Hidden and unheard: unaccompanied and separated migrant children who become trafficked in the UK — Executive summary

Executive summary

This paper summarises an evidence briefing that considers the systemic challenges that exist in the UK in relation to identifying, protecting and responding to the needs of a group of children who remain largely unseen and poorly understood by services: unaccompanied children from abroad who are the victims of trafficking.

This report is aimed at those who have responsibility for local strategy, planning and, ultimately, delivery of safeguarding responses and support to children and young people at the local level.

Method

The review of the literature was conducted with limited time and should not be considered comprehensive (Abrami et al., 2010). The remit of the search was limited to grey literature and academic articles, published since 2005, and restricted to the geographical boundaries of the UK.[1] The initial search provided 667 resources, which were appraised for relevance, and resulted in 48 being fully reviewed.

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1. A list of key terms was generated to search scholarly databases, including Emerald, NCBI, JSTOR, Google and DISCOVER. Inclusion criteria for grey literature included in this briefing adhere to the TCE Programme's quality assurance framework.

Aim

The briefing sets out to achieve the following:

> Provide key definitions for Modern Slavery and Human Trafficking (MSHT), the group of unaccompanied migrant children and young people who become trafficked in the UK, and review the links to current national policy frameworks.

> Outline the nature of child trafficking and the complex and overlapping forms of exploitation that these children may be vulnerable or victim to.

> Provide an overview of the scale and nature of child trafficking from the data gathered in the UK and explore the obstacles to establishing a reliable and current picture.

> Outline current child protection responses to this group of children.

> Consider both systemic and practice challenges that need to be addressed in order to inform localised responses and bring about better outcomes for this highly vulnerable group.

Definitions

Separated children

Separated children and young people are those separated from both parents or from their previous legal or customary primary care-giver, but not necessarily from other relatives. This term may, therefore, include children accompanied by other adult family members.

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Key terms

Modern slavery

'Modern slavery' is an umbrella term used within the UK and, as such, encompasses a range of exploitation where individuals are treated as commodities and exploited for profit, usually for financial and sometimes personal gain. The crimes that fall within modern slavery include human trafficking, slavery, servitude and forced or compulsory labour. Their complexity and scale range from opportunistic exploitation or that perpetrated by individuals, through to the orchestrated activities of serious organised crime groups (OCGs) both within the UK and across international borders.

The identification and definitions of different forms of modern slavery are important because they can contribute to or act as barriers to the visibility of exploitation and abuse. This subsequently determines how these crimes are responded to with regard to routes to investigation, interruption and successful prosecution of the perpetrators alongside the protection, support and recovery services afforded its victims.[2]

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2. For more discussion of definitions that fall under Modern Slavery see the **Modern Slavery and Human Rights Policy and Evidence Centre (PEC)**

Human trafficking

Human trafficking occurs where modern slavery crimes involve the intention to facilitate the movement, or the actual movement of individuals with the purpose of exploiting them. The UK follows the UN's 'Palermo Protocol' which 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 a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person has to control over another person, for the purpose of exploitation.' (UN General Assembly, 2000).

The Protocol identifies three elements of human trafficking:

(i)   The **act** (what is done): recruitment, transportation, transfer, harbouring or receipt of persons.

(ii) The **means** (how it is done): 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 a person to achieve the consent of another person with control of the victim.

(iii) The **purpose** (why it is done): for the purpose of exploitation. Exploitation shall include, at a minimum, 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.

Other forms of modern slavery such as servitude, slavery or forced labour may include the **means** and the **purpose** but not involve the element of **movement** with the intention to exploit.

There is no definitive definition of a trafficked victim. Trafficked victims are identified as those who are exploited at the hands of their traffickers and victims of criminality as defined by the Palermo Protocol (CPS, 2021).

Smuggling

The UN Protocol differentiates trafficking and smuggling, which does not involve the intent to exploit and is defined as:

> '...*the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national.*'[3]

Without the intent to exploit, this is not defined as trafficking. Definitions are important because they can determine outcomes for individuals, particularly when referring to the National Referral Mechanism (NRM) for protection and support or applying for immigration status.

The Legal framework

The UK Modern Slavery Act (MSA) 2015 was the first national legislation to use the umbrella term 'modern slavery' rather than other terms like 'human trafficking' or 'forced labour'. It was introduced to simplify the legislative framework by consolidating existing offences, improving the support of victims, and ensuring perpetrators receive suitable punishment. Broadly there are five different types of exploitation that victims of modern slavery may experience as defined in the Modern Slavery Act 2015:

> - sexual exploitation
> - criminal exploitation
> - labour exploitation
> - domestic servitude
> - organ harvesting.

Unaccompanied minors may experience complex, overlapping forms of exploitation across different stages of their journey (recruitment, transportation and exploitation). Research suggests there is limited awareness amongst professionals of the reasons for trafficking. The different forms it takes for children can result in insufficient knowledge to respond to child protection needs (Crawley, 2006; Bokhari, 2008; Pearce, 2009, 2011).

There are key differences in legislation between adults and children because children under 18 are deemed to be unable to give consent to being trafficked. Therefore, only the 'action' and 'purpose' are required within the legal definition. The MSA 2015 does not include a provision for a separate 'child trafficking' offence, but does state that authorities must give regard to the vulnerability of the child victims, whilst also protecting

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3. **UN Protocol against the Smuggling of Migrants by Land, Sea or Air**.

the presumption of age if the victim states they are under 18 until an age assessment proves otherwise (Leon & Raws, 2016).

The legal framework in the UK is currently changing. The Nationality and Borders Bill 2021, is, at the time of writing, being debated in government and will have far-reaching implications on the identification of victims and the level of protection and support they receive from the NRM (ECPAT UK 2021; 2022).

The National Referral Mechanism NRM

The NRM is the UK's system for identifying and providing support to potential victims of modern slavery and trafficking. Research undertaken by ECPAT (2017) found that the awareness of the NRM was poor amongst frontline professionals and referral decisions were not made within a suitable time frame.

Through the implementation of the NRM, new patterns have emerged to spotlight a range of exploitation. However, the data collected through the referral mechanism lacks the sophistication to support preventative approaches at the local level to disrupt and respond to child trafficking (ATMG, 2018).

The NRM faces criticism from leading NGOs, academics and practitioners in the sector, citing evidence of poor decision-making, a disconnect between the NRM system and

local child safeguarding, and an inappropriate focus on immigration (ECPAT UK, 2017). Other concerns include the lack of input by the child into the NRM process and a lack of understanding of the NRM process by the child (ATMG, 2018). Recommendations have called for reforms to improve decision-making protocols, a shift away from immigration concerns to child protection, and the strengthening of the voice of the child throughout the NRM process.

National responses to child trafficking

Current policy in the UK has foregrounded immigration concerns ahead of child protection issues, with the consequence of further reducing the visibility of potential victims within the child trafficking and exploitation networks (Gearon, 2015). Preventative strategies tend to focus on the deterrence of offenders rather than adopting a child-focused or children rights-based approach (ATMG, 2018).

Local authorities are responsible for identifying and responding to child trafficking. However, research identifies that multi-agency responses at a local level are often disjointed and statutory agencies are often reluctant to assume lead responsibility for identifying or responding to trafficked children and young people (Harvey et al., 2015; Pearce et al., 2013).

The current disconnect between local areas and the NRM results from:

> Challenges in applying current child protection frameworks in the context of extra-familial abuse.

> Gaps in knowledge amongst professionals about the NRM.

> Inefficient processes for information sharing with agencies working in silos.

National data and the identification of children as 'trafficked'

The total number of children and young people being trafficked from abroad into the UK is not known (ECPAT UK, 2020). The most cited models for predicting the scale of the issue at a national level are the Global Slavery Index that estimated 136,000 victims (children and adults) of modern slavery, and the Multiple Systems Estimation that estimated between 10,000 and 13,000 victims, of which more than 3,000 are minors. Both models have been critiqued for the incomplete datasets and methods for extrapolating calculations against population sizes. In response, the ONS has developed a set of indicators that seeks to

understand the nature of the crime alongside levels of awareness and understanding amongst professionals and services (Gallagher, 2017). Their findings suggest that greater awareness leading to improved reporting and police recording are likely to have contributed to the increases seen in potential victim numbers since the introduction of the MSA 2015 (ONS, 2020).

The NRM is the primary national source of data on the prevalence of reported cases of suspected modern slavery in the UK. In 2020, the NRM received 10,613 referrals of potential victims of modern slavery, 4,946 (47%) of which were children aged 17 or under (Home Office, 2021a). In contrast to previous years, in 2020 there has been an increase in the number of child referrals and a reduction in adult referrals.

Table 1 - Number of NRM referrals per quarter, by age group at exploitation and location of exploitation

Note: Values from previous quarterly bulletins may change as referrals are updated and duplicates identified. Data pre-2014 should be used with caution due to lower reliability.
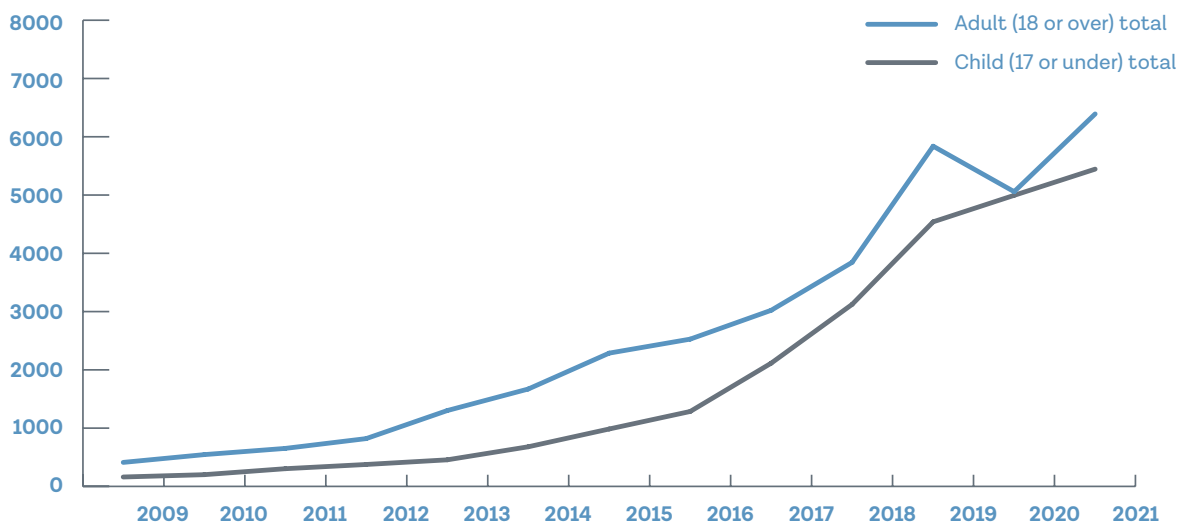

Table 2 - Number of annual NRM referrals for Children (17 or under) by location of exploitation, 2014 to 2020
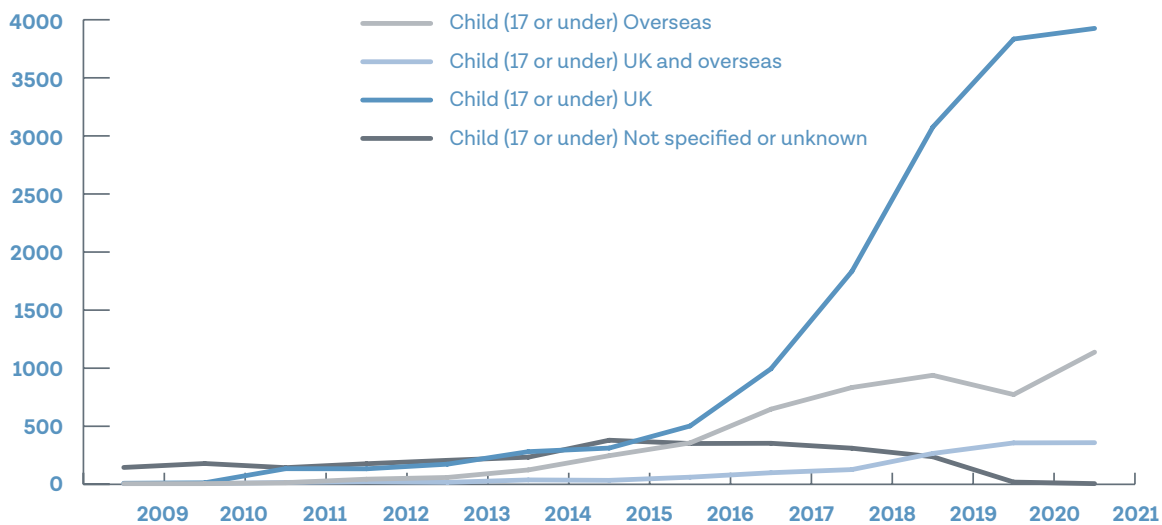
Table 3 - Number of referrals to the National Referral Mechanism, for Minors at time of exploitation and nationality, year ending December 2020
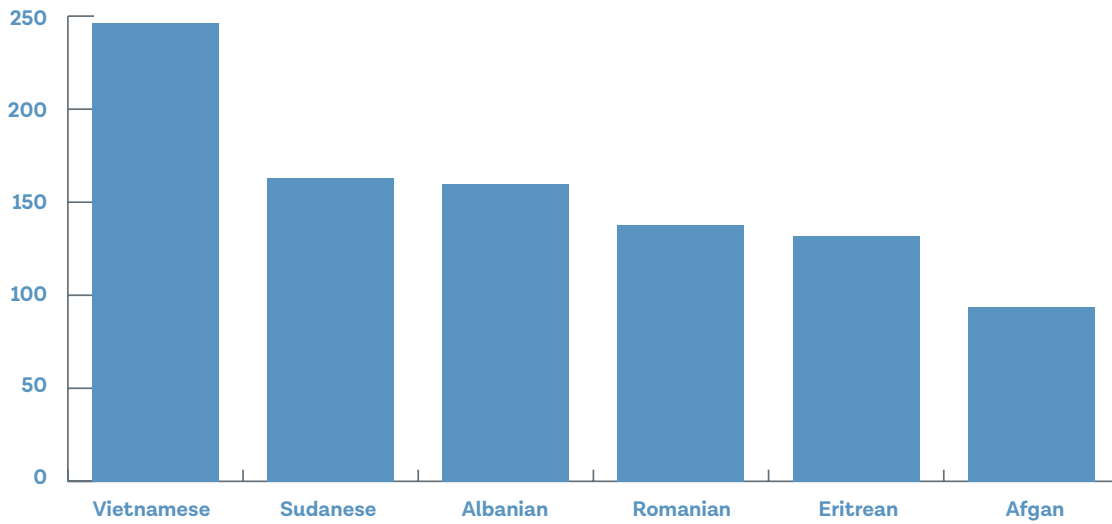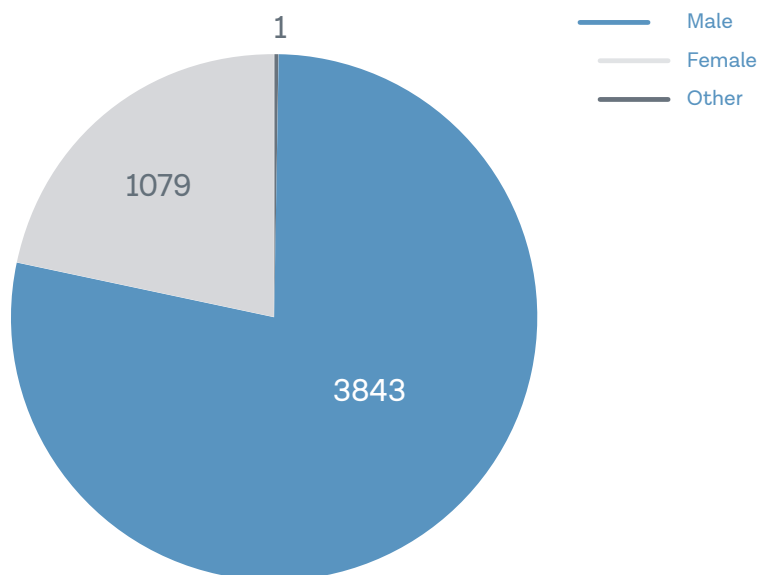

Table 4 - Number of NRM referrals by age group at exploitation, country of responsible police force, exploitation type and gender (Q1 2022)

Data on children and young people going missing from care who are at risk of trafficking

Unaccompanied children and young people may still be susceptible to further exploitation and re-trafficking, even when entering care. Data collection and identification is a challenge as records do not differentiate categories of unaccompanied children who have been internally or externally trafficked with unaccompanied asylum seeker children. Although there is little research that directly addresses the outcomes of these distinct cohorts, it is important for strategic leaders to consider the experience of unaccompanied children in care and the risk of them being re-trafficked due to going missing.

In 2017, 910 children in care homes were reported by local authorities as identified or suspected victims of trafficking in the UK, an increase of 54% from the 590 children identified in 2014-15. Of those, 27% went missing from care (244 of 910). The risks of re-trafficking for this group are known to be high and traffickers are recognised as persistent and effective in their attempts to retrieve children after being placed in local authority care, using methods such as coercion, threats to families, debt bondage and juju curses. Children who have been trafficked are especially vulnerable to physical, monetary or psychological control and professionals have little awareness of the push and pull factors driving children to go missing from care (Unseen, 2020).

Routes and barriers to identifying unaccompanied children at risk

The status of victimhood experienced by unaccompanied and trafficked children can be hidden or conflated with the illicit activities in which they are engaged (e.g. cannabis cultivation). The tension inherent within the victim versus perpetrator binary runs across social care and criminal justice systems and can impact on the identification of and response to children at risk (Gearon, 2018; ATMG, 2018).

Disclosure of exploitation can be a significant barrier for victims, stemming from a complex and interwoven rationale for withholding information. Professionals, carers and other stakeholders require sufficient knowledge, understanding and time to support the young person to share their experience (Rigby, 2011; Breuil, 2008).

Professionals and institutions reflect the cultural norms and / or differences within society and these can act as barriers to recognising potential victims and the range of exploitation, with indicators going unseen. For example, cultural norms towards masculinity and victimisation and / or cultural taboos around sex and sexuality (Leon & Raws, 2016) may act as barriers to recognising young men as victims of abuse.

Research has evidenced the development of 'culture(s) of disbelief' in professionals, due to denial or lack of recognition of the severity of exploitation they encounter. Such disbelief may restrict the ability of professionals to respond to the child protection needs and result in the discrediting of young people's accounts if they lack corroborating evidence. This has significant implications for the young people concerned (Pearce et al., 2009; Pearce, 2011).

There is a need to address the multiple and overlapping offences experienced by children and young people who are victims of smuggling and those that are trafficked. Current narratives sustain fixed binary notions of 'consent' associated with smuggling and 'coercion' with trafficking. Current research advocates for thinking critically about this binary distinction as defined in law and instead promoting an understanding of smuggling and trafficking as a continuum that surfaces child protection issues (Bovarnick, 2010).

Achieving systems change for unaccompanied minors who are victims of trafficking

Recent research highlights the risks posed by Brexit to the prevention of child trafficking and the danger that children's rights could be weakened along with the protection they are afforded (ATMG, 2018). Child victims of trafficking remain the financial responsibility of local authorities (ECPAT UK, 2020). In a current funding climate characterised by years of austerity and further exacerbated by Brexit and the Covid pandemic, this presents a significant barrier to delivering an appropriate welfare-based response to the needs of trafficked children. On a more positive note, the national rollout of Independent Child Trafficking Guardians (ICTG) in England and Wales is continuing, with the support of a new Regional Practice Co-ordinator.

What needs to happen next at the national level?

Having reviewed the literature, the analysis highlights the next steps that should be considered by strategic leaders and policy makers:

> Local leaders should petition the government for a **stronger national policy framework**. This is required in order to effectively dovetail anti-trafficking responses across the range of relevant policy areas and achieve a shift from criminal justice, immigration and economic driven approaches to welfare and rights-based responses that prioritise the protection of children. In order to be effective, national policy must be informed by the **lived experience and the voices of children** as well as adults who experienced trafficking as children.

> There is little evidence of any coordinated approach to preventative measures or the creation of a 'protective environment' for children as laid out in international law (ATMG, 2018). National strategy should include a suite of **prevention measures** that are monitored, evaluated and reviewed on a regular basis.

> Such measures must be informed by **improved data collection**, both through the NRM and **at local level** regarding child protection and child-in-need responses to trafficked children. The UK preventative strategy and its work with international partners could be significantly strengthened through more sophisticated data reporting regarding patterns, trends, regions and routes across international borders to the UK.

> Anti-trafficking and prevention measures should be accompanied by a **robust measurement of effectiveness and evaluation** in order to build an evidence base for the effective identification of victims and interventions to support exit and recovery.

> This is also necessary in determining whether there is evidence of **improved decision-making** as a result of the independent Multi-Agency Assurance Panels (MAAPs) as the competent authorities at local level. Having been successfully evaluated the ICTG scheme should now be rolled out consistently in all areas (Kohli et al., 2019).

What needs to happen next at the local level?

> If the NRM is to more effectively protect and identify child victims, there must be **stronger links to child protection strategies and responses at the local level**. Whilst the MAAPs might support this, a case has also been made for a positive NRM decision to automatically trigger a S.47 strategy, thus **improving local safeguarding responses** and reducing the criminalisation of child victims of trafficking (ECPAT, 2020).

> Safeguarding responses might be strengthened through the development of local policy documents to frame multi-agency and safeguarding partner responses and pathways. ECPAT UK and PACT have developed guidance for this.[4]

> These should also identify and outline **the local workforce development** needs to include training for professionals across agencies

(including foster carers and accommodation providers) to:

> improve **identification**, recognition and understanding and to address cultures of disbelief, denial and blame

> provide **support and counselling** for professionals undertaking distressing and unsettling work

> encourage and promote **trauma-informed** and relational approaches to children who have experienced high levels of violence and abuse

> ensure the provision of **sufficient resources** (through commissioned services where appropriate) via staff that are confident and competent in identifying and responding to the signs and indicators of exploitation, so levels of disclosure are improved alongside effective welfare responses.

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4. ECPAT UK and Partnership Against Child Trafficking (PACT) Project (2019.) Creating a child trafficking and modern slavery policy document: Suggestions and recommendations for local authorities.
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