

# TRAFFICKED CHILDREN

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## 1. DEFINITION

'Trafficking of persons' means 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 includes, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Trafficked victims are coerced or deceived by the person arranging their relocation. On arrival in the country of destination the trafficked child or person is denied their human rights and is forced into exploitation by the trafficker or person into whose control they are delivered.

## 2. RISKS

Children and young people are usually recruited by coercive or subversive means, taken on dangerous journeys with false papers and ID and, at their destination, they are often kept in a controlled environment by means of threats, violence or coercion. Some children may be escorted by a person stating that they are a relative. Most children are trafficked for financial gain such as domestic servitude, sexual exploitation, benefit fraud, sweat-shop work in catering or agriculture, illegal adoption, organised criminality and many more.

The trafficking of children may occur internally within the UK as well as across international borders.

Cases of child sexual exploitation may include the trafficking of UK or foreign nationals (see the **NEL Child Sexual Exploitation Practice Guidance & Procedure** which includes the Child Sexual Exploitation Tool).

## 3. INDICATORS

The child at the point of entry into the UK:

- Entered illegally without passport or ID papers.
- Has false papers, goods and money not accounted for.
- Has no adult with them or to meet them.
- Is with an adult who refuses to leave them alone.
- Has no money but a working mobile phone.
- Is reluctant to give personal details

Once in the UK the child:

- Received unexplained calls.
- Has money from an unknown source

- Shows signs of sexual or physical abuse
- Has not been enrolled in a school or with a GP.
- Seems to do work in various locations.
- May demonstrate missing behaviour.

The child's sponsor:

- Has previously made multiple visa applications for other children or acted as guarantor; or
- Is known to have acted as guarantor for others who have not returned to their countries of origin at the expiry of the visas.

Identification of trafficked children may be difficult as they might not show obvious signs of distress or abuse. Some children are unaware that they have been trafficked, while others may actively participate in hiding that they have been trafficked. Any child transported for exploitative reasons is considered to be a trafficking victim in line with the Palermo Protocol, whether or not they have been forced or deceived. This is partly because it is not considered possible for children to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults. It is important that these children are protected too.

#### **4. PROTECTION AND ACTION TO BE TAKEN**

Where there is a risk to the life of the child or a likelihood of serious immediate significant harm, the police or Children's Social Care should act quickly to secure the immediate safety of a child who may have been trafficked. In some cases it may be necessary to ensure either that the child remains in a safe place or is removed to a safe place. This could be on a voluntary basis or following the making of an Emergency Protection Order (EPO).

#### **NATIONAL REFERRAL MECHANISM**

In cases where a child displays indicators that they may have been trafficked, whether from overseas or within the UK, social workers or other front line professionals should refer the case to the relevant competent authority by submitting a National Referral Mechanism referral form.

The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support.

The NRM is also the mechanism through which the UK Human Trafficking Centre (UKHTC) collects data about victims. This information contributes to building a clearer picture about the scope of human trafficking in the UK.

The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. At the core of every country's NRM is the process of locating and identifying "potential victims of trafficking" (PVoT).

The NRM grants a minimum 45-day reflection and recovery period for victims of human trafficking. Trained case owners decide whether individuals referred to them should be considered to be victims of trafficking according to the definition in the Council of Europe Convention.

Also see: **National Referral Mechanism (Forms and Guidance) – Modern Slavery Victims.**

#### **REFERRAL AND THE CHILD PROTECTION PROCESS**

Following a referral in line with the Referrals Procedure an Assessment will be carried out by the lead social worker and a Strategy Discussion will take place. It may decide that a Section 47 Enquiry should be carried out which could result in an Initial Child Protection Conference (see Child Protection Conferences Procedure).

If the decision is that the risks do not require a Child Protection Plan, then the child should be responded to as a Child in Need.

Where a child has been trafficked, the Assessment should be carried out immediately as the opportunity to intervene is very narrow. Many trafficked children go missing from care, often within the first 48 hours. Provision may need to be made for the child to be in a safe place before any Assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately.

During the Assessment, the lead social worker should establish the child's background history including a new or recent photograph, passport and visa details, Home Office papers, and proof and details of the Guardian or carer.

The Assessment should take account of any particular psychological or emotional impact of experiences as an unaccompanied or trafficked child, and any consequent need for psychological or mental health support to help the child deal with them.

**Care of unaccompanied and trafficked children: Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children (2014)** provides that where the age of a person is uncertain and there are reasons to believe that they are a child, they are presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Article 10(3) of the European Convention on Action Against Trafficking in Human Beings. Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a local authority's assessment of unaccompanied or trafficked children. Where age assessments are conducted, they must be Merton Compliant.

With advice from their lawyers, trafficked children may apply to UK Visas and Immigration for asylum or humanitarian protection. This is because they often face a high level of risk of harm if they are forced to return to their country of origin.

Where the outcome of the assessment is that the child becomes Looked After the social worker and carers must consider the child's vulnerability to the continuing influence/control of the traffickers. Planning and actions to support the child must minimise the risk of the traffickers being able to re-involve a child in exploitative activities.

- The location of the child must not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship/connection with the child established, with the help of police and immigration services, if required.
- Foster carers/residential workers must be vigilant about anything unusual e.g. waiting cars outside the premises and telephone enquiries.
- The social worker must immediately pass to the police any information on the child (concerning risks to her/his safety or any other aspect of the law pertaining either to child protection or immigration or other matters), which emerges during the placement.

The social worker must try to make contact with the child's parents in the country of origin (immigration services may be able to help), to find out the plans they have made for their child and to seek their views. The social worker must take steps to verify the relationship between the child and those thought to be her/his parent/s.

Anyone approaching the local authority and claiming to be a potential carer, friend, member of the family etc, of the child, should be investigated by the social worker, the police and immigration service. If the supervising manager is satisfied that all agencies have completed satisfactory identification checks and risk assessments the child may transfer to their care.

The child should be offered an Independent Visitor and, if they decline, their reasons should be recorded. Any Independent Visitor appointed should have appropriate training and demonstrate an understanding of the needs faced by unaccompanied or trafficked children.

In addition, unaccompanied children should be informed of the availability of the Assisted Voluntary Return Scheme.

## 5. ISSUES

Everyone involved in the care of unaccompanied and trafficked children should be trained to recognise and understand the particular issues likely to be faced by these children.

Children need to be interviewed separately and over time to build up trust, and trained Disclosure and Barring Service-checked interpreters should be used. Independent legal advice should be arranged and discreet family tracing and contact, if it is safe, should be followed up.

Medical and counselling services should be arranged.

A risk assessment of the dangers to the child should be made if the child is to be repatriated.

Attempting to persuade a child victim to testify against a trafficker is complicated. The child usually fears reprisal from the traffickers and/or the adults whom the child was living with in the UK if they co-operate with the police. This includes reprisals against their family in their home country. Children, who might agree to testify, fear that they will be discredited because they were coerced into lying on their visa applications/immigration papers.

Agencies should have the best interests of the victim at the centre of all the decision making and safeguarding processes. Issues around immigration status should be carefully managed and work should be conducted to avoid the criminalisation of victims where the exploitation amounts to a criminal act (see **The Crown Prosecution Service Guidance**).

### **MODERN SLAVERY**

Modern slavery is a form of organised crime in which individuals including children and young people are treated as commodities and exploited for criminal gain. Traffickers and slave drivers trick, force and/or persuade children and parents to let them leave their homes. Grooming methods are used to gain the trust of a child and their parents, e.g. the promise of a better life or education, which results in a life of abuse, servitude and inhumane treatment.

Child trafficking or child modern slavery is identified as child abuse which requires a Child Protection response (see Section 4, Protection and Action to be Taken). It is an abuse of human rights, and all children, irrespective of their immigration status, are entitled to protection under the law.

Children are recruited, moved or transported and then exploited, forced to work or sold. The Modern Slavery Act 2015 (applicable mostly in England and Wales [1] includes two substantive offences: i) human trafficking, and ii) slavery, servitude and forced or compulsory labour. Boys and girls of all ages are affected and can be trafficked into, within ('internal trafficking'), and out of the UK for many reasons and all forms of exploitation e.g. sex trafficking - children can be groomed and sexually abused before being taken to other towns and cities where the sexual exploitation continues.

In all cases, protection and support is available through the National Referral Mechanism (NRM) process. Victims may not always be recognised by those who come into contact with them. They may be unwilling to come forward to agencies not seeing themselves as victims or fearing further reprisals from their abusers.

## **6. FURTHER INFORMATION**

**Modern Day Slavery Helpline**

**Modern Slavery: Duty to Notify (Home Office, 2016)**

**Modern slavery victims: referral and assessment forms**

**Home Office Circular - Modern Slavery Act 2015**

**Safeguarding Children who may have been Trafficked, Non-statutory Good Practice Guidance, Department for Education and the Home Office, 2011**

**Care of unaccompanied and trafficked children: Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children (2014)**