



THE GOVERNMENT REPLY TO THE SIXTH REPORT
FROM THE HOME AFFAIRS COMMITTEE
SESSION 2008-09 HC 23

The Trade in Human Beings: Human Trafficking in the UK

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty
August 2009**



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GOVERNMENT REPLY TO THE SIXTH REPORT FROM THE HOME AFFAIRS SELECT COMMITTEE

HUMAN TRAFFICKING

Describing the problem

- 1. Trafficking is a hidden crime; its victims cannot or dare not make themselves known to the authorities (for fear of retaliation or because they are or think themselves to be illegal immigrants) and, as we discuss later, some do not even realise that they are victims. They are concealed by physical isolation or language or cultural barriers, and may be operating under false identities. It is therefore not surprising – though it is frustrating – that no one was able to give us even a rough estimate of the scale of trafficking in the UK. (Paragraph 40)**
- 2. Victim support organisations have been calling for better data on the scale of trafficking for years, and we had understood the production of such data (from a variety of sources) was one of the main tasks for which the UKHTC was established. Without reasonable estimates of the scale of the problem, it is difficult to raise public awareness and concern and to engage the variety of professionals who would be able to play a part in identifying possible victims. It also makes it impossible to gauge what support services are needed for victims. (paragraph 41)**
- 3. We are pleased that progress is finally being made in producing data, but are disappointed that it has not been faster. We look forward to seeing the results of the Minister's three – pronged approach later this year. (Paragraph 45)**

We note the Committee's conclusions.

As the Committee recognises there are considerable challenges in producing accurate estimates of human trafficking, and we are working to produce new estimates. We have nonetheless produced estimates of trafficking in the UK and have made them widely available. Home Office research into organised crime markets estimated that at any one time in 2003 there were up to 4,000 victims of trafficking for sexual exploitation in the UK and that remains our current estimate. A report by the Child Exploitation Online Protection Centre (CEOP) in April 2009 estimated that there are approximately 325 children trafficked into the UK each year. But we recognise the need to constantly improve our understanding. We are therefore aiming to produce new estimates of trafficking for sexual exploitation by the end of 2009.

Human trafficking is a covert crime where victims are often unwilling to disclose, accept help or report the crime. This inevitably makes the task of measuring the problem accurately very difficult. This problem is recognised internationally. At the UN Global Forum on Trafficking held in Vienna in February 2008 there was a great deal of discussion on the need to improve knowledge throughout the world on this area.

The new estimate of trafficking for sexual exploitation are being produced through the Police Regional Intelligence Units. It will build on existing baseline work and will be co-ordinated with work at the UK Human Trafficking Centre through its dedicated data collection and intelligence co-ordination roles, and through close working with other agencies such as the UK Border Agency, Serious Organised Crime Agency, Her Majesty's Revenue and Customs and CEOP.

The introduction of the National Referral Mechanism on 1 April 2009 will also assist in developing our knowledge of the scale of the problem, as it introduced a standardised procedure for the identification of victims of human trafficking. We recognise also that we need to improve our knowledge and understanding of other areas of trafficking – including labour trafficking.

Whilst a more up to date estimate would be useful, our existing knowledge has enabled us to adequately plan our response and to make important progress on victim protection, awareness raising and enforcement. This comprises information and intelligence from a range of sources including the police, UKBA, NGOs, and international agencies.

On victim protection, specialist support arrangements for victims of human trafficking for sexual exploitation have been in place since 2003 and we have used the findings of Operation Pentameter 2, the trafficking for forced labour pilot and information from the Poppy project to develop a proportionate expansion of specialist services this year. We will continue to work with local areas and existing support services for victims to help build capacity as more intelligence and information is obtained through the national referral mechanism on the scale of trafficking.

- 4. Given the UKHTC's apparent difficulty in making progress with data collection so far, appointing a National Rapporteur has its attractions. However, this would also add yet another organisation to the multitude involved in analysing and combating trafficking. An alternative would be to ensure that the UKHTC is properly resourced for the work of data collection, which should be given a high priority as it will form the basis of a proper assessment of the resources needed to tackle human trafficking and support victims. (paragraph 42)**

We welcome the Committee's view that a National Rapporteur would not be of benefit in terms of data collection. We take the view that it is more important to focus on the outcomes rather than on extra processes. We are making progress with a new estimate on trafficking for sexual exploitation and the UKHTC will continue to improve its role as a central point for the collection and analysis of data – including through its role in the National Referral Mechanism.

Prevention

- 5. We think it wrong that entry clearance officers are instructed to issue Migrant Domestic Workers visas even when they know that the employer intends to pay the worker less than the UK Minimum Wage; this makes a mockery of the concept of a legal minimum wage. (Paragraph 53)**

We note the Committee's conclusion.

We recognise that Overseas Domestic Workers may be particularly vulnerable to exploitation because domestic service occurs mostly in the private sphere. We continue to work with NGOs to obtain a better understanding of the level of exploitation occurring through the Domestic Worker route.

Entry Clearance Officers take into account the evidence submitted with applications when making a decision. This includes the contract of employment and confirmation in writing from the employer that he/she will support the applicant and provide accommodation. The statement of the main terms and conditions of the employee includes details of the rate and frequency of pay, method of payment, working hours per week and holiday entitlement. The employer is asked to show evidence that they will comply with UK

legislation, including the National Minimum Wage. Refusal of an entry clearance will not be based on lack of evidence on pay alone as accommodation arrangements are also taken into account.

Exemptions for the provision of the National Minimum Wage exist for those who live and work within a family. For example, it may be appropriate to pay less than the minimum wage where workers who are not members of their employer's family, but who live in the family home, share in the work and leisure activities of the household and are not charged for food or accommodation. It will depend on individual circumstances and Entry Clearance Officers take all evidence into account.

6. Existing employment law, the National Minimum Wage, regulations on rented accommodation and so on should be sufficient to prevent the sorts of abuses highlighted by the Gangmasters Licensing Authority and UCATT – but only if they are enforced. It seems to us that, outside the Gangmasters Licensing Authority's sector, enforcement is at best patchy and at worst non-existent. (Paragraph 55)

The regulations covering National Minimum Wage and employment agencies are robustly enforced by HMRC and Employment Agency Standards (EAS), who investigate complaints made to them, including those received from the construction sector.

Under the oversight of the Fair Employment Enforcement Board, the Government has recently doubled the number of inspectors in the EAS Inspectorate. During February and March this year, it ran a significant awareness-raising campaign among agency workers of their employment rights. The numbers of calls to the EAS helpline nearly quadrupled during the period and have remained at double the pre-campaign volumes since then, suggesting that the increase in awareness has been sustained. During the campaign, there were also more than 138,000 visits to the employment agency campaign page on the Directgov website.

From 1st April 2009, under the Employment Act 2008, the EAS has stronger powers of investigation, for example access to bank and financial records and stronger penalties. The Act makes infringements of employment agency regulations indictable, so they can be tried in a Crown Court where unlimited fines for certain offences are available.

With the creation of the Pay and Work Rights Helpline, the five enforcement agencies covering enforcement of the rights of vulnerable workers (GLA, EAS, HMRC, Defra and HSE) are working more closely together to deal with multi-issue complaints. Training managers from the new helpline attended a recent joint UKHTC and UKBA training session on human trafficking to ensure they are aware of trafficking issues and indicators of trafficking.

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

We welcome the Committee's conclusion. We recognise the need to continue to improve public awareness of human trafficking more generally and particularly amongst public officials.

Awareness-raising of some public officials has already taken place. The UKHTC has developed and distributed indicators of trafficking to all police officers in England and

Wales and an E-Learning package on trafficking is mandatory for all front line immigration staff. The UKHTC Learning and Development Group has taken forward a range of work to train both staff from law enforcement agencies and those working in other areas for example the judiciary and airline workers. However, we recognise that more needs to be done and this is an area of work that will be addressed by the UKHTC group.

With regard to awareness-raising within the general public, the UKHTC has developed the “Blue Blindfold” banner, under which UK prevention work will take place. This was used most recently used in a public campaign comprising outdoor advertising and the distribution of leaflets in Bristol and Leeds throughout April and May 2009. This activity was designed to raise awareness of the issue of human trafficking amongst the general public and to encourage the use of the Crimestoppers phonenumber to report suspected incidents of trafficking.

The UKHTC has shared its Blue Blindfold material with organisations wishing to raise the awareness of the general public. This material is adaptable to a range of circumstances and can be used by any group, whether professional, an NGO or any other public body.

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

As the Committee indicates in the report, the Government looked carefully at the issue of extending GLA – style licensing regimes to other sectors as part of the Vulnerable Worker Enforcement Forum last year. The Forum consisted of union and business representatives, Citizens Advice, and the key workplace enforcement bodies. There was no consensus in the Forum on whether the GLA’s remit should be extended to other sectors. The Government has announced that it has no plans to extend licensing but will prioritise effective enforcement of the existing law. This is being done by taking steps to strengthen the EAS Inspectorate and to raise its profile amongst both agency workers and agencies themselves.

We believe that the tougher approach by the EAS Inspectorate is beginning to pay off. One example is the large-scale EAS investigation of agencies supplying workers to the construction industry at the end of last year. Using locally-sourced intelligence, together with information previously provided by unions working in the construction sector, 52 agencies were identified and inspected – and over 40 were issued with warnings because they were found to be breaking regulations. Now that the inspectorate has doubled in size, and has been given stronger investigative powers and a higher profile, we are confident that it will have increasing success in ensuring compliance with the law.

We agree it is crucial to ensure close and effective working between the enforcement bodies. The Joint Working Protocol between UKBA and other enforcement bodies (including EAS and the GLA) should help ensure that these organisations are able to share information and intelligence, including on potential human trafficking cases. In line with this approach, officials from EAS, have begun to work more closely with the UKHTC which has already developed a close relationship with GLA. We will also ensure that EAS inspectors are trained in the issue of indicators of human trafficking so that they are more ready to identify cases of forced labour.

- 9. We note the Government's decision to continue with the Migrant Domestic Worker visa regime, despite the introduction of the Points-based system for those outside the EEA applying to work in the UK. However the extension of the Migrant Domestic Worker visa regime is only for two years. We consider it likely that migrant domestic workers will need the special status afforded by the current visa regime for much longer than two years. (Paragraph 59)**

We are committed to ensuring that current and future arrangements for overseas domestic workers minimise any risk of abuse or exploitation.

We have agreed to preserve the current route for two years to allow time for the points-based system and the new anti-trafficking arrangements to bed in. At the end of that period the route will, if appropriate, be reviewed. A Steering Group, chaired by UKBA and including Kalayaan in its membership, is taking forward initiatives to assist any review. No decision has been taken on the retention or otherwise of the overseas domestic workers route beyond two years.

- 10. Immigration authorities should actually use the sanctions against employers of unregistered workers as a disincentive to exploitation of such workers, and when enforcement operations take place, the officials should be careful to look out for signs of trafficking. (Paragraph 61)**

The new civil penalties system introduced last year has proved to be effective in tackling employers who employ illegal migrant workers. As of 31 March 2009, 1,704 Notices of Liability for an illegal working civil penalty were served on employers of illegal migrant workers. £1,321,610 in penalty payments has been collected.

Mandatory training to raise awareness of trafficking has been issued across UKBA to help staff recognise and identify indicators of trafficking, and to treat the issue of trafficking as a priority. Substantial and specific guidance has been issued for all frontline staff. Enforcement operations in particular are advised on the need to look out for any indicators that may suggest there is evidence of trafficking. This includes prioritising the safety and protection of an individual and referring them as potential victims to the specially trained Competent Authority for urgent consideration.

- 11. We welcome Newsquest's decision not to carry any further adverts for "adult entertainment" in its newspaper and urge other local newspapers to follow that lead and the Society of Editors to issue clear guidelines that newspapers should not accept advertisements for sex encounter establishments. (Paragraph 64)**

Like the Committee, the Government welcomes Newsquest's move. Ministers have met members of the newspaper and advertising industry and this led to the Newspaper Society publishing tighter guidance for editors on what advertisements should be refused.

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

We have worked closely with the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) in developing our legislation, and will continue to do so to ensure enforcement will be both practical and effective. In response to a recommendation in the Tackling Demand Review we will be working with Criminal Justice agencies and

other relevant bodies to ensure that comprehensive guidance is developed to allow the effective implementation and enforcement of these legislative measures.

Operation Pentameter 2 and other high-profile operations have shown that intelligence-led policing can identify premises where trafficked women are engaged in prostitution. Police have advised that such brothel raids will be able to identify those that have paid for sex in certain circumstances and allow prosecutions to be brought.

13. We welcome the reappraisal of guidance to the CPS and ACPO on the prosecution of children trafficked to commit criminal offences. (Paragraph (71))

Following consultation with the UKHTC, CPS issued further guidance on 3 February 2009 to all crown prosecutors that introduced new arrangements, which should ensure that, when the charging decision is made, the prosecutor has all the relevant information regarding the victim's status. The National Referral Mechanism should also improve the early identification of these victims before they are arrested or charged and establish their victim status.

The Director of CEOP, and current ACPO lead for Child Trafficking, has written to all Chief Constables to seek their assistance in the identification of children suspected of being trafficked who have come to the attention of the police through their participation in criminal activity.

We will continue to review guidance as and when appropriate in the light of developments in our efforts to combat human trafficking.

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

We welcome the Committee's recommendation.

We accept there is more to do to raise awareness amongst all front-line police officers about domestic workers, including that the retention of immigration documents in domestic servitude could be an indicator of trafficking. We are making progress in this area and we are committed to doing more. The UKHTC has developed, and distributed, indicators of trafficking to all police officers in England and Wales. Indicators of trafficking in this information include the confiscation and retention of identity documents such as passports.

A number of training modules have been devised by the UKHTC and, in conjunction with the National Policing Improvement Agency, these are being included in mandatory mainstream training for a range of police officers in England and Wales. This programme of work is being rolled out throughout 2009 and all human trafficking training modules will be in place by the end of the year. This training covers all forms of human trafficking and will be incorporated into programmes for officers including initial detective training, Police Community Support Officers, Neighbourhood Policing, as well as the domestic violence, roads policing and public protection programmes. The existing training course for Senior Investigating Officers will be evaluated and embedded into mainstream training by the end of 2009.

Operation Tolerance – the UKBA led multi-agency trafficking for forced labour pilot (about which there is more detail in response to conclusion 33 below) – had a strand focused on domestic servitude. The police were fully involved in the pilot showing that awareness is on the increase in some areas. The pilot and subsequent engagement with partners is helping to develop a clearer picture of this largely hidden crime. During the pilot it also became apparent that some victims of domestic servitude require similar levels of support as those involved in commercial sexual exploitation and the Poppy project entry criteria have been extended to cover these victims.

The UKHTC Learning and Development Group is focussed on establishing outstanding training needs including those arising from the experience of the victims and operational activity. This work represents a major step forward in ensuring the police service receive comprehensive training on all human trafficking issues thereby further embedding it as core police business.

- 15. The Human Trafficking unit of the Metropolitan Police serves a national as well as a local role, in providing an example of best practice that is regarded as a model by other police forces, by NGOs and by foreign law enforcement bodies and multinational agencies such as Europol. In principle we agree that best practice must spread out from specialist units to inform the work of every police officer and PCSO in the UK if trafficking victims are to be identified and rescued whenever and wherever they appear. However we are still a long way from that ideal, even within London: as our witnesses acknowledged the UK is just starting to tackle the problems of trafficking for forced labour and for street crime. We are therefore particularly disturbed by the police officers' assessment that closing down the unit will make it more difficult to identify trafficking victims. (Paragraph 85)**
- 16. Furthermore we are concerned about the continuing tendency to view trafficking as an immigration crime, coupling it with facilitation or people smuggling, which is completely different. Not only does this increase the risk that victims will be treated only as those whose immigration status is not in doubt – UK nationals or those from the EEA, or migrant domestic workers with correct visa for example – will be ignored altogether. (Paragraph 86)**
- 17. As a result we recommend that the Home Office continue to provide funding at its original level for the specialist Human Trafficking Unit of the Metropolitan Police beyond 2010, until it can be proved that sufficient expertise on identifying victims of trafficking and dealing with perpetrators has been spread through police forces throughout the UK. Paragraph 87)**
- 18. We note also that only two of the six police posts in the Paladin Team are funded specifically for this purpose. This team, also, is a national and international exemplar, and we recommend it be fully funded so that it can continue its vital work (Paragraph 88)**

Human trafficking is not just a regional issue. It affects every part of the country. Our response therefore has to be strategic in nature and national in scope. That is why we believe that the sustainable and effective approach to combating human trafficking is through ensuring it is part of core police business for every police force in the country. We welcome the Committee's support for this overall objective.

The Metropolitan Police Service (MPS) remain committed to combating human trafficking in London. The trafficking team is one part of the MPS overall effort in tackling organised immigration crime. Other resources targeting these illegal activities on a daily basis include

local borough policing, Operations Maxim, Swale, Golf, Paladin Child; and the Clubs and Vice Unit. These will continue.

Since the Met Trafficking Team was established in 2007, we have provided £2.3m for its work on organised immigration crime, including human trafficking. Funding of this kind is provided on a time limited pump-priming basis, with an expectation that forces will mainstream this work into their budgets and core business from April 2009. When it became apparent that the MPS was going to be unable to meet this deadline, the Home Office provided the MPS with an extra one-off contribution of £435,000, to allow them further time to mainstream this work into their existing overall budget. The MPS is reviewing the most efficient and effective way to use these resources, to ensure the MPS's future operational response has the right resources in the right place. We will continue to review the situation with the Metropolitan Police, to ensure the successful mainstreaming of this work.

Issues around deployment and resourcing of Paladin are a matter for the Metropolitan Police Commissioner, as Paladin is an MPS led operation. Building on the success in other parts of the country is an issue other police forces and interested parties are considering as part of their overall crime reduction strategies. The ACPO steering group on child trafficking has developed a template as a model for forces wishing to replicate Paladin type teams in other areas. We believe that this is the best way of spreading good practice on this issue throughout the country.

Human trafficking is an organised crime and should not be seen mainly as an immigration matter. This approach has guided our victim-centred strategy for tackling human trafficking, as set out in the national Action Plan. This is why we deploy both police and specialist law enforcement resources to combat trafficking as an organised crime, and in line with our commitment to protect victims, ensure victim care is always at the forefront of our response. The UKHTC serves as a dedicated resource co-ordinating operational activities and in identifying and protecting victims. Combating human trafficking as part of our overall effort to combat 'organised immigration crime' does not distract from this and ensures law enforcement agencies can take account of the synergies between the constituent crime types.

19. It is imperative that the Government amend the 2004 Act to clarify the status of very young victims. We note that the Borders Citizenship and Immigration Bill (Lords) now awaiting second reading in the House presents a good opportunity to make such an amendment (Paragraph 93)

We agree with the Committee and are pleased to report that this change was made in the new Borders, Citizenship and Immigration Act 2009.

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

We note the Committee's conclusion. Awareness-raising and training for front line staff in UKBA and other Government departments is a vital part of our concerted strategy to combat trafficking. Taking a collaborative approach to training in partnership with the UK Human Trafficking Centre has improved our collective ability to identify victims.

An E-Learning package on trafficking was developed and made mandatory to all UKBA staff below Assistant Director level. This was launched on 17 February 2009 and has been shared with other Government departments. All immigration officers are trained in identifying children who may be at risk, including from trafficking.

We acknowledged, whilst considering implementation plans for the Council of Europe Convention on Trafficking, that training all frontline staff to be experts in victim identification was unrealistic. Instead we decided to set up an expert 'second tier' body to advise front line staff and make decisions on trafficking. Establishing a Competent Authority, one step removed from operational pressures, was the preferred option of our expert consultation.

All those who were nominated to be a part of Competent Authority have received training on trafficking. The training was conducted in collaboration with representatives from UKBA, UKHTC, the Poppy project, NSPCC, Anti-Slavery International, and ECPAT providing training sessions.

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

We recognise that we need to continue to raise awareness of the realities of human trafficking with the full range of professionals that may encounter possible victims. The UKHTC has been undertaking a programme of 12 training seminars for immigration judges since October 2008. Each session has covered human trafficking in the UK today, the law on human trafficking, identification of victims and the National Referral Mechanism. This has helped to ensure their awareness of the issues surrounding trafficking is improved and up to date.

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

We note the Committee's recommendation.

Once individuals are identified as victims of trafficking they will not normally continue to be detained in the fast track process and will be supported under provisions of Article 12 of the Council of Europe Convention.

Where an individual has claimed asylum they are as entitled as other claimants to have a speedy resolution to the asylum claim. Each case is considered on its own merits, on a case-by-case basis, in accordance with the 1951 UN Convention and the ECHR. An individual will be given leave to remain in the UK if there is a real risk of serious harm by being a victim of trafficking on return to the country of origin.

We have issued specific guidance for asylum case owners on human trafficking, and have already undertaken some innovative awareness raising and training on trafficking with the Poppy project for some asylum case owners. This has proved extremely positive and we hope to do more in the future.

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

The UK signed the Convention on Action against Trafficking in Human Beings on 23rd March 2007. We ratified the convention on 17 December 2008 and all provisions within it came into force on 1 April 2009.

A reflection period will be granted to all those who are identified as victims by the Competent Authorities regardless of the ‘type’ of trafficking they have experienced, and whether they are cooperating with the police or not.

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

For some victims 45 days will be enough but we recognise that others may need longer due to the levels of trauma and impact on their health. In reality our approach is flexible enough to be able to accommodate the individual circumstances of victims including the possibility of going beyond 45 days in some cases. We have undertaken to keep the time frame under review.

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

Yes. We have ensured that residence permits are renewable and can be extended where required. Victims can submit a request to extend the period of their residence permit and this will be considered by UKBA. Similarly the police or CPS may request a further extension of the victim’s residence permit.

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

Many victims wish to return home and the voluntary return of victims can help with long term recovery and resettlement. Where possible we take steps to ensure that victims of trafficking are provided with reintegration assistance if they wish to accept it. We do not want to see any victims put at risk of being re-trafficked. Whilst it is impossible to guarantee that they will not be re-trafficked, all decisions on returns are made on a case by case basis and removal or repatriation action is only taken when it is considered both possible and safe to do so after an evaluation of their individual circumstances.

Decisions on returns take account of all available relevant information. UKBA's Country of Origin Information (COI) Service provides up to date information about the issue of trafficking in its COI reports on conditions in key asylum intake countries of origin. These reports draw upon a range of published sources, including human rights organisations, the Foreign and Commonwealth Office, other government departments, foreign government sources such as the US Department of State, NGOs and the media. All COI Service's material is subject to external review by the Independent Advisory Group on Country Information, established by the Chief Inspector of UKBA to take forward the monitoring role previously undertaken by the Advisory Panel on Country Information. COI Service also provides a rapid information request service, for use by UKBA staff when case-specific research is required, often utilising FCO contacts in posts abroad to obtain detailed information.

With regards to the levels of re-trafficking, it is difficult to ascertain scale. An independent study by the Poppy project (Routes in, Routes out, August 2008) found that out of the 118 clients that participated in the study 21% disclosed that they had been re-trafficked. In all cases the re-trafficking occurred after the women had returned home. However, it is not known whether the clients were returned from the UK or other countries. The new formal method of identifying victims through the National Referral Mechanism will help highlight if an individual has previously come to the attention of the Competent Authority. We are satisfied that this arrangement will enable us to improve our knowledge of re-trafficking.

27. We understand why the fixed fee system for immigration cases was introduced, and have no wish to encourage frivolous cases or vexatious appeals. However, we do in part share immigration lawyers' concerns that some law firms may be unwilling or unable to take the risk of such potentially high-cost cases. We recommend the Government to keep under review whether there is a decline in the willingness of lawyers to represent those suspected of being victims of trafficking, and, if so, to exempt such claimants from the fixed fee system, subject to safeguards such as the need for their claim to be supported by recognised experts like the Poppy Project. (Paragraph 114)

We note the concerns that some law firms may be unwilling or unable to take on potentially high-cost cases such as trafficking, however we consider that this view is speculative at the current time. The best way to counteract such a potential risk is the action suggested by the Immigration Law Practitioners Association (ILPA) which is to help spread best practice among the legal profession. Officials and the UKHTC are having discussions with the Law Society, the Bar Council and ILPA about raising awareness among the legal profession. In addition to this the UKHTC Learning and Development Group now has a barrister as its Chair. We consider that these actions best address potential risks of a reluctance or inability to handle trafficking claims.

The provision of competent immigration advice and services to all those who require assistance is a provision that is regarded as central to effective immigration control. The relationship between the need to have minimum standards of competency for those who provide immigration advice and services and the need to effectively control immigration

was recognised in the Immigration and Asylum Act 1999. This Act established the Office of the Immigration Services Commissioner (OISC) as an independent body remitted to promote good practice by those who provide immigration advice or immigration services. The OISC has the responsibility in accordance with the Immigration and Asylum 1999 Act to:

- ensure that those who give immigration advice are fit and competent and act in the best interests of their clients; and
- ensure that advisers who should be within the regulatory scheme apply to be admitted or are prosecuted.

The immigration advice and services that are regulated by the OISC relate to all aspects of immigration control and all categories of migrant. The provision of advice and services to those who have been trafficked will therefore be regulated by the OISC.

28. The Migrant Domestic Worker visa was introduced to deter abuse of such workers. An essential part of the regime is that before a visa is issued there should be screening to ensure that the worker is travelling of (usually her) own free will and there are no obvious signs of maltreatment. It is also vital that the worker is given information about her employment rights in the UK. This can be done only if the worker is interviewed by the post issuing the visa, and interviewed separately from the employer. We wish the posts named in Kalayaan's list as failing to follow the correct procedures to give us an assurance that they will tighten up procedures in future; and we want the UKBA to explain to us what they are doing to ensure that all posts are aware of and apply these requirements in future. (Paragraph 118)

Entry clearance interviews may take place if an Entry Clearance Officer considers this to be necessary on the basis of a risk assessment of the application. The focus is now on objective evidence based casework and the consideration of full documentary support such as contracts, duration of employment and previous immigration history. Information sources online and through visa application centres explicitly inform applicants and their employers of the requirement to submit all necessary documentation. In the past most overseas posts may have interviewed first time domestic worker applicants but our transition to evidence based decisions, which will include verification checks on documents submitted, means that in-person interviewing is not always considered central to the outcome of the application and with the introduction of hub and spoke arrangements it is not always geographically practical.

29. Immigration officers should look out for cases where adults are not holding their own passports and should make inquiries, if necessary insisting that the person not in possession of their passport be interviewed separately. Even if there is no evidence of abuse, this would enable Migrant Domestic Workers to be informed of their rights at this point. (Paragraph 119)

Every passenger that arrives at Immigration Control at the border is required to present their own valid travel document, endorsed with entry clearance if required. Once their identity is confirmed the immigration officer then establishes that entry is being sought in the same capacity, that there has been no change of circumstances since the visa was issued and that misrepresentations were not employed to obtain the visa. Domestic Workers would therefore have an opportunity to raise concerns directly to an Immigration Officer. In addition, if an Immigration Officer is not satisfied with the circumstances of the visa issue, the passenger would be subject to further examination under the Immigration Act.

Identification: other authorities

30. Local authorities are obviously important in terms of their responsibilities for services to children. They often know who the worst employers are in their area, and their officials may well come across victims in the course of routine inspections. We applaud the imaginative action being taken by a number of London Borough Councils, and the fact that they appear to be conscious of the need to spread experience and best practice. We are however, disturbed that yet again the initiatives seem confined to London – or they are not, the Local Government Association appears unaware of them. There must be a much more concerted effort to use local knowledge and the opportunities provided by existing local activities to identify trafficking victims. We ask the Government to inform us what it intends to do to encourage the spread of best practice among local authorities. (Paragraph 126)

We are continuing to work to raise awareness with local authorities about the nature of human trafficking. During Operation Pentameter 2 we wrote to all local authorities about the specific needs of trafficking victims. We have undertaken, in conjunction with the Association of Directors of Children's Services (ACDS) and the Society of Local Authority Chief Executives (SOLACE) a considerable amount of work in promoting the needs of this vulnerable group of children. As a result of our work many Local Children Safeguarding Boards have established trafficking sub-groups alongside some regional groups convened by the Government Offices for the Regions.

The National Referral Mechanism applies to children too. Alongside this both ACPO and CEOP in partnership with social work practitioners have developed a formal assessment tool to help local authorities identify and refer victims. The ACDS has been engaged in the development of the assessment tool which is being piloted across 13 local authority areas in England, Wales and Scotland. We believe these developments will help to give an improved picture of the problem and help minimise incidences of children going missing from care.

31. CEOP is concentrating on raising awareness about child trafficking among those working in the health service and education. There is clearly also scope for raising awareness of adult victims of trafficking among health providers. (Paragraph 127)

We welcome the Committee's conclusion about the need for awareness-raising of health professionals about adult victims of trafficking. Human trafficking is already included in a range of initiatives aimed at addressing the health needs of victims including training by the Family Planning Association and the roll-out of sexual assault referral centres (with some areas providing trained specialist trafficking workers). Additionally, the Department of Health has issued guidance highlighting that victims of human trafficking should be exempt from charges for health care.

In May this year the Department of Health announced the establishment of a new task force of health professionals working together to identify the early signs of violence and abuse against women and girls, investigate the scale of the problem and ensure victims across the NHS get the support they need. The UKHTC Learning and Development Group will consider how this work can be integrated into the wider cross – cutting training programme on human trafficking.

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

We note the Committee's recommendation but would draw the attention of the Committee to the response to recommendation 8 above. We remain of the view that the approach adopted by the Employment Agency Standards Inspectorate and the protocols that exist between relevant agencies will ensure an improved response to the identification of trafficking victims within the construction industry.

National Referral Mechanism

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

Operation Tolerance was a labour trafficking pilot designed specifically to improve our understanding of labour trafficking. It focused on various labour sectors in specific parts of the UK. The pilot was initiated by UKBA and ran for four months, ending in September 2008.

Whilst the pilot was limited in scope, it found very limited firm evidence of trafficking for forced labour – it identified 18 victims of trafficking for forced labour. There was more evidence of low level labour exploitation than of mistreatment of workers so serious as to make it the crime of human trafficking. One of the objectives of Operation Tolerance was to assess the support needs of these groups. It found that some victims that had been trafficked into domestic servitude had similar support needs as those that had been trafficked and exploited in the sex industry, whilst other forms of forced labour required minimal levels of support.

The Competent Authority is responsible for identifying and referring victims for relevant accommodation and support services. That support is provided not by the Competent Authority, but Government funded NGOs (the Poppy Project and Migrant Helpline for victims of trafficking for sexual exploitation and labour trafficking victims respectively). We believe this represents the best arrangement for ensuring victims receive the most appropriate care through organisations which work in this field.

We are committed to providing victims of crime with services that can meet their individual needs. To this end we have provided additional resources both to Victim Support to provide practical and emotional support, including sign-posting to specialist services and to specialist NGOs to support these vulnerable victims.

Protection

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

All victims of trafficking, wherever they are in the country, who are identified through the National Referral Mechanism are offered safe accommodation and support appropriate to their needs. This is in line with our commitment to ensure victim care is at the heart of our strategy to combat human trafficking, and in accordance with our obligations under the Council of Europe Convention. It is not the case that a large number of victims are unable to access services because they are unavailable. We have found that in reality, despite the availability of services, many victims decide not to accept support due to the levels of fear and coercion involved. This is something that we are committed to trying to address by, working with partners in the statutory and non-governmental sector

For trafficking victims who are destitute and require intense support this can include safe refuge accommodation. We have already invested £5.8 million into specialist refuge and outreach accommodation for victims of human trafficking and victims can also benefit from the range of local and national services available for victims of crime. A further £4 million will be invested into specialist services for victims of human trafficking over the next two years to enhance our existing arrangements. This will see an increase in specialist outreach services and refuge accommodation. We will also continue to raise awareness with professionals and agencies that may encounter victims so that they are equipped to encourage and facilitate victims' access to services.

As noted in our response to conclusions 1-3, our existing estimates and knowledge of trafficking have enabled us to plan service needs for victims. Better estimates will allow us to ensure the provisions remain adequate.

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

36. Whilst we do not advocate the, in effect, imprisonment of such children, we were appalled by the ease with which they can leave accommodation. We recognise that one element of the problem is that many have not been identified as victims of trafficking, but we are of the view that no unaccompanied asylum seeking child should be placed in such a vulnerable situation: all are by definition young, inexperienced, in a strange country, many will be unable to speak English and have little or no knowledge of local customs, and some will be traumatised by the events that led them to flee their home country, or by their experiences during their journey to the UK or by both. Moreover, even those identified as victims and given foster care may be placed in unsupervised accommodation once they reach the age of 15 or 16. (Paragraph 152)

We agree with the Committee's conclusion that routine detention is not the answer to some of the problems local authorities have experienced in dealing with unaccompanied or trafficked children, including the proportion that regrettably go missing soon after referral. We believe the key to dealing with the problem is to develop the right level of expertise among social workers and other professionals, so that trafficked children are identified quickly and safe accommodation arrangements put in place. Fostering or supervised residential accommodation would normally be the appropriate placement for any child in need under 16 – including a trafficked child.

A child might be suitable for more independent living arrangements on turning 16 but this would depend on an assessment of their particular circumstances, including vulnerability and risk of coming to harm. The Government's White Paper "Care Matters" and the

Children and Young Persons Act 2004 contain additional measures to strengthen service provision and further improve outcomes for all children in care.

We have made good progress in dealing with the sensitive matter of trafficked children at UK ports following concerted and determined action by all agencies involved and the sharing of multi-agency effective practice. The number of children suspected of being victims of trafficking and who go missing has been reduced by targeted intervention and specialist accommodation resources. This has been aided by the multi-agency guidance we issued on 10 June 2009 and 1 July 2009 on children at risk of sexual exploitation and those who go missing from care both of which highlight how trafficked children may be identified and protected from harm. This has further reinforced our previously published guidance in December 2007.

We have incorporated child trafficking into the cross Government “Staying Safe” Action Plan and established trafficking sub groups at local and regional levels. The protocols in place as part of the National Minimum Standards for Children’s Homes will ensure that partnership arrangements with the police will operate in every local authority area.

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

We note the Committee’s recommendation. We are committed to tackling the problem of children going missing from local authority care, including those that are potentially trafficked. CEOP have completed their second report of the scale and nature of child trafficking into and within the UK and this included consideration of potentially trafficked children going missing. We are determined to do more. The Prime Minister agreed in July 2009 that the Government should take a co-ordinated approach to missing persons generally. This is now being considered in consultation with senior officials within NPIA, ACPO, Home Office, DCSF and the Missing People organisation. The taskforce will look into missing children and the Government will consider potentially trafficked children within its remit. In doing so it will seek to harness the professional expertise around “missing people” generally but in full recognition of the particular circumstances and vulnerabilities potentially trafficked children face.

Whilst we do not believe a dedicated study into the number of possible child trafficking victims going missing from care is necessary, we do want to improve the data. We have worked closely with the NSPCC in supporting research by Bedfordshire University. Officials will seek to ensure that the taskforce considers the key issues relating to data collection, intelligence and analysis, best practice in relation to missing person enquiries, guidance, the multi-agency emergency response in missing cases, and governance issues.

Better identification of victims is the key to better data collection and this in turn will lead to improved protection arrangements. The National Referral Mechanism and the arrangements for data collection that go with it will give us improved intelligence based on case data and support the development of proactive measures to minimise the incidence of

children going missing. The assessment tool being piloted across 13 local authority areas in England and Scotland will provide consistency of approach across all relevant agencies. In turn, the Code of Practice on the Collection of Missing Persons data, already in place, is designed to improve data collection. All of these arrangements will be monitored and refined to improve our understanding of the extent of the problem and improve our response where necessary.

38. The existence of a specified person appointed by the local authority to supervise the care of each child could lead to better co-ordination and possibly the provisions of extra services for those in need of hard to access support. We therefore recommend that such a system be established. However, we cannot see how in practice guardians would reduce the likelihood that victims would abscond or be kidnapped from local authority accommodation . (Paragraph 154)

We welcome the Committee's recognition that guardians for trafficked children are unlikely to bring any real benefit.

We believe that this responsibility should remain with the local authorities who co-ordinate the arrangements for each child within their care to ensure they are safeguarded and have their welfare promoted. Where there are large numbers of Unaccompanied Asylum Seeking Children (UASC) there are already specialist teams established that focus on the complexity of this group of children's needs including the provision of appropriate accommodation. This area of work has been considerably strengthened by the Children and Young People Act which ensures effective care plans for all children with the strengthening of the role of the Independent Reviewing Officers (IROs). We will also be consulting widely on draft care planning guidance and on specific guidance for IROs in September 2009.

Prosecution

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

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

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

that the provision of safe accommodation for all victims would be a significant step in encouraging them to act as witnesses. (Paragraph 162)

We welcome the Committee's recognition of the determination of the police and the CPS to disrupt and prosecute traffickers despite the considerable challenges they face. Traffickers make every effort to keep their activities hidden and witnesses can be reluctant to accept support – let alone testify against traffickers.

The Government is committed to improving enforcement and increase prosecutions against traffickers. We have stated earlier that victim care is an integral part of the overall strategy in combating trafficking. Improvements in victim care we introduced as part of the ratification of the Council of Europe Convention should help increase prosecutions as victims have greater confidence to engage with the criminal justice system.

Trafficking is quite rightly a very serious offence. Prosecutors will always seek to charge defendants with the most appropriate offence to reflect the seriousness and extent of the offending. In doing so, they have to be satisfied there is sufficient and reliable evidence to support charges of human trafficking. Where the prosecutor is not satisfied there is sufficient evidence or that there is not a realistic prospect of conviction on trafficking charges, a defendant may be charged with alternative offences, rather than escape punishment altogether. We understand the Committee's concerns about the potential perceptual and practical disadvantages of this. However, other charges – such as facilitation or rape, are not always less serious and carry the same penalties.

The 'Al Capone' approach is an important additional part of the work to deter and prosecute traffickers, including by removing their financial rewards from criminal activity. In instances where illegal activity is more difficult to evidence and prove, HM Revenue and Customs and the Serious Organised Crime Agency can still pursue criminals in order to disrupt their activity by using Proceeds of Crime Act offences where defendants cannot account for their earnings. Provisions under the Proceeds of Crime Act also enable a court to order the seizure and freezing of assets of persons prosecuted for offences of trafficking, facilitation and controlling prostitution.

International Co-operation

42. We are disappointed that not all Member States are co-operating as fully with Europol as they could. We urge our fellow Parliamentarians in other countries to put pressure on other governments and law enforcement bodies to provide Europol, and through Europol, other countries with full and timely information, which will increase the likelihood of successful operations against human traffickers. In addition to the benefit of reciprocity, nationally-based operations tend to catch only the last link in the chain, who are often small-time criminals, and not the gang leaders. (Paragraph 178)

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

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

We agree with the Committee that effective action by individual states in combating trafficking within their own borders, and co-operation with international organisations are both vital to combating trafficking. The UK plays an active role in the international effort to combat trafficking through the UN (we have supported the UN.GIFT initiative from the outset and regularly engage with issues arising from our ratification of the UN Convention on Transnational Organised Crime and in particular the Palermo Protocol on Human Trafficking); OSCE (we have recently discussed ways of improving our anti trafficking measures with the Special Representative on Trafficking); and the EU (we are currently negotiating an update to the Framework Decision on Trafficking). We are working closely with the Swedish presidency of the EU, who regard trafficking as one of their priority areas and are pushing to improve the way the EU combats trafficking into the EU from third countries.

There is good co-operation between Europol and the UK and we agree with the Committee that international co-operation with Europol should be improved. The Government's review of serious organised crime, (Extending Our Reach: A Comprehensive Approach to Tackling Serious Organised Crime) (July 2009), suggests working with European partners to strengthen Europol, which will help combat trafficking. Europol are partners in a Joint Investigation Team established between the Metropolitan Police and the Romanian Police to combat child trafficking gangs from Romania. Europol also plays a lead role in the intelligence strand of a human trafficking project led by the UK under the auspices of the G6. The UK has also participated in the establishment of the new analytical work file on human trafficking at Europol designed to improve cross-border investigations into criminal trafficking networks. Additionally, the Serious Organised Crime Agency

co-ordinate multi-agency programmes in relation to organised immigration crime. One of these focuses on source and transit countries. This work contributes to Europol and Interpol assessments and identifies opportunities to work collaboratively with key UK and international partners.

We will continue to work closely with the Foreign Office to ensure UK interests on trafficking issues are effectively represented at the EU, the UN and amongst key international partners. Individual FCO posts overseas are a useful resource in assisting in our efforts to combat trafficking abroad. The work of DfID is important in addressing some of the root causes of trafficking by alleviating poverty. DfID has supported projects by the ILO and Save the Children to combat trafficking and exploitation in various regions of the world.

We note the Committee's concern about the lack of implementation of legislation in some countries. We believe that the international community, including organisations like the UN and EU must bring more focus to bear on implementation of international instruments on trafficking that have already been agreed but not adequately implemented by member states. We understand the reasoning behind the Committee's proposal for the UK getting source, transit and destination countries together. However, we believe that existing arrangements – such as the UN organised bi-annual Conference of the State Parties to the Convention on Transnational Organised Crime (including Palermo Protocol on Trafficking) – are more effective mechanisms for achieving this purpose.

Effectiveness of UKHTC

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

The UKHTC plays a key role in our overall effort against human trafficking. We welcome the Committee's recognition of the achievements of the UKHTC in the three years it has been operational. We expect the Centre will continue to build on these achievements and widen its good practice into all areas of its work.

We note the Committee's concerns in relation to the multi-agency nature of the Centre, the Centre's work on producing an estimate of trafficking, its understanding of child trafficking, and a lack of clarity about responsibilities and support in providing advice for victims. Our responses to these specific concerns are provided below. The Centre is making progress in all these areas but we acknowledge there is always scope for further improvement.

We will report further progress as requested by the end of March 2010 as requested by the Committee.

Multi-agency

The UKHTC is a multi-agency centre in its composition and outlook. There are a number of agencies represented in the Centre's staff including the Police, UKBA, HMRC and SOCA. Law enforcement representation helps ensure the organisation is effective in carrying out its responsibilities with regard to the co-ordination of intelligence and operational activities. The Centre also has staff embedded from the Poppy project, who provide expertise on the victim care issues central to the Centre's Competent Authority function.

There are additional ways in which the Centre draws upon the expertise and involvement of other organisation. For example, the Centre's operational activities are focused around five work groups on victim care, prevention, research, learning and development and an independent advisory group. All these groups are chaired by representatives of external agencies in order to ensure external views are reflected in its core areas.

The Centre also works hard to ensure it develops and maintains strong links with key NGOs. It holds a stakeholder group meeting twice a year which allows for the views of the NGOs to be aired and for NGOs to be updated on developments and progress made by the Centre.

Producing an estimate of trafficking

We have already outlined how we are working on a new estimate of trafficking in our response to conclusions 1-3. The UKHTC is playing a critical role in enabling this. It has a dedicated data collection role and it is working closely with the Police Regional Intelligence Units in contributing data and intelligence that will lead to the final estimate. Furthermore, the Centre will also publish, for the first time, regular information on victims identified through the National Referral Mechanism.

Child trafficking

Child trafficking is a particularly horrendous crime and we will deploy relevant resources to combat this. We recognise however that protecting children from harm is complex and requires engagement with different stakeholders. The UKHTC is a key organisation in this overall effort and has developed important expertise in this area. Its staff are trained in child protection. The Centre is a member of the Joint Investigative Team on Roma child trafficking (the Metropolitan Police and Romanian Police), and has advised on guidance on child trafficking. Collaborative working with other key agencies is a key requirement. The Centre also works closely with the CEOP child trafficking team where there is a dedicated team of experts both on child protection and child trafficking.

Support in providing advice for victims

The NRM based within the Centre has a clear responsibility to identify victims of trafficking and refer them onwards for appropriate support. In doing so it relies on the help and expertise of organisations like the Poppy Project. The responsibility for providing support, assistance and advice to victims once identified lies with the Poppy project for victims of trafficking for sexual exploitation.



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