



SAFEGUARDING CHILDREN

WHO MAY

HAVE BEEN

TRAFFICKED

FROM ABROAD

DECEMBER 2009

Title of Protocol	Safeguarding Children who may have been Trafficked from Abroad	
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1.0 Purpose

1.1 In March 2007 the UK Government published the *UK Action Plan on Tackling Human Trafficking*, after signing the *Council of Europe Convention on Action Against Trafficking in Human Beings*. One of the key commitments in the Action Plan was to provide guidance in relation to meeting the needs of trafficked children. The purpose of this protocol, therefore, is to provide guidance to Rotherham Safeguarding Children Board partner agencies in their duty to safeguard and promote the welfare of trafficked children. It should be read in conjunction with *Working Together to Safeguard Children*¹. The term child relates to all those under the age of 18 years old. The information contained here is a summary of national guidance published in 2008: *Safeguarding Children who may have been Trafficked* (DCSF)².

1.2 The issues for internally trafficked children differ from those trafficked from abroad and therefore will be dealt with separately (see *Safeguarding Children and Young People from Sexual Exploitation – forthcoming 2010*).

1.3 As well as the main text of the *South Yorkshire Child Protection Procedures* (2007) this document should be read in conjunction with Appendix 13: *Protection of Young People facing Forced Marriage*.

2.0 Aim

2.0 The aim of this document is to ensure that partner agencies of RSCB are aware of the following:

- the definitions of smuggling and trafficking
- why children are trafficked
- the conditions that make trafficking possible
- how children are recruited and controlled
- how children are trafficked into the UK
- indicators that a child may have been trafficked
- how to respond if you think a child has been trafficked.

3.0 Definitions

3.1 There are two terms that refer to the illegal movement of people: smuggling and trafficking. However, they have quite different meanings. Immigrants or asylum seekers are smuggled into the country as a result of paying people to help them enter the country. Once they are in the country and the debt has been paid, there is no ongoing relationship. Trafficked victims are coerced or deceived by the person arranging their relocation.

¹ HM Government, 2006

²

http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf

Once they arrive in the country of destination, the victim is forced into exploitation by the trafficker or by a person into whose control they are delivered or sold.

3.2 The Palermo Protocol defines it as:

“Trafficking of persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of 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 organs³:

3.3 It goes on to state that the consent of the victim, as defined above, is irrelevant. It also notes that the Palermo Protocol established children as a special case, and that any child who has been transported for exploitative reasons is considered as a trafficking victim, whether or not they have been forced or deceived. This is because children cannot give informed consent, and even if they understand what is happening may willingly cooperate with the traffickers as they believe it is the will of their parents.

4.0 Known Facts regarding Child Trafficking

4.1 Due to the clandestine nature of this illegal, but lucrative activity, it is very difficult to identify and record the number of children who have been trafficked. However, the Child Exploitation and Online Protection Centre (CEOP) identified 330 children who had potentially been trafficked⁴. This figure is believed to be a tiny fraction of the actual numbers and there is evidence that increasing numbers of African children are being trafficked to the UK.

Why do People Traffic Children?

4.2 Most children are trafficked for the purposes of financial gain. Children may be trafficked for a number of different purposes including:

- sexual exploitation
- domestic servitude
- sweatshop, restaurant and other catering work
- credit card fraud

³ Article 3 of the *Palermo Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing the United Nations Convention Against Transnational Organised Crime to the UN Convention (2000)*

⁴ *A Scoping Project on Child Trafficking in the UK*, CEOP, 2007

- as child brides
- for dowries
- begging or pick pocketing or other forms of petty criminal activity
- agricultural labour, including tending plants in illegal cannabis farms
- benefit fraud
- organ donation
- being sold as a baby
- drug mules, drug dealing or decoys for adult drug traffickers and
- illegal inter-country adoption.

4.3 Younger children may be trafficked to become beggars or thieves, or to enable benefit fraud. Teenagers are often trafficked for domestic servitude or sexual exploitation.

Why is Trafficking Possible?

4.4 The following are conditions that commonly exist for children and / or families that will make them vulnerable to exploitation by traffickers:

- **Poverty:** poverty provides a vulnerability that the traffickers exploit
- **Lack of education:** school attendance has been key to protect children from traffickers. Sometimes traffickers promise to provide / pay education for children
- **Discrimination:** this can be based both on gender and ethnicity. Many trafficked children come from minority communities who are discriminated against and disadvantaged
- **Cultural attitudes:** traditional cultural attitudes can mean that some children are more vulnerable to trafficking than others. In some countries the rights of children are ignored, they are traded like commodities, or they already work as domestic servants
- **Grooming:** trafficked children are groomed for the purposes of exploitation
- **Dysfunctional families:** children may leave home due to domestic abuse and neglect, or they may be forced to leave home for various reasons. They then become vulnerable to trafficking, particularly if they become destitute or homeless.
- **Political conflict and economic transition:** children may be left vulnerable due to the movement of large numbers of people and the erosion of economic and social protection mechanisms
- **Inadequate local laws and regulations:** most countries have legislation against exploitative child labour, but not all have laws specifically against trafficking. Even if they do, enforcement is often hampered by lack of prioritisation, corruption and ignorance of the law.

Recruiting and Controlling Children

4.5 There are three phases to the trafficking process: 1) **recruitment** is usually either through coerced or, more usually, subversive methods; 2) the **transit** phase usually involves travelling with a fake identity and false documents; 3) at the **destination** children are controlled through a variety of means including:

- confiscation of the child's identity documents
- threats of reporting the child to the authorities
- violence, or threats of violence, towards the child
- threats of violence towards members of the child's family
- keeping the child socially isolated
- keeping the child locked up
- telling some children that they owe large sums of money and that they must work to pay this off
- depriving the child of money and,
- voodoo or witchcraft, which may be used to frighten children.

Entering the UK

4.6 Children are trafficked into the UK using a number of routes and methods of transportation, but particularly smaller air and sea ports as checks at larger ports have improved in recent years. Children may be accompanied by adults (who are not related to them), or they may be on their own. Children on their own may claim asylum and become Unaccompanied Asylum Seeking Children (UASC), or they may come to attend school or join family. They may be privately fostered. Even children who arrive unaccompanied and subsequently cared for by Rotherham Metropolitan Borough Council, may be found by the traffickers and then disappear.

Possible Indicators that a Child may have been Trafficked from Abroad

4.7 There a number of indicators which suggest that a child may have been trafficked into the UK, and may still be controlled by the traffickers or receiving adults. These are as follows:

4.8 The child at a port of entry:

- has entered the country illegally
- has no passport or other means of identification
- has false documentation
- possesses money and goods not accounted for
- is malnourished
- is unable to confirm the name and address of the person meeting them on arrival
- has had their journey or visa arranged by someone other than themselves or their family
- is accompanied by an adult who insists on remaining with the child at all times
- is withdrawn and refuses to talk or appears afraid to talk to a person in authority
- has a prepared story very similar to those that other children have given
- exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such age
- does not appear to have money but does have a mobile phone, and / or

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

4.9 Whilst in the UK, the child:

- does not appear to have money but does have a mobile phone
- receives unexplained/unidentified phone calls whilst in placement/temporary accommodation
- possesses money and goods not accounted for
- exhibits self assurance, maturity and self-confidence not expected to be seen in a child of such age
- has a prepared story very similar to those that other children have given
- shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy
- has a history with missing links and unexplained moves
- has gone missing from local authority care
- is required to earn a minimum amount of money every day;
- works in various locations
- has limited freedom of movement
- appears to be missing for periods
- is known to beg for money
- performs excessive housework chores and rarely leaves the residence
- is malnourished
- is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good
- is one among a number of unrelated children found at one address
- has not been registered with or attended a GP practice
- has not been enrolled in school
- has to pay off an exorbitant debt, e.g. for travel costs, before having control over own earnings
- is permanently deprived of a large part of their earnings by another person and / or
- is excessively afraid of being deported.

4.10 The sponsor:

- has previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications, and / or
- is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas.

5.0 Action to Safeguard and Promote the Welfare of a Trafficked Child

5.1 If you suspect that a child has been trafficked into the country, you should immediately contact Children and Young People's Service (CYPS) Social Care Access Team, on 01709 823987 or South Yorkshire Police, Public Protection Unit for the Rotherham area (0114) 220 2020.

5.2 You should also make an enquiry to see if the child or young person already has a Child Protection Plan, contact Rotherham Safeguarding Children Unit (01709 823914).

5.3 Further advice is available from Rotherham Safeguarding Children Unit (01709 823914), where the Children Missing in Education officer is also based, or NSPCC Child Trafficking Advice and Information Line (CTAIL) 0800 107 7057.

Referral

5.4 The referrer should follow-up their phone call in writing within **48 hours**. Once a referral has been made to the CYPS Social Care Access Team a decision will be made within 24 hours as to the course of action that is necessary.

5.5 Concerns about a child who may have been trafficked should be dealt with as with any other referral. Further information is therefore available in Rotherham Safeguarding Children Board- Child Protection Procedures 2007 which can be accessed via www.rscb.org.uk.

5.6 The CYPS Social Care Access Team should urgently:

- Obtain as much information as possible from the referrer (see also Section 6: Accessing Information from Abroad);
- Verify that the child is living at the address;
- In the case of a referral from a school, obtain the list of documentation provided at admission;
- Complete a Home Office check to clarify the status of the child/ren and the adult/s caring for them.
- Confirm what indicators suggest the child has been trafficked.

Immediate Protection

5.7 If there is a risk to the life of the child or a likelihood of serious immediate harm, South Yorkshire Police or CYPS Social Care should act quickly to secure the immediate safety of a child who may have been trafficked. In some cases it may be necessary to ensure either that the child remains in a safe place or is removed to a safe place. This could be on a voluntary basis, or following the making of an emergency protection order (EPO). The police have powers to remove a child under Police Protection, but these powers should only be used in exceptional circumstances as they only last for a

maximum of 72 hours. If, for example, there is insufficient time to seek an EPO, or for reason relating to the immediate safety of the child.

5.8 Emergency action addresses only the immediate circumstances of the child(ren). It should be followed quickly by section 47 enquiries. The agencies primarily involved with the child and family should then assess the needs and circumstances of the child and family, and agree action to safeguard and promote the welfare of the child in the longer term.

5.9 Where an emergency protection order applies, CYPS Social Care must consider quickly whether to initiate care or other proceedings, or to let the order lapse and the child return home or to their carer. Use of intelligence from the port of entry may help local authority children's social care in pursuing further enquiries about the child.

Initial Assessment

5.10 The Locality Team should undertake an initial assessment of the child's needs and circumstances, and decide whether there are any concerns about their safety and welfare. If they decide that further action is necessary, a strategy discussion should be arranged, inviting those agencies who are, or could be involved in the child's care.

5.11 The process of initial assessment will involve the social worker from the Locality Team:

- speaking to the child, and any family members as appropriate. This may require the use of interpreters
- drawing together and analysing all the available information
- involving and containing relevant information from professionals and other in contact with the child and any family they may have.

5.12 Information about who to contact can be obtained via the Foreign and Commonwealth Office (0207 008 1500) or the appropriate Embassy or Consulate (for further information www.fco.gov.uk).

5.13 During the initial assessment all documentation held by the referrer and other agencies should be checked by the social worker. This should include, if available:

- passport (check - date of issue; length of visa; whether picture resembles child; name in passport is same as alleged mother / father, and if not why not; whether it appears to be original and take copies to ensure further checks can be made if necessary)
- Home Office papers
- birth certificate
- proof of guardianship.

5.14 A new or recent photograph of the child should be included in the social work file.

5.15 Immigration staff will be able to provide information regarding the immigration process, documentation, leaving the UK.

5.16 If there are no concerns, all involved agencies should continue to monitor the situation until the child is appropriately settled. The referrer should be advised of the outcome by the social worker. In each case of a child with immigration issues The United Kingdom Border Agency (UKBA) should be informed so that they can co-ordinate the immigration processes with the child's protection plan.

Decision to interview as part of section 47 enquiries

5.17 Following the initial assessment, a decision will be made by locality team, together with the police, whether to call a strategy discussion, and then whether to interview as part of S47 enquiries. Further information regarding S47 enquiries can be found in Chapter 6, Rotherham Safeguarding Children Board - Child Protection Procedures 2007.

5.18 In such circumstances the child should not be interviewed with the parents / family. Interpreters may be required, if so, they should be CRB checked (see Appendix 5, Rotherham Safeguarding Children Board- Child Protection Procedures 2007).

5.19 In such circumstances S47 enquiries would require information about the family, parental employment, and about country of origin, including schooling, length of time lived there and who cared for them.

5.20 Any concerns that a criminal offence has been committed e.g. trafficking, illegal entry, fraud or deception is the remit of the police.

6.0 Accessing Information from Abroad

6.1 A child for whom significant relevant information may be held abroad includes a child who may:

- have been, or is suspected to have been, trafficked into or out of the UK for sexual exploitation, domestic servitude, benefit fraud etc
- be recently immigrant into the UK, with or without their parents, and for whom there are concerns of harm, including through accusations of spirit possession or witchcraft.
- be at risk of abuse or has already been abused, through, female genital mutilation.
- threatened with forced marriage or at risk of honour based violence.

6.2 Professionals contributing to a multi-agency assessment of a child for whom relevant information is likely to be held abroad, should seek information from their respective counterpart agencies abroad (i.e. health professionals in the UK are responsible for retrieving health information from health professionals abroad etc).

6.3 Where an assessment is required of family or relatives' circumstances abroad, CYPS Social care should contact International Social services (UK), whose details are available at: www.issuk.org.uk

6.4 Professionals should contact national embassies and consulates in London for the countries concerned Embassy and consulate details are available on the Foreign and Commonwealth Office website at: www.fco.gov.uk

6.5 Where local agencies abroad cannot assist in divulging information about a child and their family, UK professionals should seek assistance from International Social Services (UK).

7.0 Issues for Consideration by Agencies Working with Trafficked Children

7.1 The following services are likely to be necessary to address the child's needs:

- appropriately trained and CRB checked independent interpreters
- counselling
- child and adolescent mental health services (CAMHS)
- independent legal advice
- medical services
- sexual health services
- education
- family tracing and contact (unless it is not consistent with their welfare) and
- if appropriate, repatriation.

7.2 They will also need:

- practitioners to be informed and competent in matters relating to trafficking and exploitation
- someone to spend time with them to build up a level of trust
- to be interviewed separately. Children and young people will usually stick to their account and not speak until they feel comfortable
- a safe placement if they are victims of an organised trafficking operation
- their whereabouts to be kept confidential
- legal advice about their rights and immigration status
- discretion and caution to be used in tracing their families
- a risk assessment to be made of the danger the child will face if he or she is repatriated and
- where appropriate, accommodation under section 20 of the Children Act 1989 or on application for an interim care order.

7.3 Practitioners should:

- consider interviewing children in school as they may feel more able to talk
- consider talking to children and young people using the phone, e-mail, or text
- ensure that carers are not in the proximity and
- ensure that interpreters are agency approved and are CRB checked.

Supporting Child Witnesses

7.4 No child should be coerced into giving evidence in court against a trafficker. Assessing the willingness and capacity of a child to give such evidence is complicated. The threat of repercussions and reprisals against the child and family either in the UK or in the home country may be realistic. Support is available to child witnesses through the Crown Prosecution Service and if it is felt that a child could benefit from specialist support either during a police investigation or during a court trial, a referral for therapy can be made.

Returning Trafficked Children to their Country of Origin

7.5 In many cases, and with advice from their lawyers, trafficked children may apply to the UKBA for asylum or humanitarian protection. This is because they often face a high level of risk of harm if they are forced to return to their country of origin. All relevant information about the child, family and general conditions in their country of origin will be gathered when considering such an application.

7.6 If the child does not meet the criteria for asylum or humanitarian protection they will have to return. This will mean close liaison between the social worker, any other involved agencies and the UKBA. A child can return on a voluntary basis, which is always the preferred option. It is important to try and ensure a child does not go missing before leaving the UK, as they will be very vulnerable should that occur.

8.0 References and Resources

- *A Scoping Project on Child Trafficking in the UK*, CEOP, 2007
- Child Exploitation and Online Protection Centre www.ceop.gov.uk
- Children's Access Team, C&Y P's Social Care on (01709 323987)
- *Council of Europe Convention on Action Against Trafficking in Human Beings*.
- *Especially Women And Children, Supplementing the United Nations Convention Against Transnational Organised Crime to the UN Convention (2000)*
- NSPCC Child Trafficking Advice and Information Line 0800 107 7057
- *Palermo Protocol To Prevent, Suppress And Punish Trafficking In Persons*,
- *Provision of Therapy for Child Witnesses 2007* Sheffield Safeguarding Children Board

- Rotherham Safeguarding Children Unit (01709 823914)
- *Safeguarding Children who may have been Trafficked* HMSO 2008
- *Safeguarding Children who may have been Trafficked from Abroad* Sheffield Safeguarding Children Board, 2008
- *South Yorkshire Child Protection Procedures 2007* Rotherham Safeguarding Children Board
- South Yorkshire Police, Public Protection Unit (0114) 220 2020.
- *UK Action Plan on Tackling Human Trafficking*
- *Working Together to Safeguard Children* HMSO 2006