

# Trafficked children and missing

## Key Points

- The United Kingdom is a source, transit, and destination country for men, women, and children who are subjected to sex trafficking and forced labor, including domestic servitude (US Department of State, 2013).
- 60 per cent of trafficked children in local authority care go missing (CSJ, 2013: 24).
- Nearly a third of trafficked children that go missing disappear from care in less than one week (CSJ, 2013: 194; ECPAT UK, 2007: 20) and most are never found again (ECPAT UK, 2007: 5).
- Trafficked children who go missing are highly likely to be returning to exploitation (CSJ, 2013: 24).

## Background

Every year approximately 250,000 people are reported missing to the police and other agencies across the UK. About two thirds of these reports will be children under 18 (Home Office, 2010), and a proportion of which will have been victims of trafficking.

The UK Human Trafficking Centre (UKHTC) identified 2,744 potential victims of human trafficking in 2013, just under a quarter of whom were children (602) (UKHTC, 2014). Further information about these potential child victims is as follows:

- Origin: The most prevalent countries of origin for the potential child victims were the UK, Vietnam, Slovakia, Romania and Nigeria but children were trafficked from across the world to the UK
- Gender: 394 children were girls, 177 were boys
- Type of exploitation: 40 per cent of children were trafficked for sexual exploitation, 19 per cent for criminal exploitation and 13 per cent were trafficked for domestic servitude or labour exploitation. In 24 per cent of cases the type of exploitation was unknown. There were often multiple forms of exploitation.
- Of the 602 child potential victims of trafficking encountered during 2013, 72 (12 per cent) were aged up to nine years old, 18 (3 per cent) were aged between 10 and 11 years, 176 (29 per cent) were aged 12 to 15 years and 218 (36 per cent) were aged between 16 and 17 years. 46 (8 per cent) were children when the exploitation commenced, but had since become adults. In a further 72 (12 per cent) cases, there was no information about the child's age.

## What is trafficking?

The trafficking of children is a process comprised of two distinct stages: the *Act* and the *Purpose*. This is the 'recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer

of control over those persons... for the purpose of exploitation' (EU Directive, 2011).<sup>1</sup> Trafficking can take place within and across borders, and can involve British and migrant children.

### **What are the links between missing persons and trafficking?**

There has been growing concern about children arriving in the UK and subsequently going missing from care, presumed to have been trafficked; research by ECPAT UK (2001) highlighted early concerns about this issue.

Some children come into the UK unaccompanied and will seek asylum or will enter with adults 'purporting to be their relatives' (Somerset, 2004:10). However, this is not the only way trafficking and missing link. British children can be trafficked abroad for forced marriage or trafficked internally for sexual exploitation.<sup>2</sup>

## **Trafficking of children into the UK**

### **How many children trafficked into the UK go missing?**

Whilst it is difficult to establish precisely how many of the children trafficked into the UK each year go missing, there have been some studies to establish the scale of this issue.

In 2007 ECPAT UK research found that in '80 reported cases of known or suspected child trafficking' (2007:5), in the North West, North East and West Midlands, nearly two-thirds (60 per cent) of these children have gone missing from care and have not been found.

A report by the Centre for Social Justice (CSJ) found one local authority where 'every single child showing indicators of modern slavery' in the care of that local authority had 'gone missing at least once' (2013:194). On average, 60 per cent of trafficked children in local authority care go missing (CSJ, 2013:24), and nearly a third of trafficked children that go missing disappear from care in less than one week (CSJ, 2013:194; ECPAT, 2007:20), with most doing so from emergency accommodation (ECPAT, 2007:20).

Figures from the NSPCC showed that of 715 child trafficking referrals taken by their Child Trafficking Advice Centre (CTAC) between 2007 and 2012, 161 victims had been reported missing at some time, 73 were still missing when the report was published. Of the children who went missing, 58 per cent "were being exploited for criminal activity (street-based crimes) and cannabis cultivation" (NSPCC, 2012:3).

### **Why do children trafficked in to the UK go missing?**

From research with trafficked children who went missing and returned to care, ECPAT UK (2007) believes there are two main reasons why trafficked children go missing. Firstly, even when children are in the care of social services, the trafficker has control over and contact with the child and removes them under pre-arranged orders. Secondly, children go missing because they are scared of their trafficker. Traffickers employ a

<sup>1</sup> Under the United Nation's Convention of the Rights of the Child, a child is anyone under 18 years old.

<sup>2</sup> For more information see [Still Hidden: Going missing as an indicator of child sexual exploitation](#).

range of methods to control the children, including: the removal of identity documents; threats of punishment by UK authorities if they are caught; physical or sexual violence; emotional abuse; the use of *juju*<sup>3</sup>; and threats to the child's family. Children are effectively groomed to believe that if they do not go back to their traffickers, or if they disclose anything to authorities, that they or their families will suffer.

Both children trafficked internally and externally are at 'high risk of re-trafficking and exploitation during missing episodes' (CSJ, 2013:193).

## Trafficking of children within the UK

The trafficking of UK children is often linked to child sexual exploitation (CSE). CSE can be 'both a cause and a consequence of going missing' (Sharp, 2012:12). The Office of the Children's Commissioner has estimated that up to 10,000 children may be affected by child sexual exploitation (2012) and in some of these cases trafficking will be present. However, Rigby et al argue that an 'an over-emphasis on immigration... can mean that children and young people trafficked internally, may go unidentified' (Rigby et al, 2012:12). Far less is known about the trafficking of children within the UK for other forms of exploitation, although there has been concern noted about the exploitation of children as 'drug runners' and 'drug mules' within the UK.

### How many children are trafficked within the UK and for what purpose?

In 2009 CEOP found 46 confirmed or suspected cases of the trafficking of UK children all of which related to trafficking for sexual exploitation. All of the female victims trafficked for CSE had missing reports filed for them (2009:34). A later report by CEOP found 53 child victims of trafficking for sexual exploitation in 2011, with 15 of these children 'of UK nationality trafficked for sexual exploitation within the UK' (CEOP, 2011:11).

### How are victims of trafficking identified and protected?

#### The National Referral Mechanism (NRM)

The NRM is a process established by the Government in 2009. Its purpose is to identify and support trafficked adults and children, and it is also the mechanism through which the UK Human Trafficking Centre collects data about trafficking victims.

The NRM takes referrals from statutory agencies and some voluntary organisations (known as First Responders) where there is concern that an individual is a victim of trafficking. The NRM (made up of the UK Human Trafficking Centre and the UK Visas and Immigration, formerly the UK Border Agency – known as Competent Authorities) then assess the case and decide whether there are reasonable grounds to believe potential trafficking has taken place. This should take place within five working days and may involve seeking additional information from the First Responder, specialist voluntary organisations or the local authority.

<sup>3</sup> A juju curse is a "ceremony or process carried out by traffickers intended to make the trafficked child too scared to leave their situation for fear of severe consequences"(NSPCC, 2012:3).

If a positive decision is made, the Competent Authority then has a 45 day 'recovery and reflection' period to gather further information which is then used to make a conclusive decision on whether the referred person is a victim of human trafficking.

There is no statutory duty to refer a suspected victim to the NRM and a child's consent is not needed for a referral, although it is recommended as good practice.

The NRM is currently under review by the Home Office.

## **Law and policy covering trafficking in the UK**

Before 2002, the UK did not have a specific law prohibiting trafficking. Traffickers were prosecuted under pimping, immigration or sexual offences law.

Laws introduced in the UK in 2002, 2003, 2004 and 2009 cover offences of trafficking in prostitution (Nationality, Immigration and Asylum Act); trafficking for sexual offences (Sexual Offences Act); trafficking people for exploitation (Asylum and Immigration (Treatment of Claimants, etc.) Act) and slavery, servitude, forced or compulsory labour (Coroners and Justice Act).

The UK has ratified the United Nations Convention on the Rights of the Child (1989), which sets out governments' responsibilities towards all children within their jurisdiction, regardless of nationality and obliges "states to take positive action to protect children [anyone under 18 years old] from all forms of exploitation and sexual abuse" (ECPAT UK, 2010:6). This is embodied in Section 11 of the Children Act (2004),<sup>4</sup> which places duties on a range of organisations and individuals to ensure they have regard to safeguarding and promoting the welfare of children. This includes unaccompanied or separated children, or children who are trafficked by their families, regardless of their nationality or immigration status.

The UK also signed the additional Optional Protocol on the "the sale of children, child prostitution and child pornography... developed to provide more detailed obligations regarding the protection of child victims of trafficking" (ECPAT UK, 2010:6). It is also a signatory to the Council of Europe Convention on Action against Trafficking in Human Beings (2008), ratified the EU Directive on trafficking (2011/36/EU) and has a [Human Trafficking Strategy](#), which was published in 2011.

## **Modern Slavery Bill**

The Modern Slavery Bill is currently before Parliament and will likely be introduced as an Act in April 2015. The current version of the Bill (as of October 2014) purports to create harsher sentencing for those guilty of trafficking and introduce greater support for victims.

The legislation will create new offences relating to trafficking with a possible sentence of life imprisonment for those found guilty. The Bill covers all victims of trafficking with no specific provisions for offences involving children.

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<sup>4</sup> [Children Act \(2004\)](#)

An important aspect of the legislation is that it will introduce a statutory defence for those compelled to commit a crime as a direct result of their slavery or trafficking experience. This would cover crimes such as entering the UK using forged documents but could not be used as a defence against serious sexual offences. However, this alone will not prevent children being criminalised – being arrested and prosecuted for crimes they are forced to commit.

Part 1(2)(6) and (7) indicates that the Bill is intended to apply to a wide range of trafficking situations (e.g. where trafficking is arranged by non-UK nationals whilst in the UK but the trafficking takes place in other countries or where a UK national organises trafficking regardless of where it takes place). This means that the Bill should be able to provide an effective response to the international crime.

The Bill introduces the new position of Anti-Slavery Commissioner, what is claimed to be an ‘independent’ role tasked with ensuring effective enforcement of the Bill and identification of victims.

Children’s organisations, including ECPAT UK, The Children’s Society and UNICEF UK, have criticised the Bill’s lack of focus on children and lack of protection measures for children in particular and continue to campaign for legal guardianship for child victims of trafficking, non-prosecution of child victims and a new criminal offence of child exploitation among others.

### **What further action on trafficking has been recommended by stakeholders?**

A report by the CSJ found that children’s services, the police and NGOs all believe the lack of appropriate accommodation for trafficked children “contributes significantly to the shocking number of children who have gone missing” (2013:24). The APPG for Runaway and Missing Children inquiry held in 2012 also recommended specialist foster care is needed to “help trafficked children to break the contact with their traffickers and prevent them from going back” (2012:17).

ECPAT UK believes that a legal guardian is important in preventing trafficked children from going missing. This person can build a relationship of trust with the trafficked child, helping to safeguard them from going missing, can support the child to ensure they receive specialist support and take legal responsibility for them (ECPAT UK, 2011). ECPAT UK has published 10 principles of safe accommodation for suspected child victims of trafficking, which enshrine the importance of both the psychological and physical requirements of safe accommodation and the need to involve the child in his or her protection plan (ECPAT UK, 2011).

Police agencies also recommend that detailed information is recorded about trafficked children, including photographs, fingerprints and DNA (APPG, 2012: 18).

The NSPCC believes that ‘where there is evidence or intelligence that a child has gone missing to be trafficked or following grooming for exploitation, the investigation to find the child must be treated as high risk’ (2012:7) with appropriate police response and resourcing concentrating on finding the missing child who is extremely vulnerable.

A report by The Children's Society and the Refugee Council (Franklin and Doyle, 2013) suggests that reducing the vulnerability of trafficked missing children requires developing 'a multi-agency safety plan, securing safe accommodation, working with specialist, trained and supported foster carers, providing intensive one-to-one support and the forming of a trusting relationship with an independent adult' (2013:5). They also suggested that cases of trafficked children going missing should be treated by the police and local authorities in a similar way to child abduction.

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Updated October 2014.