

Trafficking Questions and Answers

What is human Trafficking?

In summary, human trafficking occurs when a person is coerced or deceived into a situation where they are exploited. It consists in a combination of 3 basic components – an action (eg recruitment); by a means (e.g. threat of force, or fraud); for the purpose of exploitation

The Council of Europe definition of trafficking is:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person, for the 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 practises similar to slavery, servitude or the removal of organs.”

What is the Government doing about Human Trafficking?

The Government’s comprehensive strategy to combat human trafficking is set out in the UK Action Plan on Combating Human Trafficking which was updated in July 2008. The Action Plan sets out the Government’s commitment to tackle all forms of human trafficking. It covers four key areas of: prevention; investigation/law enforcement/and prosecution; providing protection and assistance to adult victims of trafficking; and child victims.

What types of trafficking happen in the UK?

Intelligence suggests that individuals can be trafficked for many purposes into and within the UK including: forced labour (e.g. in agricultural work); domestic servitude; and sexual exploitation (e.g. through prostitution). In addition, we know that children can be trafficked into the United Kingdom for a variety of purposes, including sexual exploitation, forced labour and criminal exploitation such as begging or pick pocketing and other petty criminal activity, as well as domestic servitude and benefit fraud. We are aware, too, that young girls can be trafficked between towns and cities in the UK for sexual exploitation. The range of initiatives the government is leading to tackle all forms of trafficking is outlined in the Action Plan. .

Is there much trafficking to and within the UK?

Trafficking is by its nature a covert crime and it is extremely difficult to assess prevalence levels. However, we are working to address our knowledge gaps and there are existing sources of information that can help give an indication of trafficking levels:

- a sixth month enforcement campaign against trafficking in the commercial sex-industry (Operation Pentameter 2) uncovered 167 potential victims;

- a Home Office study of organised crime markets suggested that at any one time in 2003 there could have been around 4000 victims of human trafficking for sexual exploitation; and
- less is known about trafficking for forced labour but in recent multi-agency operations (such as Operation Tolerance) we have improved our understanding of this form of trafficking, including for domestic servitude. It is clear that this form of trafficking does occur in the UK across a number of industries and we are actively seeking to build our knowledge in this area.

Is there any difference between smuggling, illegal migration and human trafficking?

Trafficking shouldn't be confused with illegal migration and people smuggling. They're not the same. Migration can be by legal or illegal means, either forcibly or voluntarily. By far the vast majority of people entering the UK illegally are smuggled voluntarily rather than trafficked.

Human Trafficking tends to occur when there are inequalities of power; with individuals exerting control over the actions of another for their own benefit. It is a criminal offence that usually involves a violation of human rights. Victims can be subjected to multiple 'crimes' including intimidation, kidnapping, violence and sexual abuse in a bid to coerce or force them into activity against their freewill. Human Trafficking is often linked to organised crime but can also occur where vulnerable individuals are working within a 'domestic' setting and isolated from the rest of society (for example domestic servitude).

What improvements will the Council of Europe Convention against Trafficking in Human Beings bring?

The purpose of the Convention is to prevent and combat trafficking in human beings, to identify and protect the victims of trafficking and to safeguard their rights, and to promote international co-operation against trafficking.

Implementation of the Convention is part of our wider anti-trafficking strategy. The UK was largely but not fully compliant with the convention when we signed it in 2007. Necessary amendments to primary and secondary legislation (in all parts of the UK) were made in 2008.

Changes to policy and procedure have centred on victim identification and support arrangements set out within National Referral Mechanism framework. The Convention gives certain rights to victims, including access to accommodation and other services. For victims who are not UK or EEA citizens, the Convention will also see the introduction of a 45-day minimum 'reflection period' and renewable residence permits.

We have worked hard to test aspects of the identification and support processes for victims of trafficking under the Convention. We have focused on ensuring that victim identification and support arrangements are in place and that relevant agencies are continuing to receive awareness raising/training to make processes work.

When did the UK sign and ratify the convention and why didn't it come into force straight away?

The UK signed the Convention on Action against Trafficking in Human Beings (“the Convention”) on 23rd March 2007 and ratified it on 17 December 2008. Article 42 (4) of the Convention states that it shall enter into force three full calendar months after ratification, which means that in the UK it will come into force on 1 April 2009.

Some of the other signatories to the Convention have legal systems that allow or require ratification before full compliance – ours does not. The UK has ratified ahead of many other member states. We went from signature to ratification in 1 year and 9 months. This is relatively quick for a country that needs to make legislative changes (both primary and secondary) prior to ratification. We also consulted widely on a number of measures and tested victim identification and protection arrangements in operational settings before finalising our processes.

What are the costs involved in ratifying the Convention?

The key costs to implementing the Convention fall largely around supporting victims through three key stages – crisis, reflection, and temporary residence. Costs incurred will be dependent on the numbers identified at each stage.

We have predicted that the total additional economic costs to the UK of implementing the Convention are estimated to be approximately £16m over three years. How this is calculated is outlined in our published Impact Assessment.

What is the UK National Referral Mechanism?

The official definition of a National Referral Mechanism (NRM) by the Organization for Security and Co-operation in Europe is a co-operative framework to allow member states to identify, protect, and promote the human rights of trafficked persons in co-ordination with civil society.¹

The UK already seeks to work in a multi-agency way to protect and support victims of human trafficking. The NRM enhances and formalises those arrangements, raising standards, clarifying victim rights and filling in gaps. It introduces new guidance with specific instructions on how agencies should work together to help with the early identification of potential victims and onward referral into support where necessary.

Many victims of human trafficking do not report these crimes. There is therefore an onus on front-line agencies to help victims to access support and protection. Under the National Referral Mechanism Front-line agencies will refer individuals who they consider may be evidencing signs of being a victim to specialist within nominated ‘Competent Authorities’ based in the UK Human Trafficking Centre or the UK Border Agency.

¹ http://www.osce.org/publications/odihhr/2004/05/12351_131_en.pdf

These Competent Authorities will work with partners in the public and voluntary sector to assess if there are 'reasonable grounds' to believe that someone is a victim of human trafficking and needs access to support arrangements under the Convention, irrespective of whether they have decided to report the crime. The intention is to alleviate the pressure on victims to fully disclose and self identify at first point of contact, whilst protecting against unfounded claims.

What is the current victim support available to adult victims of trafficking?

The Government has a range of measures in place to support victims of crime this includes: A Victims Code of Practice (that places legal obligations on the criminal justice agencies); Victim Personal Statements to give victims a voice in the system; special measures to help them give evidence (like video-links & screens); compensation through the courts and the Criminal Injuries Compensation Scheme; information using a range of mediums on the criminal justice system; and investment into a direct emotional and practical support primarily through Third Sector agencies.

Recognising that victims of human trafficking may require additional specialist support and protection the Government has introduced enhanced measures including:

- Investment into the Poppy project and the UK Human Trafficking Centre to provide holistic, specialist Convention compliant support services
- A minimum of 45 days where all removal action is held in abeyance whilst victims consider their options;
- Temporary residence permits; and
- Re-integration assistance through the UKBA funded IOM Assisted Voluntary Programme for Irregular migrants.

What support services are available to child victims?

The protection of any child or young person in the UK is of the highest and most immediate priority, and the Government is committed to ensuring the safety and well-being of all children.

Local authorities in England and Wales have a statutory duty to safeguard and promote the welfare of any child in need, where there are concerns about their safety, under section 11 of the Children Act 2004, regardless of their immigration status or nationality. They also have responsibilities for unaccompanied children, as well as those who arrive in the UK with their parents and for whom there are concerns regarding their safety and welfare.

All trafficked children, once identified and if in continuing need of support and care, become the responsibility of a Local Authority as a looked after child. In this way, the local authority and the child's designated social worker fulfil the requirements of the Council of Europe Convention and will work closely with the Competent Authorities within the NRM.

How can you guarantee that the specialist arrangements for human trafficking (e.g. the residence permits) will not be subject to abuse?

The Government is clear that the response to trafficking should be primarily about protecting victims of crime. That is why when the UK Action Plan against trafficking was updated in July 2008 it announced details of two decisions on how to implement the Convention: the provision of a minimum 45 day period of recovery and reflection for victims; and the facility to grant a minimum one year (renewable) residence permit to victims who qualify. Both measures are also consistent with our wider immigration policy of ensuring secure borders in the interests of the UK's economy. We will identify and protect victims but we will not tolerate unfounded claims.

What are we doing about challenging the demand for trafficking in the UK?

We continue to improve our knowledge on the nature and scale of human trafficking and tackling demand forms part of the prevention element of our strategy. In January 2008 the Home Office launched a short-term review to explore what more we can do to tackle the demand for prostitution. We published the recommendations on 19th November. These include; the creation of a new offence of paying for sex with prostitute controlled for gain and orders to allow the closure of premises where sexual exploitation has taken place.

We have run a number of awareness campaigns with partners. This includes the UK Human Trafficking Centre's '**Blue Blindfold**' awareness campaign, which is increasingly being adopted by international partners (including Crime Stoppers International). The Government also funded a Poppy project poster campaign with London Transport aimed at raising awareness domestically about the realities of trafficking.