specified; failure by the UKHTC to speed up the process of obtaining information on the immigration status of victims whose passports had been taken away by their traffickers; lack of co-ordination; and excessive bureaucracy, which, for example, hindered the provision of accommodation to victims. Kalayaan was clearly of the view that the UKHTC

²²⁸ Qq 62 and 63

²²⁹ Ev 262, para 9

²³⁰ See paragraph 131 above.

and UKBA needed to address problems of co-ordination before they would be able to fulfil their role as competent authorities properly.²³¹ Amnesty International UK, Stop the Traffik, the NSPCC, UNICEF, the Immigration Law Practitioners' Association, Anti-Slavery International and Glasgow Community and Safety Services (which runs the TARA project) had similar worries, arguing that the key role to be played by the UKBA made the 'competent authority' in effect an immigration screening mechanism rather than one to identify and help victims, and that NGOs needed to be far more closely involved in the authority to improve victim identification.²³²

138. We hope that the UKHTC and UKBA have learned the lessons from 'Operation Tolerance', as the pilot was known. It is obvious that greater thought needs to be given to the practicalities of identifying and assisting victims. As ECPAT UK points out, much of the work of supplying accommodation and support services needs to be done with local knowledge and contacts, and we are concerned that the UKHTC and UKBA may not have such knowledge and contacts. We would like the Government to provide us with a clear account of how the competent authorities intend to ensure that they are capable of fulfilling this role.

²³¹ Ev 253

²³² Respectively, Ev 185, para 13; Ev 25, para 5; Ev 250, para 5.2; Ev 250, para 9; Ev 264, paras 13–19; Ev 271, para 25; and Ev 274, paras 4.8 and 4.10

5 Protection

Availability of support services for victims

139. In its Report into Human Trafficking in October 2006, our sister Committee, the Joint Committee on Human Rights, concluded: “there is clearly insufficient capacity in the system to provide shelter and specialist support services for the [victims] who need them, and we urge that capacity be expanded as a matter of priority.”²³³ The evidence we received was that the situation has not altered since then.

140. The Poppy Project remains the sole UK Government-funded dedicated service for women trafficked into sexual exploitation. The Poppy Project is able to provide accommodation and support services (healthcare, counselling, legal advice) for up to 35 women and it has an outreach service offering support to those whom it cannot house. Of the 1146 women referred to the Poppy Project for help between March 2003 and February 2009, 215 received full support (ie accommodation plus other services) and 208 were helped through the outreach service.²³⁴ The Government has recently (on 24 March 2009) announced a further grant of £3.7 million over the next two years to the Poppy project, part of which will be used to expand supported accommodation in London, Sheffield and Cardiff for victims of sex trafficking and domestic servitude.²³⁵ We asked the Poppy Project about any similar services outside London and were told of a group in Scotland called TARA, which is run jointly by Glasgow City Council and the Strathclyde Police.²³⁶ Apart from this, the Poppy Project mentioned an umbrella group, CHASTE, which brought together churches offering support and accommodation to victims of sex trafficking, and some women’s aid groups that housed victims in women’s refuges and provided what support they could. In the Poppy Project’s view, outside London there was a lack of groups who could provide the mental health support and legal advice needed by women trafficked into sexual exploitation. There were also significant regional variations: there was some effort to provide support in South West England, in Leeds and elsewhere in Northern England, but little or nothing elsewhere. Moreover, though their willingness to help was not in doubt, the church and women’s aid groups suffered acutely from a lack of public funding.²³⁷

141. The situation for victims of forced labour, including migrant domestic workers, is even worse: until the Government’s announcement in March of extra funding for the Poppy Project, there was no dedicated accommodation for such victims. Kalayaan told us that it often had to ask church groups for emergency accommodation for domestic workers who had—by definition—lost their home in fleeing their employer.²³⁸ The Gangmasters Licensing Authority also had to work with charities, migrant worker groups and churches

²³³ Para 155

²³⁴ Ev 256, para 2.6 These figures represent a rise since December 2007 of 326 women referred, 47 receiving full support and 97 outreach support: Ev 152–153.

²³⁵ HC Deb, 24 March 2009, col 10WS

²³⁶ Ev 274, para 1.1

²³⁷ Qq 71–72; see also Q 200 (ATLeP)

²³⁸ Q 156 and Ev 119, para 10

to ensure support for workers when a gangmaster's licence was revoked. The Authority told us that before taking action against a company, it completed a community impact assessment including such issues as the size of the workforce, the nationality of the workers, and whether they would need emergency housing. It assured us: "we do not want as an unintended consequence of our actions to make the immediate situation worse for the workers."²³⁹ The Authority said that occasionally it was able to obtain help from other organisations in resettling workers, giving the example of an operation that led to the closure of a company providing labour to the food processing and packaging industry, during which a supermarket and a packaging company were able to help 138 Polish workers, the entire workforce, into temporary direct employment.²⁴⁰

142. We were told that, according to the Government's own estimates (in its impact assessment on the ratification of the Council of Europe Convention on trafficking), the number of referrals of suspected victims per year would considerably exceed the number of places available in safe accommodation.²⁴¹

143. We asked our witnesses for examples of best practice in the provision of support services for victims of trafficking. The Netherlands and Belgium were frequently cited as models of good practice, though there was also criticism of some aspects of their treatment of victims, such as the block on victims claiming asylum in the Netherlands.²⁴²

144. It is clear that not all—possibly a minority—of recovered victims are provided with safe accommodation. Even fewer appear to be given psychological help or legal advice or, in the case of those clearly entitled to work in the UK, assistance in obtaining another job. What support there is appears to be concentrated in London. We agree with our witnesses that there is an urgent need for more accommodation and other support services, especially outside London and for those trafficked into forced labour.²⁴³ However, without a better estimate of the scale of trafficking in the UK, it is difficult to determine what extra services are needed and where.

Protection of children

145. In contrast to the situation with adults, local authorities have the duty to ensure accommodation for children rescued from traffickers. However, despite Home Office guidance that children must always be dealt with following normal childcare policies and procedures, there is evidence that victims of trafficking are not. We were told that child trafficking victims were rarely provided with a full needs assessment, though this was standard for a British child, and they were routinely accommodated in hostels rather than foster care even when severely traumatised and still at risk.²⁴⁴ Moreover, while their physical health needs were usually quickly met, it was often far more difficult for them to

²³⁹ Qq 136 and 142

²⁴⁰ Q 136 and Ev 219

²⁴¹ Ev 250, para 12 (Stop the Traffick)

²⁴² See, for example, Q 70 (Poppy Project) and Ev 102, para 24 (Dr Tomoya Obokata)

²⁴³ Q 57 (Poppy Project); Ev 98, para 5.1 (Anti-Slavery International); Ev 101, para 16 (Dr Tomoya Obokata); Ev 164, paras 2.4 and 6.1 (ADCS and ADASS Asylum Task Force); Ev 185, para 15 and Ev 186, para 21 (Amnesty International UK)

²⁴⁴ Ev 181 (ATLeP); Ev 113, paras E.1-E.3 (NSPCC)

access mental healthcare because of long waiting lists.²⁴⁵ The NSPCC suggested “some practitioners consider that migrant children have a lesser entitlement to protection”, adding that worries about the cost of providing care were a disincentive for local authorities to identify children as trafficking victims at all.²⁴⁶ In general, our witnesses felt that support services for such children were ‘patchy’, with a small number of local areas providing models of good practice but no discernible pattern.²⁴⁷

A young woman was trafficked to the UK, aged 15, and placed in hostel accommodation and then in shared housing with other young women, none of whom had a common language. She was swiftly traced by her trafficker who forced her back into prostitution and prevented her from attending college or finding a normal job. Eventually, social services and the police intervened, having been aware of the situation for some time. The victim now has the right to remain permanently in the UK but, having spent 5 years in the country, is still illiterate in English.

146. Most worryingly, we had seen media reports that significant numbers of possible child trafficking victims were going missing from local authority care. ECPAT UK told us that the figure of 400 children reported by the media was derived from a request under the Freedom of Information Act to which only a small number of authorities had responded, so the national figure was likely to be much higher. ECPAT UK’s own small-scale research covering five local authorities in the North East and North West of England and the West Midlands had found that of 80 children known or suspected to have been trafficked over an 18-month period, 56% had gone missing from local authority care, without anyone being able to discover where they had gone.²⁴⁸ The ADCS reported that colleagues in Kent in particular had reported a significant percentage of unaccompanied asylum-seeking children going missing from their care.²⁴⁹ ECPAT UK’s study noted that the majority of children who go missing do so within the first week of going into care, and it summarised the circumstances as follows:

Many of the children in this study who went missing had not been investigated, identified or recorded as a victim of trafficking at the time they went missing. As these children have never been traced we cannot know what has happened to them, why they went missing or whether they are still in the UK. We know from missing children who have found their way back to social services care that there are two common scenarios for trafficked children in local authority care. The first is that, even after a child registers with social services, the trafficker still has control of the child and seeks to remove the child from the area as soon as possible. The second common scenario is that the child runs away from care out

²⁴⁵ Q 105 (ECPAT)

²⁴⁶ Ev 248, paras 3.3 and 3.5

²⁴⁷ Q 108 (ECPAT)

²⁴⁸ Qq 85–92 (ECPAT) and *Missing Out: A Study of Child Trafficking in the North-West, North-East and West Midlands*, published by ECPAT in 2007 (hereafter ‘Missing Out’) See also Ev 143, paras 23–28 (Save the Children)

²⁴⁹ Q 476

of fear of being found by the trafficker. Without financial resources or identity documents, the child is then at risk of further abuse or exploitation.²⁵⁰

147. CEOP confirmed the scale of the problem. Of the 330 children studied in CEOP's child trafficking scoping exercise in 2007, up to half had gone missing by the time that CEOP carried out its work.²⁵¹ However, CEOP and the ADCS said it was likely that a number of the 'missing' children might have moved to another local authority area and been taken into care there, perhaps using a different name and a different background story.²⁵² ECPAT's *Missing Out* study provides examples of children moving around the country in this way.²⁵³ In response to a Written Parliamentary Question, we were told:

"The number of asylum-seeking children who went missing from care for 24 hours or more, in each of the years ending March 2003 to 2007, was as follows:

| | |
|------|-----|
| 2003 | 70 |
| 2004 | 50 |
| 2005 | 70 |
| 2006 | 110 |
| 2007 | 90 |

The Minister added: "Some of these may have subsequently returned to care", but gave no figures for this.²⁵⁴ It is not clear whether anyone knows how many, if any, returned to care. The ADCS suggested it was probably reasonable to conclude that every year between 10 and 20 young people disappeared completely.²⁵⁵ Subsequently, there have been newspaper reports of 77 Chinese children going missing from a single local authority home in Hillingdon within the last three years.²⁵⁶

148. We had assumed that the National Register for Unaccompanied Children might help to identify the children who moved from one local authority area to another. The National Register is a database providing information about unaccompanied asylum-seeking children to statutory authorities. Local authorities are able to see information only on children in their area, but if a cross-match is identified with a child missing from another local authority then the register gives a contact name and location. The ADCS said it was sometimes possible to track a child through the Register though not always; but it thought the situation was better than it had been before the Register was set up.²⁵⁷ CEOP believed local authorities were not sufficiently aware of the Register and data was not added to it regularly, thus limiting its usefulness. CEOP suggested that local authority officials needed

250 Missing Out, pp 20 and 5 See also Qq 101–102 (ECPAT); Ev 144, para 31 (Save the Children)

251 Q 362

252 Qq 362 and 387 (CEOP) and 476 (ADCS)

253 Pp 20–23

254 HC Deb, 23 October 2008, col 513-514

255 Q 477

256 'Revealed: 77 trafficked Chinese children lost by home', *Guardian*, 5 May 2009

257 Q 479

more training.²⁵⁸ We note that the effectiveness of the Register depends on whether the child gives the same information to the second authority that takes him or her into care as to the first. This appears often not to happen.

149. We asked how so many children could go missing. We were told that there were different types of placement for these children, ranging from foster care, through relatively supervised care homes to relatively unsupervised homes. CEOP said that sometimes children (mostly those aged over 14) had been placed in relatively unsupervised accommodation while a foster home was found.²⁵⁹ These were not secure units but a ‘protective’ environment, so children could just walk out of them.²⁶⁰ Some of ATLeP’s child clients had been placed in foster homes at first but, at the age of 15 or 16, they were taken from their foster parents by the local authority and placed in hostels with other newly trafficked children and with young adults. This sometimes put them at risk of being trafficked again because of their emotional vulnerability and the lack of family support.²⁶¹ West Sussex Social Services established a safe house for child victims of trafficking which was subsequently closed because of lack of funding.²⁶² CEOP admitted it was not sure that there was enough appropriate accommodation for these at-risk children.²⁶³

150. Furthermore, ECPAT UK alleged that when trafficked children went missing, the police and children’s services did not respond in the same way as they would if a British child had gone missing—they did not follow the same recommended procedures.²⁶⁴ CEOP told us that it was considering whether it could help the UKBA to use biometric techniques—biometric analysis of photographs—to help identify whether a child appearing in one local authority area was the same child who had gone missing from another area.²⁶⁵

151. We are alarmed by the accounts given by our witnesses and reinforced by anecdotal evidence of traffickers training children to present themselves as unaccompanied asylum seekers in order to be placed in insecure care, often near the port of entry, which the trafficker can persuade or coerce them to leave. In effect, traffickers may be using the care home system for vulnerable children as holding pens for their victims until they are ready to pick them up.

152. While we do not advocate the, in effect, imprisonment of such children, we were appalled by the ease with which they can leave accommodation. We recognise that one element of the problem is that many have not been identified as victims of trafficking, but we are of the view that no unaccompanied asylum-seeking child should be placed in such a vulnerable situation: all are by definition young, inexperienced, in a strange

²⁵⁸ Qq 400–401

²⁵⁹ Qq 394–397; Ev 164, para 23 (ADCS/ADASS Asylum Task Force); Ev 207, para 11.1 (Refugee Council)

²⁶⁰ Q 391 Though Save the Children cited examples of children going missing from foster homes and supposedly 24-hour supervised accommodation, too: Ev 145, para 38

²⁶¹ Q 202 and Ev 181

²⁶² Ev 145, para 37 (Save the Children)

²⁶³ Q 391 See also Ev 246, para 6.5 (NSPCC) and Ev 247 (NSPCC and ECPAT)

²⁶⁴ Q 100 See also Ev 116, para H.4 (NSPCC) and Ev 206, para 8.1 (Refugee Council)

²⁶⁵ Q 387

country, many will be unable to speak English and have little or no knowledge of local customs, and some will be traumatised by the events that led them to flee their home country or by their experiences during their journey to the UK or by both. Moreover, even those identified as victims and given foster care may be placed in unsupervised accommodation once they reach the age of 15 or 16.

153. ECPAT UK told us that it had repeatedly asked the Government to look into the issue of trafficking victims going missing from local authority care, but a succession of Ministers had refused to treat this group any differently from the other children who go missing from care. While it is regrettable that any child should disappear for a prolonged period or permanently from local authority care, we think that the Government's response does not recognise the peculiar vulnerability of trafficked children—even when these children leave care homes apparently voluntarily, in reality they are being deceived and exploited or are in fear of being kidnapped. We recommend that the Government carry out a specific nationwide study into the number of possible child trafficking victims going missing from care and how this number could be reduced. We intend to return to this subject ourselves in an evidence session to be held later this year.

154. Those working with child victims of trafficking had an answer to the problem of ensuring children received appropriate accommodation and care: the appointment of a guardian, with responsibility for dealing with all the agencies involved in the care of the child—ensuring enhanced foster care, legal advice, the provision of qualified interpreters and physical and mental health care. ECPAT UK argued that only this degree of protection would make a child feel safer with the UK authorities than they were on the streets or with their trafficker.²⁶⁶ ECPAT UK suggested that the Netherlands provided one good model of guardianship, but there were others.²⁶⁷ The Refugee Council claimed that very few cases dealt with by its Children section went missing as the victims were given the support they needed.²⁶⁸ In contrast, neither CEOP nor the ADCS was convinced that a guardianship system would help to prevent children from disappearing, particularly if, as was likely to be the case, the responsible adult was not on the spot.²⁶⁹ **The existence of a specified person appointed by the local authority to supervise the care of each child could lead to better co-ordination and possibly the provision of extra services for those in need of hard-to-access support. We therefore recommend that such a system be established. However, we cannot see how in practice guardians would reduce the likelihood that victims would abscond or be kidnapped from local authority accommodation.**

²⁶⁶ Q 106 and Ev 105, paras 10–11 See also Ev 246, para 6.5 (NSPCC) and Ev 146-147, paras 46-55 (Save the Children)

²⁶⁷ Q 107

²⁶⁸ Ev 205, para 3.5

²⁶⁹ Qq 362 and 393 (CEOP) and 478 (ADCS)

6 Prosecution

155. It is difficult to describe a typical trafficker as they vary so greatly. Some are ‘sole traders’—they buy, for example, a child victim, bring him or her to the UK and exploit the child. In the case of domestic workers, it is usually the employer who is the only trafficker, (though Kalayaan has sometimes heard of workers being recruited by someone else to work for the employer: these recruiters are usually sole traders rather than part of a gang²⁷⁰). Some traffickers are in gangs loosely linked to other gangs in a chain, each part specialising in recruiting or transporting or exploiting victims.²⁷¹ Other networks are highly organised and control the whole process from country of origin to final destination. Gangs may be linked together as family members, or in ethnic or clan groups, or just as business partners.²⁷² CEOP thought East European and West African traffickers were particularly likely to be in organised crime groups, traffickers from elsewhere in less formal groupings.²⁷³ In some countries, such as Albania, criminal gangs are deeply embedded in society, making victims more fearful of reprisals on themselves or their families.²⁷⁴ Traffickers may specialise in trading human beings, or people may be just one of the commodities they buy and sell illegally, forming part of a business that may at various times include narcotics or weapons or cigarettes, depending on profitability.²⁷⁵ The Gangmasters Licensing Authority told us that where gangmasters were involved in one type of criminal activity in relation to the exploitation of labour, they tended also to be involved in others, but the Authority found it difficult to judge the extent to which the most serious organised crime was involved in labour trafficking into the UK.²⁷⁶

156. The UKHTC described gangs as innovative and creative, constantly changing their tactics. ATLeP added that a major problem is the diffuse and often informal nature of the trade: gangs, though small, seem to transform themselves continuously with the result that lawyers involved in such cases do not see the same perpetrator twice. Furthermore, the nature of the sex trade means that many people other than the actual trafficker are involved to some extent in the crime, as doormen, drivers, maids, and so on.²⁷⁷ Many gangs are extremely brutal: Balkan gangs trafficking women into sexual exploitation habitually rape and beat women into submission. Vietnamese gangs do not generally assault the girls they traffic because the girls’ virginity makes them more valuable. Nigerians often intimidate their victims through voodoo.²⁷⁸ The Poppy Project told us that the predominant nationalities of gangs involved in sex trafficking were Albanian, Lithuanian, Russian and Chinese. The Metropolitan Police emphasised the involvement of Russian and Ukrainian organised crime. Europol said that, across the EU, the main national origins of gangs were

²⁷⁰ Q 154

²⁷¹ Q 259 (UKHTC)

²⁷² Q 324 (Europol)

²⁷³ Q 403

²⁷⁴ Q 208 (ATLeP)

²⁷⁵ Q 259 (UKHTC) This is one of the main themes of Misha Glenny’s book, *McMafia: Crime without frontiers*, 2008

²⁷⁶ Q 125

²⁷⁷ Qq 229 (UKHTC) and 201 (ATLeP)

²⁷⁸ Q 201 (ATLeP)

Romanian, Bulgarian and Nigerian, though nationals of other Member and border states were involved. Europol also noted that whereas until recently traffickers were predominantly male, far more women were becoming involved.²⁷⁹ The Home Office said that a trafficker controlling two victims for sexual exploitation typically made £1,000–£2,000 a week from them.²⁸⁰

157. Because of the brutality of many traffickers, victims are terrified about giving information.²⁸¹ Sometimes victims are wary of authorities because of corruption in their own country or because their traffickers have told them that the UK authorities will maltreat them. According to Anti-Slavery International, a further disincentive to co-operation by those trafficked for forced labour is the fact that no accommodation or other support is provided for such victims.²⁸² The UKHTC said that the police go to great lengths to find corroborative evidence to reduce the need for victims to act as witnesses in court. If they have to be called as witnesses, the police try to provide good protection, keeping them in safe accommodation. Occasionally, victims are allowed to give evidence by videolink if they have returned to their home country.²⁸³ However, many victims suffer such trauma and fear that they do not make convincing witnesses anyway.²⁸⁴ At the time that the UKHTC gave oral evidence to us, the police were very worried that a judicial ruling against the admissibility of evidence from an anonymous witness would have a deleterious impact on human trafficking cases.²⁸⁵

158. As a result of these difficulties, by spring 2008 there had been no prosecutions for the trafficking of migrant domestic workers, no prosecution for forced labour (in the four years since a specific offence was introduced), and no successful conviction of anyone for trafficking an African child. In contrast, there had been more than 70 successful convictions for sex trafficking, although the Poppy Project noted none of these was of a Nigerian perpetrator, despite the fact that the largest group of its clients were Nigerian women trafficked by fellow countrymen.²⁸⁶ The situation had improved a little by the time the Home Office Minister, Mr Alan Campbell, gave evidence to us in December 2008: he reported that a total of 92 people had been convicted of sex trafficking, and there had been four recent convictions for labour trafficking.²⁸⁷ The European Commission said there were only between 100 and 300 prosecutions of traffickers per year across the EU.²⁸⁸

²⁷⁹ Qq 61 (Poppy Project), 440 (Metropolitan Police) and 324 (Europol) The Poppy Project has found that victims are often recruited by people of their own nationality but then sold on to Albanian gangs operating in the UK: Ev 257, para 2.4

²⁸⁰ Ev 195, para 28

²⁸¹ See, for example, Q 458 (Metropolitan Police)

²⁸² Q 28

²⁸³ Qq 262 and 264

²⁸⁴ Q 215 (ATLeP)

²⁸⁵ Q 263 The case involved was not one relating to human trafficking, but a case in connection with Operation Trident, the Metropolitan Police's operation against violent crime within the black communities.

²⁸⁶ Qq 27–28 and Ev 97, para 4.1–4.2 (Anti-Slavery International); Ev 106, para 20 (ECPAT UK); Ev 259, para 5.3 (Poppy Project)

²⁸⁷ Qq 529–533

²⁸⁸ Q 345

159. Many of our witnesses expressed disappointment at the low rate of prosecutions and convictions for trafficking. They said that, given the difficulty of finding enough convincing evidence to obtain a conviction for trafficking, the police and CPS often resorted to joint or alternative charges such as rape, sexual assault, blackmail, coercion, violence, false documentation and money laundering.²⁸⁹ They cited the examples of two police operations, Operation Pentameter 1, which resulted in 134 people being charged, only 32 of whom were charged with trafficking and the rest for rape, and Operation Glover (relating to the trafficking of a child within the UK) when the perpetrator was convicted of rape. The Metropolitan Police was of the view that there was still more scope for involving financial investigators in inquiries into trafficking to reduce the profitability of the crime.²⁹⁰ The UKHTC spoke of the ‘Al Capone’ approach—taking any legitimate means to disrupt the traffickers and secure the victims.²⁹¹ Europol told us that prosecuting traffickers for other offences was common across Europe, adding: “From our viewpoint, the trafficker is still a trafficker, it does not matter if he is prosecuted for another crime.”²⁹² The UKHTC said it was generally very satisfied with the length of the sentences passed on those convicted of trafficking.²⁹³

160. Investigating, prosecuting and convicting perpetrators of all types of organised crime are difficult—more so for a hidden crime with confused and cowed victims like human trafficking. We therefore understand the low rate of prosecutions for trafficking and we applaud the determination of the police and the CPS to use every legitimate means at their disposal to disrupt this trade and make it difficult and unprofitable for the perpetrators.

161. However, two disadvantages arise from the ‘Al Capone’ approach, one perceptual and the other practical. The perceptual disadvantage is that the comparatively low rate of prosecutions for trafficking as such adds to the confusion about the incidence of trafficking in the UK. This may lead some authorities to underestimate the severity of the problem and therefore not to devote sufficient resources to tackling it. The other disadvantage, pointed out to us by ATLeP, is that perpetrators convicted of lesser offences than trafficking (such as living on immoral earnings) receive comparatively short sentences and sometimes are released from prison even before their victims’ immigration status has been determined, let alone before the victim has had time safely to re-establish her/himself in the UK or their home country.²⁹⁴

162. These problems, plus inherent justice, lead us to question whether more might be done to improve the chance of successfully prosecuting for trafficking. Victims’ willingness and ability to give evidence is central to this. Three factors make it more likely that victims will co-operate. It is essential to convince victims that they will be protected adequately. It is vital to treat them as victims and not as perpetrators of immigration crime. And we agree with both police and NGOs that the provision of safe

²⁸⁹ Qq 405–407 (CEOP), 457–458 (Metropolitan Police), 325 (Europol), 240 and 262 (UKHTC)

²⁹⁰ Q 457

²⁹¹ Q 236

²⁹² Q 325

²⁹³ Q 240

²⁹⁴ Qq 204 and 209

accommodation for all victims would be a significant step in encouraging them to act as witnesses.²⁹⁵

²⁹⁵ For the police, see Q 264 (UKHTC)

7 The international dimension

163. So far, we have concentrated in this Report on the responsibilities and actions of UK public bodies in relation to human trafficking, but one of our principal motivations in undertaking this inquiry was our desire to discover the degree of international co-operation in tackling what is, after all, a major transnational crime. We therefore now turn to the international dimension, starting with a brief account of how UK authorities interact with equivalent bodies elsewhere, and moving on to discuss the role of institutions such as Europol and the European Commission, the degree of mutual support among EU Member States, and relations with source and transit countries outside the EU.

UK authorities and their overseas equivalents

164. One of the roles of the Serious Organised Crime Agency (SOCA) and its Scottish equivalent, the Scottish Crime and Drug Enforcement Agency, is to act as the main conduit for the transfer of information between UK police forces and those in other countries, including bodies such as Europol and Interpol. SOCA has a network of 110 liaison officers based in 40 countries, and maintains a liaison office at Europol; but the Europol office is not staffed solely by officers from SOCA: officials from the UKBA, HM Revenue & Customs and other key bodies in the fight against organised crime are also based there.²⁹⁶ Europol told us that its main UK partner in the area of trafficking crime was the UKHTC, followed by both serious crime agencies and the Metropolitan Police. The Metropolitan Police confirmed that it often liaised direct with Europol.²⁹⁷ The UKHTC is meanwhile also forging direct links by signing agreements with partner organisations, such as the August 2008 agreement with the US Center for Trafficking, and working with international NGOs, such as its joint bid with the International Organisation for Migration for EU funding to promote standardised collection and sharing of human trafficking data among Member States.²⁹⁸

165. Other organisations making use of their international contacts to try to tackle trafficking include the UKBA, HM Revenue & Customs (which is working within a programme promoted by the G6 to build a network of revenue investigators across national boundaries in order to identify and more effectively confiscate the proceeds of crime), and the Gangmasters Licensing Authority, which is working directly with source countries and with the International Labour Organisation to raise awareness of forced labour.²⁹⁹

²⁹⁶ Ev 156, para 4.2 (Poppy Project) and Q 322 (Europol) This office is said to be the largest of any Member State. It consists of seven liaison officers and two support staff from SOCA, plus representatives of the other agencies (Ev 198, para 57: Home Office)

²⁹⁷ Qq 322 (Europol) and 435 (Metropolitan Police)

²⁹⁸ Qq 226 and 257

²⁹⁹ Qq 435 (Metropolitan Police) and 243 (UKHTC) and Ev 216, paras 6.8–6.9 (Gangmasters Licensing Authority)

Role of European Union institutions

European Commission

166. The role of the European Commission in relation to human trafficking is quite limited; the relevant Directorate General, which is itself small, has only two full-time staff working on human trafficking.³⁰⁰ Action against human trafficking was built into the terms of reference of the European Union by the Maastricht Treaty. The Tampere European Council in October 1999, which focused on increasing co-operation in law enforcement, called for action against human trafficking and the sexual exploitation of children. This has resulted in a number of legislative acts,³⁰¹ and the adoption in December 2005 (during the UK Presidency of the EU) of an Action Plan setting out best practices, standards and recommended mechanisms. The European Commission holds conferences and workshops on the issue (for example, the EU Anti-Trafficking Day held on 18 October 2007, which focused on two Commission initiatives—the production of “recommendations” for Member States on national mechanisms for victim identification and assistance and on indicators to monitor and evaluate national anti-trafficking policies).³⁰² It set up an experts' group on trafficking in human beings to consider what further action it might take, which reported back to the Commission in December 2004; and it finances projects, such as those aimed at spreading awareness of trafficking, improving data collection or helping applicant states with capacity building.³⁰³

167. We were told that the Directorates General concerned with External Relations were also involved, in so far as the EU's regional strategies with neighbouring countries such as Belarus, Moldova and Ukraine explicitly encompassed the need for close co-operation in dealing with human trafficking into the EU from and through those countries. Similarly, trafficking was being discussed by the EU-Philippines Migration Committee, EU-Egypt Justice Assessment Committee and with South Asia, South Africa and the African Union.³⁰⁴

168. Successive EU presidencies have prioritised different aspects of the 2005 Action Plan. The Czech Presidency, in the first half of 2009, stated that combating human trafficking would be one of its priorities:

300 Q 336 (European Commission)

301 Relevant EU legislation includes:

- a Framework Decision on combating trafficking in human beings (adopted on 19 July 2002, with a deadline for implementation of 1 August 2004);
- a further Framework Decision on combating the sexual exploitation of children and child pornography (adopted on 22 December 2003); and
- a Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (adopted on 29 April 2004).

302 The Brussels Declaration, which came out of a 2002 conference initiated by the Commission but organised by the International Organisation for Migration, forms the main basis of the Commission's work in this area.

303 Q 334 (European Commission) The EU helped to fund information campaigns, implemented by the International Organisation of Migration, for Poland, Ukraine, Hungary and Bulgaria. Their aim was to raise awareness about the dangers of trafficking in human beings, to assist potential victims and to support relevant authorities in the countries to increase their institutional capacity to deal with the trafficking problems.

304 Q 350

In the field of organised crime, one of the fundamental issues for the Czech Presidency is *trafficking in human beings*. The Presidency shall follow-up on the activities of the Member States and the Commission in preparing mechanisms for data collection and analysis of current situation in the field of trafficking in human beings. The Czech Republic will also focus on discussing the trends in prevention of trafficking in human beings and in programmes for help to victims of this crime. Czech Republic will support establishing and activities of internal coordination mechanisms and their cooperation at the European level.

We therefore visited Prague in March 2009 to discuss with Ministers and officials what action they intended to take on this problem. We were told about two conferences, the first (in March) being a conference of experts called ‘Joint Analyses, Joint Action’, and the second (in June 2009) being an international conference of the European Crime Prevention Network (EUCP) with the focus on forced prostitution. However, we found that the Czech Government were, like us and the UK Government, struggling with the lack of clear, comparable data on the scale and incidence of this crime, and were concerned about an absence of co-ordination at European level, made all the more pressing by the fact that—as we note later—not all Member States are taking the problem of trafficking seriously.

Europol

169. According to the Home Office, Europol “provides an intelligence structure for EU-wide analysis, as well as analytical support and coordination for joint operations between EU Member States.” It does this through the Europol Information System, which allows Member States to search on a database for matches of names, vehicles, etc with information on criminal activity provided by other Member States, and through its Analytical Work Files, which work on the basis of intelligence contributed by Member States but to which Europol has added value by providing both strategic and operational analysis. Europol’s Phoenix database is the Analytical Work File dedicated to the subject of Human Trafficking (it has a different database on people smuggling). The Home Office told us that the UK was a member of both work files and is using them to work with other Member States on specific operations and projects.³⁰⁵

170. Europol, the Home Office and our police witnesses also emphasised the value of the presence at Europol HQ of liaison offices consisting of police officers and officials of other relevant organisations from a number of Member States. These officers not only helped the Europol human trafficking section (seven people, including two experts in child sexual exploitation) but also liaised with their colleagues from the other countries represented.³⁰⁶

³⁰⁵ Ev 198–199, paras 57–59 See also Qq 315 and 318 (Europol) and 549 (Minister)

³⁰⁶ Qq 315 and 316 (Europol) and Ev 198, para 57 (Home Office)

In March 2007, Europol was brief by the Romania Police that 1107 Roma children had been trafficked from Romania to other EU states, including the UK. As a result of the UK's search against the data supplied by Romania, it became apparent that 200 of the 'Europa children' had come to the attention of 33 different police agencies across the UK. All of these children were trafficked to the UK for the specific purpose of being exploited through the commission of street crime offences and with an ancillary purpose of defrauding the UK social security system. Many were trafficked using genuine travel documents, as well as counterfeit or forged documents. Many of their parents or legal guardians were complicit in their trafficking as they expect a return on the profits made, with the particular trafficking group involved expecting to earn up to €24 million per year from these 200 children. It is suspected that most, if not all, of this money is sent back to Romania.

171. We asked the Director of Europol whether that organisation was able to give a clearer view of the numbers of trafficking victims than others had been able to do. He said that Europol was still struggling to persuade Member States to use the same definition of human trafficking—that set out in the Palermo Protocol—to enable comparison of statistics. Those who came in contact with Europol understood the definitions and knew what was required, but this understanding needed to spread to all competent authorities within the Member States. Europol was 'training the trainers', a time consuming process—but the Director thought he was already seeing results.³⁰⁷

172. The Director was clearly frustrated by the unwillingness of some Member States to provide Europol with relevant information, or to take action on its threat assessment reports. He pointed out that, though Europol reported to the European Commission, the Commission had neither the powers nor the resources to act upon them, and it was for Member States to allocate police and judicial resources to tackling the problem.³⁰⁸ However, he was able to list a number of operations in which Europol had been involved, providing information and helping with co-ordination. These included trafficking for both sexual and labour exploitation, of adults of both sexes and children. The UK was involved in two of the seven operations (one involving the trafficking of women from Romania to Spain and the UK for sexual exploitation, the other involving the trafficking of men to the UK, Norway, Sweden and Denmark from the Czech Republic to repair roads). Other Member States active in such operations were Italy, Ireland, the Netherlands, Austria and Finland.³⁰⁹ The Director also noted that Europol had supported the UK and Romania in setting up a Joint Investigation Team, during the course of which it had worked closely with the Metropolitan Police.³¹⁰

173. We are disappointed that not all Member States are co-operating as fully with Europol as they could. We urge our fellow Parliamentarians in other countries to put pressure on their governments and law enforcement bodies to provide Europol and,

³⁰⁷ Q 326

³⁰⁸ Q 333

³⁰⁹ Q 317

³¹⁰ *Ibid.*

through Europol, other countries with full and timely information, which will increase the likelihood of successful operations against human traffickers. In addition to the benefit of reciprocation, nationally-based operations tend to catch only the last link in the chain, who are often small-time criminals, and not the gang leaders.

Co-operation within the EU

174. The European Commission, like Europol, thought it was necessary to improve international co-operation in the investigation and prosecution of human trafficking. Commission officials pointed out: “If we carry out an investigation at national level, even a successful investigation, we can catch just the final exploiters”—to capture the network requires international co-operation within and beyond the EU. However, in most cases investigations and prosecutions are still nationally based and very effective methods like joint investigation teams are rarely used: the Commission did not know why this was.³¹¹ The Poppy Project urged the signature of more bilateral and multi-lateral agreements between law enforcement agencies, such as those the UK already had with the USA, Canada, Ireland, Nigeria, Poland, the Netherlands and France.³¹² The Home Office noted the operational benefits arising from the G20 initiative on human trafficking, explaining that SOCA had responded to a request from the Netherlands for mutual legal assistance in an investigation into the trafficking of Nigerian women for sexual exploitation. The Irish authorities were also involved in this case.³¹³ The Home Office added that the early indications from this initiative suggested that “multilateral projects on a sub-regional level such as this are an effective mechanism for achieving practical operational co-ordination.”³¹⁴

175. The European Commission considered that all Member States took human trafficking seriously, citing in support the fact that all had adopted legislation in this area—though officials admitted there was still a gap between the legislation and results on the ground.³¹⁵ As with the UK, other Member States found it difficult to prosecute people for trafficking because of the difficulty in gathering evidence, but the European Commission conceded that, even if one took into account charging traffickers with lesser offences, “the figures concerning criminal proceedings are not high enough.”³¹⁶ The European Commission said that, judging by the number of criminal prosecutions but not in order of excellence, the most effective Member States in this area were Belgium, Austria, Bulgaria, Germany, the UK, Italy and Portugal.³¹⁷ Europol produced a similar list: Belgium, the Netherlands, France, Spain, Austria, Germany, Italy, Romania and the UK.³¹⁸ The specialist human trafficking unit of the Metropolitan Police said it had worked well with Romania, Hungary and Lithuania.³¹⁹ The Poppy Project attributed the decrease in the number of Lithuanian

³¹¹ Qq 352 and 354, see the comment by STOP THE TRAFFIK that most international co-operation was in the form of conferences and protocols, not action: Ev 252, para 11

³¹² Ev 156, paras 4.1–4.2

³¹³ Ev 198, para 51

³¹⁴ Ev 198, para 52

³¹⁵ Qq 344–345

³¹⁶ Q 346

³¹⁷ Qq 347–348

³¹⁸ Q 321

women referred to it as a sign of the effectiveness of the co-operation between police forces in the UK and Lithuania.³²⁰

176. The European Commission also noted that the Member States which showed best practice in caring for victims also experienced higher numbers of criminal prosecutions of traffickers, which officials suggested was cause and effect.³²¹

177. When asked what needed to be done to bring the laggards up to the same standards as the best, and to improve efforts to tackle trafficking across the board, the European Commission said there had to be:

- a substantial improvement in data collection so that law enforcement agencies could keep up with the changing trends in trafficking;
- better analysis of the effectiveness of anti-trafficking policy—the Commission suggested that each Member State should appoint a National Rapporteur or equivalent to collect information on investigations, prosecutions and convictions, and data on the age and personal details of offenders; and
- the adoption of a referral mechanism to assist in the early identification of victims.³²²

178. Not all EU Member States have taken practical measures to combat trafficking. Simple adoption of good legislation, without any significant attempt to enforce it, is not enough. Case studies show, among other things, that even those countries that believe they do not have a problem with trafficking may well be on a trafficking route. More likely, given the suspected scale of trafficking into the EU, there is a problem and the national authorities have not yet recognised it. Like the drugs trade, human trafficking is archetypally a transnational crime, and a clear example of where solidarity among Member States would reap considerable benefits to all.

Relations with source and transit countries

179. Relations with source and transit countries are key to stemming the trade in human beings. Source countries need to be encouraged to spread information about the risks of trafficking to potential victim groups and to tackle the perpetrators, some of whom are their own nationals.³²³ Source countries must also be helped to provide appropriate support for returned victims. Transit countries must be persuaded not to ignore the trade on the grounds that it is ‘someone else’s problem’. Both source and transit countries may have to deal with corruption and sometimes overt collusion with criminals by officials. And the picture is complicated by the fact that many countries—including the UK—are source, transit and destination countries.

³¹⁹ Q 440

³²⁰ Ev 259, para 6.1

³²¹ Q 349

³²² Q 363

³²³ The Poppy Project told us that most women were trafficked by criminals of their own nationality.

180. We were told that the degree of co-operation between source and transit countries varied widely. In general, there appears to be a very good relationship with new EU members such as Romania and Bulgaria and also with countries bordering the EU such as Ukraine. Bucharest hosts a regional centre for liaison officers from all South East European and some other European police forces to help with information sharing and co-ordination of operations. Romania has sent police officers to both Austria and the UK to form Joint Investigation Teams to address specifically the problem of child trafficking from Romania.³²⁴ The Gangmasters Licensing Authority has recently agreed arrangements with the Bulgarian Chief Labour Inspectorate to monitor and control companies supplying agricultural workers to the UK.³²⁵ Misha Glenny, the investigative journalist, praised the efforts made by the British Embassies in Romania and Bulgaria to establish links between British and local police forces, and the way in which the UK Government had helped in training civil servants as well as the police. He thought the work done by the UK and others in South East Europe was showing positive signs, including in Serbia, which was running an information campaign to warn the public about human trafficking. He suggested that the model of co-operation between UK and Spanish authorities in tackling organised crime in the narcotics trade could usefully be applied more widely.³²⁶ The UKHTC has taken a lead in respect of Romania and Bulgaria, working with the International Organisation for Migration and the Foreign and Commonwealth Office to run campaigns in both countries to raise awareness of all forms of trafficking. Coupled with this, the International Organisation for Migration established a telephone advice line in Bulgaria and Romania. The campaign ran for three months at the beginning of 2007. The helplines received just over 200 calls, most simply seeking information on preventing human trafficking, but nine calls in Bulgaria and twelve in Romania related to actual cases of trafficking.³²⁷

181. Ukraine was frequently cited to us as a country making great efforts to tackle the scourge of trafficking. It acts as both a source and a transit country. We visited Ukraine as part of our inquiry and we were favourably impressed with the commitment of the authorities, their eagerness to co-operate with the UK and other EU Member States, and the key role played by well-established NGOs in raising awareness, identifying and assisting victims. Some examples of successes are already coming to light: a group of Ukrainian women trafficked to the Czech Republic had beforehand been given information about what migrants should do if they found themselves in a difficult situation, and had been provided with the telephone numbers of organisations that could help. They used this information to alert the Czech authorities and were quickly rescued.³²⁸ The NGOs we met in Prague implied this was not an isolated case. This success is attributable to the strong co-operation between the Ukrainian and Czech public authorities, the hard work by NGOs in awareness-raising in both countries, and the fact that the route for sex trafficking between Ukraine and the Czech Republic is well-established so that potential victims can be given specific information—phone numbers and addresses of those who could help them. Europol also said it found it easy to obtain

³²⁴ Ev 150, paras 2.1–2.4 (Anti-Slavery International) and Qq 440–441 (Metropolitan Police)

³²⁵ Ev 213, para 12

³²⁶ Qq 275, 278, 280–281

³²⁷ Q 248 and Ev 230–231 (UKHTC)

³²⁸ Qq 44 and 48 (Anti-Slavery International)

and exchange relevant information with Ukraine and to promote close relations between Ukrainian and Member State law enforcement agencies.³²⁹ The Metropolitan Police confirmed this, but noted that, while Ukraine and Russia co-operated in specific cases, they were not yet working with other police forces more generally to tackle the organised crime gangs based in their countries.³³⁰

182. Moldova was another source country perceived to be co-operating in the attempts to stop the trade in human beings. The Gangmasters Licensing Authority has worked with the Moldovan authorities on awareness-raising about trafficking for forced labour. The Director of Europol visited Moldova in 2008 to meet officials setting up a government-funded institution whose purpose was to spread information among children and parents about the dangers of trafficking—and especially about fraudulent offers of jobs as au pairs or in restaurants in Western Europe. He noted the strong support by NGOs in Moldova for this work. Misha Glenny sounded a note of caution, however, saying that Moldova's ability to co-operate was limited by its extreme poverty and high levels of corruption.³³¹ We also heard conflicting reports of the willingness of authorities in Russia and Lithuania to take action, while Turkey was commended.³³²

183. The country which almost all our witnesses mentioned as posing problems was Nigeria. The exception to this view was the Metropolitan Police's human trafficking unit: it reported that it was working with the Nigerian authorities to discover how victims were recruited and the routes taken by traffickers to Europe.³³³ Other witnesses made a number of specific allegations that went beyond simple reluctance to take the problem seriously or to co-operate with others. Anti-Slavery International said that Nigeria was not willing to put basic anti-trafficking provisions in place.³³⁴ It also noted that because Nigeria does not issue replacement passports through its embassies abroad, returned victims often have to travel home on temporary travel documents, which identifies them as victims and leads to harassment, ostracism, detention and sometimes immediate re-trafficking. Anti-Slavery International hinted that airport workers in Nigeria might be linked to trafficking gangs, as victims were found and re-trafficked so swiftly.³³⁵ The Poppy Project said their Nigerian clients had indicated that traffickers found it easy to obtain visas and other travel documents from the British High Commission—there was no need to forge them.³³⁶ Europol noted that as yet it had been unable to make a strategic co-operation agreement with Nigeria, with the result that it did not obtain any intelligence direct from that country: it had to rely on Member States to pass on any information they received from Nigeria.³³⁷

³²⁹ Qq 320–321 (Europol)

³³⁰ Qq 440–441

³³¹ Q 144–145 and 148–149 (Gangmasters Licensing Authority), 320 and 330 (Europol) and 275 (Mr Glenny)

³³² Russia: Qq 278 (Mr Glenny); Lithuania: Ev 150, paras 2.1–2.4 (Anti-Slavery International), Qq 440–441 (Metropolitan Police) and 75 (Poppy Project); Turkey: Q 321 (Europol)

³³³ Qq 440–441

³³⁴ Q 46

³³⁵ Ev 150, paras 2.5–2.7

³³⁶ Qq 77–78

³³⁷ Q 320

184. Other countries named to us as unable or unwilling to join in the battle against trafficking were Albania (where corruption and the extent to which criminal gangs have penetrated all sectors of society, including law enforcement agencies, thwart efforts to counter trafficking) and Vietnam (where the authorities often refused to accept that a trafficking victim without papers was a national of the country, thus leaving him or her in effect stateless).³³⁸

185. CEOP told us that it had been researching how and why children from South-East Asia, South Africa and parts of Europe become victims of trafficking. It had already established good relationships with a number of countries and was hoping to build on the very cost-effective approach already used in relation to sex offenders and child internet pornography, the Global Virtual Task Force, to deal with child trafficking.³³⁹ The Task Force was able to give a round-the-clock response to questions linked to operational requirements. Using this facility and the relations CEOP had already established with NGOs active in source countries such as Cambodia, CEOP hoped to be able to run operations to stop the trafficking of children from these area.³⁴⁰

186. Where countries are willing to co-operate, there is clearly a readiness on the part of government agencies and NGOs both in the UK and elsewhere in Europe to help run information campaigns, advise and train local police forces and other public officials, and help by information sharing and with joint operations. Where there is no intention by source and transit countries to co-operate, diplomatic pressure is an option, not least pressure from neighbouring countries which may be suffering as transit routes and from an overspill of criminality. It is also not always necessary to have the whole-hearted support of the government: there may be more benefit from working through NGOs, as Europol hinted to us. There also may be more that could be done in the way of pooling information for general use, through Europol and Interpol, by destination countries that have good relations with the less co-operative source countries.

187. All these solutions require the Foreign and Commonwealth Office and the Department for International Development to keep the effort to combat human trafficking as one of their priorities. In general, our witnesses were complimentary about the work of these departments in specific countries. There appears to be scope for extending this work—such as that done in South-East Europe—to more countries.

188. The UK Presidency of the EU made a priority of human trafficking, and we are pleased that the current holders of the Presidency, the Czech Republic have done so, too. We recommend the UK Government to take the lead in ensuring that at least once a year the source, transit and destination countries meet together to discuss practical measures to improve the co-ordination of efforts against trafficking, which should supplement the best practice conferences for experts currently held by the EU. These could perhaps be held under the aegis of an organisation not connected to a particular

³³⁸ Albania: Qq 75 and 77 (Poppy Project); Vietnam: Ev 150, para 2.8 (Anti-Slavery International)

³³⁹ This Task Force is a joint effort by CEOP, the Department for Homeland Security and the Immigration and Crime Enforcement Department in the USA, the Royal Canadian Mounted Police, the Australian Federal Police, the Italian National Communications and Postal Police and Interpol (through which the Task Force has access to information from another 187 countries).

³⁴⁰ Q 373

country, such as the International Organisation for Migration. We recommend that an early item on the agenda for such a meeting should be how countries could co-operate more closely with Europol.

8 Effectiveness of UKHTC

189. UKHTC has been in existence for only three years and, as many of our witnesses commented, these are still early days to pass judgement on its effectiveness. However, the UK Action Plan placed a huge emphasis on UKHTC's role as a multi-agency body, the central repository of all data on human trafficking, offering strategic and operational support and a 24/7 support line for advice, including on the care of victims. It is therefore disappointing that so many of our witnesses suggested it was not really multi-agency, being dominated by the police and UKBA; that it was not doing much work to produce the badly-needed estimates of the scale of trafficking; that it was not fully aware of the needs and rights of child victims; and that recent operations and individual cases had shown a lack of clarity in responsibilities and a failure to give useful advice on the support available for suspected victims. UKHTC has, however, worked hard on awareness-raising and training of the police and immigration officials, has run the public 'Blue Blindfold' campaign, has widened the focus to labour exploitation as well as sexual exploitation and has successfully involved a number of NGOs in training and in anti-trafficking operations. It is probably unrealistic to expect too much of so young an organisation which, moreover, has only about 30 staff. However, we recommend that the Government and the leadership of UKHTC look carefully at the criticisms of the organisation made by our witnesses to see whether UKHTC needs to rebalance its efforts. We ask the Government to report progress made to us by the end of March 2010.

Conclusions and recommendations

Describing the problem

1. Trafficking is a hidden crime: its victims cannot or dare not make themselves known to the authorities (for fear of retaliation or because they are or think themselves to be illegal immigrants) and, as we discuss later, some do not even realise that they are victims. They are concealed by physical isolation or language or cultural barriers, and may be operating under false identities. It is therefore not surprising—though it is frustrating—that no one was able to give us even a rough estimate of the scale of trafficking in the UK. (Paragraph 40)
2. Victim support organisations have been calling for better data on the scale of trafficking for years, and we had understood that production of such data (from a variety of sources) was one of the main tasks for which the UKHTC was established. Without reasonable estimates of the scale of the problem, it is difficult to raise public awareness and concern and to engage the variety of professionals who would be able to play a part in identifying possible victims. It also makes it impossible to gauge what support services are needed for victims. (Paragraph 41)
3. We are pleased that progress is finally being made in producing data, but are disappointed it has not been faster. We look forward to seeing the results of the Minister's three-pronged approach later this year. (Paragraph 45)
4. Given the UKHTC's apparent difficulty in making progress with data collection so far, appointing a National Rapporteur has its attractions. However, this would also add yet another organisation to the multitude involved in analysing and combating trafficking. An alternative would be to ensure that the UKHTC is properly resourced for the work of data collection, which should be given a high priority as it will form the basis of a proper assessment of the resources needed to tackle human trafficking and support victims. (Paragraph 42)

Prevention

5. We think it wrong that entry clearance officers are instructed to issue Migrant Domestic Workers visas even when they know that the employer intends to pay the worker less than the UK Minimum Wage: this makes a mockery of the concept of a legal minimum wage. (Paragraph 53)
6. Existing employment law, the National Minimum Wage, regulations on rented accommodation and so on should be sufficient to prevent the sorts of abuses highlighted by the Gangmasters Licensing Authority and UCATT—but only if they are enforced. It seems to us that, outside the Gangmasters Licensing Authority's sectors, enforcement is at best patchy and at worst non-existent. (Paragraph 55)
7. Part of the solution lies in increasing public awareness of trafficking as a whole and of the different forms that it can take, including into 'normal' jobs. More particularly, there is a need to train a variety of public officials—health service workers, social workers, building inspectors, health and safety inspectors and others—about the

various indicators of forced labour and where to find help if they suspect someone has been trafficked. (Paragraph 56)

8. Another part of the solution is to look more closely at the sectors in which victims are employed. This could be done either by expanding the remit of the Gangmasters Licensing Authority or by giving the relevant existing regulatory bodies equivalent licensing and enforcement powers to that Authority. We suggest that the construction industry should be the first focus and if, after two years, the Employment Agency Standards Inspectorate has not succeeded in reducing abuse, then the remit of the Gangmasters Licensing Authority should be extended to cover construction. (Paragraph 57)
9. We note the Government's decision to continue with the Migrant Domestic Worker visa regime, despite the introduction of the Points-based System for those from outside the EEA applying to work in the UK. However, the extension of the Migrant Domestic Worker visa regime is only for two years. We consider it likely that migrant domestic workers will need the special status afforded by the current visa regime for much longer than two years. (Paragraph 59)
10. Immigration authorities should actually use the sanctions against employers of unregistered workers as a disincentive to exploitation of such workers, and when enforcement operations take place the officials should be careful to look out for signs of trafficking. (Paragraph 61)
11. We welcome Newquest's decision not to carry any further adverts for 'adult entertainment' in its newspaper and urge other local newspapers to follow that lead and the Society of Editors to issue clear guidelines that newspapers should not accept advertisements for sex encounter establishments. (Paragraph 64)
12. We do not intend to comment on the moral and practical arguments about the desirability of de-criminalising or further criminalising prostitution in the UK, as this was not part of our terms of reference in undertaking this inquiry. We do, however, wish to draw to the Government's attention the serious concerns expressed to us by police officers about the practicability of enforcing the proposed legislation. (Paragraph 67)

Identifying victims: the police

13. We welcome the reappraisal of guidance to the CPS and ACPO on the prosecution of children trafficked to commit criminal offences. (Paragraph 71)
14. There is a clear need for greater awareness training in police forces so that officers realise that domestic workers, too, may be victims of trafficking and are not merely possible illegal immigrants. This training should cover signs such as deliberate confiscation and retention of identity documents and reports by employers that domestic workers have absconded from their homes (Paragraph 75)
15. The Human Trafficking unit of the Metropolitan Police serves a national as well as a local role, in providing an example of best practice that is regarded as a model by other police forces, by NGOs and by foreign law enforcement bodies and

multinational agencies such as Europol. In principle, we agree that best practice must spread out from specialist units to inform the work of every police officer and PCSO in the UK if trafficking victims are to be identified and rescued whenever and wherever they appear. However, we are still a long way from that ideal, even within London: as our witnesses acknowledged, the UK is just starting to tackle the problems of trafficking for forced labour and for street crime. We are therefore particularly disturbed by the police officers' assessment that closing down the unit will make it more difficult to identify trafficking victims. (Paragraph 85)

- 16.** Furthermore, we are concerned about the continuing tendency to view trafficking as an immigration crime, coupling it with facilitation or people smuggling, which is completely different. Not only does this increase the risk that victims will be treated only as those whose immigration status needs to be determined, it also poses the threat that those whose immigration status is not in doubt—UK nationals or those from the EEA, or migrant domestic workers with the correct visas, for example—will be ignored altogether. (Paragraph 86)
- 17.** As a result, we recommend that the Home Office continue to provide funding at its original level for the specialist Human Trafficking unit of the Metropolitan Police beyond 2010, until it can be proved that sufficient expertise on identifying victims of trafficking and dealing with the perpetrators has been spread through police forces throughout the UK. (Paragraph 87)
- 18.** We note also that only two of the six police posts in the Paladin Team are funded specifically for this purpose. This team, also, is a national and international exemplar, and we recommend it be fully funded so that it can continue its vital work. (Paragraph 88)

Identifying victims: UKBA

- 19.** It is imperative that the Government amend the 2004 Act to clarify the status of very young victims. We note that the Borders, Citizenship and Immigration Bill [Lords] now awaiting second reading in this House presents a good opportunity to make such an amendment. (Paragraph 93)
- 20.** Time after time in our inquiries into immigration and asylum matters we are told that the UKBA's rules and processes are good but they are not carried out properly. Our witnesses said that the UKBA is trying to ensure that victims of trafficking are correctly identified and then treated appropriately within the immigration system, and we are sure that many UKBA officials are doing their best. However, the evidence we have received is that there are still major gaps in awareness and training within the agency. These must be addressed by a greater emphasis on the excellent guidance already available. (Paragraph 99)
- 21.** We were also disturbed to hear anecdotal evidence of a lack of awareness about trafficking and its effect on victims among immigration judges. It seems that there is a pressing need for training of judges, too. (Paragraph 100)
- 22.** We are concerned that the Government's laudable aims of deterring fraudulent applications for asylum and speeding up the decision processes for genuine asylum-

seekers may disadvantage the often severely traumatised victims of trafficking. At the very least, the Government must consider whether the existing exemptions from Fast Track processes adequately protect people trafficked for forced labour who—not least because of the lack of support services for them—may well not present through recognised expert bodies like the Poppy Project. Removing people from the Fast Track does not mean that their cases would be examined less rigorously; it just means that there would be more time in which evidence of trafficking might be adduced. (Paragraph 106)

- 23.** Since we finished taking oral evidence for this inquiry, the UK has ratified the Council of Europe Convention Against Human Trafficking. It has announced the introduction of a 45 day reflection and recovery period, and “the possibility” of a one-year residence permit for victims. We welcome many aspects of this, but would like the Government to confirm that clear instructions have been issued to all immigration case workers that the reflection and recovery period applies to all victims of human trafficking, not just those forced into the sex trade, and that it is not dependent on the victim’s co-operation with law enforcement authorities. We would also like clarification of whether the 45-day period came into force immediately on ratification of the Convention by the UK on 17 December 2008. (Paragraph 107)
- 24.** We remain concerned that, for some severely traumatised victims, 45 days may be too short a time for them to recover sufficiently to make an informed decision about co-operating with the police—not least because there are so few support and counselling services available to victims. We recommend that provision exceptionally be made for the reflection period to be extended for the most severely traumatised, where this is recommended in reports from psychiatrists experienced in dealing with such victims. (Paragraph 108)
- 25.** We also ask the Government to clarify whether victims would be able in any circumstances to obtain an extension of the one-year residence permit. (Paragraph 110)
- 26.** Voluntary returns of victims should be encouraged; but it is both cruel and pointless to return victims of trafficking to their home countries if they are just going to be sent back to western Europe again shortly afterwards. The UKBA must make more use of the intelligence available from the Foreign and Commonwealth Office, the Department for International Development and NGOs as to the real level of support for reintegration of victims into their home country in order to judge whether returning them is appropriate. We also recommend that the Government make an assessment of the extent of re-trafficking. (Paragraph 113)
- 27.** We understand why the fixed fee system for immigration cases was introduced, and have no wish to encourage frivolous cases or vexatious appeals. However, we do in part share immigration lawyers’ concerns that some law firms may be unwilling or unable to take the risk of such potentially high-cost cases. We recommend the Government to keep under review whether there is a decline in the willingness of lawyers to represent those suspected of being victims of trafficking, and, if so, to exempt such claimants from the fixed fee system, subject to safeguards such as the

need for their claim to be supported by recognised experts like the Poppy Project. (Paragraph 114)

- 28. The Migrant Domestic Worker visa was introduced to deter abuse of such workers. An essential part of the regime is that before a visa is issued there should be screening to ensure that the worker is travelling of (usually her) own free will and there are no obvious signs of maltreatment. It is also vital that the worker is given information about her employment rights in the UK. This can be done only if the worker is interviewed by the post issuing the visa, and interviewed separately from the employer. We wish the posts named in Kalayaan's list as failing to follow the correct procedures to give us an assurance that they will tighten up procedures in future; and we want the UKBA to explain to us what they are doing to ensure that all posts are aware of and apply these requirements in future. (Paragraph 118)
- 29. Immigration officers should look out for cases where adults are not holding their own passports and should make inquiries, if necessary insisting that the person not in possession of their passport be interviewed separately. Even if there is no evidence of abuse, this would enable Migrant Domestic Workers to be informed of their rights at this point. (Paragraph 119)

Identification: other authorities

- 30. Local authorities obviously are important in terms of their responsibilities for services for children. They often know who the worst employers are in their area, and their officials may well come across victims in the course of routine inspections. We applaud the imaginative action being taken by a number of London Borough Councils, and the fact that they appear to be conscious of the need to spread experience and best practice. We are, however, disturbed that yet again the initiatives seem confined to London—or, if they are not, the Local Government Association appears unaware of them. There must be a much more concerted effort to use local knowledge and the opportunities provided by existing local activities to identify trafficking victims. We ask the Government to inform us what it intends to do to encourage the spread of best practice among local authorities. (Paragraph 126)
- 31. CEOP is concentrating on raising awareness about child trafficking among those working in the health service and education. There is clearly also scope for raising awareness of adult victims of trafficking among health providers (Paragraph 127)
- 32. UCATT's evidence on the changing profile of the construction industry confirms us in our conclusion that the GLA model should be extended to other sectors. (Paragraph 134)

National Referral Mechanism

- 33. We hope that the UKHTC and UKBA have learned the lessons from 'Operation Tolerance'. It is obvious that greater thought needs to be given to the practicalities of identifying and assisting victims. As ECPAT UK points out, much of the work of supplying accommodation and support services needs to be done with local knowledge and contacts, and we are concerned that the UKHTC and UKBA may not have such knowledge and contacts. We would like the Government to provide us

with a clear account of how the competent authorities intend to ensure that they are capable of fulfilling this role.. (Paragraph 138)

Protection

34. It is clear that not all—possibly a minority—of recovered victims are provided with safe accommodation. Even fewer appear to be given psychological help or legal advice or, in the case of those clearly entitled to work in the UK, assistance in obtaining another job. What support there is appears to be concentrated in London. We agree with our witnesses that there is an urgent need for more accommodation and other support services, especially outside London and for those trafficked into forced labour. However, without a better estimate of the scale of trafficking in the UK, it is difficult to determine what extra services are needed and where. (Paragraph 144)
35. We are alarmed by the accounts given by our witnesses and reinforced by anecdotal evidence of traffickers training children to present themselves as unaccompanied asylum seekers in order to be placed in insecure care, often near the port of entry, which the trafficker can persuade or coerce them to leave. In effect, traffickers may be using the care home system for vulnerable children as holding pens for their victims until they are ready to pick them up. (Paragraph 151)
36. While we do not advocate the, in effect, imprisonment of such children, we were appalled by the ease with which they can leave accommodation. We recognise that one element of the problem is that many have not been identified as victims of trafficking, but we are of the view that no unaccompanied asylum-seeking child should be placed in such a vulnerable situation: all are by definition young, inexperienced, in a strange country, many will be unable to speak English and have little or no knowledge of local customs, and some will be traumatised by the events that led them to flee their home country or by their experiences during their journey to the UK or by both. Moreover, even those identified as victims and given foster care may be placed in unsupervised accommodation once they reach the age of 15 or 16. (Paragraph 152)
37. ECPAT UK told us that it had repeatedly asked the Government to look into the issue of trafficking victims going missing from local authority care, but a succession of Ministers had refused to treat this group any differently from the other children who go missing from care. While it is regrettable that any child should disappear for a prolonged period or permanently from local authority care, we think that the Government's response does not recognise the peculiar vulnerability of trafficked children—even when these children leave care homes apparently voluntarily, in reality they are being deceived and exploited or are in fear of being kidnapped. We recommend that the Government carry out a specific nationwide study into the number of possible child trafficking victims going missing from care and how this number could be reduced. We intend to return to this subject ourselves in an evidence session to be held later this year. (Paragraph 153)
38. The existence of a specified person appointed by the local authority to supervise the care of each child could lead to better co-ordination and possibly the provision of

extra services for those in need of hard-to-access support. We therefore recommend that such a system be established. However, we cannot see how in practice guardians would reduce the likelihood that victims would abscond or be kidnapped from local authority accommodation. (Paragraph 154)

Prosecution

- 39. Investigating, prosecuting and convicting perpetrators of all types of organised crime are difficult—more so for a hidden crime with confused and cowed victims like human trafficking. We therefore understand the low rate of prosecutions for trafficking and we applaud the determination of the police and the CPS to use every legitimate means at their disposal to disrupt this trade and make it difficult **and** unprofitable for the perpetrators. (Paragraph 160)
- 40. However, two disadvantages arise from the ‘Al Capone’ approach, one perceptual and the other practical. The perceptual disadvantage is that the comparatively low rate of prosecutions for trafficking as such adds to the confusion about the incidence of trafficking in the UK. This may lead some authorities to underestimate the severity of the problem and therefore not to devote sufficient resources to tackling it. The other disadvantage, pointed out to us by ATLeP, is that perpetrators convicted of lesser offences than trafficking (such as living on immoral earnings) receive comparatively short sentences and sometimes are released from prison even before their victims’ immigration status has been determined, let alone before the victim has had time safely to re-establish her/himself in the UK or their home country. (Paragraph 161)
- 41. These problems, plus inherent justice, lead us to question whether more might be done to improve the chance of successfully prosecuting for trafficking. Victims’ willingness and ability to give evidence is central to this. Three factors make it more likely that victims will co-operate. It is essential to convince victims that they will be protected adequately. It is vital to treat them as victims and not as perpetrators of immigration crime. And we agree with both police and NGOs **that the provision of** safe accommodation for all victims would be a significant step in encouraging them to act as witnesses. (Paragraph 162)

International co-operation

- 42. We are disappointed that not all Member States are co-operating as fully with Europol as they could. We urge our fellow Parliamentarians in other countries to put pressure on their governments and law enforcement bodies to provide Europol and, through Europol, other countries with full and timely information, which will increase the likelihood of successful operations against human traffickers. In addition to the benefit of reciprocation, nationally-based operations tend to catch only the last link in the chain, who are often small-time criminals, and not the gang leaders. (Paragraph 173)
- 43. Not all EU Member States have taken practical measures to combat trafficking. Simple adoption of good legislation, without any significant attempt to enforce it, is not enough. The case studies dotted through this Report show, among other things, that even those countries that believe they do not have a problem with trafficking

may well be on a trafficking route. More likely, given the suspected scale of trafficking into the EU, there is a problem and the national authorities have not yet recognised it. Like the drugs trade, human trafficking is archetypally a transnational crime, and a clear example of where solidarity among Member States would reap considerable benefits to all. (Paragraph 178)

- 44.** Where source and transit countries are willing to co-operate, there is clearly a readiness on the part of government agencies and NGOs both in the UK and elsewhere in Europe to help run information campaigns, advise and train local police forces and other public officials, and help by information sharing and with joint operations. Where there is no intention by source and transit countries to co-operate, diplomatic pressure is an option, not least pressure from neighbouring countries which may be suffering as transit routes and from an overspill of criminality. It is also not always necessary to have the whole-hearted support of the government: there may be more benefit from working through NGOs, as Europol hinted to us. There also may be more that could be done in the way of pooling information for general use, through Europol and Interpol, by destination countries that have good relations with the less co-operative source countries. (Paragraph 186)
- 45.** All these solutions require the Foreign and Commonwealth Office and the Department for International Development to keep the effort to combat human trafficking as one of their priorities. In general, our witnesses were complimentary about the work of these departments in specific countries. There appears to be scope for extending this work—such as that done in South-East Europe—to more countries. (Paragraph 187)
- 46.** We recommend the UK Government to take the lead in ensuring that at least once a year the source, transit and destination countries meet together to discuss practical measures to improve the co-ordination of efforts against trafficking, which should supplement the best practice conferences for experts currently held by the EU. These could perhaps be held under the aegis of an organisation not connected to a particular country, such as the International Organisation for Migration. We recommend that an early item on the agenda for such a meeting should be how countries could co-operate more closely with Europol. (Paragraph 188)

Effectiveness of UKHTC

- 47.** UKHTC has been in existence for only three years and, as many of our witnesses commented, these are still early days to pass judgement on its effectiveness. However, the UK Action Plan placed a huge emphasis on UKHTC's role as a multi-agency body, the central repository of all data on human trafficking, offering strategic and operational support and a 24/7 support line for advice, including on the care of victims. It is therefore disappointing that so many of our witnesses suggested it was not really multi-agency, being dominated by the police and UKBA; that it was not doing much work to produce the badly-needed estimates of the scale of trafficking; that it was not fully aware of the needs and rights of child victims; and that recent operations and individual cases had shown a lack of clarity in responsibilities and a failure to give useful advice on the support available for suspected victims. UKHTC has, however, worked hard on awareness-raising and

training of the police and immigration officials, has run the public 'Blue Blindfold' campaign, has widened the focus to labour exploitation as well as sexual exploitation and has successfully involved a number of NGOs in training and in anti-trafficking operations. It is probably unrealistic to expect too much of so young an organisation which, moreover, has only about 30 staff. However, we recommend that the Government and the leadership of UKHTC look carefully at the criticisms of the organisation made by our witnesses to see whether UKHTC needs to rebalance its efforts. We ask the Government to report progress made to us by the end of March 2010. (Paragraph 189)

Formal Minutes

Wednesday 6 May 2009

Members present:

Rt Hon Keith Vaz, in the Chair

| | |
|--------------------|------------------|
| Mr James Clappison | Gwyn Prosser |
| David TCDavies | Martin Salter |
| Mrs Janet Dean | Mr Gary Streeter |
| Patrick Mercer | Mr David Winnick |
| Margaret Moran | |

Draft Report (*The Trade in Human Beings: Human Trafficking in the UK*), proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 189 read and agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Tuesday 12 May at 10.15 am]

Witnesses

Tuesday 5 February 2008

Page

Ms Klara Skrivankova, Anti-Slavery International

Ev 1

Tuesday 29 April 2008

Ms Denise Marshall, Chief Executive, and **Ms Anna Johansson**, Manager, POPPY Project

Ev 11

Ms Christine Beddoe, Director, ECPAT UK

Ev 17

Mr Ian Livsey, Chief Executive, and **Mr David Nix**, Head of Policy and Communications, Gangmasters Licensing Authority

Ev 21

Ms Kate Roberts, Co-ordinator, and **Ms Jenny Moss**, Community Support Worker, Kalayaan

Ev 24

Tuesday 17 June 2008

Ms Raggi Kotak, **Ms Michelle Brewer**, **Ms Kathryn Cronin** and **Ms Zofia Duszynska**, ATLeP

Ev 29

Tuesday 24 June 2008

Chief Constable Grahame Maxwell, Chief Constable North Yorkshire and Programme Director, and **Detective Chief Superintendent Nick Kinsella**, Head, UK Human Trafficking Centre

Ev 37

Mr Misha Glenny, Journalist

Ev 47

Tuesday 24 June 2008

Mr Ian Murray, Editor-in-Chief, *Southern Daily Echo*, NewsQuest

Ev 52

Mr Max-Peter Ratzel, Director of Europol, and **Mr Bob Fairweather**, Deputy Head of Mission, British Embassy in The Netherlands

Ev 55

Mr Joaquim Nunes de Almeida, Adviser, Directorate F (Security), and **Ms Maria Grazia Giannarinaro**, National Seconded Expert, DG Justice, Freedom and Security, European Commission

Ev 59

Tuesday 21 October 2008

Mr Jim Gamble, and **Ms Aarti Kapoor**, Child Exploitation and Online Protection Centre

Ev 63

Tuesday 9 December 2008

| | <i>Page</i> |
|---|-------------|
| Commander Allan Gibson, Detective Chief Inspector Nigel Mawer, Human Trafficking Unit, and Detective Inspector Gordon Valentine, Paladin Team, Metropolitan Police | Ev 74 |
| Councillor Shireen Ritchie , Deputy Chairman of the London Councils Children and Young People's Forum, and Mr Steve Liddicott , Director of Planning, Performance and Commissioning, Department for Children, Young People and Learners, Croydon Council, member of ADCS, London Councils and Association of Directors of Children's Services | Ev 80 |
| Rt Hon Harriet Harman MP , Leader of the House, and Mr Alan Campbell MP , Parliamentary Under-Secretary of State for Crime Reduction, Home Office | Ev 85 |

List of written evidence

| | Page |
|--|------------------|
| 1 Anti-Slavery International | Ev 95, 149, 271 |
| 2 Dr Tomoya Obokata | Ev 99 |
| 3 ECPAT UK | Ev 103, 247, 260 |
| 4 Unicef | Ev 108, 250 |
| 5 NSPCC | Ev 111, 246, 248 |
| 6 Kalayaan | Ev 117, 120, 253 |
| 7 Public and Commercial Services Union | Ev 124 |
| 8 British Red Cross | Ev 126 |
| 9 Immigration Law Practitioners' Association (ILPA) | Ev 128, 264 |
| 10 CARE | Ev 134 |
| 11 Salvation Army | Ev 136, 263 |
| 12 Save the Children | Ev 141 |
| 13 Local Government Association | Ev 148 |
| 14 STOP THE TRAFFIK | Ev 150, 250 |
| 15 POPPY Project | Ev 152, 256 |
| 16 The Children's Society | Ev 159 |
| 17 Church of Scotland Guild | Ev 161 |
| 18 ADCS/ADASS Asylum Task Force | Ev 163 |
| 19 The Trafficking Law and Policy Forum | Ev 166 |
| 20 Anti-Trafficking Legal Project | Ev 171, 180 |
| 21 Home Office | Ev 191 |
| 22 Refugee Council | Ev 203 |
| 23 Child Exploitation and Online Protection Centre | Ev 208 |
| 24 Gangmasters Licensing Authority | Ev 213, 274 |
| 25 Embassy of the Republic of Moldova | Ev 219 |
| 26 Embassy of Romania | Ev 224 |
| 27 Embassy of the Slovak Republic | Ev 225 |
| 28 Embassy of the Republic of Hungary | Ev 227 |
| 29 United Kingdom Human Trafficking Centre | Ev 230 |
| 30 Europol | Ev 231 |
| 31 International Union of Sex Workers | Ev 231 |
| 32 Union of Construction, Allied Trades and Technicians | Ev 239 |
| 33 Paladin | Ev 241 |
| 34 Child Exploitation and Online Protection Centre (CEOP) | Ev 242 |
| 35 Chief Constable Grahame Maxwell QPM, North Yorkshire Police | Ev 274 |
| 36 Glasgow Community and Safety Services | Ev 275 |

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report after the HC printing number is printed in brackets

Session 2008–09

| | | |
|---------------|--|--------|
| First Report | Monitoring of the UK Border Agency | HC 77 |
| Second Report | Police and the Media | HC 75 |
| Third Report | The Work of the Committee 2007–08 | HC 76 |
| Fourth Report | Policing Process of Home Office Leaks Inquiry | HC 157 |
| Fifth Report | Borders, Immigration and Citizenship Bill [HL] | HC 425 |

Session 2007–08

| | | |
|----------------|--|---------------------|
| First Report | The Government's Counter-Terrorism Proposals | HC 43 |
| Second Report | Bulgarian and Romanian Accession to the EU: Twelve months on | HC 59 |
| Third Report | Security Industry Authority | HC 144 |
| Fourth Report | Work of the Committee in 2007 | HC 226 |
| Fifth Report | A Surveillance Society? | HC 58 (Cm 7449) |
| Sixth Report | Domestic Violence, Forced Marriage and "Honour"-Based Violence | HC 263 (Cm 7450) |
| Seventh Report | Policing in the 21 st Century | HC 364 |

Session 2006–07

| | | |
|---------------|---|---------------------|
| First Report | Work of the Committee in 2005–06 | HC 296 |
| Second Report | Young Black People and the Criminal Justice System | HC 181 (Cm 7217) |
| Third Report | Justice and Home Affairs Issues at European Union Level | HC 76 (HC 1021) |
| Fourth Report | Police Funding | HC 553 (HC 1092) |

Session 2005–06

| | | |
|---------------|--|---------------------|
| First Report | Draft Corporate Manslaughter Bill (First Joint Report with Work and Pensions Committee) | HC 540 (Cm 6755) |
| Second Report | Draft Sentencing Guideline: Robbery | HC 947 |
| Third Report | Draft Sentencing Guidelines—Overarching Principles: Domestic Violence and Breach of a Protective Order | HC 1231 |
| Fourth Report | Terrorism Detention Powers | HC 910 (Cm 6906) |
| Fifth Report | Immigration Control | HC 947 (Cm 6910) |
| Sixth Report | Draft Sentencing Guideline: Sexual Offences Act 2003 | HC 1582 |