Hidden and unheard: unaccompanied and separated migrant children who become trafficked in the UK — An evidence briefing

Contents

1   Purpose of this report

This report provides an overview of the current systemic challenges that remain within the UK in identifying, protecting and responding to the needs of a group of children and young people who remain largely unseen and poorly understood by services: unaccompanied children and young people from abroad who are the victims of trafficking.

It is aimed at those who have responsibility for local strategy, planning and, ultimately, the delivery of safeguarding responses and supporting children and young people at the local level. Namely local authorities (alongside their partners in criminal justice), health and education, voluntary and community services and independent providers, all of whom collectively make up the service landscape supporting the safety and wellbeing of children and young people.

The children and young people who fall under the legislative framework of the Modern Slavery Act 2015 is a broader group than separated or unaccompanied minors, including UK nationals who are exploited for a range of purposes within the UK. However, despite increased policy focus in recent years on trafficking within UK borders for the purposes of child sexual exploitation and, more latterly, on specific forms of child criminal exploitation such as drug trafficking through county lines, considerably less attention has been

given to the plight of unaccompanied minors arriving into the UK.

Unaccompanied minors may arrive in the UK having suffered significant trauma through war, poverty, famine and / or previous exploitation. They are likely to have experienced multiple abusive and exploitative scenarios in source and transit countries (Rigby, 2011; 2020). Once in the UK, they are especially vulnerable to particular forms of exploitation such as domestic servitude, trafficking for benefit fraud and forced criminality such as cannabis cultivation. These forms of exploitation are less likely to be seen or understood by professionals (Pearce, 2009; 2011; Bovarnick, 2010; Gearon, 2019). These young people are additionally vulnerable to onward trafficking within the UK because of their prior experiences, their unaccompanied status and also the socio-cultural alienation they may experience due to language barriers combined with a lack of knowledge and understanding of cultural norms (Lay and Papadopoulos, 2009; Tyldum and Brunovskis, 2005; Rigby, 2011).

Separated and unaccompanied minors are more likely than other children and young people to go missing from care. They are also more likely to be criminalised as a result of their exploitation (ATMG, 2018; Simon et al., 2016), while a lack of immigration status can limit their access to advocacy, legal and

mainstream support services. They are highlighted as a discreet group for the purposes of this briefing in order to consider the additional challenges in identification, protection and support that the system must respond to in securing their safety and effectively meeting their needs.

This paper outlines the evidence base and key literature pertaining to this group of children and young people and their circumstances. You can also read a shorter summary on the TCE website.

It sets out to:

> Provide key definitions for Modern Slavery and Human Trafficking (MSHT), i.e. unaccompanied migrant children who become trafficked in the UK, and review the relevant 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 we gather 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.

2   Method

The review of the literature was conducted within limited time and should not be considered comprehensive (Abrami et al., 2010). The remit of the search was limited to grey literature and academic sources 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.

3   Key terms and definitions

This section sets out key terms and definitions upon which the current legislative and policy frameworks rest in relation to the abuse and exploitation that feature in modern slavery offences. These are referred to throughout the briefing, which considers their implications and their impact on both policy and practice responses to child trafficking.

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

3.1 Which children and young people are we referring to?

3.1.1 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. These may, therefore, include children accompanied by other adult family members.

3.1.2 Unaccompanied children

Unaccompanied children and young people (also called unaccompanied minors) are those under the age of 18 who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

For the purposes of this briefing, we will refer to both groups as **unaccompanied children and young people** given that both groups are vulnerable to human trafficking within country of origin, transit or in the UK as a destination country.

3.2 Key terms

3.2.1 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 and their complexity and scale range from opportunistic exploitation or that perpetrated by individual perpetrators, 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]

3.2.2 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 United Nation'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.

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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)**

(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 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.

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).

3.2.3 Smuggling

Definitions are important because they can determine outcomes for individuals, particularly when referring into the National Referral Mechanism (NRM) for protection and support or applying for immigration status. The Palermo Protocol differentiates between 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. Other key differences include:

> Smuggling always involves illegal entry into the country, whereas a victim of trafficking may enter legally or illegally.

> Smuggling denotes movement across international borders whereas trafficking can occur within the UK.

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

> The relationship between the smuggler and those being smuggled usually ends on arrival in the destination country, whereas trafficking involves the intended exploitation of victims on arrival (Home Office, 2021a).

As smuggling involves illegally crossing international borders, it constitutes a crime against the state. Trafficking constitutes a violation of human rights through exploitation and can be applied to the internal and transnational, legal and illegal facilitation of movement.

In reality, such clear demarcation belies the complexity and the blurring of lines between smuggling and trafficking activities, and the individual circumstances and human experiences involved. For example, migrants may rely on organised criminal networks to facilitate their passage and illegal entry into the UK and this can mean there are significant overlaps between organised immigration crime and human trafficking.

The Independent Anti-Slavery Commissioner (IASC) makes the point that OCGs do not distinguish between smuggling people and exploiting victims (IASC, 2017). Migrants may pay smugglers for a journey to the UK only to be trafficked along the way or exploited on arrival. For example, this might include being held until they have paid off their debts. The definition of trafficking covers various stages of facilitation in the process through both the act and the means that cover these scenarios.

These distinctions become even more blurred when applied to the circumstances of children and young people who are unlikely to have any conception of the differences in terms of their lived experiences. Furthermore, Skrivankova (2007) highlights how they may lead to a two-tier system of 'deserving' trafficked children versus 'undeserving' smuggled children, despite both groups being highly vulnerable. Research suggests that a child's welfare and vulnerability to exploitation should determine any decisions made about their entitlements to support and protection, rather than an artificial legal categorisation for political or economic purposes (Craig et al., 2007; Gearon, 2018; Bovarnick, 2010).

Unaccompanied & separated minors

Trafficked children

Smuggled children
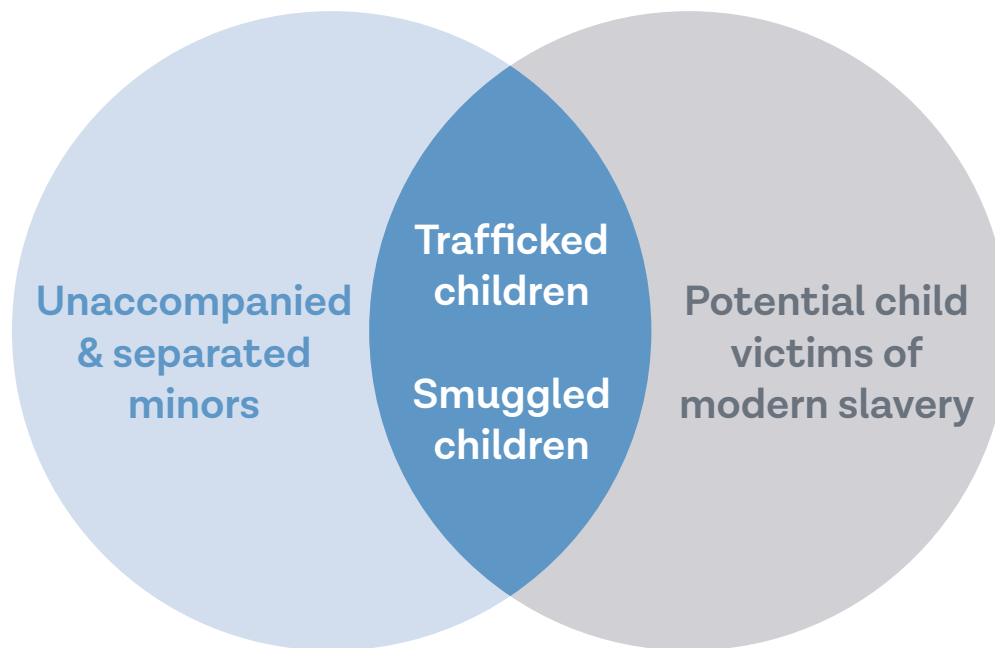
Potential child victims of modern slavery

Diagram 1

Diagram 1: Illustrated above is the distinction between the set of unaccompanied or separated minors from abroad and the broader population of potential child victims of modern slavery, acknowledging the challenges in distinguishing between the two with respect to their vulnerability and the risks of exploitation.

As stated, the Modern Slavery Act 2015 framework for identifying and responding to exploitation covers a broad range of experiences of children and young people who are UK and / or non-UK citizens. The aim of this briefing is to focus on the subset of unaccompanied and separated minors that are potential victims

of being trafficked for the purpose of exploitation across the different stages of recruitment, transportation and destination (shaded in blue). Acknowledging that much of the literature does not make this distinction and inference must be used to understand the experience of unaccompanied minors within these broader cohorts.

4   The legal framework

The Palermo Protocol was ratified in 2006 in the UK. In 2014, the Conservative and Liberal Democrat coalition government launched the Modern Slavery Strategy 2014 outlining the actions expected from government departments, agencies and national and international partners. The strategy had four components which still underpin the policy framework today.

The Modern Slavery Strategy four Ps

> **Pursue**: prosecuting and disrupting individuals and groups responsible for modern slavery.

> **Prevent**: preventing people from engaging in modern slavery.

> **Protect**: strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness and resilience against this crime.

> **Prepare**: reducing the harm caused by modern slavery through improved victim identification and enhanced support and protection.

4.1 The Modern Slavery Act 2015

The UK Modern Slavery Act 2015 was the first national legislation to use the term 'modern slavery' instead of 'human trafficking, 'forced labour' or other terms (Broad & Turnbull, 2019). It was introduced to simplify the legislative framework by consolidating existing offences, improving the support of victims, and ensuring perpetrators received suitable punishment. Amongst other new provisions, it introduced:

> An Independent Anti-Slavery Commissioner (IASC) to improve and better coordinate the national response to modern slavery.

> Slavery and Trafficking Prevention Orders / Risk Orders (STPOs / STROs).[4]

> A statutory defence for victims of slavery and trafficking to protect them from prosecution for crimes they were forced to commit when they were enslaved.

> A duty on the Secretary of State to produce statutory guidance for public authorities on how to identify and support victims of modern slavery.

> Provision for Independent Child Trafficking Advocates to support all trafficked children and young people.

(Centre for Social Justice, 2020, p.8)

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4. Prevention orders are available against individuals with previous MSHT convictions to restrict future activity resulting in further MSHT offences. Risk Orders can be used against anyone displaying exploitative behaviour that may result in an MSHT crime.

4.2 Forms of exploitation

Broadly speaking, there are five different types of exploitation that victims of modern slavery may experience as defined in the Modern Slavery Act 2015:

1.   Sexual exploitation

Victims are exploited through non-consensual abuse or another person's sexuality for sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.[5]

2.   Criminal exploitation

Victims are forced to work under the control of criminals in activities such as forced begging, shoplifting, pickpocketing, cannabis cultivation, drug dealing and financial exploitation.[6]

3.   Labour exploitation

Victims are forced to work for nothing, low wages or a wage that is kept by their owner. Work is involuntary, forced and / or under the threat of a penalty, and the working conditions can be poor.

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5.   **Working together to safeguard children**, child sexual exploitation is defined as, 'a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and / or (b) the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'

6.   Child criminal exploitation can take many forms, but it is understood as the exploitation of a person to commit a crime, such as forced begging, shoplifting, cannabis cultivation and 'county lines', a form of drug dealing used by organised criminal gangs, where gangs, 'typically use children and young people as runners to move drugs and money to and from the urban area and this often involves them being exploited through deception, intimidation, violence, debt bondage, grooming and / or trafficking by the gang.' (Whittaker et al., 2018, p.96)

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4. Domestic servitude

Victims are domestic workers who perform a range of household tasks (for example, cooking and cleaning). Some live with their employers and have low pay if any at all.

5. Organ harvesting

Living or deceased victims are recruited, transported or transferred, by threat or force for money, for their organs.

The Home Office published **a typology of modern slavery** (p.8) identifying 17 distinct types of modern slavery within the five types of exploitation. It does so within a broader conceptual framework comprised of four dimensions (recruitment, profit, organisation and control), to more fully understand the crime of modern slavery (Cooper et al., 2017).

It should be noted that one offence can span more than one type of exploitation and occur across different stages of the victim's journey, including but not limited to recruitment, transportation and exploitation. Unaccompanied minors from abroad may experience complex, overlapping forms of child exploitation that resist categorisation and separation.

This has implications for assessing and identifying the diversity of experiences, as well as the need for victims to access specialist care that can meet the needs arising from complex trauma (Home Office, 2021a). The limited awareness amongst professionals of the reasons for trafficking and the different forms it takes for children and young people can result in insufficient knowledge of associated child protection needs (Crawley, 2006; Bokhari, 2008; Pearce, 2009, 2011), as discussed below.

4.3 Key differences between adult and child victims of trafficking

For children under the age of 18, only the 'action' and 'purpose' are required as defined in the Palermo Protocol. Children cannot consent to being exploited, therefore the 'means' is not necessary to meet the trafficking definition. Even when a child is assumed to have understood what has happened and submitted willingly to what they believe to be the will of their parents or accompanying adults, it is not considered possible for a child to give informed consent. However, the means is often a key feature of child trafficking and may include threat, the use of force or coercion, abduction, fraud or other forms of deception and abuse of power.

The Modern Slavery Act 2015, does not include provision for a separate 'child exploitation' or 'child trafficking' offence, but states that authorities must give regard to the vulnerability of child victims and makes clear that 'alleged' consent to exploitation should not be used against a child involved in legal proceedings (Leon & Raws, 2016).

Children and young people who have been trafficked are unlikely to carry identity documents or may have been given a false identity by their traffickers, leading to incorrect assessment of their age. Significantly, Section 51 of the Modern Slavery Act 2015 provides for a presumption about age. If the victim states they are a child, they should be viewed as such until their age can be verified by identification or an independent age assessment can be carried out by the local authority or a court determination (CPS, 2021). The principle of benefit of doubt in favour of suspected child victims is also enshrined in the European Convention (Article 10) and the EU Directive on Human Trafficking that came into force in 2011.[7]

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7. **EU Anti-Trafficking Directive 2011/36/EU**

4.4 The Nationality and Borders Bill 2021

The proposed Nationality and Borders Bill 2021 seeks to strengthen the focus of UK policy towards the protection of UK borders. Subsequently, the bill attempts to deter those seeking asylum in the UK through illegal migration routes and means of travel by reducing their rights to claim asylum.

This is primarily focused on reform of the asylum system but also includes proposals to amend the NRM and support victims of modern slavery of all nationalities. The three main objectives are:

> > To increase the fairness of the system to better protect and support those in need of asylum.

> > To deter illegal entry into the United Kingdom, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger.

> > To more easily remove those with no right to be in the UK.

The reforms have been severely criticised with regard to their impact on unaccompanied minors and the child victims of modern slavery and trafficking. The IASC points to the lack of detail on provisions for children and young people and the need to prioritise children's rights and protections, with decision-making based on the best interests of the child (IASC, 2021). Similarly, ECPAT UK challenges the Bill by stating, 'identifying, protecting and supporting child victims of trafficking is not an immigration matter but a child protection matter' (2021, p.3). The Bill has far-reaching implications for the UK's systemic response to unaccompanied minors at risk of modern slavery and trafficking, including:

Changes to identification and credibility

Clauses 46-47 create a new process when a 'slavery or trafficking information notice' needs to be provided by those who are potential victims claiming asylum or human rights protection within a restricted timescale. This notice to determine reasonable grounds and / or conclusive grounds under the NRM. This process adds the additional burden of making an early disclosure and providing 'objective evidence' of being a victim of modern slavery. There are concerns that this will create barriers to identification and support for potential victims of modern slavery who do not recognise themselves as victims or delay disclosing their story due to trauma, fear of authorities, or a lack of evidence. ECPAT UK (2021) claim this will place an additional burden on minors due to their immigration status, which is discriminatory and in breach of Article 3 of ECPAT, Article 14 of the Equality Act 2021 and Article 2 of the UNCRC.

Changes to protection under the NRM

Clauses 51-52 state that individuals will be disqualified from being identified as victims of modern slavery if they have served custodial sentences of over a year or have been prosecuted for particular offences. Given the proportion of victims who have suffered child criminal exploitation, this poses a serious challenge to ensure those children and young people are not excluded from the NRM process. Similarly, the Bill sets out that victims who have been re-trafficked (see 4.2 below) will no longer be entitled to support and protection. This may severely impact child trafficking survivors who are subsequently re-trafficked as they transition to adulthood and require access to support and protection through the NRM.

> **Changes to support available to potential victims**
>
> Clause 58 gives Government the power to set out details regarding age assessment proposals at a later date, citing the need to introduce more robust and scientific methods for evaluating the age of potential victims of child trafficking. Age disputes are already a significant factor preventing children and young people from receiving the care and support to which they are entitled, putting them at risk of harm when they are incorrectly classified as adults. In addition, Clauses 49 to 52 limit the support for victims' needs arising from their exploitation in England and Wales through the NRM process. Due to the complexity of overlapping and intersecting needs, there is a risk that not all vulnerabilities will be supported during recovery, thus increasing the risk of re-trafficking
>
> (The Centre of Social Justice 2021).

4.5 The National Referral Mechanism (NRM)

Under Section 2 of the Modern Slavery Act 2015, there is a statutory duty on local authorities to notify the Secretary of State that a child may be the victim of MSHT. The NRM is the UK's system for identifying and providing support to potential victims of modern slavery and trafficking. Unlike potential adult victims, the decision to refer to the NRM does not require consent from the child and should be made on the basis of the child's best interests. Following initial referral, a decision is made by the competent authority as to whether there are 'reasonable grounds' to suspect that an individual is a victim of MSHT, which allows the potential

victim to access support. This is a low threshold test that is followed by further information gathering by the competent authority in order to inform a 'conclusive grounds' decision, meaning it is more likely than not that an individual is a victim of MSHT.

4.5.1 The effectiveness of the NRM

The NRM has gone some way to improving recognition of MSHT and has been effective in highlighting trends (for example, a more nuanced understanding of male victims of child criminal exploitation as a subcategory of modern-day slavery)

and improved knowledge about victims' countries of origin. In the case of Vietnamese children, this has led to targeted funding and improved focus on prevention. However, the NRM data is not nuanced enough to allow for sufficient cross-sectional analysis of types of exploitation, age, gender and country of origin, so that a more sophisticated picture of trends and patterns might inform more preventative approaches (ATMG, 2018). In addition, referrals to the NRM were unclear and the information provided did not match case records, indicating apparent misunderstanding of what constitutes trafficking among some professionals (Rigby, 2011; 2020).

More recently, the increases in referral rates have exposed the ongoing weaknesses in the NRM decision-making process (ECPAT & IASC, 2020). Waiting times for NRM decisions continue to be a challenge. In 2019, 76% of all child referrals into the NRM were still waiting for a final, 'conclusive grounds' decision from the Home Office by year end (ECPAT, 2020). Following the impact of Covid, as reported in January 2021, there were 17,734 cases overall within the NRM awaiting a conclusive grounds decision (IASC, 2021b).

NRM data on conclusive grounds decisions is not published by the Home Office as it does not provide an accurate picture due to time lapses in decision-making. This means many victims do not receive a conclusive grounds decision in the same calendar year as the referral (ONS, 2020). Recent research with key informants and trafficked persons in the UK has shown the negative impact of waiting times for an NRM decision on potential victims with respect to their mental health, wellbeing and recovery (Hynes et al., 2020; Rigby, 2020).

Other studies identify that the NRM could present a barrier to local child protection responses. Research in Scotland found that referrals to the NRM appeared to take priority over responding to the immediate child protection concerns, in spite of the fact that professionals perceived no real benefit to the child or their outcomes in receiving a conclusive grounds decision.

Government reviews have identified that positive decision-making does not automatically lead to increased protection for the victims of trafficking in general (Roberts, 2018). This was acknowledged in a report by the National Audit Office on public spending for reducing modern slavery, which stated that, despite the NRM being in place, the Home Office has no assurance that victims will not be trafficked again (Home Office, 2017), thereby potentially undermining the protection and support afforded through the NRM.

In 2017, the UK Parliament 's Work and Pensions Select Committee's report on victims of modern slavery (HCWPSC, 2017) found that a lack of understanding and recognition Whilst

of the situation of victims meant they were becoming destitute or even re-trafficked after a positive identification. The lack of ongoing monitoring of outcomes for children and young people after the conclusion of the decision-making process once the NRM process has been completed leads to limited understanding of the risks to children who go missing or who are re-trafficked or returned via immigration processes to their countries of origin (ATMG, 2018).

In 2017, ECPAT undertook a survey of professionals' perceptions of the NRM and its ability to protect and support child victims of MSHT. This found that awareness of the NRM was still poor amongst frontline professionals; referral decisions were not made within a suitable time frame and the decision-making remit was not held by the most appropriate agencies. Three quarters of the 229 respondents recommended that decisions should be made within multi-agency child protection procedures. Only 8% of respondents believed the NRM was always effective, and only 7% believed it always helped to ensure an appropriate safeguarding response to children and young people who have been exploited. Over half of the respondents believed the system required further reform (ECPAT, 2017).

Organisations such as ECPAT UK and the Anti-Trafficking Monitoring Group (ATMG) have consistently called for the NRM to be overhauled in relation to child victims, specifically citing evidence of poor decision-making, a disconnect between the 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, 2014).

4.5.2 Recent NRM developments

Subsequent reforms to the system introduced in 2019 included:

> an expert Home Office Unit (the Single Competent Authority, SCA) to handle cases and decision-making, separating this from immigration processes[8]

> a new digital system for NRM referrals and more effective data capture

> independent Multi-Agency Assurance Panels (MAAPs) to help ensure robust and consistent decision-making and to review all negative decisions and increase scrutiny of the process.

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8. Prior to April 2019 the National Crime Agency and the Home Office were responsible.

the success of the MAAPs is yet to be determined, ECPAT UK points to the fact that, ultimately, the decisions made by independent review panels are returned to the Home Office for final decision-making and a lack of transparency persists in this process. They also call for child-specific trafficking training for decision-makers (ECPAT, 2020).

A government review of the system in 2014 has been followed by multiple attempts to test alternative decision-making models for both children and adults (ECPAT & IASC, 2020), including a pilot of new multi-disciplinary panels to identify child victims of MSHT in 2015, and an accompanying evaluation (Ellis et al., 2017). In addition to the SCA, an update in November 2021 to the Modern Slavery Act Statutory Guidance introduced an Immigration Enforcement Competent Authority (IECA) in order to make reasonable / conclusive grounds decisions for some potential adult victims of modern slavery. Commentators have expressed concerns that this reintroduces a dual system, which may mean that some potential victims may have their cases judged by considerations related to immigration status rather than their rights to protection as victims of serious crime.[9]

9.   Letter from the IASC to the Home Secretary November 2021: **https://www.antislaverycommissioner.co.uk/media/1695/letter_to_home_secretary_on_ieca_11_november_2021.pdf**

5   National responses to child trafficking

5.1 National policy

Following the 2006 ratification of the UN Trafficking Protocol, the Home Office was assigned lead responsibility and launched in 2007 the first UK Action Plan on Human Trafficking. This established a firm focus on the protection of national borders and enforcing compliance with immigration laws. UK Immigration and Visas was originally designated as a 'competent authority' for the NRM, although the Home Office now acts as the SCA for decision-making. The law enforcement response is currently spearheaded by the Modern Slavery Human Trafficking Unit (MSHTU) for the National Crime Agency (NCA).

5.1.1   Policy for children and young people who are victims of trafficking

Commentators state that policy development in England has been largely driven from the 'top down' and framed by criminal, immigration and economic approaches (ATMG, 2018; Broad & Turnbull, 2019; Gearon, 2019). The location of responsibility with immigration and law enforcement agencies has resulted in the conflation of illegal immigration and child trafficking, reducing the visibility of children and young people at risk of exploitation both within and across national borders (Gearon, 2015). Furthermore, Gearon notes that, in spite of the UNCRC[10] obligations on behalf of state parties to hear the voice of the child, the views and experiences of victims are a significant gap in the formation of anti-trafficking strategy, policy and practice (Gearon, 2019; ATMG, 2012).

Similarly, preventative strategies also tend to focus on the deterrence of offenders rather than adopt a child-focussed or children rights-based approach. The Anti-Trafficking Monitoring Group (ATMG, 2018) points to the problematic barriers to institutional learning that arise from children's services and safeguarding (which hold the remit for child protection) sitting outside those structures. The impact of these structural issues on practice are explored below.

National strategy often fails to recognise the overlapping nature and interconnectedness of different forms of modern slavery and abuse. In January 2021, the government published the updated Tackling Child Sexual Abuse Strategy 2021. Unfortunately, this failed to make a clear link between modern slavery and other forms of exploitation, thus giving the impression that modern slavery and human trafficking are

10. United Nations Convention on the Rights of the Child

additional issues to those of child sexual exploitation. (HM Government, 2021, p.218)

5.1.2   Child trafficking as a child protection issue

'Whilst it is positive to see increasing awareness and more children being referred into the NRM, identification is not enough. To prevent further exploitation there needs to be substantive child protection activity.'

— (Independent Anti-Slavery Commissioner, 2020, p.17)

Significantly, the IASC's recent annual report finds that referrals into the NRM do not conclude with meaningful support or intervention for children and young people (IASC, 2021a). In some cases, children and young people are still not being identified as potential victims even when indicators are present that should trigger a trafficking investigation without any disclosures from the victim, such as cannabis cultivation. Whilst referral numbers of potential child victims through the NRM have increased, there has been no corresponding increase in effective safeguarding interventions (ECPAT UK, 2020).

Children and young people who are victims of trafficking have a number of rights under the EU Directive on Human Trafficking (Articles 13-16), including the right to specific assistance, support and protective measures in line with international standards. Children and young people also have the right to be protected from exploitation under the UN Convention on the Rights of the Child (UNCRC, 1989, Articles 32, 34, 35) and the State has a number of duties to prevent this from occurring.

Children and young people do not fall under the Government's care contract for the provision of support to the victims of trafficking. Whilst reasonable and conclusive grounds decisions confer entitlement to safety, support and a reflection / recovery period for adult victims, this does not apply to children and young people who are primarily entitled to protection and support under the provisions of the Children Act 1989 (Sections 17, 20 and 47, where a child is deemed to be at risk of significant harm).

Legal responsibility for identifying and responding to child trafficking lies with local authorities and Local Children's Safeguarding Partnerships, which develop strategic responses to local issues, working alongside partners as part of the local safeguarding response (Working Together, 2018). Despite this, research identifies that multi-agency responses at local level are often disjointed and statutory agencies are often reluctant to assume lead responsibility (Harvey et al., 2015; Pearce et al., 2013) for identifying or responding to trafficked children and young people.

As child trafficking is primarily a child protection issue, the learning about child trafficking could be said to be held at the local level. However, the ATMG (2018) highlights that local authority 'child in need' and child protection data do not include information on child trafficking, nor is there any standardised method of reporting at local authority level. Furthermore, policy on data collection and reporting is not consistent between the four UK nations (ATMG, 2018). In 2019 (in the year ending the 31st of March), the Department for Education reported that 'child in need' assessments in England show trafficking as an identified factor in 2,490 (0.5%) of the 498,870 episodes (DFE 2019).

In a study of trafficked and unaccompanied minors going missing from care in the UK (Simon et al., 2016), poor and inconsistent data collection at the local level was seen as indicative of the inadequacy of the wider child protection response to this group. Concerns were raised about low identification, training and recording practices in some authorities. As an example, 10 out of 33 London authorities reported no trafficked minors at all with a further four unable to provide any information, despite London being a key destination for traffickers.

The IASC's 2019-20 Annual Report describes a 'considerable disconnect between the NRM and local child protection processes' and calls for 'a radical reform of the system' (p.18). It cites multiple issues that pervaded the current system including:

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

> gaps in NRM knowledge amongst professionals

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

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11. For those adults who do not consent to referral there remains a statutory Duty to Notify (DtN) the Secretary of State. However, DtN figures are not included in NRM reporting.

6   National data and the identification of unaccompanied children as 'trafficked.

6.1 The current picture

There is no known figure for the number of unaccompanied or separated children and young people in the UK who have been trafficked internally or who are from other countries. The complexity of modern slavery as a concept alongside the hidden nature of exploitation presents real challenges in establishing a consistent method for gathering data, quantifying prevalence and determining the number of victims with any accuracy (ECPAT UK, 2020).

The Office for National Statistics (ONS, 2020) outlined some of these challenges as follows:

> Modern slavery affects the most vulnerable in society and subsequently remains hidden from view.

> Victims may not come forward due to feelings of fear and shame.

> Victims do not always self-identify or view themselves as victims of exploitation.

> Reporting on the numbers of victims is derived from data sources that measure the general level of awareness and response to the problem rather than the underlying prevalence.

As concluded by many academics (Farrell & Reichert, 2017; Albrecht, 2018; Saner et al, 2018), the unreliability associated with estimating the number of victims is attributable to the incomplete datasets and data collection methods. Therefore, whatever formula or methodology has been used, the results and findings need to critically engage with the imprecision of the primary dataset (Gallagher, 2017). Over time, as datasets do become more reliable, there will be opportunities for better-informed evaluation and impact assessments to support both strategic and operational interventions. This will in turn create the ability to identify effective combating tactics that can then be replicated across different communities and jurisdictions (Landman, 2020).

Prior to 2020, the UK government used two methods to estimate the scale of modern slavery in the UK. In 2014, the Home Office (Silverman, 2014), used a Multiple Systems Estimation approach to extrapolate from known cases in order to estimate the 'dark figure' of cases not known to the NCA Strategic Assessment. This model provided an estimate of 10,000 to 13,000 victims of modern slavery with over 3,000 of those cases relating to minors (EPACT, 2020).

In 2018, the Global Slavery Index estimated the UK victims at around 136,000 by extrapolating from datasets collected in a small sample of countries outside of the UK (Walk Free Foundation, 2019). However, the validity of vulnerability and risk profiles used in the calculations is open to question (Gallagher, 2017).

The ONS, has developed a set of indicators to support monitoring the UN's Sustainable Development Goals, in particular indicators 8.7.1 and 16.2.2, which measure the UK's progress towards combatting modern slavery. These indicators bring together a range of available data sources on known victims and cases to provide a better understanding of the extent and nature of this crime, rather than estimates of prevalence. 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 Modern Slavery Act 2015 (ONS, 2020).

For example:

> The Modern Slavery Helpline received a 68% increase in calls and submissions in the year ending December 2018, compared with the previous year.

> There were 5,144 modern slavery offences recorded by the police in England and Wales in the year ending March 2019, an increase of 51% from the previous year.

> The number of potential victims referred through the UK NRM increased by 36% to 6,985 in the year ending December 2018.

6.2 National Referral Mechanism Data

The NRM is the primary national source of data on the number of reported cases of suspected modern slavery in the UK. However, the data is flawed in many ways and trends in the data reflect changes in levels of awareness rather than prevalence (ONS, 2020). The NRM only counts those who have been identified, and in the case of adults, only those who have consented to referral . In spite of these limitations, it nonetheless provides the most reliable, non-estimated set of statistics relating to modern slavery in the UK (Cockbain et al., 2019).

In 2020, the NRM received 10,613 referrals of potential victims of modern slavery, with 4,946 (47%) of those cases being children 17 or under (Home Office, 2021b). The total number of referrals has plateaued and remains similar to the 10,616 referrals made in 2019. For the first time since 2014, there has been a decrease in numbers and the onset of the Covid-19 pandemic and its associated restrictions on movement have been cited by the Home Office as possible explanations (Home Office, 2021c). The number of potential adult victims showed a sharp decline in the second quarter of 2020, and this was the first time that child referrals outnumbered them, representing 58% of total referrals in that quarter.

Of the child potential victims referred in 2020, 78% (3,843) were male and 22% (1,079) were female. Overall, the most common referral for those under 18 was for child criminal exploitation (51%; 2,544), and the majority (93%; 2,363) of those were male. Criminal exploitation was included as a separate category (as distinct from labour exploitation) for the first time in October 2019 and data for quarter 4 in 2020 reports it as the most common form of exploitation for children and young people.

An increase in the identification of 'county lines' cases has partially driven the rise in the number of cases in this category, and these account for 40% of all child referrals for criminal exploitation. Some children trafficked from abroad will go on to become victims of child criminal exploitation and county lines.

The most common country of origin outside the UK for minors referred in 2020 was Vietnam (5%), followed by Sudan (3%), Albania (3%), Romania (3%) and Eritrea (3%). Notably, there appear to be specific patterns of exploitation associated with different nationalities, as 73% of Sudanese and 43% of Eritrean minors were victims of labour exploitation, and 44% of Romanian minors were victims of criminal exploitation (Home Office, 2021b).

Analysis of the location of exploitation across all potential child victims shows 26% (820) were exploited overseas compared to 59% (1,857) of cases where the exploitation is reported to have occurred in the UK.

The vast majority of referrals for children and young people were in England (92% or 4,203 child victims). A further 174 were 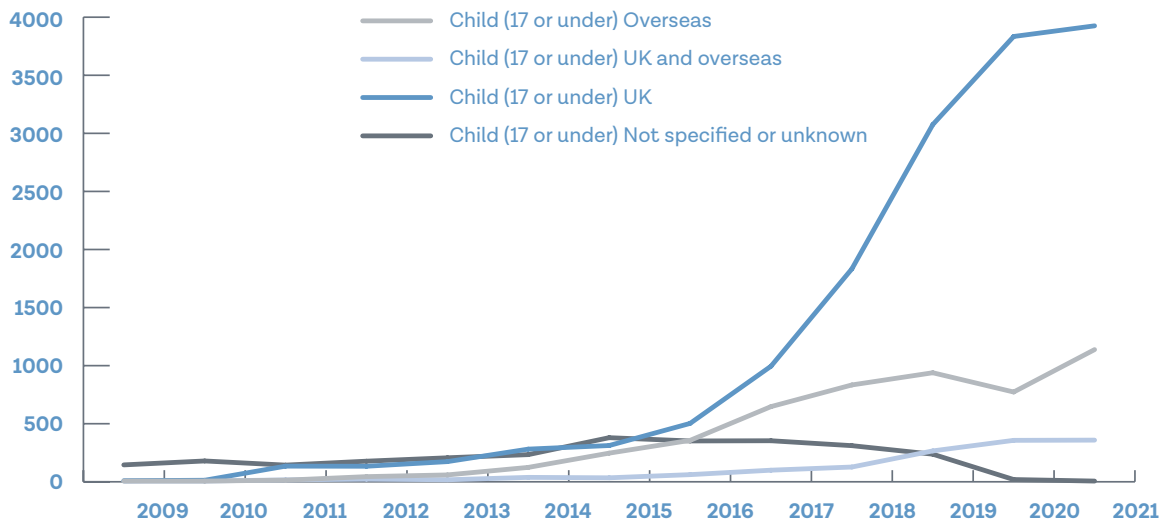identified in Wales, 156 in Scotland and 16 in Northern Ireland. In Scotland, there have been reports of spikes of known victims trafficked from Vietnam, including children (Home Office 2021b).

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.
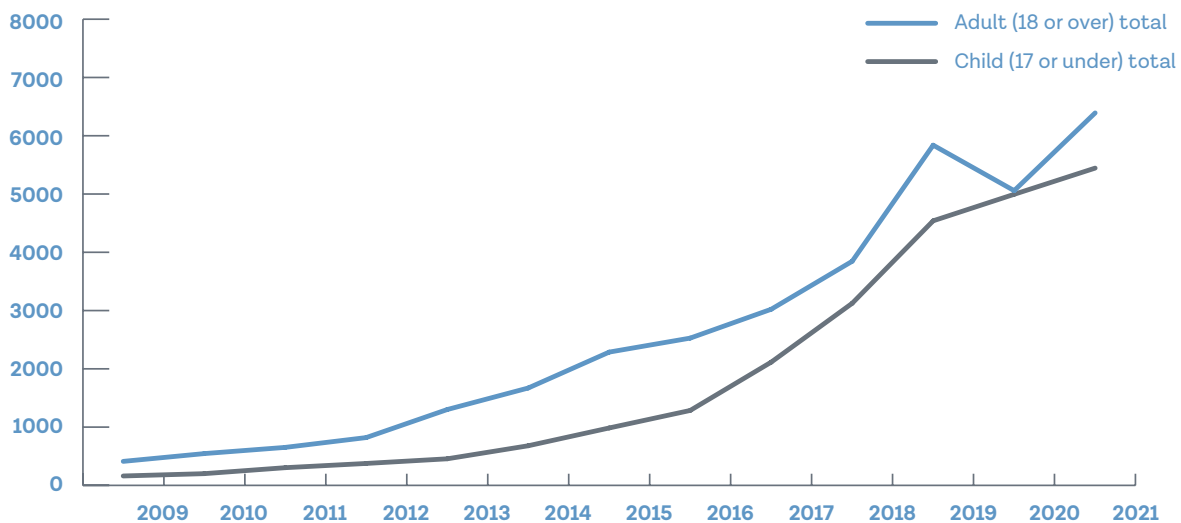
Table 2 – Number of annual NRM referrals for Children (17 or under) by location of exploitation, 2014 to 2020

Legend:
- Child (17 or under) Overseas
- Child (17 or under) UK and overseas
- Child (17 or under) UK
- Child (17 or under) Not specified or unknown

Table 3 – Number of referrals to the National Referral Mechanism, for Minors at time of exploitation and nationality, year ending December 2020
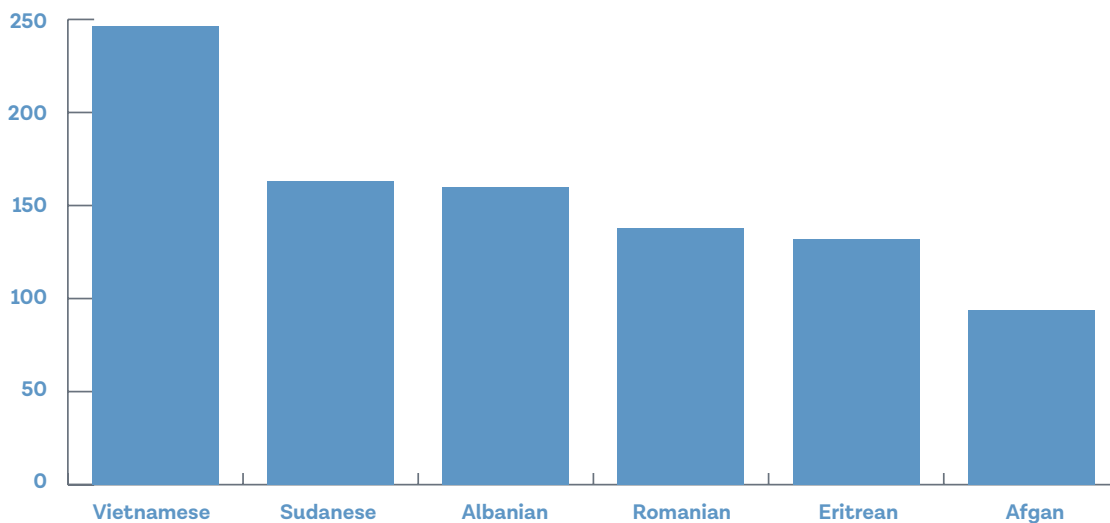
Table 4 - Number of NRM referrals by age group at exploitation, country of responsible police force, exploitation type and gender (Q1 2022)

Legend:
- Male
- Female
- Other

1
1079
3843
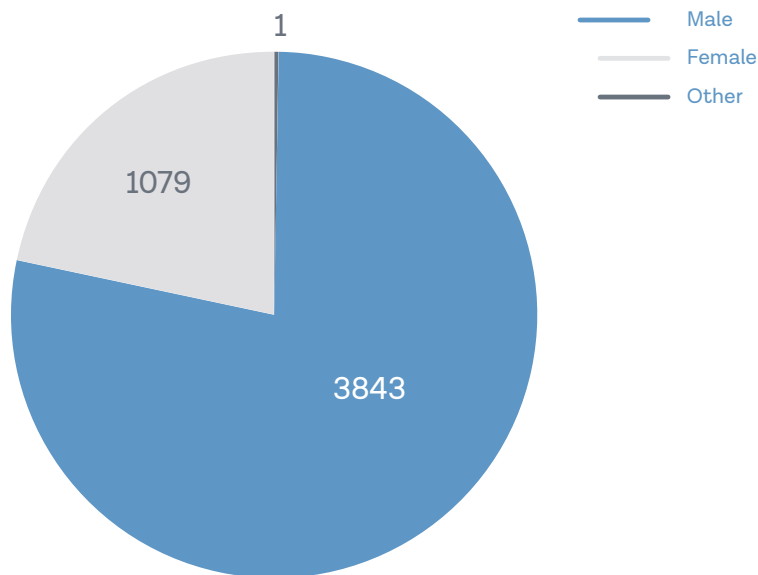
6.3 Data on unaccompanied children going missing from care who are at risk of trafficking

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 between categories of unaccompanied children who have been internally or externally trafficked with unaccompanied asylum seeker children (UASC). 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 general, the systematic reporting of children and young people missing from care is inadequate and there is no breakdown of the reasons why children go missing in national data (Unseen, 2016). This has been made additionally apparent through a recent series of parliamentary questions illustrating the lack of data currently available on the numbers of children who have gone missing from care since the Covid crisis began (Lewell-Buck, 2020). Reporting and data collection in this regard for the child victims of trafficking is particularly problematic and research has consistently identified the high risks for this group (CEOP, 2010;

ECPAT, 2004; Beddoe, 2007; ECPAT, 2011).

Research undertaken by ECPAT (2016) was based on Freedom of Information (FOI Act 2015) requests made to 217 local authorities in the UK asking how many trafficked or unaccompanied minors went missing from care in the year to September 2015. It was recorded that of 4,744 unaccompanied minors, 13% (593) went missing at least once from 74 local authorities. Of these 4,744 , 590 children were suspected of or identified as being trafficked, with nearly a third of this number (28% or 167 children) going missing at least once from 39 different UK local authorities. This compares with previous research that estimated around one in ten of all children in care go missing before the age of 16 (Rees, 2011).

The report noted that the duration of missing episodes for trafficked and unaccompanied children is longer than for other missing children (ECPAT ,2016). Nationally, previous research has shown that just 2% of missing children are away for more than a week (National Crime Agency Missing Persons Bureau, 2016). ECPAT UK (2016) showed that around a third of trafficked and unaccompanied children are missing for more than a week.

This pattern of unaccompanied minors going missing builds on a consistent picture established through multiple research studies over the years. In 2007, the Child Exploitation Online Protection centre identified 330 young people as trafficked, 56% of whom had gone missing (CEOP, 2007). In the same year, research in one region identified 60 young people who had been trafficked, over half of whom went missing within a week of entering the UK (Harris & Robinson, 2007). In 2016, Unseen identified that trafficked children in local authority care were two to six times more likely to go missing than other children looked after, and did so from foster care rather than alternative placements.

In 2017, ECPAT and Missing People provided an update on the figures from the original study in 2016 using national data and found that the picture had worsened considerably. Their report, Still in Harm's Way, states that, in 2017:

> High numbers of unaccompanied minors (a total of 4,963) were reported missing. Of those, 15% went missing from care (742 of 4,963) of which 169 children have not been found.

> 910 children 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 the 2014-15. Of those, 27% went missing from care (244 of 910).

> On average, children suspected of being trafficking victims went missing 7.2 times each (more than double the previous year).

> For some local authorities, missing trafficked or unaccompanied minors account for a significant proportion of their overall care-experienced children[12] numbers. For example, in one local authority, 15% of the total care-experienced children population were trafficked or unaccompanied minors, who at some point were reported as having gone missing.

Whilst acknowledging improvements in identification over that timeframe, the report points to the continued limitations due to the lack of consistent and comprehensive data collection on these indicators, resulting in a collective failure to understand the current picture of child trafficking and the risk of them going missing from care in the UK.

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 including 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). The IASC calls for the ability to flag re-trafficking on the NRM so these issues can be better understood (IASC, 2020).

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12. The TCE Programme uses the term 'care-experienced children' instead of the historical term of 'looked after children', in order to put the person before the circumstance or condition.

7 Routes and barriers to identifying unaccompanied minors at risk

Government safeguarding guidance (DfE, 2011) describes the various places unaccompanied minors might be identified as trafficked, including ports of entry, motorway services, through routine police operations to investigate trafficking in the UK and abroad, and via professionals in statutory agencies and other services in independent and voluntary sectors working with children.

7.1 Possible indicators that a child may have been trafficked

There are a number of indicators which suggest that a child has been trafficked into the UK, and may still be controlled by the traffickers or receiving adults (see appendix 1). These indicators should not be read as a definitive list and practitioners should be aware of any other unusual factors that may suggest a child might have been trafficked. They are intended as a guide, which should be included in a wider assessment of the young person's circumstances.

It is also important to note that trafficked children might not show obvious signs of distress or abuse and this makes it difficult to identify if they have been trafficked. Some children are unaware that they have been trafficked, while others may actively participate in concealing that they have been trafficked (DfE, 2011, pp.19-21).

7.2   The hidden nature of exploitation

Some barriers to the identification of unaccompanied minors at risk of child trafficking are associated with the hidden nature of the exploitation. For example, children trafficked into the country for domestic servitude or for the purposes of benefit fraud can be effectively 'hidden' behind private fostering arrangements (Pearce, 2011; Fursland, 2009). ECPAT UK (2010) notes that young men trafficked into the country to work in cannabis factories are often viewed and treated as offenders rather than victims.

7.3   Barriers to disclosure for children and young people

Children and young people may experience individual barriers to disclosure such as:

> psychological trauma

> fear of both the authorities and traffickers

> unfamiliarity with rules and customs

> feelings of powerlessness

> language barriers and cultural barriers like notions of victimhood, as well as having a different understanding of their situation to that of professionals.

(Rigby, 2011; Breuil, 2008)

Chase (2009) illustrates how unaccompanied minors use silence or selective disclosure as a means of navigating an uncertain environment and exerting some measure of control and agency in a situation characterised by their powerlessness. Kholi (2006), explores the differences between the 'thin' accounts given by unaccompanied asylum seeking children, which become 'thicker' as they feel safer in disclosing their experiences in the context of a supportive relationship with a professional.

7.4   Unclear or confused definitions

Despite the widespread adoption of the Palermo Protocol, definitions still vary across countries and this makes it challenging to accumulate knowledge through research and achieve consistency in policy approaches (Rigby, 2011). Policy and media discourses around illegal immigration also contribute to cultural barriers to professionals recognising and responding to the victims of child trafficking. Research consistently documents that professionals struggle with the complexities of child trafficking, and low levels of awareness and understanding of trafficked unaccompanied minors' rights can result in inadequate child protection responses.

There may also be cultural barriers to recognising the indicators amongst professionals or institutions, including gendered expectations around specific types of exploitation, such as child sexual exploitation. For example, boys may face:

> > additional challenges such as cultural norms towards masculinity and victimisation

> > normalisation of experience as part of the journey

> > cultural taboos around sex and sexuality

> > responsibility for and / or expectations from their family.
>
> (Leon and Raws, 2016)

Government guidance (2011; 2018), recognises that the protection of unaccompanied minors is reliant on frontline agencies working together effectively but, despite this, concerns have been raised consistently about a lack of clarity between immigration agencies and children's services, particularly where a young person's age is in doubt. Lack of clarity combined with the situating of child trafficking as an immigration issue results in tensions when applying a welfare approach[13] to trafficked children, despite a statutory duty placed on immigration authorities to promote and safeguard their welfare.[14] (ATMG, 2010; Children's Society, 2012; Gearon, 2018)

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13.   The welfare approach is the central principle of child protection law, as laid out in the Children Act 1989. It is the principle that states, whenever the court answers a question relating to the upbringing of children, the paramount consideration should be their welfare.
14.   Borders, Citizenship and Immigration Act 2009.

7.5   Culture of disbelief

Research with a range of practitioners across statutory and voluntary sector agencies in the UK (Pearce et al., 2009; Pearce, 2011a) uncovered a widespread 'culture of disbelief' amongst professionals about unaccompanied young people's experiences. For example, the confused fragmentary or contradictory accounts sometimes offered by young people might be attributed to them being untrustworthy rather than a reflection of the dislocation and disorientation they had experienced. In addition, practitioners experienced young people's accounts as too difficult to hear, particularly if there was little by way of support for them in managing their feelings (Pearce, 2011b). Young people themselves rarely use language that refers to 'trafficking' and may describe varying scenarios that are not immediately recognisable as such (Gearon, 2018). In these scenarios, professional denial or lack of recognition can result in a failure to recognise the need for a child protection response.

When the system does respond, there can be an over-reliance on assessments informed by checklists with narrow indicators for child trafficking, and this is also problematic when background and other contextual information is lacking (Rigby, 2011).

Given the heightened vulnerability of smuggled young people, as opposed to those who have been trafficked, to being exploited on route or on arrival into the UK, this may be a misleading distinction based on a notion of complicity that fails to understand the constrained lives and circumstances of young people making such perilous journeys.

7.6   Consent and coercion

Gearon (2018), explores the degree to which concepts of 'consent' and 'coercion' also determine the response of frontline practice to unaccompanied minors, with consent associated with smuggling and coercion with trafficking, and also noting that 'victimhood' is deeply embedded in child trafficking narratives. This fixed 'polarised positioning' is problematic because, in reality, the routes, networks, people and modus operandi involved in both activities look very similar. Smuggling and trafficking experiences can overlap, and smuggling can turn into trafficking at any stage of the journey, whilst the nature of coercion is such that children may think they are consenting while being manipulated through a form of 'coerced consent' (Pearce et al., 2013; Gearon, 2018).

Research has also identified that 'smuggled' minors rarely make decisions to migrate. Rather, family members may determine when, how and where they travel, with little 'choice' involved on the part of the child (Breuil, 2008; Gearon, 2018). Gearon's study gathering the views of 20 young people who had been trafficked into England found these narratives around 'consent', 'coercion' and 'victimhood' resulted in young people being blamed by professionals for their circumstances. Bovarnick (2010) also notes how an immigration-led discourse promotes xenophobic and discriminatory responses amongst professionals, which adversely affect the protection of children. She advocates for understanding smuggling and trafficking as part of a continuum, which reflects the multitudes of offences a victim can experience, rather than distinct concepts defined in law.

7.7   Victim versus offender responses

Commentators also argue that the systemic prioritisation of criminal justice responses over children's rights and welfare-based responses (Gearon, 2018; ATMG, 2018) result in the invisibility of an unaccompanied minor's trafficked status. This has been shown to be the case with regard to children found in cannabis farms, for example, and ECPAT UK has long called for increased awareness around the continued criminalisation of children involved in cannabis cultivation.

An ECPAT UK survey (2016) found that professionals believed being criminalised (i.e., being arrested or prosecuted) made trafficked children more likely to go missing. There was also a perception that a child's criminality was prioritised by law enforcement over their vulnerability, both in approaches to prevention, safeguarding and protection after a child had gone missing. ECPAT UK also highlights the longer term impact of criminalisation in childhood for former child victims of criminal exploitation in facing immigration detention, deportation or long, protracted immigration battles (ECPAT UK, 2020).

The Modern Slavery Act 2015 Statutory Defence (Section 45) provides important protection for victims of trafficking who have been compelled to commit crime as part of their exploitation. The principle of non-prosecution of victims is enshrined in the EU Directive, which came into force in 2011. However, the IASC identified as a result of a call for evidence in 2020, that potential victims were not identified early enough, nor was their defence being proactively considered from the outset of an investigation.

The IASC concluded that failure to use the defence appropriately increased opportunities for abuse and also the potential for victims to be wrongly convicted (2021a). The Field Review (HM Government, 2019) also noted limited understanding of modern slavery among law enforcement and criminal justice practitioners, especially on the statutory defence and called for mandatory training on modern slavery for all participants in the criminal justice system, to ensure consistent and clear guidance.

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15.   EU Anti-Trafficking Directive 2011/36/EU

8   Achieving systems change for unaccompanied minors who are victims of trafficking[16]

Recent research has underlined the risks Brexit poses to the prevention of child trafficking, and highlights the danger of children's rights / the protections they are afforded being damaged / becoming less effective (ATMG, 2018). Moreover, wider policies of austerity and a hostile immigration environment serve to further undermine prevention efforts by making unaccompanied minors more vulnerable.

In particular, the parts of the EU Directive that specifically relate to unaccompanied minors, such as the obligation of governments to find 'durable solutions,' meaning long-term, stable and secure arrangements for trafficked children, might be undermined if EU standards are not fully transposed into UK law post-Brexit.

In contrast to the UASC group for whom there is a subsidy from the Home Office, or the £9m care contract for adult provision for victims of trafficking, there is no specific central funding for child victims who remain the financial responsibility of local authorities (ECPAT UK, 2020). In the current funding climate characterised by years of austerity and further exacerbated by Brexit and Covid, this presents severe challenges when it comes to an appropriate, welfare-based response to the needs of trafficked children.

In 2020, the Home Office announced a further Transformation Programme to address the systemic challenges in responding to the child victims of modern slavery and trafficking. This included the launch of a pilot to test NRM decisions for children made by local safeguarding partners, within existing safeguarding structures. To inform this development, a review has been undertaken by ECPAT UK, together with the IASC (2020), to identify models of good practice in multi-agency decision-making.

Section 48 of the Modern Slavery Act 2015 introduced the role of Independent Child Trafficking Guardians (ICTGs) in England and Wales and the Transformation Programme also includes the continuation of the national roll-out of this scheme. This is supported by a new Regional Practice Co-ordinator to provide a more strategic role in supporting professionals and the development of more multi-agency approaches (HM Government, 2020).

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16.   TCE has produced a resource focusing on the key issues of debates in the field drawn from a series of expert interviews, available at: **https://tce.researchinpractice.org.uk/a-complex-challenge-responding-to-child-victims-of-modern-slavery-and-human-trafficking/**

8.1 What needs to happen next at the national level?

On the basis of having reviewed the literature, our analysis highlights the key next steps that should be considered by strategic leaders and policy makers:

> Local leaders should petition 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 economy-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 experiences and voices of children, and by adults who were trafficked 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 **robust measurement of effectiveness and evaluation processes** in order to build the evidence base for effective identification of victims and interventions to support exit and recovery.

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

8.2 What needs to happen next at the local level

> If the NRM is to improve its effectiveness in protecting child victims as well as in identification, 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 an 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.[17]

> These should also identify and outline the local workforce development needs to include training for professionals across agencies (including foster carers and accommodation providers), in order to:

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

2. provide **support and counselling** for professionals undertaking distressing and unsettling work

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

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

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17. ECPAT UK and PACT project (2019): **Creating a child trafficking and modern slavery policy document: Suggestions and recommendations for local authorities**.

9   References

Abrami P.C., Borokhovski, E., Bernard, R.M., Wade, C.A., Tamim R., & Persson T., et al. (2010). Issues in conducting and disseminating brief reviews of evidence. *Evidence Policy, 6*(3), 371-389. **https://doi.org/10.1332/174426410X524866**

Anti-Slavery International for the Anti-Trafficking Monitoring Group (2012). *All change: Preventing Trafficking in the UK.* **https://www.amnesty.org.uk/files/all_change_report.pdf**

Anti-Trafficking Monitoring Group (2018) *Before the Harm is done.* **https://www.antislavery.org/wp-content/uploads/2018/09/Before-the-Harm-is-Done-report.pdf**

Albrecht, H. (2018). Measuring Human Trafficking. In R. Haverkamp, E. Herlin-Karnell & C. Lernestedt (Eds), *What is Wrong with Human Trafficking? Critical Perspectives on the Law* (pp. 37-52). Hart Publishing.

Apland, K., & Yarrow, E. (2019). *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam.* Coram International.

Bokhari, F (2008) 'Falling through the gaps: Safeguarding children trafficked into the UK'. *Children and Society, 22*(3), 201-11. **https://doi.org/10.1111/j.1099-0860.2008.00151.x**

Bovarnick, S. (2010). How do you define a 'trafficked child'? A discursive analysis of practitioners' perceptions around child trafficking. *Youth and Policy, 104*, 80-97. **http://youthandpolicy.org/index.php?option=com_**

Bright, C. (2017). *Local authority support for non-EEA migrant child victims of modern slavery: research report.* **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/669077/Local_authority_support_for_non-EEA_migrant_child_victims_of_modern_slavery.pdf**

Broad, R., & Turnbull, N. (2019). From Human Trafficking to Modern Slavery: The Development of Anti-Trafficking Policy in the UK. *European Journal on Criminal Policy and Research, 25*(2), 119–133. **https://link.springer.com/article/10.1007/s10610-018-9375-4**

Breuil, B. (2008). Precious children in a heartless world? The complexities of child trafficking. *Children and Society, 22*, 201-211.

Craig, G., Gaus, A., Wilkinson, M., Skrivankova, K., & McQuade, A. (2007). *Contemporary Slavery in the UK: Overview and Key Issues.* Joseph Rowntree Foundation.

Crawley, H. (2006). *Child First, Migrant Second: Ensuring Every Child Matters.* Immigration Law Practitioners' Association.

Chase, E. (2009). Agency and Silence: Young people seeking asylum alone in the UK. *British Journal of Social Work. 40*(7), 2050–2068. https://doi.org/10.1093/bjsw/bcp103

The Children's Society (2012). *Child Trafficking: A Briefing Paper from the Children's Society*. The Children's Society.

Centre for Social Justice (2020). *It still happens here: Fighting UK slavery in the 2020s.* https://www.centreforsocialjustice.org.uk/library/it-still-happens-here-fighting-uk-slavery-in-the-2020s

The Centre of Social Justice (2021). *Nationality and Borders Bill: Briefing Impact on identifying and supporting victims of modern slavery and human trafficking July 2021.* https://www.centreforsocialjustice.org.uk/wp-content/uploads/2021/07/Nationality-and-Borders-Bill-Brief-29-July-2021.pdf

CEOP (2007). *A scoping project on child trafficking in the UK.* https://childhub.org/en/child-protection-online-library/scoping-project-child-trafficking-uk

Cockbain, E.P., Bowers, K., & Vernon, L., (2019). Using law enforcement data in trafficking research. In Winterdyk, J. & Jones, J. (Eds) The Palgrave International Handbook of Human Trafficking. Pp 1-25 Palgrave Macmillan.

Crown Prosecution Service (2021). *Human Trafficking, Smuggling and Slavery*. The Crown Prosecution Service. https://www.cps.gov.uk/legal-guidance/human-trafficking-smuggling-and-slavery

Department for Education (2011). *Safeguarding children who have been trafficked.* https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance

Department for Education (2018). *Working Together to Safeguard Children.* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

Department for Education (2019). *Characteristics of children in need in England: 2018 to 2019 Data quality and uses.* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843046/Characteristics_of_children_in_need_2018_to_2019_main_text.pdf

ECPAT (2016). *Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK.* https://www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk

ECPAT UK (2018). *Still in Harm's Way: An updated report on trafficked and unaccompanied children going missing from care in the UK.* https://www.ecpat.org.uk/still-in-harms-way

ECPAT UK & PACT (2019). *Creating a child trafficking and modern slavery policy document: Suggestions and recommendations for local authorities.* https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=d9cbd5c4-be2f-4bb0-afe3-ab91c03ac8b3

ECPAT (2020) *Child Trafficking in the UK 2020: A snapshot.* https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=fc602b5f-aea9-46d3-9e3d-6ea36c3845e4

ECPAT UK & IASC (2020). *A review of what works in multi-agency decision making and the implications for child victims of trafficking.* http://www.antislaverycommissioner.co.uk/media/1451/iasc-and-ecpat-rapid-evidence-assessment-august-2020.pdf

ECPAT UK (2021). *Nationality & Borders Bill Second Reading 19th & 20th July 2021.* https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=47bff9a9-0b10-4910-8104-d71c317ea7ba

ECPAT UK (2022). *Nationality & Borders Bill: House of Lords Committee Stage Briefing on Part 5: protecting child victims of trafficking.* https://www.ecpat.org.uk/nationality-and-borders-bill-part-5-child-victims-consideration-of-lords-amendments

Ellis, N., Cooper, C., & Roe, Stephen, R. (2017). *An evaluation of the National Referral Mechanism pilot.* Home Office.

Farrell, A., & Reichert, J. (2017). Using U.S. Law-Enforcement Data: Promise and Limits in Measuring Human Trafficking. *Journal of human trafficking, 3*(1), 39-60. https://doi.org/10.1080/23322705.2017.1280324

Fursland, E. (2009). *Caring for a young person who has been trafficked: A guide for foster carers.* British Association for Adoption and Fostering.

Gallagher, A.T. (2017). What's Wrong with the Global Slavery Index? *Anti-trafficking review, 8,* 90-112. https://www.antitraffickingreview.org/index.php/atrjournal/article/view/228/216

Gearon, A. (2015). Child trafficking' moral panic: blame, disrepute and loss. *The Open Review of Social Sciences, 1*(1), 2-8. https://www.swdtp.ac.uk/wp-content/uploads/2016/08/TOR-Issue-1-June-2015-FINAL.pdf

Gearon, A. (2019). Child Trafficking: Young People's Experiences of Front-Line Services in England. *British Journal of Criminology, 59*(2), 481–500. https://doi.org/10.1093/bjc/azy042

Harris, J., & Robinson, B. (2007). *Tipping the Iceberg: A pan Sussex study of young people at risk of child sexual exploitation and trafficking.* Barnardo's.

Harvey, J.H., Hornsby, R.A., & Sattar, Z. (2015). Disjointed Service: An English Case Study of Multi-agency Provision in Tackling Child Trafficking. *The British Journal of Criminology, 55*(3), 494–513. **https://doi.org/10.1093/bjc/azu115**

HM Government (2018). *Serious violence strategy.* **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf**

HM Government (2019). Independent Review of the Modern Slavery Act 2015: final report. **https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report**

HM Government (October 2020) *2020 UK Annual Report on Modern Slavery.* **https://www.gov.uk/government/publications/2020-uk-annual-report-on-modern-slavery**

HM Government (2021). *Tackling Child Sexual Abuse Strategy 2021.* **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf**

Home Office (2007). *UK Action Plan on Tackling Human Trafficking.* **https://www.migrationscotland.org.uk/uploads/files/documents/03_2007_uk_action_plan.pdf**

Home Office (2014). *Review of the National Referral Mechanism for victims of human trafficking.* **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/467434/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf**

Home Office (2017). *Modern Slavery Taskforce agrees new measures to support victims.* **https://www.gov.uk/government/news/modern-slavery-taskforce-agrees-new-measures-to-support-victims**

Morse, A. (2017). *Reducing Modern Slavery.* National Audit Office. **https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf**

Home Office (2021a). *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland.* **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031731/modern-slavery-statutory-guidance-_ew_-non-statutory-guidance-_sni_v2.5-final.pdf**

Home Office (2021b). *National Referral Mechanism Statistics.* **https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020**

Home Office (2021c). *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary, 2020.* **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970995/modern-slavery-national-referral-mechanism-statistics-end-year-summary-2020-hosb0821.pdf**

House of Commons Work and Pensions Committee (2017). *Victims of Modern Slavery. Twelfth report of session 2016-2017.* **https://publications.parliament.uk/pa/cm201617/cmselect/cmworpen/803/803.pdf**

Hynes, P. et al. (2020). *'Between Two Fires': Understanding Vulnerabilities and the Support Needs of People from Albania, Viet Nam and Nigeria who have experienced Human Trafficking into the UK.* University of Bedfordshire.

IASC (2017). *Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK.* **https://www.antislaverycommissioner.co.uk/media/1160/combating-modern-slavery-experienced-by-vietnamese-nationals-en-route-to-and-within-the-uk.pdf**

IASC (2021a). *Independent Anti-Slavery Commissioner Annual Report 2020-2021.* Interagency Standing Committee. **https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf**

IASC (2021b). *Letter to Home Secretary on the Nationality and Border Bill.* Standing Committee.

Joint Committee on Human Rights (2021). *Legislative Scrutiny: Nationality and Borders Bill (Part 1) – Nationality.* The House of Commons.

Kholi, R. (2006). The sound of silence: Listening to what unaccompanied children say and do not say. *British Journal of Social Work, 36,* 707-21. **https://doi.org/10.1093/bjsw/bch305**

Kohli, R.K.S., Connolly, H., Stott, H., Roe, S., Prince, S., Long, J., & Gordon-Ramsay, S. (2019). *An evaluation of Independent Child Trafficking Guardians – early adopter sites: Final report.* Home Office. **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819723/evaluation-independent-child-trafficking-guardians-final-horr111.pdf**

Landman, T. (2020). Measuring Modern Slavery: Law, Human Rights, and New Forms of Data. *Human Rights Quarterly. 40*(2), 301-331. **http://doi.org/10.1353/hrq.2020.0019**

Lay M., & Papadopoulos I. (2009). Sexual maltreatment of unaccompanied asylum seeking minors from the Horn of Africa: A mixed method study focussing on vulnerability and prevention, *Child Abuse & Neglect, 33,* 728–738. **https://doi.org/10.1016/j.chiabu.2009.05.003**

Lewell-Buck, E. (2020). *Children in Care: Missing Persons.* **parallelparliament.co.uk/ question/52028/missing-persons- children**

Leon, L., & Raws, P. (2016). Boys don't cry: improving identification and disclosure of sexual exploitation among boys and young men trafficked to the UK. **https://www. basw.co.uk/resources/boys-don't- cry-improving-identification-and- disclosure-sexual-exploitation- among-boys-and**

National Crime Agency (2016). *Missing Persons Data Report 2015-16.* **https://missingpersons.police.uk/ cy-gb/news/missing-persons-data- report-201516#**

Office of National Statistics. (2020). *Modern slavery in the UK: March 2020.* **https://www.ons.gov.uk/ peoplepopulationandcommunity/ crimeandjustice/articles/ modernslaveryintheuk/march2020**

Ottisova, L., Smith, P.A., Hitesh, S., Stahl, D.R., Downs, J.M., & Whitaker, S. (2018). Psychological consequences of child trafficking: An historical cohort study of trafficked children in contact with secondary mental health services. *PLoS ONE, 13*(3). **https://doi. org/10.1371/journal.pone.0192321**

Pearce, J., Hynes, P., & Bovarnick, S. (2009). *Breaking the wall of silence. Practitioners' responses to trafficked children and young people.* NSPCC and University of Bedfordshire.

Pearce, J. (2011a). Working with Trafficked Children and Young People: Complexities in Practice. *The British Journal of Social Work, 41*(8), 1424-1441. **https://jstor.org/stable/43771534**

Pearce, J. (2011b). A Social Model of 'Abused Consent'. In M. Melrose and J. Pearce (Eds). *Critical Perspectives on Child Sexual Exploitation and Related Trafficking.*pp 52-68 Palgrave.

Pearce, J., Hynes, P., & Bovarnick, S. (2013). *Trafficked young people: Breaking the wall of silence.* Routledge Falmer.

Rees, G. (2011). *Still Running 3: Early findings from our third national survey of young runaways, 2011.* **https:// static.aviva.io/content/dam/aviva- corporate/documents/newsroom/ pdfs/newsreleases/2012/Still- Running-3_Full-Report_FINAL.pdf**

Rigby, P. et al. (2020) *Child Trafficking in Scotland.* **https://www.gov.scot/ binaries/content/documents/ govscot/publications/research- and-analysis/2020/10/child- trafficking-scotland-research/ documents/child-trafficking- scotland/child-trafficking-scotland/ govscot%3Adocument/child- trafficking-scotland.pdf**

Rigby, P. (2011). Separated and Trafficked Children: The Challenges for Child Protection Professionals. *Child Abuse Review, 20*(5), 324–340. **https://psycnet.apa.org/doi/10.1002/ car.1193**

Roberts, K. (2018). Life after Trafficking: A gap in the UK's modern slavery efforts. *Anti-Trafficking Review, 10*, 164–168. **https://doi.org/10.14197/atr.2012181012**

Saner, R., Yiu, L., & Rush, L. (2018). The measuring and monitoring of human trafficking. *Public Administration and Policy, 21*(2), 94-106.

Simon, A., Setter, C., & Holmes, L. (2016). *Heading Back to Harm: A study on trafficked and unaccompanied children going missing from care in the UK*. **https://www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk**

Skrivankova, K. (2007). *'United Kingdom' Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World Global Alliance Against Trafficking in Women*. **https://www.iom.int/sites/g/files/tmzbdl486/files/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/collateral_damage_gaatw_2007.pdf**

Such, E., Jaipaul, R., & Salway, S. (2020). Modern slavery in the UK: How should the health sector be responding? *Journal of Public Health (United Kingdom), 42*(1), 216–220. **https://doi.org/10.1093/pubmed/fdy217**

Tyldum, G., Brunovskis, A. (2005). Describing the unobserved: methodological challenges in empirical studies on human trafficking. *International Migration, 43*(1-2), 17-34.

UN General Assembly (2020). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. **https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx**

Unseen (2020). *Missing Home – Providing safety to trafficked children*. **https://respect.international/wp-content/uploads/2020/07/Missing-Home-Providing-safety-to-trafficked-children.**

10 Appendix 1

Possible indicators that a child may
have been trafficked (DfE, 2011)

At the port of entry

The child:

> has entered the country illegally

> has no passport or other means of identification

> has false documentation

> possesses money and goods not accounted for

> is malnourished

> is unable to confirm the name and address of the person meeting them on arrival

> has had their journey or visa arranged by someone other than themselves or their family

> is accompanied by an adult who insists on remaining with the child at all times

> is withdrawn and refuses to talk or appears afraid to talk to a person in authority

> has a prepared story very similar to those that other children have given

> exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such an age

> does not appear to have money but does have a mobile phone

> is unable, or reluctant to give details of accommodation or other personal details.

The sponsor: :

> has previously made multiple visa applications for other children and / or has acted as the guarantor for other children's visa applications

> is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas.

Whilst resident in the UK (in addition to those listed above)

The child:

> receives unexplained / unidentified phone calls whilst in placement / temporary accommodation

> shows signs of physical or sexual abuse, and / or has contracted a sexually transmitted infection or has an unwanted pregnancy

> has a history with missing links and unexplained moves

> has gone missing from local authority care

> is required to earn a minimum amount of money every day

> works in various locations

> has limited freedom of movement

> appears to be missing for periods

> is known to beg for money

> performs excessive housework chores and rarely leaves the residence

> is being cared for by adult(s) who are not their parents and the quality of the relationship between the child and their adult carers is not good

> is one among a number of unrelated children found at one address

> has not been registered with or attended a GP practice

> has not been enrolled in school

> has to pay off an exorbitant debt, e.g. for travel costs, before having control over own earnings

> is permanently deprived of a large part of their earnings by another person

> is excessively afraid of being deported.

We want to hear more about your experiences of using TCE resources and tools.

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