

# Policing human trafficking: issues



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## **Written for the Home Office**

### **Challenges of policing sex trafficking**

Sex Trafficking is a hidden and very complex crime. On this account, the lack of awareness, knowledge and a legal definition about this crime makes, policing sex trafficking, a challenge. This briefing paper will approach the issues encountered when policing sex trafficking in the United Kingdom.

### **Special points of interest**

- Effectiveness of the National Referral Mechanism
- Support victims effectively
- UK Border Agency backlog
- Lack of authorized agencies
- Lack of awareness and knowledge
- Care for child victims

### **Inside this issue**

- The National Referral Mechanism Recovery Time
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### **Definition of Human Trafficking**

According to the Palermo Protocol, the definition of human trafficking 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

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abduction, of fraud, of deception, of the abuse of power, or a position of vulnerability, or 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 or organs' (Palermo Protocol, 2011)

There are three main elements to define Human Trafficking. The movement which is the transportation or recruitment of persons, the control which reflects the coercion, use of force, threat or payment method to control a person, and the purpose this being the exploitation of a person through forced labour, the removal of organs, slavery and sexual exploitation. (UKHTC, 2013)

Human trafficking is often seen as an international cross-border, but it can also exist human trafficking within your own country. (UKHTC, 2013)

### **The National Referral Mechanism Recovery Time**

The National Referral Mechanism (NRM) purpose is to identify victims of trafficking and give them protection and assistance. To be engaged in the NRM process, the potential victims of trafficking will generally have to be identified by the front line practitioners or First Responders such as the police force or the UK Agency Border, etc. (UKHTC, 2013)

When a potential victim of trafficking is referred to the NRM by an authorised agency, the Competent Authorities – UK Human Trafficking Centre (UKHTC) or UK Border Agency (UKBA) – has to make a 'reasonable grounds' decision,

which is decide whether a person is a victim of trafficking even if they cannot prove it in only up to five days. (UKHTC, 2013)

If the decision is positive, the potential victim of trafficking will be granted a period of 45 days to recover from the traumatic events and reflect upon decisions such as whether co-operate with the police, go home, etc. (UKHTC, 2013)

Several studies have identified the serious and complex mental health needs of victims of human trafficking. Victims of sex trafficking have often experienced, or confronted with events that included actual or threatened death or serious injury (Clawson, *et al* , 2008).

According the American Psychiatric Association (APA), the victim's response to these events involves fear and feelings of withdrawn. The APA considers these reactions and exposure to trauma, two of the main criteria for post-traumatic stress disorder (PTSD). Table 1 shows the percentage of trafficked women with these symptoms. For an official diagnosis take place, the symptoms must to persist for over a month. PTSD usually presents itself within the first three months after a traumatic event and in about half of victims, a complete recovery take place within three months (American Psychiatric Association, 2005).

### **The UK Border Agency backlog**

The aims of the UKBA are the law enforcement in order to protect the national interests, protecting the UK's border, solving crimes such as immigration, smuggling and border tax fraud, and executing fast and fair decisions. (UKBA, 2013)

If a potential victim of human trafficking has an unclear immigration status the victim will be referred to the Competent Authorities in the UKBA. These Competent Authorities in the UKBA work mainly with asylum issues. Since asylum and human trafficking cases are dealt in different ways and have different processes, these two roles could create a backlog of work contradicting their duty of executing fast and fair decisions. (Victims of Human Trafficking – guidance for frontline staff, 2013)

In evidence to the Centre for Social Justice, a Competent Authority of the UKBA stated that ‘ It’s difficult if you’re working on asylum cases to get the other work done...you’re constantly interrupted.’ (2013, p. 78)

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The statistics show that the UKBA in 2012 had 33, 900 backlog asylum cases and 7, 000 backlog immigration cases that it needs to be concluded. Table 2 shows the asylum and immigration backlog casework. Many people have waited many years to know the result of their applications. The number of asylum seekers waiting for a decision for more than six months is 53% and the 3% is the number of cases that were concluded within a year. Table 3 shows the number of dependent applicants waiting more than 6 months for an initial decision. (Parliament, 2013)

### **First Responders**

All the agencies and organisations that are more likely to encounter victims of trafficking are considered the First Responders. Therefore, they are authorized agencies to refer the victims of trafficking to the NRM. The NRM

was introduced in 2009 and since that, the number of authorized agencies or First Responders increased. (SOCA, 2013)

Chris Good, a former Youth Offending Team Senior Practitioner of Ashfield in evidence for the Centre for Social Justice stated ‘ No-one in the community completes a NRM referral ahead of remand, hence the YOT have had to do it despite being officially unable to.’(2013, p. 72) The Young Offender Institutions (YOIs) have identified a number of young people within their institutions, who were not referred to the NRM and with characteristics of a victim of trafficking. The problem is that the YOIs are not authorized to refer these victims to the NRM. (The Centre for Social Justice, 2013)

‘ No-one in the community completes a NRM referral ahead of remand, hence the YOT have had to do it despite being officially unable to.’

(Chris Good, former YOT Senior)

### **Identify victims**

In the UK, the identification of a victim of trafficking is based on two approaches: one is based on having sufficient evidence for prosecuting the crime of traffic of human beings, and another is under the NRM. The Home Office provides a set of guidelines on how to identify victims of trafficking, but there are no formal training given to the authorities indicating what issues they must look for. (GRETA, 2012)

The Minister of Immigration is who deal with the human trafficking. This could influence the misperception of what human trafficking is. However, there is evidence suggesting that even police officers have a lack of

knowledge and awareness related to crimes of sex trafficking. In evidence for the Centre for Social Justice, the Deputy Chief Constable of Sussex Police stated ‘ One girl escaped from a brothel and went to a police station to tell that she had been trafficked. She had no passport. Under these circumstances, we choose to arrest her for being and illegal immigrant.’ (2013, p. 84)

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Giles York, Deputy Chief Constable

In 1997, the Global Alliance Against Trafficking in Women (GAATW), after conducted a research into trafficking of women, affirmed that collect evidence on crimes of women trafficking was almost impossible due to a lack of a consistent and precise definition of women trafficking and the criminal nature of prostitution. (Doezema, 2000)

Generally speaking, the adversarial system existent in the UK states that a person is innocent until proven guilty. (Davies, *et al* ., 2010) Taking this into account, having the knowledge of how to identify a victim of human trafficking is essential to support, assist and combat crimes of human trafficking. (Hope for Justice, 2013)

## **Legislation**

The Sexual Offences Act 2003 under the sections 57, 58 and 59 define the trafficking for sexual exploitation a crime when, an individual traffick a

person into the UK (Section 57), an individual traffick a person within the UK (Section 58) and an individual traffick a person out of the UK (Section 59). (SOCA, 2013)

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 define a crime for trafficking human beings within the UK if an individual arrange or facilitate the arrival into the UK of a victim, and intend or know that someone else intends, to exploit the victim in the UK or elsewhere. (Crown Prosecution Service, 2013)

The fact that the requirement needed to prosecute someone for trafficking within the UK is to prove that the individual was first trafficked into the UK is a barrier for successful prosecutions. Table 2 shows the number of Human Trafficking convictions in England and Wales between 2009 and 2011 on a principle offence basis. (Inter-Departmental Ministerial Group on Human Trafficking, 2012)

### **Accommodation for child victims**

After a child been identified as a victim of human trafficking they will be referred to an agency with statutory powers for child protection such as the police or the National Society for the Prevention of Cruelty to Children (NSPCC) to provide secure safety to them. Under The Children Act 1989, section 17 the local authority has the duty to safeguard the welfare of children in their area. (Children Act 1989, 2008)

The needs of a child will dictate the accommodation given by the local authorities, such as foster care, children's homes or unsupervised care (hotels or hostels). (CEOP, 2007)



Despite the fact that there is little information about on trafficked children going missing from care the APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers estimates that 60% of potential child victims on care by local authorities go missing and nearly two thirds are never found. (APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers, 2012)

The APPG affirmed that one of the reason for children go missing from the care of their local authorities is ‘ that they are groomed so effectively by their traffickers that the children are so terrified of what might happen to them or their families if they break their bond or tell the authorities that they run back to their traffickers.’ (2012, p. 13)

However, under the section 47 of The Children Act 1989 the local authorities must start an investigation if a child is ‘ suffering, or is likely to suffer, significant harm’ (The Children Act 1989, section 47).

Although, as it was mentioned previously in this briefing paper, the lack of knowledge by the authorities about human trafficking and, in this particular case, about trafficked children makes the identification and investigation hard to be successful.

### **Psychological treatment for children**

The accommodation support is not the only failure of the government officers. As it was mentioned previously, the impact of exploitation in victims’ minds is immense and it could take years for a complete recovery. In evidence to the Centre for Social Justice, one foster carer spoke about the

lack of available counsellor to support those children in her care. In a certain case, instead of wait so long for a counsellor, the foster carer decided to pay a private one with her own money. (Centre for Social Justice, 2013)

The manager of the Children and Adolescent Mental Health Services (CAMHS) said to the Centre for Social Justice that they have so much pressure that the most difficult cases tend to stay behind. (Centre for Social Justice, 2013)

## **Conclusion**

This briefing paper explored several points where policing human trafficking in the UK is failing and how it could be improved.

The need of a more specific definition of human trafficking is an important step to raise awareness and increase knowledge among the public and all the government officers in order to give an effective response to victims of trafficking.

Victims of exploitation are very vulnerable persons, and for that reason, First Responders need to have a practical training to understand how to deal with a victim of exploitation. Having specialized government officers at places where there is a large likelihood of finding victims of trafficking is essential. With proper training the officers will increase the chance of prosecute and convict offenders of human trafficking.

The law in the UK for human trafficking should be defined in one way and not in several parts thereby creating confusion for those who deal with trafficked victims. Have the knowledge on how to support and take care of child and

adults victims of trafficking is essential to prepare them for a new life and to gain ability to prosecute offenders with success. Give psychological support to both adult and children should be well implemented to protect the national interests.

### **Recommendations**

- Define the number of days depending on the intensity of trauma of the victims of trafficking
- Divide the immigration, asylum and human trafficking cases between different departments within the UK Border Agency
- Increase the number of agencies with authority to refer victims of trafficking to the National Referral Mechanism
- The Minister of Immigration should no longer deal with human trafficking cases and pass that administration to Policing and Criminal Justice Minister in the Home Office.
- Provide more practical training for First Responders
- Create awareness and sensitize the public and First Responders
- Make sure that First Responders are aware of what human trafficking is and how to respond to victims of human trafficking.
- Reinforce policing in after care of children victims of trafficking
- Supply faster counselling to children

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