

KNOWING NO BOUNDARIES

LOCAL SOLUTIONS TO AN INTERNATIONAL CRIME: TRAFFICKING OF WOMEN AND CHILDREN IN WALES 2010



Joyce Watson AM

Chair of Cross Party Working Group on
Trafficking of Women and Children in Wales

NATIONAL ASSEMBLY FOR WALES

www.humantraffickinginwales.co.uk

Cross-Party Working Group on Trafficking of Women and Children

| Members | Party | Constituency or Region |
|----------------------|-----------------------------|--|
| Joyce Watson (Chair) | Labour | Mid and West Wales |
| Christine Chapman | Labour | Cynon Valley |
| Bethan Jenkins | Plaid Cymru | South Wales West |
| Angela Burns | Welsh Conservative Party | Carmarthen West and South Pembrokeshire |
| Helen Mary Jones | Plaid Cymru | Llanelli |
| Janet Ryder | Plaid Cymru | North Wales |
| Ann Jones | Labour | Vale of Clwyd |
| Nick Ramsey | Welsh Conservative Party | Monmouth |
| Rosemary Butler | Labour | Newport West |
| Kirsty Williams | Welsh Liberal Democrats | Brecon and Radnorshire |
| Irene James | Labour | Islwyn |
| Eleanor Burnham | Welsh Liberal Democrats | North Wales |
| Leanne Wood | Plaid Cymru | South Wales Central |
| David Melding | Welsh Conservative Party | South Wales Central |
| Lesley Griffiths | Labour | Wrexham |

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FOREWORD BY JOYCE WATSON AM

We are all judged by our actions towards others. Providing a safe haven for those who find themselves in need, through no fault of their own, is the least a civilised society can do. This is the driving force behind this report.

The report which I am launching today, *Local Solutions to an International Crime: Trafficking of Women and Children in Wales 2010*, is based on the work by the Cross Party Working Group on trafficking in Women and Children which I set up in November, 2007. It calls for the establishment of a post which would bring together the knowledge and expertise of relevant authorities such as the police, social services and the UK Border Agency, the Children's Commissioner for Wales and voluntary organisations. Far from there being a uniform picture of trafficking across the country, each region and community has its own identity and circumstances which affect the trafficking trade. The holder of the new post would be responsible for developing community-specific strategies which reflect an area's landscape – rural, urban, linguistic and cultural and raise awareness of local people so more traffickers and victims could be uncovered.

The trafficking of women and children both from abroad into Wales and internally across the country is a crime which surrounds us all; there is no region in Wales which is exempt from the shadowy tentacles of this inhumane activity.

The common perception, particularly in rural Wales, is that human trafficking is something which happens elsewhere, far away from seemingly remote villages in the Welsh countryside. This perception is not only false, but impedes progress which could be made in tackling a crime which is hidden from society. From the responses I received having contacted each local authority in Wales on this issue, human trafficking is not exclusively an urban phenomenon, rather it is prevalent in every type of community in Wales, from the urban streets of Cardiff to the rolling hills of Carmarthenshire. Human trafficking in Wales is real, is happening now, today.

Human trafficking happens for two principal reasons; sexual exploitation and forced labour. It is distinct from smuggling as people are trafficked against their will and they are controlled through violence and the threat of violence once they have arrived at their destination. Much has been written about trafficking on an international scale, yet much more needs to be said about trafficking in Wales.

That is the reason this report has been written. It is hoped that it will result in positive action that will begin to address the concerns it raises.

RECOMMENDATIONS

1. The establishment of the post of an All Wales Trafficking Director. The Director would be responsible for co-ordinating: (1) the gathering and sharing of expertise from relevant authorities with a view to the victims of trafficking irrespective of location within Wales (2) the co-ordination of relevant training for professionals (3) the creation, implementation and monitoring of the all Wales referral protocols, procedures and practices for women and children (4) creating community-specific strategies to address local issues relating to trafficking.
2. Dedicated funding streams for tackling trafficking to be funded by confiscated moneys from trafficking gangs.
3. Knowledge bank - the launching of a dedicated website dealing with Trafficking in Wales, an awareness-raising campaign, through media campaigns, posters, leaflets and use of popular internet sites.
4. A People's Forum of Wales where citizens, politicians, practitioners as well as voluntary sector organisations can openly discuss issues surrounding trafficking. In particular the separate but similar issues for both women and children should be a major theme.
5. The provision of specialised training for practitioners in the front line. This should include social services, police, UKBA and the voluntary sector, in line with some of the recommendations of the SOLACE Report in particular concerning identification of victims.
6. The co-ordinated and regular exchange of information and experience between different actors with specialist knowledge and experience in the

field. For example, with TARA Scotland and the POPPY Project, London, Barnardos, ECPAT UK, the police, SOCA, Wales Migration Strategy Partnership and voluntary sector agencies.

7. The establishment of an all Wales referral procedure protocol for all people who may have been trafficked in Wales.

CHAPTER 1 – INTRODUCTION

This report is the result of an investigative assessment of the trafficking of women and children in Wales for the purposes of sexual exploitation and forced labour. The report details the evidence gathering that has taken place led by Joyce Watson AM and the Cross-Party Working Group on Trafficking of Women and Children, including evidence given by witnesses and written submissions sent to the Group by service providers in Wales.

The Deputy Minister for Social Services, Gwenda Thomas has demonstrated a commitment to adopting an all Wales approach towards eradicating human trafficking by establishing the All Wales Child Protection Procedures Review Group which will produce a protocol for relevant agencies to follow. The timing of this protocol could not be better. This report demonstrates that there is a clear engagement on behalf of local authorities on this topic. The report will also show that in order for the protocol to be properly implemented, it must be co-ordinated by a figure who can facilitate training, awareness-raising campaigns and community-specific strategies.

The Minister for Social Justice and Local Government, Carl Sargeant, has been instrumental in broadening the domestic violence agenda to incorporate violence against women that has a focus on trafficking of humans in Wales.

It is evident that local authorities, police forces and Ministers are all engaged in this agenda, the All Wales Trafficking Director will be able to turn this engagement into a marriage of co-operation between the agencies.

A major feature of trafficking is that there is still disbelief that trafficking could happen in ‘our neighbourhood.’ That it is something that happens elsewhere, but not in Wales, and certainly not in rural Wales. This myth is being regularly disproven by the increasing emergence of trafficking cases in all kinds of communities across Wales, as was evident in the 2009/2010 trafficking cases found in Pembrokeshire. The existence of human trafficking in rural areas as well as in urban areas is real and present; this is a message which must be effectively communicated to the people of Wales and key stakeholders.

There is a need to increase awareness that the victims of trafficking are not criminals in the common understanding of the term, but have been forced to work in these circumstances and are in need of protection rather than criminalisation. The individual who is trafficked is in that position due to a lack of choice and criminalising an individual who has been subjected to sexual abuse or slave labour does not eradicate the problem from Wales.

It is essential that the protection and safeguards as well as the eradication of human trafficking is firmly placed within a human rights context. Only a rights based analysis focuses the response to human trafficking on the victim of the trafficking rather than on the perpetrators. This is why I welcome the Welsh Assembly Government's adoption of the UN Convention on the Rights of the Child as a starting point for their policies.

Migration and criminal responses alone will not be enough, indeed, only scratch the surface of the issues. A response in Wales that addresses the needs of the persons most affected by trafficking will fulfil the commitment to equality, dignity, human rights and sustainability as espoused in the Welsh Constitution (Government of Wales Act 1998 and 2006). An appreciation of a trafficking victim's right to health and education can lead to an increase in compliance with international human rights standards, including the UN Convention on the Rights of the Child which underpins Welsh Assembly Government policies.

CHAPTER 2 - A PICTURE OF TRAFFICKING OF WOMEN AND CHILDREN IN WALES

The exact number of cases of human trafficking in Wales, as with the rest of the United Kingdom, is unclear. By its very nature the practice is secretive and uncovering cases of the trafficking of women or children in areas which have little or no previous experience in this area is extremely challenging. Two aspects, however, are very clear: the nature of human trafficking in Wales is evolving and trafficking in Wales does not occur exclusively in urban areas. SOCA operations in rural West Wales revealed the emergence of trafficking gangs moving women from Ireland to West Wales for the purposes of sexual exploitation.

The recent Children's Commissioner for Wales Report *Bordering on Concern* (Children's Commissioner for Wales, 2009) revealed that there was evidence of children being trafficked for both sexual exploitation and forced labour into, within and out of Wales, including towns in South Wales. The report highlighted concern around 45 children, and 32 of these ticked all the high risk categories of being trafficked.

The need to act decisively and immediately to combat human trafficking in Wales is founded upon evidence from other countries which suggests that trafficking for sexual exploitation increases significantly for major sporting events such as the Olympics. Greece licensed a large number of additional brothels in the months leading up to the 2004 Olympic Games in Athens and mega-brothels were installed near the German football stadia during the football World Cup in 2006. It is therefore highly likely that the Olympics as well as other major sporting events to be held in Wales, such as golf's Ryder Cup in Newport this October, will attract a significant increase in the number of women and children trafficked for the sex trade as demand increases.

In its evidence to the Cross-Party Working Group on Trafficking of Women and Children, Black Association of Women Step Out Ltd (BAWSO) stated that it had supported four trafficked women over recent years and had been involved in a number of cases relating to trafficking. It made several recommendations relating to practical solutions to aid victims of trafficking in Wales. These include training provision, exchange of information and experience, an all Wales referral procedure protocol, dedicated funding streams and awareness-raising campaigns.

Following evidence given to the Cross-Party Group, Joyce Watson AM sent questionnaires to all 22 local authorities, asking them to provide detailed feedback on the authorities' experience of trafficking; any protocols/reports/codes of practices they use or have developed; service provision in line with the Council of

Europe Convention on Action Against Trafficking in Human Beings; their experience of the 45 day reflection period; experience of internal trafficking; and any staff training they have undertaken.

Of the 22 local authorities in Wales, twenty responded to the questionnaire. The principal messages to emerge from the responses received are listed under subheadings below.

The number of suspected cases of human trafficking in Wales dealt with by Local Authorities

The total number of proven or suspected cases of human trafficking outlined in the responses is 15. These cases come from local authorities from across every kind of geographical and social landscape in Wales and does not include cases from a local authority covering a major city which described the issue of trafficking as '*nothing new*'. The secretive and underground nature of trafficking ensured that 15 is in all probability a significant underestimate, however that the cases were spread across the country demonstrates that human trafficking is a nation-wide concern.

Areas of good practice

A number of the responses received demonstrated that the local authority in question had made great efforts to both combat the issue of human trafficking within the area where it has responsibility and to care for the victims concerned.

One local authority stated that it had established a Safeguarding Children Board which facilitated a Multi-Agency Practitioner Forum on issues relating to unaccompanied asylum children and child trafficking. The Board also '*considered research into child trafficking undertaken by Save the Children, as well as reports published by the Children's Commissioner.*' The same local authority provided Level 1 and 2 Sexual Exploitation Training to its staff which was delivered on a multi-agency basis four to five times per year.

At a separate local authority, a Child Sexual Exploitation Group holds regular meetings to share information and monitor the effectiveness of relevant policies and protocols. It recognises that awareness-raising and training on a multi-agency level are essential, and work is undertaken to clarify roles and remits of organisations which are first to respond for adults who might have been trafficked.

One local authority noted that it had established an arrangement whereby pupils in year 8 at school are taught of the nature of human trafficking and its effects, whilst in a different local authority a Lead Officer '*facilitates a working group on trafficking with a view to drawing up procedures, raising awareness and co-ordinating training on trafficked children.*'

These are all examples of local authorities demonstrating an understanding of what needs to be done to eradicate human trafficking from the area over which it has responsibility. The emphasis on a multi-agency approach, as well as on the importance of relevant training and a campaign to raise awareness of human trafficking amongst the general public, is crucial to combating the issue. Such expertise would benefit other local authorities whose responses demonstrated that the good practice concerning human trafficking is not consistently applied across Wales.

A mixed picture

It is evident that some local authorities demonstrated proactive, decisive action taken by them as noted above. However in a few cases there existed a level of less effective practice and a failure to address the situation of human trafficking effectively. This may be due to the fact that training is needed and guidance made clearer to those involved.

One local authority described how a minor was criminalised despite all the authorities involved being uncertain of his legal status. This demonstrates a lack of unity of purpose by all involved. The UN Convention on the Rights of the Child clearly includes a devotion to the best interests of the child. Had this been adhered to the outcome for this child would have and should have been different.

'We recently had one example of a Vietnamese young male who was found working in an illegal drugs factory who may have been subject to child trafficking. Unfortunately the young person was subject to [a] criminal investigation which has limited the support the local authority has been able to offer. The case has highlighted that we still have further work to do around multi-agency working for trafficked children.'

As the extract above outlines, all the local authorities involved in this case were inadequately equipped to deal effectively with an instance of child trafficking and consequently the victim was criminalised. The Welsh Assembly Government places the UN Convention on the Rights of the Child at the centre of its children-related policy. This guidance was not followed in this instance.

A further example of a local authority demonstrating it is not well equipped to effectively address a case of a suspected victim of trafficking is outlined below:

'During the past five years there have been two cases...known to the Local Authority where Trafficking issues were identified. In these two cases the young people arrived on the same transport and were picked up by the police; they were accommodated in Local Authority foster placements.'

One young person following an assessment...was considered to be an adult and he was transferred to the UK Border Agency.

The second young person went missing from his foster home placement and to date has not been located.

That the local authority concerned failed to keep a trafficked child safe once he was in its care demonstrates that there is a need to ensure that the good practice which is apparent in other local authorities in Wales is transferred across the board. Had the local authority concerned in this case been prepared and sufficiently alert to the nature of human trafficking and the risk of a child once more falling into the hands of traffickers, it is possible that this may have been prevented.

In a separate area, it is the police alone who oversee issues concerning human trafficking and updates the relevant local authority once they have dealt with the matter. This evidently does not illustrate an effective approach on behalf of the local authority to tackle the issue. Once more, the co-ordination of best practice would ensure that the local authority in this case would be better prepared and able to address human trafficking in its area of responsibility.

Local Authorities unprepared for dealing with human trafficking

Whilst in the cases noted above some effort has been made to tackle human trafficking, some responses received demonstrated an unawareness of the problem and local authorities had taken few steps to combat the issue. In one case, the local authority commented that *‘having had Child Trafficking drawn to our attention, we shall raise this as a matter for further discussion... We do not know what the position is in relation to other agencies working within the area and this is a matter we shall address.’* The same local authority claimed that the road networks rendered the area unsuitable for traffickers, demonstrating a total lack of understanding that human trafficking knows no boundaries and is prevalent in rural areas as it is in urban areas.

A further local authority claimed that *‘Child Trafficking is not an item on our current training plan but this is being kept under review.’*

It could be argued that the local authorities in the cases noted above would benefit from a co-ordinated awareness-raising campaign as well as a uniform training strategy so as to be better equipped for potential cases of human trafficking.

The difficulty in detecting instances of human trafficking

As noted by the Minister for Local Government and Social Justice, Carl Sargeant, in *The Right to be Safe*, *‘women affected by these issues are often difficult to reach and the problem is largely hidden.’* The secretive nature of human trafficking ensures that its

detection and uncovering is challenging, particularly when an authority has limited or no experience of identifying or tackling the issue. One local authority stated the difficulty in preventing trafficking from occurring in its response:

‘This is a complex and sensitive area of work, in which it can be difficult to ascertain information. Perpetrators of the offence are likely to take particular care to avoid being detected.’

Moreover, a separate local authority noted that the evolving nature of child trafficking lead to increased difficulties in bringing an end to the practice:

‘The increase in the migrant population appears to have added an extra dimension, as well as increase in referrals... Previously trafficking occurred mainly for reasons of sexual exploitation... more recently we have found that domestic servitude, benefit fraud, forced labour, forced marriage and cannabis cultivation are added to the reasons for trafficking.’

The changing nature of human trafficking necessitates a deeper understanding and awareness if efforts to eradicate and deal with it are to be affective. It is essential that agencies firstly recognise the change in motive for trafficking and secondly are well equipped to deal effectively when it occurs. This is clearly a demanding task for each local authority to undertake individually. It is plausible to argue that the most efficient manner of remaining aware of the changing trends in human trafficking would be to provide an online knowledge bank that can be easily accessed twenty fours hours a day. Local authorities will be able to share updated information amongst themselves and with other agencies. Through combining the knowledge and experiences of each local authority and other agencies, it would be possible to gain a clearer understanding of the evolution of human trafficking and ways in which to tackle it.

Guidance followed by local authorities in tackling human trafficking

The questionnaire sent by Joyce Watson to local authorities asked for their experience in providing services as outlined in The Council of Europe Convention on Action against Trafficking in Human Beings. The number of replies which stated that they were aware of this guidance available to them demonstrates the high level engagement by local authorities towards tackling human trafficking. However, the sources of information which local authorities contacted when dealing with a case of human trafficking were:

All Wales Child Protection Procedures
ECPAT UK
Immigration Services
London Safeguarding Children Board Toolkit
NSPCC
Refugee Children Advice and Information Worker

Save the Children
Special Branch unit
The Children's Commissioner for Wales
The Council of Europe Convention on Action Against Trafficking in Human Beings
The Police
The SOLACE report
The Wales Strategic Migration Partnership
The Welsh Assembly Government

That local authorities contacted several organisations when dealing with a case of human trafficking demonstrates that guidance is not universally adhered to. The All Wales Trafficking Director would be responsible for encouraging best practice through alerting local authorities to applicable guidance, as well as offering support to help them implement this guidance. This would be an ongoing requirement and would aid local authorities to be best equipped to tackle human trafficking.

The call from local authorities for the recommendations set out in this report

The recommendations outlined in this report are based on the issues raised in the responses received from the local authorities, as well as the evidence given at the Cross-Party Group on Trafficking of Women and Children. One local authority stated:

'It has been identified that LSCB across Wales require additional support and guidance in terms of delivering training and raising awareness... The provision of specialist support services for trafficked children is always a challenge for small local authorities.'

A number of other local authorities commented that they look to the Welsh Assembly Government to provide clear guidance on the issue of human trafficking. The Welsh Assembly Government has issued guidance (WAG (2008), 'Safeguarding Children who may have been Trafficked') that deals with children more generally and will undoubtedly help authorities to be more confident when faced with trafficked individuals. It is evident, therefore, that the sharing of expertise and experiences between local authorities would benefit all concerned and in particular smaller authorities which may struggle to commit resources.

The establishment of an All Wales Trafficking Director would play a crucial role in overcoming the challenges and shortcomings of local authorities as noted above. The proactive role that several authorities have played having recognised the prevalence of human trafficking is highly commendable and extremely valuable. The most effective way of utilising these resources is through giving the Director

the responsibility of ensuring that best practice is followed throughout Wales, rather than simply in parts of Wales.

Case Studies

Internal Trafficking

Case Study – Internal Trafficking

“I didn’t have the best start in life... my family abused me and I was raped by strangers. School was really difficult and by 12 I’d stopped going. I was taken into care and had loads of carers who said they couldn’t cope with me.

Then I went to children’s homes... some were far away from my own home. I got involved with older men who I thought would be my friend or love me; they gave me alcohol and drugs and I could stay with them and not go back to the unit. I had sex with them.

Social Services said I was putting myself at risk so they put me in a secure unit, but when I got out I did the same things – this happened three times.

The last time I was there I met someone from Barnardo’s Cymru. Since I got out I’ve lived in five places. I’ve tried college, but I didn’t like it. My Barnardo’s worker keeps in touch and is helping me to stay in one place and keep myself safe.”

Source: Barnardo’s Cymru, 2009

Children

Case Study – D

The girl told her Welsh Refugee Council (WRC) case worker that she had been sold by her foster parents to a female trafficker who locked her up with other girls. She was then sold on from man to another, being made to watch videos of children being beaten until she came to the UK.

On arrival to the UK, at Heathrow, the white man, accompanying her was spooked and told her to wait in the toilets. She hid in the toilets for 3 hours, before being picked up by security and being told to make a claim for asylum.

As an 'adult', she was sent to UKBA initial accommodation in Cardiff. It was here that a WRC case worker realised that she had been trafficked. A referral was made to Children's Services in Cardiff who requested further evidence that she was a child. Having no documents of her own to prove her age, D was referred for dental x rays. Although D had disclosed evidence of trafficking during her age assessment, she was not referred to safe housing. The European Convention on Trafficking states that in matters of age dispute the child should always be given the 'benefit of the doubt'. Instead, D was dispersed to Newport by UKBA to live in shared accommodation with adult females. The dental x rays were inconclusive.

Newport and Cardiff Children's Services were both approached again. Newport deferred to Cardiff's decision. D was sent to London to get a medical age assessment to bring pressure on Children's Services. This too was inconclusive.

A child protection strategy meeting was held and it was agreed that a police officer would visit and speak to D about her experiences. Despite calls from a number of voluntary sector organisations, and the Children's Commissioners Office for Wales the relevant police force did not visit.

Instead, D was discovered at her accommodation with a Chinese man hiding in her wardrobe. D said that it was her brother and was told that she was not allowed to have male guests. There has been no sighting of D since this last incident with 'her brother' who several organisations believe was D's trafficker. She is now officially recorded as a missing person.

The Children's Commissioner for Wales wrote to the relevant police force who stated

'...there is no evidence that D is or ever has been in danger of traffickers...her removal from Heathrow to Wales would mean that it is highly unlikely that she would be at risk from traffickers whilst in the UK and so our assessment is that her absence is deliberate on her part to avoid deportation.'

ECPAT 2009, Bordering on Concern, Report for the Children's Commissioner for Wales.'

Serious concerns

This case highlights the fact that children who are subject to age disputes often remain unprotected and at greater risk of further exploitation. The current age assessment procedures followed by Children's Services in Wales, focus predominantly on matters of immigration status and credibility. When, what is needed is an assessment of 'need,' to prevent placing vulnerable children at risk.

The London Safeguarding Trafficked Children Toolkit, 2009 states,

'Where there is concern that a child may have been trafficked and an age dispute arises, the child should be given the benefit of the doubt as to their age until his/her age is verified. This is in accordance with the Council of Europe Convention.'

Furthermore 'In circumstances where it is determined that a young victim of trafficking is an adult, professionals must follow their local Protection of Vulnerable Adults (POVA) procedure, and also contact the UKHTC.'

Source: Welsh Refugee Council, 2009.

Good Practice

Case Study - H

H reports that in April 2005 her brother had a motor cycle accident and her family got into debt to pay for his medical care. In May 2007, 'H' began a long journey to the UK on the understanding that she would be married to a man of Chinese decent and be able to earn money to send back to her family. 'H' alleges the following. She left China and flew to Moscow on her own passport. Once there her passport was taken from her and she was locked in a basement by a gang of men. Then she and about ten other women were forced to walk to Poland by the gang. She was arrested at the Polish border and detained in an immigration centre for about a year by the Polish authorities. She was released in July 2008, she sought out the local Chinese community and was held captive and repeatedly raped by a Chinese man until her family paid for her release in September 2008. She was then taken to Italy and handed over to another gang. Again her family had to pay for her release and then she was provided with a passport in another name and a ticket to the U.K.

She was then taken to Spain and then to Belfast, where she arrived in December 2008. She applied for asylum stating she had been born in 1991 and therefore was 17 year old. She also gave a false name and stated she feared prosecution back in China because she was a Christian. 'H' was granted temporary admission to the UK and was placed in the care of Antrim Social Services. However, she ran away and claimed asylum in Dublin in April 2009 using her own name and with her own date of birth. 'H' was then sent to the UK under the Dublin II Agreement and dispersed to a final location within Wales in April 2009. Her application for asylum was refused in May 2009 and she appealed against the decision.

Her daughter was born in Wales with 'H' stating that the father was the Chinese man that repeatedly raped her in Poland. Within a few weeks 'H' approached the Welsh Refugee Council stating that she wanted her child adopted as she needed to work to send money back to her family in China and that her child reminded her of being raped. 'H's child was accommodated by the local authority and placed with foster carers.

Source: local authority information (2010)

CHAPTER 3 – AN OVERVIEW OF TRAFFICKING IN THE UK

There is a vast library of information that has been gathered on trafficking of women and children for both sexual exploitation and forced labour. It provides an overview of what trafficking – modern slavery – looks like in many parts of the world, including the UK.

UK Research

In 2003, the Home Office estimated that around 4,000 women in the UK had been trafficked for the purposes of sexual exploitation and the market for human trafficking for sexual exploitation was estimated to be worth around £275m in 2003 (Home Office figures).

In 2007 Barnardo's carried out a scoping exercise on the scale of internal trafficking around the UK. From the evidence gathered in this report it appears that the tactic of moving young people from one location to another in the UK through the method of internal trafficking, is a core technique adopted by many adults who seek to sexually exploit children. For this survey, 9 Barnardo's services had direct knowledge and 6 services had indirect knowledge of young people who had experienced internal trafficking. Only two Barnardo's services had no knowledge of young people being internally trafficked (*A Summary report mapping the scale of internal trafficking in the UK based on a survey of Barnardo's anti-sexual exploitation and missing services, 2007*).

Individual NGOs, local authorities, the devolved governments as well as other charitable organizations have worked and continue to work in this field. For example, the NSPCC has a dedicated child trafficking advice and information line (CTAIL) that is sponsored by Comic Relief and the Home Office. All of these

contributions are vital to making progress in the elimination of trafficking in the UK.

There have been two major police operations specifically to tackle trafficking in women and children for the purposes of sexual exploitation in the UK. Operation Pentameter I took place in 2006. Its main purpose was to rescue women who had been trafficked. The Operation successfully rescued dozens of women and children from different massage parlours and brothels around the country. Pentameter II took place in 2007-08 and several dozen women and children were rescued during a six month period.

Blue Blindfold Campaign

The UK government has initiated a Blue Blindfold campaign in order to have an internationally-recognised symbol and uniform message that trafficking in human beings can happen in any town, community or even workplace. It targets four main groups in order to raise awareness: the victims of trafficking, the law enforcement community, the general public and key professionals working in the health and social services field (among others) who could identify victims of trafficking at an early stage. The idea behind the campaign is to have one symbol recognized everywhere, a telephone number that can be called regardless of whether a victim or someone who has information is in a transit or destination country. It is hoped that it can help break the cycle of control traffickers manifest over victims.

Legal background (UK)

Internal trafficking means persons (whether or not UK citizens) are moved within the UK for the purposes of sexual exploitation, forced labour or organ removal.

Section 58 of the Sexual Offences Act 2003 makes internal trafficking a criminal offence and section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 was designed to deal with acts in contravention of Article 4 of the European Convention on Human Rights (slavery or forced labour), trafficking in human organs, and the use of force, threats or deception to induce a person to provide services, or provide another person with benefits of any kind or to enable another person to acquire benefits of any kind, thus taking steps to address trafficking other than trafficking for sexual exploitation. The maximum penalty under section 4 is 14 years. The section applies to acts within the UK and acts outside the UK committed by another person. The UK Borders Act 2007 amends this offence as well as the Sexual Offences Act 2003 so that now acts abroad are also covered.

There are special difficulties in relation to persons in positions of trust vis-à-vis a child. Section 3(1)(c) of the Palermo Protocol talks about ‘abuse of power or of a position of vulnerability’ in relation to trafficking in children. What this means in practice proves difficult. Section 4(4)(d) of the 2004 Act criminalises acts whereby a person is induced to undertake an activity where s/he has a mental or physical illness, is young, or has a particular family relationship and a person without those special characteristics would be likely to refuse the request. This is considered able to capture very young children, or people under a disability, who did not realise they were being asked to do anything. However, it has proved unsuccessful. The section is difficult to use in order to capture traffickers of very small babies as the case in Islington Crown Court demonstrates. Peace Sandberg was sentenced to 26 months in prison for illegally bringing in a baby bought in Nigeria. She was not prosecuted for trafficking as the definition did not facilitate a conviction. The same is true of other incidence of trafficking not covered by the definition.

The UK government ratified the Council of Europe Convention on 17 December 2008. Its provisions entered into force in the UK on 1 April 2009. In preparation

of entry into force, the UK Action Plan on Trafficking was developed in March 2007 (updated in 2008) in conjunction with the Scottish government. It addresses many of the issues in the Council of Europe Convention. For example, it follows the Convention's definition of trafficking as involving the movement of a person by coercion or deception into a situation of exploitation thus distinguishing it from smuggling. The UK Action Plan applies to all forms of trafficking, whether into or out of or around the UK and covers both adults and children. Its aim is to make the UK a hostile environment for human trafficking.

Scotland

The Scottish Government has undertaken a wide range of initiatives to try to tackle trafficking in Scotland. Since 2004, the Executive has provided funding via its specific Violence Against Women Fund to a pilot project in Glasgow to provide advice and support to women who have been trafficked into Scotland to be sexually exploited and to collate information in order to enhance intelligence and raise awareness among front-line service providers about trafficking. The Criminal Justice (Scotland) Act 2003 provides that the maximum penalty for involvement in trafficking for the purpose of sexual exploitation is 14 years imprisonment on conviction on indictment. The Asylum and Immigration (Treatment of Claimants) Act 2004 provides a similar specific offence of involvement in human trafficking for any other purpose. The maximum penalty on conviction on indictment is also 14 years imprisonment. The Scottish Government works closely with Westminster departments on trafficking as manifested through the co-authorship of the UK National Action Plan on Trafficking.

Case Studies

Trafficking may occur both inside the UK and across borders.

Internal Trafficking

Case Study - Internal trafficking

Sarah aged 17 had been accommodated by Social Services. She was regularly reported missing to the Police after going missing from care. On her return Sarah informed workers that she had been staying in a number of different addresses in South Wales. She describes being picked up by different males who she had been introduced to by her 'boyfriend' who would then transfer her to a different male in various locations across South Wales for the purpose of her performing sexual acts. Sarah also reported being taken to different address in Birmingham and Manchester by two Kurdish males.

Source: Barnardo's Cymru, 2009

Children

Case Study - Yin's Story

Yin was born in a province of China. Her parents died when she was young. She was adopted by a friend of the family and was prevented from going back to school and was forced to do housework and look after the younger children in the household.

At age 15 she was told she was going to Europe to work. The family friend prepared the necessary documents. Yin was put on a train and told she would be met by a man in Moscow.

She was taken, along with a number of other young people to a house where she stayed for about 2 days. She was instructed to hand over her documents. She was moved over the next several months through different countries on trucks, goods trains and by foot. They finally stopped in France. Here she was raped before being put on another lorry aboard of ferry.

From the lorry she was handed to 2 Chinese men and forced into a car. She was taken to a house where she was told that she would have to participate in sexual activity with men who would pay

for this and if she was to refuse she would be injected with a drug that would make her compliant.

During this period she was repeatedly raped and lived in fear of being injected. She often contemplated taking her own life. She managed to escape through a bathroom window on one occasion when she was allowed to go by herself.

She ran through the streets of the town until she felt far enough away. She approached a Chinese person in the street who employed her in a restaurant, giving her accommodation and food. She rarely went out and never went out unaccompanied. She was taken to Children's Services by the restaurant owner when she fell pregnant.

Source: Barnardo's Cymru, 2009

Plakici case

Case Study - Plakici case

Luan Plakici had trafficked young women, forcing them to work as prostitutes. His activities were discovered after one of his victims escaped and went to the police. Victims were brought back from overseas to give evidence at his trial. He was convicted on 22 December 2003 on fifteen counts of assisting unlawful immigration, living on prostitution, kidnapping, procuring a girl to have unlawful sexual intercourse and incitement to rape.

Plakici was sentenced to 10 years in prison, but following the CPS referring the case to the Attorney General as an example of an 'unduly lenient sentence' the Court of Appeal increased the sentence to 23 years (29 April 2004).

CHAPTER 4 – AN OVERVIEW OF TRAFFICKING INTERNATIONALLY

Trafficking in human beings is a major problem today, both in the European Union and beyond.

Morten Kjærum, Director European Union Agency for Fundamental Rights, *Child Trafficking in the EU*

Overview

Human trafficking is the modern equivalent of slavery. It is estimated that there are approximately 27 million slaves around the world. According to UN reports, people are being trafficked from 127 countries to be exploited in 137 countries across the world, affecting every type of economy. The UN has assessed that around 2.5 million people are in forced labour (including for purposes of sexual exploitation) at any given time as a result of trafficking. Other estimates from the United States Agency for International Development (USAID) for example put the figures even higher, with it estimated that up to four million women, children and men are trafficked each year.

Statistics

The International Organization for Migration (IMO) makes clear that the majority of trafficking victims are between 18 and 24 years of age, with UNICEF estimating that around 1.2 million children are being trafficked each year for purposes of sexual exploitation. The vast majority of trafficking victims are women and girls, and of those victims used for forced sexual exploitation it is estimated by the International Labour Organization (ILO) that 98% are women and girls. Women and girls trafficked for labour exploitation also frequently encounter and endure

sexual violence, with estimates that 95% of victims experience physical or sexual violence during trafficking.

Sadly, there are thousands who are trapped in various forms of enslavement, here in our country ... oftentimes young women who are caught up in prostitution. So, we've got to give prosecutors the tools to crack down on these human trafficking networks. Internationally, we've got to speak out. It is a debasement of our common humanity, whenever we see something like that taking place.

President Obama, 9th US *Trafficking in Persons Report* June 2009

Gender-Based Discrimination

Trafficking is facilitated by, manifests, and promotes gender based discrimination. This is an important aspect of understanding and fighting human slavery as this will inform the responses to slavery. In order to eradicate human trafficking various strategies can be used. One of these, the one used in the majority of states party to the major international human rights obligations relating to human trafficking, is to recognise it as a form of gender-based violence. Accordingly, enforcement and prevention strategies sit within the End Violence against Women and Children programmes and agenda. That is the case in Wales, Scotland and England as well as many other countries both in the Commonwealth and Europe (both European Union and Council of Europe member states). In the United Kingdom, the recognition that human trafficking is a gender-based crime means that public bodies have a duty under the public sector duty on gender to ensure effective and long term action is taken to address the issue. Possible breaches of that duty are judicially reviewable. In 2008 the Equality and Human Rights

Commission published a major study on human rights and its impact on, *inter alia*, service provision. It makes the point that

Unnecessary human suffering and a higher risk of litigation arise when there is an insufficient understanding and knowledge of human rights and the Human Rights Act.

(http://www.equalityhumanrights.com/uploaded_files/hri_report.pdf).

Trafficking and Smuggling distinguished

The smuggling of persons usually occurs with the consent of the person being smuggled. Although this may be the case for trafficked persons it is less likely. In addition, the biggest difference is that for smuggling, the relationship with the smuggler *ends at the destination*. Not so with trafficking. A trafficker will coerce or exploit the trafficked person *once at the destination*. People smuggling is a criminal matter with a migration dimension. Trafficking is a violation of human rights over and above the migration and criminal issues. It is therefore imperative that any action to eradicate trafficking sits within a human rights framework. In most cases, the trafficked individuals have no real choice over whether they can leave or whether they can stop the criminal activity they are being made to do. It is therefore distinguishable from most other activities seen as criminal behaviour.

Sex Trafficking and Demand

The demand generated by buyers of commercial sex for “exotic” unconditionally available young women and girls provides the economic incentive for international sex trafficking. Trafficking is a multi-billion dollar business, and by its very disguised and hidden nature the precise statistics on trafficking are very difficult to estimate. The Council of Europe have made clear that; *"People trafficking has reached epidemic proportions over the past decade, with a global annual market of about \$42.5 billion."*

There is growing consensus that addressing demand is key to the prevention of human trafficking.

A Harriet Harman MP sponsored report in 2008 entitled *Not for Sale* made clear that there is a direct link between prostitution, sexual exploitation and trafficking. In particular, there is a link between different racial and ethnic backgrounds and advertising women for sex. For example, ‘hot blooded South American girl’, and other adjectives to describe the person. It is the demand for women/girls with these characteristics which affect the number of women and girls trafficked from particular regions for the purposes of sexual exploitation. The numbers rise and fall with demand for those characteristics.

In October 2004 the UN Commission on Human Rights created the new position of Special Rapporteur on Trafficking in Persons. Sigma Huda, a Bangladeshi human rights lawyer and women’s rights advocate, was appointed on October 2004. In her first report, she called for action against the buyers of sexual services “*since it is the demand for sexual exploitation that promotes trafficking.*” In her report (2/06) the Special Rapporteur analyses the link between trafficking and demand, and prostitution and trafficking:

“For the most part, prostitution . . . Usually does satisfy the elements of [the Protocol’s definition of] trafficking. It is rare that one finds a case in which the path to prostitution . . . [does] not involve, at the very least, an abuse of power and or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity, and poverty.”

Addressing the concern of prostitution and trafficking has led Sweden to enact laws that criminalise men who pay for sex. This law has seen a decrease in the number of street prostitutes but has not seen an end to trafficking. As outlined

above, large sporting events, like the Football World Cup increase the demand for sex and thus dramatically increase the number of women and children trafficked specifically to service spectators. Laws criminalising demand were a preventative measure for the Winter Olympic Games 2010 held near Vancouver, British Columbia. The Summer 2012 Games are being held in the UK. Again, there is a real concern that the number of women and children being trafficked into and around the UK could jump significantly in order to meet the increase in demand for sex from prostitutes.

Increasing Demand for Human Trafficking in Times of Crises

The global economic crisis has contributed to an increase in the demand side of human trafficking. In February 2009 the UN Office on Drugs and Crime published its second global trends in trafficking in persons report. It stated that the worldwide rise in trafficking can be traced to a growing demand for cheap goods and services, with more businesses going underground in order to avoid taxes and unions. This will likely mean more and more use of forced, cheap, and child labour by multinational companies. There is therefore a human rights – a common humanity – imperative to do even more in times of crises to protect the most vulnerable in the world.

Forced Labour Issues

The European Court of Human Rights has interpreted “forced labour” as comprising two elements – involuntariness and an unjustifiable or oppressive character. Subsequent case-law adopts as a starting point the International Labour Organization (ILO) definition:

“All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.”

Forced labour represents a severe violation of human rights and a restriction on human freedom. The ILO published a new report into forced labour in May 2009. It tries to assess the economic cost of forced labour around the globe. The global financial crisis has resulted in an upward trend in trafficking for the purposes of forced labour.

Some of the key findings of *Cost of Coercion* report are:

- the most prominent examples of the global forced labour are: slavery and abduction for labour; agriculture-based forced labour in rural areas; compulsory work on public projects; bonded labour in South Asia; forced labour exacted by the military – with a special emphasis on “Myanmar” (Burma); and forced labour related to labour.
- Forced labour is present in virtually every country in the world and is increasingly penetrating supply chains of mainstream companies in the formal economy.
- Forced labour is coerced in a number of ways, including psychological (non-physical) coercion; abuse of legal processes (detention without due process); threats of financial penalties (debt bondage); and the confiscation of passports or travel documents.
- An estimated 8.1 million victims of forced labour in the world today are denied more than \$20 billion due to the perpetrators of forced labour. These occur mainly in the developing world (Asia and the Pacific where almost half of forced labour’s costs in the world are being swallowed up).

- Data collection is poor; little progress has been made since 2001 to improve systems of data collection. This is despite the fact that more people are trafficked because of forced labour than for the sex industry. It remains far behind sex trafficking for government actions.

It is very important to differentiate (i) forced labour (working under the threat of the person concerned or someone they associate with being physically punished) from (ii) irregular work. In the UK there is a specific criminal offence relating to forced labour - section 4 of the Asylum and Immigration Treatment of Claimants etc Act 2004. This is fundamentally different to the laws relating to employer sanctions for irregular workers. Keeping this distinction is critical because the 'trafficking' discourse is often applied to the facilitation of irregular labour migrants, not just those who are subject to forced labour. If the individual is not a national of the state or does not have an immigration status that permits him or her to work in the country they are in then, should he or she do so, the economic activity will be irregular (if not illegal) and the individual carrying it out at risk of exploitation on account of this.

Legal background (International)

The root causes of migration and trafficking greatly overlap. The lack of rights afforded to women serves as the primary causative factor at the root of both women's migrations and trafficking in women... By failure to protect and promote women's civil, political, economic and social rights, governments create situations in which trafficking flourishes.

Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women

Trafficking is not a recent phenomenon. Abolitionists in the last two centuries challenged both race-based and sex slavery. Decades of organising and activism bore fruit in five UN Human Rights Conventions: from the Convention Against Slavery (1926) to the Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention). The European Union (EU) is becoming more active in enacting legislation specifically dealing with trafficking both in human beings in general and children in particular (see recent Fundamental Rights Agency for Fundamental Rights Report *Child Trafficking in the EU*, July 2009).

United Nations Palermo Protocol of 2000

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, contains the first internationally agreed upon definition of human trafficking. Section 3 states:

“Trafficking in persons” is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation...

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The consent of a victim of trafficking to the intended exploitation ... shall be irrelevant where any of the means set forth in [above] have been used. The recruitment, transportation, transfer, harbouring or receipt of a child for the

purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set [above]. “Child” shall mean any person under eighteen years of age.

The Palermo Protocol was signed by the UK in 2000 and ratified on 9 February 2006. It prioritises trafficking in women and children. The Protocol provides assistance and protection to victims and seeks to prevent trafficking through international cooperation and information sharing. The Protocol’s definition of trafficking does not require movement of the victim across borders, international or otherwise. This is an important aspect of trafficking because many children in particular are trafficked *within* the United Kingdom to serve as domestic slaves, beggars or drug harvesters.

Council of Europe Convention on Action against Trafficking in Human Beings

The 2005 Convention was ratified by the UK on 17 December 2008 and came into force on 1 April 2009.

Its objectives are three fold:

- (1) to prevent and combat trafficking in human beings and guarantee gender equality;
- (2) to protect the human rights of the victims of trafficking, to design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality and ensuring an effective investigation and prosecution of trafficking; and
- (3) to promote international cooperation on action against trafficking in human beings.

The Convention is victim-focused, meaning that the UK is committed to providing certain minimum safeguards for the victims of trafficking. In particular, the Convention recognises the difficult task of identifying a person as having been trafficked. This is not just in terms of the silence of the victim herself, but also because the victim or her family may well have been threatened with death if they reveal their circumstances. It takes time for a victim to have the confidence to come forward to tell the story of how she has been trafficked. This is particularly the case for children. The Council of Europe Convention provides that whilst the assessment is taking place, the person concerned is designated as a trafficked person and able to access certain support and protection in the place they have been found. In that case, any criminal justice or immigration issues must be put on hold until the outcome of the assessment is finalised. In addition, the Council of Europe Convention provides special measures for children who have been trafficked (see below for further details and annex for relevant Convention articles).

The United Nations Convention on the Rights of the Child

This protocol was ratified by the UK Government in February 2009 – as had been recommended in the Concluding Observations of the United Nations Committee on the Rights of the Child in 2008.

Its Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography requires States Parties to ensure that their criminal laws prohibit and punish:

Offering, delivering or accepting, by whatever means, a child for the purpose of . . . engagement of the child in forced labour;

Offering, obtaining, procuring or providing a child for child prostitution; or

Producing, distributing, disseminating, importing, exporting, offering, selling or possessing . . . child pornography.

This Convention therefore covers child soldiers – often snatched from their villages, made drug-dependent and forced to shoot people they know. The girl soldiers are often used for sex by their captors. Child soldiers can be as young as four. The Protocol also covers using children for prostitution and sexual images, as well as forced labour.

The Council of Europe *Convention on the Prevention of Children against Sexual Exploitation and Sexual Abuse* of 2007 has received few ratifications and relatively few signatures.

European Union enactments

The European Union has taken action in respect of trafficking in human beings since the 1990s. The main legal instrument used for this purpose has been Council Decisions. They therefore do not carry the same legal obligations on member states as directives or regulations. Nevertheless, the Brussels Declaration (Council Framework Decision on combating trafficking in human beings 2002 (2002/629/JHA), the Council Framework Decision of 2003 on combating sexual exploitation of children and child pornography (2004/68/JHA) as well as the proposals for Council Decisions of 2009 (Proposal for Council Framework Decision on preventing and combating trafficking in human beings and protecting victims COM 2009/136 (which will repeal the 2002 Decision) and Proposal for a Council Framework Decision on combating sexual abuse, sexual exploitation of children and child pornography COM 2009/135 (repealing the 2004 Decision) alongside the European Parliament Resolutions on trafficking and an expert group on trafficking have meant that the issue is moving up the political agenda. This is

partly based on the common immigration strategies being developed and the fight against organised crime in the European Union. In addition, Article 5 of the EU Charter of Fundamental Rights states that *'no one shall be held in slavery or servitude, or be required to perform forced or compulsory labour.'* Article 5(3) outlaws trafficking in human beings. It is therefore firmly placed within the human rights agenda of the European Union.

The 2009 report by the EU Agency for Fundamental Rights entitled *Child Trafficking in the EU – Challenges, perspectives and good practices*, makes the point that there is no uniform definition of child trafficking that operates throughout the European Union, with many member states having no formal age assessment policy in place. This feeds into the 'wide-spread' disappearance of children from shelters with unknown destinations. The Report found that member states under-use criminal laws for prosecuting child traffickers. Indeed, in *'five member states no final convictions were issued in the period 2000-2007.'* This is an extremely worrying trend and appears to be replicated in the UK, both in terms of children going missing from care (in Wales) and low conviction rates.

Case Studies

My name is Njida and I am from Nigeria. I was brought up by a woman who found me when my parents abandoned me. I never knew my real parents.

When I was about nineteen years old my life changed, a lot. The woman who looked after me was killed by members of a cult. I witnessed the murder and knew I could never return home again, as the cult members would try to kill me too. I did not return to the village and later I heard that they had burned down my house, and were hunting for me.

I spent days sleeping in the bushes before running to a church, where I slept for a few nights. But one of the church workers told me the cult members would find me there, and I shouldn't stay. So I left the church and slept outside for a bit, but the worker again told me I should move on. I was desperate; I didn't know what to do. Luckily, I was approached by a woman who said

that she had heard what had happened and would help me. She said she would take me to a safe place. I was so grateful as I knew if I returned to the village I would be killed.

The lady drove me to another town and I stayed with her for a while. I was told not to leave the room or talk to anyone in case the cult found me. I was afraid, so I stayed in my room. The woman and a man friend brought me some clothes and took pictures of me. I thought that was strange but the woman was treating me well so I trusted that I was still safe. She told me that she would take me abroad, to help me escape the cult, and she gave me a fake passport. She told me I had to use a different name because of the cult; she said it was too dangerous to use my real name any more. She and her friend kept on telling me how important it was that I memorised the name and date of birth details on the new passport.

After a few weeks the woman and I went to the airport. The woman told me not to speak to her until the plane had landed and we were outside the airport. I didn't know why.

When we arrived in the UK she took me to a house where she told me that I would have to have sex with men for money, as it had cost her a lot to bring me to the UK, and she needed to earn the money back. I did not want to do it. I never wanted to be a prostitute. But from that day I was locked in a room for months and forced to do it. The men who came to have sex with we were incredibly violent and I was terrified. They hurt me a lot, and the woman also threatened that she would kill me spiritually by using Juju.

After months I managed to escape in the middle of the night when the woman forgot to lock the door. I didn't know what to do so I slept rough on the streets before a man asked if I needed help. I told him my story and he directed me to the Home Office, who sent me to a detention centre. Fortunately, when I told them my story they referred me to the Diogel Project.

Although I am safe I still suffer panic attacks and get pains in her my chest. I find it difficult to sleep and am still on medication from the doctor. I hope one day I will feel better.

Names have been changed to protect identity

Case Study Diogel Project (BAWSO Women's Aid)

ANNEX I

The Cross-Party Working Group was set up in November 2007 by Joyce Watson, Assembly Member for Mid and West Wales. Its Vice-Chairs are Bethan Jenkins, Angela Burns and Christine Chapman. The Group was established with the aim of providing coherent information concerning aspects of the trafficking of women and children into, out of and around Wales for the purposes of sexual exploitation in particular, as well as of forced labour. It also aims to provide proposals which can be implemented in the context of the devolution settlement. To that end, it acknowledges the policy and legal context in which it works, namely that migration and criminal law making are outside of its current remit. Having said this, there are several recommendations that can be put forward that help fulfil the UK and Wales' international human rights obligations, most notably obligations vis-à-vis children as espoused in the United Nations Convention on the Rights of the Child. The Welsh Assembly Government (WAG) has made the Convention the basis of all policy making for children in Wales.

Aims

- Raising awareness of the situation surrounding the trafficking of women and children, including the vulnerabilities of victims of trafficking in both urban and rural areas;
- Gathering evidence and specific data of the extent of the trafficking of women and children for the purposes of exploitation in Wales;
- Calling witnesses from a variety of organisations and authorities both in terms of raising awareness and information gathering and sharing. For example, the Police Authorities, Port Authorities and Local Government (especially children's services).
- Calling for written submissions;

- Raising awareness of the link between domestic violence and trafficking (prostitution, sexual assault, rape, drug use).
- Raising awareness of the need for partnership, multi-agency working and information-sharing mechanism for Wales;
- Investigating the needs of victims, including, access to health care and employment issues; immigration and asylum issues;
- Assessing the possibility of adapting specific parts of the Council of Europe Convention and work plan as a guide to achieving outcomes in Wales;
- Looking at the situation of vulnerable children in the immigration and asylum system;
- Exploring the links with organised crime and police enforcement.
- Alerting other Committees within the Assembly on the issues involved in trafficking as part of cross-cutting themes.
- Building up an e-library of legislation, practices, resources and information on trafficking both domestically and internationally;
- Raising the issue among other organisations such as the Committee of the Regions, Inter UK-IRISH Parliamentary Body, etc.;
- Looking into the possibility of holding a joint meeting between the Assembly working group and the Westminster working group.
- Investigating the possibility of holding a people's forum on trafficking in Wales with key stakeholders.

Witnesses

From its first meeting, the Cross-Party invited organisations involved with trafficking issues to give evidence. The organizations covered a wide variety of interests, reflecting the complexity of trafficking. These include policing, service

providers for victims of trafficking as well as researchers who have undertaken studies in Wales. The witnesses who have given evidence are:

Jan Pickles from the Women's Safety Unit, Sexual Assault Referral Unit,
Barbara Natasegara from the Safer Wales Unit,
Cathy Owens from Amnesty International,
Representatives from BAWSO,
Klara Skrivankova from Slavery International,
Chief Superintendent Mark Phillips (Serious Organised Crime Agency – SOCA),
Detective Chief Superintendent Ken Isaac (South Wales Police),
Detective Inspector Tony Brown (South Wales Police),
Detective Chief Inspector Jayne Mackay (South Wales Police),
Emma Kelly from ECPAT UK,
Gareth Jones from the Office of the Children's Commissioner,
Ann Hubbard from Wales Strategic Migration Partnership.

Evidence Session

Each witness gave oral evidence and some presentations which highlighted the expertise they bring to understanding the complex issues surrounding the trafficking of women and children. All were asked questions regarding the implementation of specific proposals in Wales and the likely impact of the proposals on the lives of women and children who have been trafficked or are suspected of having been trafficked.

The report centres on the evidence given by witnesses to the Cross-Party Group and responses provided to Joyce Watson by local authorities in reply to her letters outlining their human trafficking policies and experiences. It focuses on responses to trafficking victims as this is the area in which WAG has the most room to enact

effective, rights-based policies. This report focuses on the human trafficking situation in Wales and makes recommendations as to how relevant authorities can be best equipped to tackle the issue. Although in some cases it is evident that local authorities have taken an effective approach to tackling human trafficking and have demonstrated clear examples of good practice, the literature demonstrates that this is not replicated in all parts of Wales. This is not to say that responsibility for the failure to adequately meet the standard needed to tackle human trafficking lies with the local authority alone; but rather is a consequence of a the lack of a national structure to tackle trafficking.

This report calls for the creation of the post of an All Wales Trafficking Director who would oversee community-specific strategies which reflect the different landscapes – rural, urban, language, cultural. Such a figure would be able to encourage good practice through providing advice to local authorities on training, awareness-raising, advocacy and many other services which can be tailored for the needs of different communities in Wales.

The report also calls for monies confiscated from human trafficking gangs to be used to eradicate the practice from Wales either through funding the role of the Director or through investment in training or awareness-raising projects in local authorities.

ANNEX II

Cross Party Working Group on Trafficking in Women and Children

DRAFT Call for Evidence

The Cross Party Working Group on Trafficking in Women and Children was set up in November 2007 in order to look at the situation of trafficked women and children in Wales.

Amongst its aims are

1. The collection of a comprehensive data base is one of the first priorities so that an assessment can be made as to what services are required to improve the lives of women and children victims of trafficking and what can be done to stop trafficking.
2. It will gather relevant information concerning all services currently available throughout Wales which can be accessed by trafficked individuals.
3. The Cross Party Working Group will look at the link and the different approaches to combat the exploitation of women and children, especially those who have been in care. It will also explore what can be done from the 'demand' side of sexually exploited individuals and those subject to forced labour.
4. The Working Group will provide a voice for people who have been trafficked by contacting experts in the field, especially those in Scotland where there have been measures in place for some time, as well as those

organisations which have first hand experience of the issues, especially health and asylum issues.

One of the first things the Group identified as essential for the inquiry is to call for evidence from those who have experience of delivering service to and are in contact with trafficked women and children.

This will enable the Group to establish what the most urgent needs for the victims of trafficking in Wales are and what actions are possible.

In order to gather as much relevant evidence as possible of the particular situation in Wales, we are asking you to provide information on the following aspects:

1. what services are available to trafficked women and children;
2. what are the impediments to access to services;
3. what, if any, outreach services are available for trafficked women and children in Wales;
4. what advocacy services are available;
5. what services are urgently needed;
6. how are trafficked women and children currently being identified;
7. what reporting mechanism is in place after identification;
8. how are protocols for trafficking victims mainstreamed into public services;
9. what is the effect of dispersal on trafficked women and children;
10. what specific services are needed for the victims of forced labour;
11. are there any legislative initiatives you or your organisation would recommend for Wales;
12. what do you or your organisation think can be done to prevent trafficking;
13. do you think Wales should have its own monitoring and advocacy services and specific multi-agency referral centre for victims of trafficking;

Any other information you want to specify:

The call for evidence opens on and closes on

Replies to

Joyce Watson AM

Chair, Cross-Party Working Group on Trafficking in Women and Children

Lisa.evans@wales.gov.uk

ANNEX III

Abridged minutes of meetings of the Cross Party Working Group on Trafficking in Women and Children

March 2008: Women victims in Wales

Inaugural meeting of the Group. Voting of officers and agreeing of terms of reference. Agreed certain aims and outcomes of the Group.

Jan Pickles spoke about the work of the Women's Safety Unit and touched on the new Sexual Assault Referral Unit. They both may service victims of trafficking. Barbara Natasegara from the Safer Wales Unit also spoke regarding issues surrounding street prostitution. Cathy Owens touched on the issues highlighted in *Under the Covers*, an Amnesty International report on trafficking in Wales.

May 2008: Provision of services for victims in Wales and an international overview

BAWSO gave a presentation concerning the work they do and how it relates to women who may have been trafficked. One of the key aspects of their work is the provision of advocacy and translators for different languages covering regions from which at least some of the trafficked women and children are known to originate from. The service is tailored to the women and children and their circumstances.

The Minister for Social Justice & Local Government, Dr Brian Gibbons, pointed out that certain aspects of trafficking were devolved whereas others were not; it was thus cross-cutting. This was particularly pertinent for the trafficked victims because they ultimately have to decide where their future lies. The Minister pointed

out that the Refugee and Asylum Seeker Strategy and the Action Plan on Forced Marriage and honour violence by the WAG would be published shortly.

Anti-Slavery International gave a presentation outlining the importance of focussing on outcomes rather than organised immigration and crime control for victims of trafficking. It was important to find a solution at all levels of governance, and that internal trafficking (as well as to and from Ireland) was an issue very much underrated. From 1 May 2008 there was a new pilot (Pentameter 2) on forced labour underway. The results will inform further actions in the UK.

Following the presentations there was a brief discussion led by Joyce Watson regarding the focus of the work being undertaken by the Working Group regarding the victims of trafficking and appropriate responses for those victims finding themselves in Wales.

December 2008: policing and organized crime

The meeting heard presentations from two sources on the theme of the police perspective of the issues surrounding human trafficking.

The first presentation was given by Mark Phillips of SOCA who gave an overview of what SOCA does and the importance SOCA attaches to tackle this issue. He went on to provide a global and national overview of the issues faced by them. He focused on how human trafficking is a highly organised international crime that crosses many boundaries. The routes taken to the UK mirror those well established ones used for drug smuggling. Human traffickers are often from one community but may equally include several nationalities working together in a tight network all over Europe, trafficking several females

at the same time. The Lithuanian Human Trafficking centre is particularly proactive and has good links with SOCA. He detailed how far more people are trafficked for forced labour, especially debt bondage, than sexual exploitation. This form of trafficking takes place mainly in the Chinese, SE Asian and some African communities in the UK and East Europeans working in agriculture. It is difficult to penetrate these tightly knit communities.

Detective Chief Superintendent Ken Issac from South Wales Police gave a presentation detailing how trafficking is an organised crime issue rather than an immigration one. They meet regional director of SOCA every three months and Detective Inspector Tony Brown is a dedicated human trafficking person within SW Police. He mentioned that there are a number of networks throughout Europe run by different gangs, including Albanians. When asked where the money the traffickers make goes he responded that much is going back to the country of origin and according to the Pentameter operations a lot is gambled. He detailed that the main trafficking route from W Africa and Brazil is Spain, for Vietnam and China it is direct flights. It is part of core policing of SW Police to visit massage parlors. UKHTC provides the strategic direction. However, many women are not there as they are hidden by the community that trafficked them. This makes it difficult to tackle. It was suggested that there be an advertisement campaign warning of the dangers that this may happen. He recommended intelligence gathering and information sharing between agencies as a key issue, an advertisement campaign as a prevention measure and enforcement as a priority of the police.

Following the presentation there was a discussion as to an advertisement campaign and what that might look like and where it might be place (e.g. casualty dept, chemists etc.). Parallels were drawn with the start of the domestic violence campaigns many years ago.

April 2009: trafficked children in Wales

At the April meeting of the Cross Party Group Gareth Jones from the Office of the Children's Commissioner for Wales and Emma Kelly from ECPAT both gave presentations that spoke to the Report commissioned by the Children's Commissioner for Wales ***Bordering on Concern: Child Trafficking in Wales (2009)***. The Report highlighted the fact that there are a number of children who are thought to have been trafficked into Wales. These children had come from other parts of the UK as well as from other countries. The Report focused its research in the four immigration and asylum dispersal areas of Cardiff, Swansea, Newport and Wrexham.

ANNEX IV

Council of Europe Convention on Action against Trafficking in Human Beings (2005): Key articles and overview:

Article 1 The purposes of this Convention

1 The purposes of this Convention are:

- a to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- b to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- c to promote international cooperation on action against trafficking in human beings.

2 In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a specific monitoring mechanism.

Article 4 – Definitions

For the purposes of this Convention:

- a "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or

benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

b The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d "Child" shall mean any person under eighteen years of age;

e “Victim” shall mean any natural person who is subject to trafficking in human beings as defined in this article.

Chapter II – Prevention, co-operation and other measures

Article 5 – Prevention of trafficking in human beings

1 Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.

2 Each Party shall establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.

3 Each Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in paragraph 2.

4 Each Party shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory.

5 Each Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them.

6 Measures established in accordance with this article shall involve, where appropriate, nongovernmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance.

Article 6 – Measures to discourage the demand

To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

- a research on best practices, methods and strategies;
- b raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;
- c target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;
- d preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on

sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

Article 7 – Border measures

Article 8 – Security and control of documents

Article 9 – Legitimacy and validity of documents

**Chapter III – Measures to protect and promote the rights of victims,
guaranteeing gender equality**

Article 10 - Identification of the victims

1 Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.

2 Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations.

Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2.

3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.

4. As soon as an unaccompanied child is identified as a victim, each Party shall:
a provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;

b take the necessary steps to establish his/her identity and nationality;

c make every effort to locate his/her family when this is in the best interests of the child.

Article 11 – Protection of private life

1 Each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

2 Each Party shall adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.

3 Each Party shall consider adopting, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to protect the private life and identity of victims through self-regulation or through regulatory or co-regulatory measures.

Article 12 – Assistance to victims

1. Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at

least:

a standards of living capable of ensuring their subsistence, through such measures as:

a appropriate and secure accommodation, psychological and material assistance;

b access to emergency medical treatment;

c translation and interpretation services, when appropriate;

d counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;

e assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;

f access to education for children.

2 Each Party shall take due account of the victim's safety and protection needs.

3 In addition, each Party shall provide necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help.

4 Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.

5 Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

6 Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.

7 For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care.

Article 13 – Recovery and reflection period

1 Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim.

Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.

2 During this period, the persons referred to in paragraph 1 of this Article shall be entitled to the measures contained in Article 12, paragraphs 1 and 2.

3 The Parties are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly.

Article 14 – Residence permit

1 Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:

a the competent authority considers that their stay is necessary owing to their personal situation;

b the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

2 The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.

3 The non-renewal or withdrawal of a residence permit is subject to the conditions provided for by the internal law of the Party.

4 If a victim submits an application for another kind of residence permit, the Party concerned shall take into account that he or she holds, or has held, a residence permit in conformity with paragraph 1.

5 Having regard to the obligations of Parties to which Article 40 of this Convention refers, each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum.

Article 15 – Compensation and legal redress

Article 16 – Repatriation and return of victims

Article 17 – Gender equality

Chapter IV – Substantive criminal law

Article 18 – Criminalisation of trafficking in human beings

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct contained in article 4 of this Convention, when committed intentionally.

Article 19 – Criminalisation of the use of services of a victim

Article 20 - Criminalisation of acts relating to travel or identity documents

Article 21 – Attempt and aiding or abetting

Article 22 – Corporate liability

Article 23 – Sanctions and measures

Article 24 – Aggravating circumstances

Each Party shall ensure that the following circumstances are regarded as aggravating circumstances in the determination of the penalty for offences established in accordance with Article 18 of this Convention:

- a the offence deliberately or by gross negligence endangered the life of the victim;
- b the offence was committed against a child;
- c the offence was committed by a public official in the performance of her/his duties;
- d the offence was committed within the framework of a criminal organisation.

Article 25 - Previous convictions

Article 26 – Non-punishment provision

Chapter V – Investigation, prosecution and procedural law

Article 27 - Ex parte and ex officio applications

Article 28 – Protection of victims, witnesses and collaborators with the judicial authorities

Article 29 – Specialised authorities and co-ordinating bodies

Article 30 – Court proceedings

Article 31 – Jurisdiction

Chapter VI – International co-operation and co-operation with civil society

Article 32 – General principles and measures for international co-operation

Article 33 - Measures relating to endangered or missing persons

Article 34 – Information

Article 35 – Co-operation with civil society

Each Party shall encourage state authorities and public officials, to co-operate with nongovernmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.

Chapter VII – Monitoring mechanism

Article 36 – Group of experts on action against trafficking in human beings

Article 37 – Committee of the Parties

Article 38 – Procedure

Chapter VIII – Relationship with other international instruments

Article 39 – Relationship with the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime

Article 40 – Relationship with other international instruments

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