



Protecting Children
Everywhere

MISSING OUT

A Study of Child Trafficking in the North-West, North-East and West Midlands

ECPAT UK

ECPAT UK is the national representative of ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes), a global movement in over 70 countries.

ECPAT UK represents a coalition of leading charities within the UK including: Anti-Slavery International, Barnardo's, Jubilee Campaign, NSPCC, Save the Children UK, The Body Shop Foundation, The Children's Society, UNICEF UK, and World Vision UK.

ECPAT UK works to campaign, research, deliver training and work with all sectors of the community to raise awareness about the commercial sexual exploitation of children.

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ECPAT UK
2007

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1. EXECUTIVE SUMMARY

In 2004, ECPAT UK published Cause for Concern, a research report based on interviews with London social services teams on the issue of child trafficking. This report found that 26 out of 32 London boroughs had concerns about child trafficking. It also highlighted significant problems in tackling child trafficking, including little or no training of social workers in this area, poor communication between agencies, inconsistent standards of care and accommodation for child victims, and ad hoc methods of victim identification.

The background

Following the launch of Cause for Concern, ECPAT UK began to receive dozens of reports from across the UK about child victims of trafficking. These reports suggested that, rather than being a problem that is confined to London or focused on the south-east of England because of major ports such as Dover or Heathrow, the trafficking of children was increasing in locations that had smaller regional ports of entry or less ethnically diverse populations. In early 2006, ECPAT UK, with the support of Save the Children's England Programme, set about interviewing social services teams, other statutory agencies and voluntary sector organisations in three regions of England: the North-West (focused on Manchester), the North-East (focused on Newcastle-upon-Tyne) and the Midlands (focused on Birmingham, Solihull and Coventry).

This is the first of four reports from this investigation. It gives a summary overview of all three regions and takes forward issues related to national recommendations on safeguarding child victims of trafficking. The three regional reports look in more detail at regionally specific issues and make recommendations. They will also be used as a basis for increasing awareness and policy guidance in the regions with the support of the local authorities.

Research methodology

While every attempt has been made to determine the accuracy of information, the data and case studies used are indicative rather than conclusive. As with the Cause for Concern research, this study did not simply set out to quantify the numbers of child victims of trafficking. The main objective of the interviews was to determine the levels of awareness of child trafficking issues in social services in the selected local authorities. Using a similar methodology to ECPAT UK's earlier research Cause for Concern, the starting assumption was that many local authority social workers and care practitioners are still learning about child trafficking and therefore could not be guaranteed to have a detailed knowledge of the issue or

have documented case information on child trafficking. Therefore the entry point for questions was how practitioners work to protect vulnerable children from abroad and then explored trafficking from within that framework. As a result of this we have grouped together cases of known or suspected trafficking in recognition that cases were looked at retrospectively, often following the disappearance of children. Case studies in this report do not use children's real names and every attempt has been made to ensure the anonymity of children concerned.

ECPAT UK uses the definition of a child as up to 18 years of age as set down by the United Nations Convention on the Rights of the Child (1989) and relevant UK legislation including the Children Act (1989) and (2004).

The results – a wake up call

The findings of this limited study are stark. Across the three regions there were 80 reported cases of known or suspected child victims of trafficking. Even more disturbing is that 48 (60%) of these children have gone missing from social services care and have never been found. Even while in the care of a local authority, child victims of trafficking remain a highly vulnerable group.

Many of the children in this study who went missing had not been investigated, identified or recorded as a victim of trafficking at the time they went missing. As these children have never been traced we cannot know what has happened to them, why they went missing or whether they are still in the UK. We know from missing children who have found their way back to social services care that there are two common scenarios for trafficked children in local authority care. The first is that, even after a child registers with social services, the trafficker still has control of the child and seeks to remove the child from the area as soon as possible. The second common scenario is that the child runs away from care out of fear of being found by the trafficker. Without financial resources or identity documents, the child is then at risk of further abuse and exploitation. These findings point to an urgent need for a system of guardianship to be established, where separated children, especially those suspected of being trafficked, are allocated a guardian who ensures

appropriate services are provided to the child and who has statutory responsibility to advocate on the child's behalf.

In addition to the figures presented here, evidence given in June 2006 by West Sussex County Council to the recent Joint Committee on Human Rights Inquiry into Human Trafficking states *"Since January 2006, the Local Authority has accommodated 23 unaccompanied minors of whom seven over the age of 15 have gone missing. Of these six were from the African sub-continent and the seventh from Eastern Europe."*¹

From research in the UK and internationally on the mental health of victims of trafficking, we know that these children are likely to be suffering from a high level of depression, hostility, stress, anxiety and fear of authority, as well as of the criminals who abuse and exploit them. Children in these circumstances have little or no knowledge of their legal rights as a victim of trafficking within the UK and may not have the English language skills to negotiate and access services. Outward manifestations of depression, anxiety or hostility may present as panic attacks, difficult or anti-social behaviour or suicidal thoughts. Other physical symptoms of abuse, such as pregnancy, sexually transmitted infections and drug addiction, may mask the fact that they have been trafficked.

These findings must be a wake up call to those in central government and local authorities alike.

Given the evidence presented here of 48 vulnerable children from abroad having gone missing from local authority care across three regions, all known or suspected of being trafficked, ECPAT UK is calling on the Government to undertake a national enquiry into separated children who go missing from care.

Victim identification must be proactive

As with ECPAT UK's previous research, this latest study raises grave concerns over the process of identifying children who have been trafficked. Victim identification was found to be ad hoc, unsystematic and sometimes accidental; information is not always recorded or passed on to relevant agencies; and children might be in the looked-after system for some time before they are identified as a victim of trafficking. This increases the vulnerability of already highly vulnerable children, and as this report has evidenced, leads to children going missing or other tragic consequences.

The most revealing case in this study is the tragic story of Marie², who died at the age of 16 while in the care of social services. She had disclosed to social workers that she had been trafficked from Cameroon to France for sexual exploitation before being brought to the UK. She died of natural causes a few months after coming to the UK³. The inquiry into her death revealed a tragic sequence of inconsistencies in service provision and a lack of understanding about her special needs as a child victim of trafficking. As a result of this crisis a more comprehensive approach to safeguarding child victims of trafficking has been developed and is being implemented within the local authority. The learning from the case has helped inform a more robust multi-agency approach across both statutory agencies and the voluntary sector.

Interview participants across all three regions expressed uncertainty as to whether some cases were trafficking or not. Human trafficking is untidy: the victim may not know they were trafficked; the victim may not know all parts of the story of who was involved and why; there may be valid reasons why the victim does not want to disclose their abuser; and the person who trafficked them may be long gone. Social workers are therefore dealing with victims of a heinous crime where the crime may never be investigated and criminals never punished. However, this should not hinder the formal identification and recording of a child who has been a victim of trafficking. The basis for action should be suspicion of trafficking, not waiting for conclusive evidence. Child protection procedures should be invoked as soon as concerns are raised.

Not just an asylum issue

Statutory agencies across Britain continue to classify children arriving in the UK as 'accompanied' or 'unaccompanied' minors and this determines the services these children receive. It is now internationally accepted, and ECPAT UK agrees, that the concept of 'separated children' (i.e., children who have travelled alone or have arrived with an adult who is not a parent or guardian) is far more appropriate to identify children's needs.

There is evidence to show that some trafficked children were brought into the UK with an accompanying adult or were passed into the care of an adult once they arrived. These 'accompanied' children are often overlooked as victims of trafficking. They are assumed to be coming for education or staying with extended family. Interviewees in this study raised concerns about private fostering arrangements and links with child trafficking. However, a

¹ 2006. Twenty Sixth report from the Joint Committee on Human Rights : Human Trafficking. Session 2005-06 Vol II EV207: 28

² Not her real name.

³ Manchester Area Child Protection Committee Serious Case Review. 2005.

more rigorous investigation of potential trafficking only tends to occur when there is a crisis or because of the outstanding commitment of an individual practitioner. When setting up interviews for this study the researchers were directed towards local authority teams dealing with unaccompanied asylum seeking children in all three regions as these teams have the most expertise and awareness of trafficking. However, there is a risk that if the responsibility for child victims of trafficking falls only on the asylum teams, many vulnerable and exploited children will go undetected, including those travelling on European Economic Area documents; accompanied children; and those children who come into the country by irregular means (eg, in the back of lorries), bypassing all immigration controls.

Who are these children?

Of the 80 children identified throughout this study as known or suspected victims of trafficking, the majority originated from Africa and East Asia with only three reports of children from Russia and Eastern Europe. China (30) and Nigeria (15) figured prominently with other children coming from Somalia (9), Vietnam (4), Eritrea (3), Bangladesh (3), Democratic Republic of the Congo(2), Burundi (2), Benin(2), Uganda(1), Togo(1), Cameroon (1), Liberia(1), Kosovo/Albania(1), Moldova(1), Russia(1) and 3 unknown.

Participants in the study registered high levels of concern, but no conclusive evidence, about a 'significant' number of children from Afghanistan, India and Pakistan who may have been trafficked for labour exploitation or who may have become victims of labour exploitation after arrival in the UK. Without further information we are unable to include these cases in the final figures. However, the concerns around these children require much more investigation.

Across the three regions, social services and other statutory agencies identified concerns about child trafficking for sexual exploitation, domestic servitude, benefit fraud, labour exploitation in 'cannabis factories', manual labour, and for under-age forced marriage. Although patterns varied from one region to another, child trafficking for sexual exploitation appears in reports across all three regions.

Of the 80 children, 22 (28%) were under 16 years of age, with the youngest being 10 years; 45 children (56%) were either 16 or 17 years; and in 13 cases (16%) the age of the child was not known.

ECPAT UK's previous research has highlighted the highly gendered nature of child trafficking, with girls being more vulnerable to sexual exploitation and domestic servitude. Although this still holds true, this study indicated an increasing awareness of males as victims of trafficking. Of the 80 children identified through interviews, 50 were female, 19 were male and in 11 cases gender was not specified.

Conclusions

Child protection and trafficked children

Throughout this study it has been evident that local authorities have the necessary guidance and infrastructure on child protection⁴. However, trafficked children - and, in general, vulnerable children from abroad - are missing out on accessing local authority services because of their isolation, their immigration status, and because they have no advocate who can speak on their behalf about their special needs. The very high levels of missing children reported in this study are deeply disturbing and should be investigated through a national enquiry into missing children from abroad.

The results of this investigation present a disturbing picture of child slavery and child trafficking, leaving local authorities trying to cope with limited resources, limited expertise and with concerns that child protection support is being compromised by trafficked children's uncertain immigration status. Across all three regions, frustration was strongly expressed by social services and voluntary agencies by the precedence put on immigration matters over the child's best interests, leaving them struggling to effectively support a child who may still be at risk of being further exploited, either in the UK or elsewhere.

This study, along with previous ECPAT UK research, raises significant questions about the efficacy of the current government response to child trafficking that sits within the flagship Every Child Matters strategy and guidance provided in Working Together to Safeguard Children.

ECPAT UK welcomes the newly emerging safeguarding strategies of the three regions that participated in this study but recognises that their efforts must be complemented by an overarching national framework to provide continuity of care to victims, to support practitioners, and to enable the prosecution of criminals wherever they may be located. The response to child victims of trafficking should not be a lottery depending on where you are identified. Consistency of approach and quality of care should be guaranteed.

⁴ Children and Young People's Plans

Immigration policy and trafficking

ECPAT UK is mindful that a new Home Office led National Action Plan on Human Trafficking is to be launched in 2007 with supporting guidance on safeguarding child victims of trafficking. However, despite this positive move forward, the British government is increasingly becoming isolated in international counter-trafficking efforts because of its punitive immigration policies that create a barrier to victim support. It is difficult to see how the Government's often used phrase of a 'victim centred response' will balance with immigration targets set for the removal of unaccompanied asylum seeking children. The trafficking of children is not an illegal migration issue, driven by people's desire to come to the UK. It is a global human rights abuse that requires national, regional and international co-operation to protect children.

The tangible impact of the UK policy framework on immigration control is felt at the very frontline of children's social services. The ability to plan and provide for a trafficked child's safety and wellbeing is compromised because of the lack of residency status beyond 18 years, or in some cases less than 18. With 56% of children identified in this study being aged 16 or 17 years, the services available to them, from accommodation through to counselling and legal advice are extremely limited and, as we have seen, do not guarantee their safety.

To safeguard vulnerable children it is essential that local authorities receive guidance, training and resources to support child victims of trafficking. However, trafficked children will remain at risk until the barriers to effective service delivery are removed. This must begin with placing their immigration status on a secure footing to enable professionals to conduct a thorough assessment of the child's needs and deliver accordingly. Young people who are still vulnerable at 18 years of age should not be removed or deported if it places their health or security at risk.

Recommendations

A list of recommendations is included on pages 33-34. However, ECPAT UK draws specific attention to the following national policy recommendations that are fundamental to the protection of child victims of trafficking.

ECPAT UK recommends:

- the Government remove its Reservation to the UN Convention on the Rights of the Child in respect of immigration matters – this Reservation effectively removes the rights of children who have

entered the country in an irregular way.

- the Government ratifies the Optional Protocol on the Sale of Children, Child Pornography and Trafficking to the UN Convention on the Rights of the Child.
- the Government signs and ratifies the Council of Europe Convention on Action against Trafficking in Human Beings
- the Government withdraw the policy underpinning the exemption of immigration services from Section 11 of the Children Act (2004) and that both UK Immigration Service and Home Office Immigration and Nationality Directorate are included under Section 11. Section 11 places a statutory responsibility on government agencies to take responsibility for the safeguarding and welfare of children while discharging their duties.
- children identified as trafficked should be appointed a Guardian who has a statutory duty to support the child in their legal, practical and emotional needs and who can advocate on their behalf.

There is no single statutory agency within the UK that has responsibility for gathering data and reporting annually on child trafficking. This means there is no national accountability mechanism to monitor government and local authority efforts to safeguard child victims of trafficking. Unless and until we have such a mechanism, the UK will never have a true picture of child trafficking into, within and out of the country. Therefore, ECPAT UK recommends:

- an independent Child Trafficking Rapporteur should be appointed and responsible for gathering information and annual reporting on national statistics, trends and emerging issues.

2. INTRODUCTION

Previous ECPAT UK research

In the UK, the issue of child trafficking first came to social workers' attention in 1995 after a child went missing from West Sussex Social Services. Soon a pattern emerged of children, mainly Nigerian girls, being taken to continental Europe to be exploited in prostitution. Twelve years on, we still know little about the size of the problem or how child trafficking operates within the UK.

ECPAT UK carried out research on child trafficking in 2001 (1) and again in 2004 (2). These two studies identified particular trends in child trafficking for sexual exploitation and labour exploitation in London and surrounding areas.

Sexual exploitation

The sexual exploitation of Eastern European girls, evidenced from those rescued by the police, or in testimonies against their traffickers, revealed that the girls often came into the UK accompanied by the trafficker, or met the trafficker soon after arriving. The relationship between the two was most often established by the trafficker before arriving in the UK, with the girl believing that she is the girlfriend or fiancée of her soon-to-be pimp. He may well have 'rescued' her from prostitution and promised her a better life, only to force her back into prostitution and subsequently live off her earnings. These relationships were characterised by violence, rape and threats to the girl's family to ensure she did not leave. As in many trafficking cases, debt bondage was also used. This is where the trafficker pays for the victim's expenses for travel, accommodation etc, and then demands this money back from the victim (which they pay for through their labour). However, the 'debt' is usually far higher than the actual costs and impossible for the victim to pay back, no matter how hard they work.

African children, on the other hand, were found to enter the UK as unaccompanied minors, or with adults purporting to be relatives. When ECPAT UK carried out research into child trafficking in 2001, the main group were West African (Nigerian) children trafficked for prostitution. The pattern was that they arrived at Gatwick Airport as unaccompanied minors and claimed asylum at the airport. Due to their age, they were taken into care by the nearest social services, West Sussex Social Services. However, once in care, they followed pre-arranged plans to contact their trafficker and, at some point after that - it could be straight away or six months later - would then go missing. Evidence from two girls who were rescued, and from others who disclosed, indicated that they were destined to be exploited in prostitution in continental Europe although some appeared to have been sexually exploited in the UK. The girls were controlled by voodoo (witchcraft) and the fear that if they told anyone about

who the traffickers were, or tried to escape, they and their families would die. The only way they could have the curse lifted was to pay back the £20–40,000 'debt' that they owed the traffickers for bringing them into the country.

Labour exploitation

In January 2003, ECPAT UK undertook research to measure the level of awareness within London social services on the issue of child trafficking. In 2004, this research was published as *Cause for Concern*, the first publication in the UK to uncover the challenges faced by social workers and care practitioners when safeguarding child victims of trafficking. *Cause for Concern* identified through interviews with social services teams that 26 out of 33 London boroughs had concerns about child trafficking. *Cause for Concern* identified that child trafficking existed beyond sexual exploitation to encompass the exploitation of children in domestic servitude, restaurant/catering labour, building site labour, begging, drug trafficking and benefit fraud. Of particular concern was the trend towards the exploitation of African girls as young as 11 years in domestic servitude, often thought to be hidden under the guise of Private Fostering.

Research study in the North-East of England, the North-West and West Midlands

This study looks specifically at three regions in north and central England. The study arose from concerns raised with ECPAT UK that child trafficking was increasing, or becoming more widely discussed, in other metropolitan areas of England. Particularly, locations with main entry ports or with ethnically diverse populations where children were 'hidden' within communities. As far as ECPAT UK was able to ascertain there had been no previous research conducted on child trafficking in any of the three regions or five local authorities interviewed for this study so no baseline information was available. There is a regional airport in each of the three regions.

ECPAT UK requested the support of the Save the Children England Programme to assist with setting up the study. Save the Children has programme teams working in each of the three regions.

Methodology

This report presents the findings of a small-scale qualitative study across three regions in England – the North East (Manchester), the North West (Newcastle-Upon-Tyne) and the West Midlands (Birmingham, Coventry and Solihull). Interviews were conducted in Manchester and Newcastle during May and June 2006; and in Birmingham, Solihull and Coventry in September and October 2006. As this was the first time case information had been discussed in the context of research on child trafficking interviewees were encouraged to provide information on all case histories no matter how old they were. However the vast majority of case information presented to researchers related to the past 12 months to two years.

The study was carried out by two researchers conducting 22 face-to-face, semi-structured interviews with a total of 34 individuals representing a range of agencies across all three regions. Some of these interviews were held in small groups. A further 15 less detailed interviews were conducted over the telephone. Five follow-up calls were made to people first interviewed face-to-face to clarify information.

The complete study has been divided into four reports. This report explores the summary overview of all three locations and takes forward issues related to national recommendations on safeguarding child victims of trafficking. The individual three location reports delve deeper into regional specific issues and recommendations. This summary report situates the findings within existing knowledge of child trafficking and the protection of children within the UK and internationally, particularly the Government's Every Child Matters framework for safeguarding children. This report intentionally does not include discussion on UK criminal law related to human trafficking or law enforcement as the purpose of this study is to identify issues related to the care and support of child victims provided by Local Authorities.

Using a similar methodology to ECPAT UK's earlier research Cause for Concern, the starting assumption was that many local authority social workers and care practitioners are still learning about child trafficking and therefore could not be guaranteed to have a detailed knowledge of the issue or have documented case information

on child trafficking. Therefore the entry point for questions was how practitioners work to protect vulnerable children from abroad and then explored trafficking from within that framework. The interview guide is attached (Appendix 2).

With social work guidance on investigation, monitoring and recording of child trafficking in its infancy in the UK, the interviews explored what practitioners thought might be indicators of child trafficking, as well as ascertaining more definite knowledge of trafficking. With no baseline data to monitor against, a decision has been made within this project to categorise and group case information as follows:

- a) Cases where interviewees explicitly stated trafficking had occurred or was likely to have occurred (65);
- b) Cases where interviewees stated that trafficking was suspected or possible (15);
- c) Cases where interviewees stated no identification of trafficking but had cause for concern for a vulnerable child from abroad (5).

Cases listed as (a) and (b) were grouped together for the final tally (80) and analysis.

Separated children who were trafficked (internally or cross-border) in other countries before arriving in the UK are included as child victims of trafficking even if they were not victims of exploitation while in the UK.

The objectives of this multi-location study were to:

- Determine the levels of awareness of child trafficking issues among social services in the selected local authorities.
- Ascertain whether confirmed or suspected cases of child trafficking have been dealt with by social services.
- Examine reporting procedures in cases of child trafficking.
- Explore the extent to which local authorities promote co-operation between statutory and other agencies, and the extent to which agencies share information and work together to meet the needs of trafficked children.

While every attempt has been made to determine the accuracy of information, given the difficulties of victim identification (as explored throughout this document) and

the clandestine nature of trafficking, information that interviewees had on child victims of trafficking was patchy. It is therefore important to acknowledge that the data and case studies presented in this research are indicative rather than conclusive evidence of the nature of trafficking across the three regions.

In addition to interview data, background information on child trafficking and safeguarding children policy and practice in this report has been provided through a literature review conducted by ECPAT UK.

Missing Children

The case information in this study about separated children who have gone missing from care raises serious concerns about child trafficking, even in cases where no other evidence of exploitation has been presented. The authors have therefore included these cases in the case studies and statistics in this report.

In available guidance – such as Manchester ACPC Safeguarding Children from Abroad, Newcastle ACPC Safeguarding Children and Young people from Abroad and the London Child Protection Committee Procedure for Safeguarding Trafficked and Exploited Children – unaccompanied children who go missing are classified as a risk indicator of child trafficking (see Appendix 3).

The authors have concluded that the case information on missing and separated children provided in interviews fits within the risk profile of a trafficked child and therefore presents sufficient information to be included in a study of child trafficking.

3. DEFINITION OF TRAFFICKING

The internationally accepted definition of human trafficking comes from the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, Supplementing the United Nations Convention against Transnational Organised Crime. This protocol came into force in December 2003 and states:

“Trafficking in persons” 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 abductions, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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’.

Article 3 (c) states that:

‘The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in person” even if this does not involve any of the means set forth in subparagraph (a) of this article’.

Under this protocol a child is considered to be anyone under the age of 18 years of age, as defined by the United Nations Convention on the Rights of the Child 1989. This definition of a child will be used throughout this report. All references to children or a child shall be anyone under the age of 18 years.

In summary, the trafficking of children is the movement of a child for the purpose of exploitation.

It is irrelevant whether the child has apparently consented to being brought to the destination. This definition is also inclusive of Internal Trafficking – or the trafficking of children within borders.

It is essential that professionals do not confuse smuggling and trafficking in order to ensure children are provided with the most appropriate care and legal support. The internationally used definition for smuggling comes from the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organised Crime. Article 3 (a): states that:

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’.

4. THE UK POLICY CONTEXT

Every Child Matters and the Children Act 2004

Victoria Climbié was born near Abidjan in Ivory Coast on 2 November 1991. She was the fifth of seven children. In October 1998 Kouao, who was her great aunt, came to Abidjan and offered to take Victoria to live with her in France where she promised to provide her with an education. Victoria's parents agreed and Victoria lived with Kouao in France until 24th April 1999 when the two of them travelled to England. Victoria travelled on Kouao's French passport, named as her daughter. Victoria lived in this country until her death on 25th February 2000.⁽³⁾

Although there is no conclusive evidence to suggest Victoria was a trafficked child she was a highly vulnerable child from abroad whose vulnerability was magnified because she was invisible to many services and professionals who had contact with her case.

In response to Lord Laming's report of the inquiry into the death of Victoria Climbié the Government published the green paper 'Every Child Matters.' The green paper prompted unprecedented debate about services for children, young people and families, and following the consultation the Government published 'Every Child Matters: the Next Steps' and passed the Children Act 2004. There are many elements of the Children Act 2004 and the Every Child Matters agenda that are relevant to policy and practice responses to child trafficking. Key to the Every Child Matters agenda is that children should be kept safe from maltreatment, neglect, violence and sexual exploitation and, correspondingly, that they should be provided with security, stability and be cared for.

The Children Act 2004 provides the legal framework for children's services authorities and relevant partners to cooperate in achieving the five outcomes for children (being healthy, staying safe, enjoying and achieving, achieving economic well-being and making a positive contribution). The mechanisms through which these should be achieved are explored below:

- **Children's Trusts** have been created to address the fragmentation of responsibilities for children's services. The Government expects all authorities to have a Children's Trust by 2008. They will build upon, bring together and formalise the joint work that is already taking place. Local authorities are required to have in place arrangements that produce integrated working at all levels, from planning through to delivery with a focus on improving outcomes.

Children's Trusts will be an essential part of the framework for identification and response to child victims of trafficking. Primary Care Trusts and strategic health authorities are key partners to Children's Trusts. Essential to victim support and identification are professionals in the health sector including teenage pregnancy co-ordinators, CAMHS (Children and adolescent mental health services), school nurses, health visitors and accident and emergency services.

- **Safeguarding:** The Children Act 2004 legislated for a number of agencies to 'have regard to the need to safeguard and promote the welfare of children'. Government agencies covered by Section 11 of the Act include local authorities, district councils, police, probation services, NHS bodies, Connexions, youth offending teams and the prison service.

UK Immigration Service and the Home Office Immigration and Nationality Directorate are not covered by this statutory duty. ECPAT UK and many child protection agencies see this as a major barrier in terms of realising effective safeguarding measures for separated children from abroad.

- **‘Working Together to Safeguard Children’** the DfES Guidance under the Every Child Matters strategy was updated in 2006. It sets out how organisations and individuals should work together to safeguard and promote the welfare of children.

Although the Working Together Guidance identifies children who have been trafficked as a vulnerable group, it is particularly weak in detail. With statements such as, *“There have been occasional instances of minors (mainly 16-17 years) being exploited in the sex industry”* and *“there is thought to be some exploitation of children in situations of domestic service or for the purpose of benefit fraud”*⁽⁴⁾, it does not reflect the reality of child trafficking in local authorities all across the country. It contains no specific guidance on how to respond to the issue. Instead, it suggests that each Local Safeguarding Children’s Board (see below) develops its own guidance as appropriate. ECPAT UK is concerned that this could lead to a fragmented approach rather than a nationally cohesive and comprehensive strategy. However, ECPAT UK is mindful of a new draft guidance document being co-ordinated through the Home Office that will be available in 2007 and will work together with the forthcoming National Action Plan on Human Trafficking.

- **Local Safeguarding Children’s Boards** are new bodies that will supersede Area Child Protection Committees and will enable relevant agencies to realise their safeguarding duties. Each Children’s Trust has a duty to establish a Local Safeguarding Children’s Board (LSCB). LSCBs are expected to undertake work in four broad areas: strategic planning, monitoring members effectiveness in working to safeguard and promote children’s welfare, setting policies and procedures for prevention and protection and establishing screening teams to investigate unexpected child deaths.

LSCBs are a highly appropriate body with which to raise concerns about child trafficking, and through which appropriate and effective inter-agency guidance and protocols on trafficking should be developed. Some LSCBs have already been involved in training and the development of guidance on safeguarding child victims of trafficking. LSCBs are also in an excellent position to maintain links with community groups and should have a strategy in place to work together with communities for the identification of and response to child trafficking.

- **Common Assessment Framework (CAF):** The CAF is a shared assessment tool for use across all children’s services in local areas in England. It aims to help early identification of need and promote co-ordinated service provision. It includes a pre-assessment checklist to enable practitioners to identify children who would benefit from common assessment. The process includes information based on discussions with the child. The assessment uses a standard form so practitioners can record and share information. The CAF is only for children who require extra support.

The CAF process should be used if concerns are raised that the child is suspected or identified as being trafficked. However, it is an additional tool and it does not replace existing child protection protocols.

- **Information Sharing Index:** The information sharing index (ISI) will be fully introduced by 2008. The ISI database will include basic identification data plus information on the existence of any cause for concern. It is a tool that will enable practitioners delivering services to children to identify and contact one another easily and quickly, so they can share relevant information about children who need services. Access to the database will only be through

authorised practitioners with criminal records bureau checks and no case information will be included. Those with a duty to disclose information for inclusion on the database include: Children's Services Authority, district councils, strategic health authorities, special health authorities, primary care trusts, NHS trusts, police, probation boards, youth offending teams, prison governors, learning and skills councils, governing bodies of maintained schools, proprietors of independent schools.

- **National Register for Unaccompanied Children (NRUC):** The NRUC data base has been established to provide accurate and rapid information to statutory agencies requiring vital information on unaccompanied asylum seeking children. Local authorities will only be able to see data on children in their area. However, if a cross match of data has identified a child who has gone missing in another authority then a contact name and location will be given. The Home Office and local authorities have access to this data base.

The NRUC is a potentially useful tool to identify trafficked children who have gone missing. However, it must be stressed that not all trafficked children apply for asylum and not all asylum-seeking children who are trafficked are unaccompanied. Research data indicates that most trafficked children will go missing within the first 72 hours to 1 week. NRUC does not currently collect data on all children from abroad.

- **Section 20. The Children Act 1989 (s20) Accommodation:** The Children Act 1989 provides for two levels of support and protection. An assessment of need is done prior to deciding which section of the Act the child will be supported under. Children are 'accommodated' under Section 20 and 'supported' under Section 17. For children to fully receive all leaving care support they need to have been accommodated under Section 20 for at least 13 weeks.

The Local Authorities will consider a child to be in need of support under Section 20 in the following circumstances (5):

- a) there being no person who has parental responsibility for him;
- b) his being lost or abandoned;
- c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation and or care.

Section 20 does not restrict the age of children supported under it to sixteen years. To the contrary, Section 20 (3) states: *"Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation."*

The practice developed in many Local Authorities, however, differs from the stipulations of the Children Act. Often children over 16 years are supported under Section 17. In relation to accommodation, those under 16 are placed into foster care or residential care homes. Over 16s are placed in accommodation according to their needs and how independent they are. This type of accommodation is often semi-independent in shared houses, hostels or bed and breakfast. In the case of over 16s (or sometimes over 15s in shared housing), most Local Authorities assign a social worker to every child to provide support for registering with education and health services etc, and can contact the social worker at any time.

A report published by Save the Children in 2005 (6) revealed that a number of Local Authorities still provide Section 17 support to children over 16 in cases where section 20 support would have been more appropriate.

Children known or suspected to have been trafficked should always be accommodated under Section 20. This is especially relevant to children who have extra security needs.

- **Section 47. The Children Act 1989 (S47) – Local authorities’ duty to investigate:** A Section 47 Enquiry is a protection order that is invoked on grounds of child protection concerns and requires investigation by local authorities or other statutory agencies.

A Section 47 Enquiry should be use as part of a comprehensive response to suspicion or evidence of child trafficking.

5. FINDINGS

During this study the five local authorities interviewed had identified and had safety concerns for 85 children of whom 80 were either known to be or suspected of being trafficked from abroad. This includes 48 children who have gone missing from the care of social services, none of whom have been seen since.

This research finds evidence to suggest that the figure of 80 children is only the tip of the iceberg. For example, it does not include a range of other concerns associated with trafficking, which could not be quantified or where very little information was provided. For example, this figure does not include:

- concerns authorities had about an unknown number of boys from Afghanistan suspected of being trafficked for manual labour;
- concerns authorities had for boys from Pakistan and India who the authorities suspect or know are involved in benefit fraud;
- concerns about girls who come into the UK on European Economic Area passports, particularly from accession countries, who are suspected of being trafficked but not investigated further because they enter the country legally;
- concerns about a number of children in private fostering arrangements, where child protection issues have been investigated, but no evidence of a link with trafficking was found.

Types of exploitation

The cases of suspected trafficking include exploitation of children for:

- domestic work
- restaurant/catering work
- prostitution
- benefit fraud
- manual labour
- under-age marriage
- 'cannabis factories'

The case information identified the exploitation of

children in prostitution to be a reason for trafficking in all three regions. Domestic servitude and 'cannabis factory' labour were identified in Manchester and the West Midlands. Under-age forced marriage of Somali girls was isolated to Newcastle. Exploitative labour in restaurants and catering, benefit fraud and manual labour were only uncovered in the West Midlands area.

However, these findings should not lead to the conclusion that specific types of exploitation are only occurring in particular areas. Regional patterns may have more to do with chance and what the authorities have accidentally unearthed, rather than be representative of the nature of trafficking in the area. Other supporting information suggests that child victims may have been identified in one particular local authority area, but the exploitation may have taken place in another.

Chantal was trafficked to the UK for domestic servitude. She was abandoned in London and assessed as being over 18 years and subsequently dispersed to Newcastle by NASS (National Asylum Support Service). Chantal was later identified by police as a vulnerable person under 18 years of age. She was in fact 16 years. She was wrongly referred through the adult dispersal process when she should have been referred to the local authority in London as a child victim of trafficking.

The most vulnerable are most at risk

A number of case studies highlight how child victims of trafficking are extremely vulnerable to repeat abuse. The isolation, control and manipulation of victims by traffickers makes it almost impossible for children to break free. This study identified a number of cases of children who were abused and exploited over and over again and passed from abuser to abuser. Children who have succeeded in escaping have then faced major challenges accessing even the most basic level of support and security. The two cases below are tragic examples of how child protection systems failed to protect the most vulnerable.

John, age 17

John got split up from his family in the Democratic Republic of Congo (DRC) due to the fighting in the civil war. He has no idea whether they are still alive. Living on the streets he was picked up by a man who took him into his home. After a while the man took him to the neighbouring country of Burundi where he was sexually abused within a sex trafficking network. At an initiation ceremony he was made to vow allegiance to the ring and was threatened that he would die if he ran away. After a few months he was trafficked from Burundi to Spain where he was given a new identity of a 34 year old man, a new name and papers and he was told what he should tell the authorities to claim asylum. John thought he was given an older identity so he would be able to work in gay clubs. In Spain he was sexually abused in prostitution with older men, he worked in gay bars but was not given any money himself. After about eight months he was trafficked to France where he was told not to claim asylum. He spent only one month there before being trafficked to England. He had known that men from the trafficking network would be waiting for him when he arrived. Once in London, one of the men was sympathetic to John's situation and helped him escape to Birmingham. The man was Black African but not Congolese. He helped John claim asylum in a different name with a younger date of birth. During this time John received threatening emails from the trafficking ring.

John was being accommodated in semi-supported accommodation by the local authority when he disclosed his story to a voluntary sector agency. His age was disputed by the Home Office and as a result one week later he was collected by Immigration at 6.30am and taken to the airport where he was to be returned to Spain on a flight at about 9.30am. While he was at the airport he called his solicitor and the voluntary sector organisation, but neither were able to help stop the immigration process. The voluntary organisation called social services but they were unable to intervene.

The legal basis of John's return to Spain by the British immigration authorities was the Dublin II regulation (see section 6.13.3). However, ECPAT UK contests that his removal under immigration control has placed him at even greater risk and is counter to all international obligations for the protection of victims of human trafficking, whether over or under 18 years of age.

Marie, age 16

At the end of 2004, a 16-year-old African girl from French-speaking Cameroon arrived in Manchester. She disclosed to social workers that following the death of her parents she was taken to France by her aunt and forced into prostitution. She arrived in Manchester as a result of being brought to England by a man who said he would help her leave France.

Marie had many physical and mental health problems and was seen by many statutory services during her time in Manchester, including being admitted to hospital. She showed clear signs of distress and had to move housing because the lodgings' provider was unable to meet her emotional and psychological needs. On her second admission to hospital, within only two months of arriving in England, she died. The post-mortem examination recorded a death from natural causes, specifically pulmonary embolus, secondary to deep vein thrombosis.

A range of statutory agencies had had contact with her during her time in care. Following her death, the Area Child Protection Committee (ACPC) commissioned a Serious Case Review. The case review highlighted areas where improvements in dealing with young vulnerable people from abroad should be made. These include:

- In line with current children's legislation, all looked-after children should have a thorough assessment of need and detailed care plans prepared by social services and child protection procedures should be used as necessary.
- Accommodation for unaccompanied minors should be reviewed to make sure there is suitable accommodation available.
- The health sector should ensure the clinical and mental health needs of young people are met through effective management and co-ordination of young people's cases including having a lead person to oversee the care provided and that recording and sharing information systems are improved.
- Greater Manchester Police should review how they deal with young people who are trafficked or suspected of being trafficked.
- Multi-agency planning meetings take place to share information and co-ordinate a support response.
- Relevant multi-agency training provided to professionals, including social workers, teachers, and health workers, on safeguarding the needs of unaccompanied asylum seeking children.

Learning lessons

In response to the Manchester Serious Case Review, an action plan has been developed, initially led by the ACPC, now the Local Safeguarding Children's Board, to improve agencies' responses to Safeguarding Children from Abroad, including the trafficking of children. Developments following the action plan include: a specialist refugee and asylum service set up in the Children and Families Service (previously unaccompanied asylum-seeking children were not part of children's services); a regional North-West multi-agency seminar organised by the ACPC to increase awareness of trafficking and subsequent training on child trafficking for social workers with an emphasis on following child protection procedures in such cases; guidance written on working with children from abroad and included in child protection guidelines; and, more recently, a multi-agency operational group has been established that specifically monitors and responds to cases of suspected or known child trafficking.

Origins

The 80 children identified in this study are reported to have come from numerous countries in South and East Asia, East and West Africa and Eastern Europe.

Country of known origin	Number of cases
China	30
Nigeria	15
Somalia	9
Afghanistan	'a significant number' not counted in total
India	'a small number' not counted in total
Pakistan	'a small number' not counted in total
Vietnam	4
Eritrea	3
Bangladesh	3
Burundi	2
Democratic Republic of Congo	2
Benin	2
Cameroon	1
Uganda	1
Togo	1
Liberia	1
Kosovo/ Albania	1
Moldova	1
Russia	1
Unknown	3
Total	80

Gender

In previous ECPAT UK research on child trafficking, the

link between trafficking and gender has been strong with by far the majority of children identified as female (7). In the current study the majority of children identified by local authorities were girls (54). However, over a quarter of those identified were boys (19) with 12 cases of gender not known. This indicates a growing awareness of the potential for boys to be victims of trafficking. This could also indicate a growing awareness of trafficking beyond sexual exploitation, which tends to focus attention on females. Case information in this study identified both boys and girls as victims of sexual exploitation and restaurant and catering labour, while only girls were thought to be exploited in domestic servitude and forced marriage cases.

Age

In the 80 cases of known or suspected child victims of trafficking, 45 children (55.5%) were 16 or 17 years old at the time of identification.

Age	Number
16 –17	45
'under 16' (actual age not specified)	7
15	8
13 -14	6
9-11	1
Unknown	13
Total	80

A number of respondents highlighted cases where young people told them that they were under 18 but they were assessed by the Home Office as being over 18 and were not supported by social services. There were other cases reported where young people had come into the UK with false documentation claiming they were over 18 in order to avoid contact with social services. See section 6.13.2. on Age Disputes.

6. TRENDS AND EMERGING ISSUES

6.1 MISSING CHILDREN

A deeply disturbing and significant finding that emerged from this study is the high number of separated children who go missing from local authority care and are never found. Of the 80 reported cases of known or suspected child victims of trafficking, 52 children (64%) have gone missing from social services of which four have since been located, leaving a total of 48 children still missing across the three regions.

It is no coincidence that victims of trafficking go missing. Child victims remain a highly vulnerable group even while in the care of the local authority. In many instances the children in this study had not been investigated or recorded as victims of trafficking at the time they went missing. As these children have never been traced we cannot know what has happened to them, why they went missing or whether they are still in the UK. Based on knowledge from missing children who have found their way back to social services care, we know there are at least two likely scenarios for trafficked children who go missing from local authority care. The first is that, even after the child registers with social services, the trafficker still has control of the child and seeks to remove the child from the area as soon as possible. The second scenario is that the child has run away from fear of being identified by the trafficker. Without financial resources or identity documents, the child will be at risk of further abuse and exploitation. Either way it is unacceptable that children in these circumstances can go missing without trace. This points to an urgent need for a system of Guardianship to be established with responsibilities for a Guardian to be appointed to separated children, especially those suspected of being trafficked, to ensure appropriate services are provided and as someone with statutory responsibility who can advocate on their behalf.

In a summary of findings related to the 52 children who were reported missing from social services care, definite patterns emerge related to key points where intervention and guardianship are most needed. These key points include the provision of specialist care, including accommodation, within the first week, and legal advice on their rights as a victim of trafficking.

- The majority of children who go missing do so within the first week of going into care, although in four cases (all Chinese) they went missing some months after coming to the UK.
- 37 cases involved females, 13 cases involved males and two were unknown.
- 35 of 49 cases where the age was known

were 16 or 17 years old.

- Children went missing from a range of support arrangements – the majority from emergency accommodation, but also from foster care, and from a housing provider that was supposed to be providing 24-hour surveillance.
- Two cases of Vietnamese boys going missing happened in very similar circumstances, though one case is from Manchester and one from Birmingham. Both went missing from social services before they had been assessed – one while waiting at reception and one while waiting for an interpreter.

In September 2005 six Chinese girls aged between 16 and 17 were stopped at Birmingham airport boarding a plane for Toronto. It is understood they had been in England for up to two years but they had previously not been detected by any government agency. Immigration services identified that one of the adults with whom they were travelling was wanted for human trafficking in Singapore. The girls were separated and placed in the care of two different authorities. Three of the girls went missing within 72 hours. Of the remaining three, one was suffering mental health problems and appropriate foster care could not be located. Shortly after being placed in residential housing, she went missing.

The other two girls remained in foster care for a further nine months until the younger one went missing. She has subsequently returned to foster care although has not disclosed where she has been in the interim. No information about the missing four girls has come forward.

On arrival in the UK, Peter, aged 16 years, claimed he was from Togo. When he arrived at the airport he had false papers, a ticket to New York and £100 cash. He was accommodated by social services. He went to the swimming baths with other young people from the residential home and, when there he went missing, leaving all his possessions behind, including his mobile phone.

Seven Somali girls under 16 years were reported as having gone missing from the care of one local authority. Social services staff reported in interviews that the girls were suspected of being trafficked for under-age forced marriage and that social services had spoken to the girls about the laws and traditions on marriage in the UK, ensuring the girls knew that under-age marriage is illegal. The girls all belong to the Bajuni clan, a minority group in Somalia who have traditionally had low status. Many Bajuni fled to Kenya in the early 1990s during civil unrest and settled there. Historically, the Bajuni were treated as an underclass or slave labour. More recently, they have suffered more from economic exclusion. The arrival of Somali girls, especially girls from the Banjuni clan, must be further investigated with regards to possible forced marriage.

pregnancy. Due to lack of identifying information the rape and sexual assault case never went to court.

- Samantha, from Liberia, made contact with social services when she was heavily pregnant. She had previously been known to a local authority in the south of England, from where she had gone missing eight months previously. All she has said is that she had been in the region concerned for some time with a Nigerian man. She was returned to the care of the local authority in the south of England.

- Diana, 15 years old from China, was first placed in emergency accommodation by a local authority, then transferred to a foster home, but went missing shortly afterwards. She has not returned to social services care but has been seen with a man of Chinese origin in the same city. Diana was first reported missing by Scottish police after having arrived in Scotland from Ireland. Scottish police suspected her of being used in a money laundering operation as she was carrying a large quantity of cash on her.

- Kissa, 17 years old, from Uganda, was located by police in 2006 and charged with possession of false documents. The police started deportation procedures. Kissa was initially placed in a detention facility but was released after stating she was under 18 years of age. She claimed that she had been brought to the UK, raped and moved around for two years, and then brought to the West Midlands. Shortly after being placed in care she went missing and has not been heard from since.

In some cases children who had gone missing from social services either returned or presented at a different authority. In some cases we now have knowledge of what happened to them in the period they went missing. This experience has been used to support the suggestion that children who are trafficked may still be under the control of traffickers while they are in local authority care.

- Anne, 17 years old, from Burundi, was first looked after in residential housing but left voluntarily to be with her boyfriend. Four or five months later she presented at a police station and stated that her 'boyfriend' had drugged and raped her, and held her against her will. She eventually escaped but was then taken by another man, who she met at a train station, who sexually and physically abused her. When she returned to care she was pregnant and had a sexually transmitted infection. She decided to undergo a termination of the

ECPAT UK is deeply concerned by the findings of this study and from other evidence across the UK with regards to children who have gone missing from care. Evidence on missing children from abroad has existed over several years right across the UK as is demonstrated on the next page. This significant child protection issue cannot be dealt with at the Local Authority level alone.

ECPAT UK believes that the Government should conduct a national enquiry into separated children who have gone missing from Local Authority care.

Separated and missing – not just a local issue

Evidence given in June 2006 by West Sussex County Council to the recent Joint Committee on Human Rights Inquiry into Human Trafficking states *“Since January 2006, the Local Authority has accommodated 23 unaccompanied minors of whom seven over the age of 15 have gone missing. Of these, six were from the African sub-continent and the seventh from Eastern Europe.”*⁽⁸⁾

A 2005 Barnardo’s research report on sexually exploited young people in London also highlighted this problem: *“Instances were identified of disappearances of young people (from abroad) from their accommodation, which gave rise to concerns about their safety.”*⁽⁹⁾

The Metropolitan Police Operation ‘Paladin Child’ in 2003 was the first police operation to record data on missing separated children who had landed at Heathrow Airport. During a three month period in 2003, 1,738 unaccompanied children went through immigration services, of whom 551 were deemed at risk by the Paladin multi-agency team and noted for follow-up by social services. The majority of these children were African teenage girls. After follow-up, 14 children could not be traced.

On 25 May 2006, the ISPCC and the Irish Refugee Council launched a press release to highlight the unacceptable number of 250 separated children who are seeking asylum in Ireland that had gone missing from Health and Safety Executive accommodation in the past four years. While some of these children have been located and are now back in the care of the HSE, a number are still missing.⁽¹⁰⁾

Although no reliable figures exist centrally of the numbers of separated or trafficked children going missing from care, the following table of missing unaccompanied asylum seeking children quoted in House of Commons Hansard report (17 July 2006: Column 181W) reports an increasing trend. Given that most of the children in the current study went missing in the first week after their arrival, they would not necessarily count as asylum seeking children and may not be recorded in central figures.

Information about the numbers of unaccompanied asylum seeking children (in England and Wales) who have been looked after from 2002 to 2005 and the numbers of these who have gone missing from their agreed care placement for more than 24 hours is shown in the following table.

Year	Number of unaccompanied asylum seeking children	Number with at least one missing placement ⁽¹⁾
2002-3	2400	50
2003-4	2900	70
2004-5	2900	90

⁽¹⁾ A ‘missing’ placement is defined as a child being absent from their agreed placement for over 24 hours.

Notes:

1. Figures exclude any children whose asylum seeking status ceased before going missing.
2. For the purpose of preserving confidentiality, national figures have been rounded to the nearest 100 if they exceed 1,000 and to the nearest 10 otherwise.

6.2 INTERNAL TRAFFICKING AND TRAFFICKING OUT OF THE UK

The definition of child trafficking within UK legislation covers the trafficking of children into, within and out of the UK. However, there have been no convictions under UK trafficking laws for internal or outbound trafficking.

Across the three regions there were eight children reported who were known to have been or suspected of having been involved in exploitative labour and prostitution in London and to have later found their way to Manchester, Newcastle and the West Midlands. Three of these cases involved girls who arrived at social services pregnant. A more robust national approach to internal trafficking is essential to identify separated children who go missing, presumed trafficked.

Much of the UK government policy discourse has framed human trafficking as an immigration crime and as a result there is almost no literature or information available on the movement of separated children out of the UK as this would not necessarily constitute an immigration offence. Yet, this study has identified information relating to the attempted removal to Canada of Chinese children by a suspect wanted for human trafficking crimes in Singapore; and a 16 year old West African male who arrived in the UK with an onward ticket to New York and then later went missing, leaving behind all his personal possessions.

The concerns that surround missing children must be looked at in parallel to the movement of separated children both within, and out of the UK for exploitation. The role of the UK as a trafficking transit country needs to be explored both within a national dialogue on human trafficking and also with international partners.

6.3 VICTIM IDENTIFICATION

This study has shown many children go missing from care before practitioners have investigated, identified or recorded them as a suspected victim of trafficking. This is partly the result of lack of awareness, training and identification strategies and partly because at various critical points the child has had no responsible guardian to oversee their care (eg, one child went missing while waiting for interpreters, another while waiting for registration at social services reception).

Interview participants across all three regions expressed uncertainty as to whether some cases constituted trafficking or not. Human trafficking is untidy. Children very

rarely disclose they have been trafficked. The word 'trafficking' itself is a tool of practitioners, lawyers, police and academics. It is not a word that children often know or use. The victim may not know they were trafficked – believing they were coming for a better life and deceived by boyfriends or loved ones. Victims will often not know all parts of their story - who was involved and why. They may not want to disclose their agent or trafficker from fear or intimidation. Often the person who first trafficked the child has disappeared, with the child being passed from one person to another upon arrival in the UK. Social workers find themselves dealing with victims of a heinous crime where the crime may never be investigated and the criminals never punished. This should not hinder the formal investigation, identification and recording of a child who has been a victim of trafficking. The basis for initial action should be suspicion not conclusive evidence. Child protection procedures should be invoked upon suspicion of trafficking.

Local guidance on child trafficking

It should also be acknowledged that child trafficking is a fairly new issue for many local authorities and anti-trafficking strategies are, in the main, in their infancy, with very little support from national policy guidance. When setting up interviews for this study, the researchers were directed towards local authority teams dealing with unaccompanied asylum seeking children in all three regions as these teams had the most expertise and awareness of trafficking. There is a risk that if the responsibility for child victims of trafficking falls only on the asylum teams, many vulnerable and exploited children will go undetected, including children travelling on EEA documents and accompanied minors.

However, much to their credit the local authorities interviewed for this study have implemented a number of initiatives to assist with the identification of child victims of trafficking and to prevent young people from going missing. These include:

- Newcastle Area Child Protection Committee has developed guidance on safeguarding children and young people from abroad.
- Manchester Area Child Protection Committee has developed guidance on safeguarding children from abroad.
- Birmingham Social Services recognised that there was a pattern emerging of Chinese girls disappearing soon after arrival and have since been making additional efforts to monitor these girls.

- A number of local authorities interviewed now take photographs of young people on arrival in order to facilitate their identification if they go missing.
- Local authorities in the three regions have also been active in seeking training on child trafficking.

6.4 UNDETECTED CHILDREN

This study found 16 cases of children known or suspected of being trafficked who had avoided contact with the immigration authorities upon arrival in the UK. Most of these children had been identified by social services, police or immigration after being here for some time. In a small number of cases young people had voluntarily presented to authorities after having gone undetected up until this point. These children are likely to have avoided immigration control on arrival either by entering the UK with adults who purport to be their parents/carers or other family members, or are brought into the country through irregular means and bypass immigration control.

The cases below indicate some of the children who were never detected upon entry into the country but brought to the attention of social services at a later point.

- A 15 year old Vietnamese male arrested by police for his involvement in a cannabis factory. He was released on bail and sent to social services. He went missing from reception of the social services office before being assessed.
- A 17 year old Nigerian male was picked up in an Immigration raid, he said he had been living on the streets and had been forced into prostitution in London and Manchester, he had initially been with his sister but lost her.
- A 16 year old Vietnamese girl was found wandering the streets in Birmingham. She had been in the country for 15 months and she stated she had been held against her will by her 'boy-friend'. She was pregnant when she was found. There was suspicion that she had been exploited in prostitution in London.

European Economic Area (EEA) Nationals

One Immigration authority representative highlighted their concern about the number of girls with EEA passports, particularly from new accession countries, whom they suspect of being trafficked, yet they had a 'reasonable' story so it was difficult to investigate further as there was no immigration offence committed.

6.5 UNDERSTANDING THE JOURNEY

Across all 80 cases there is a critical lack of data about the lives of the children before they arrived in the Local Authority area. In a number of cases children arrived overland after a long journey, were trafficked across borders before arriving in the UK and were physically or sexually abused on the journey to the UK. This information is fundamental to assessing and providing a holistic response to their physical, emotional and legal needs. Strategy meetings, care plans and legal advice must be provided on the basis of understanding the complete needs of each child. It has been unclear in many instances whether child protection procedures were invoked even after the child's own disclosure of the abuse they had suffered before arriving in the UK or the local area.

In a 2005 Barnardo's report entitled 'Meeting the Needs of Sexually Exploited Young People in London'⁽¹¹⁾ it was noted that, "*It was rare for specialist agencies to have had experience of young people from abroad assisted under protocols for sexual exploitation... Three practitioners noted that young people from abroad who had suffered sexual exploitation were not necessarily recognised as having ongoing protection needs*". It further goes on to quote one practitioner making comment on the lack of specialist support offered to sexually exploited children from abroad, "*It's almost not taken as a child protection issue. It's taken as part of their story and it's 'OK now'*".

Of the 80 case studies five children had reported being abused during their journey to the UK. In two cases girls had been raped on the journey – in one instance the girl said she had been repeatedly raped by her 'agent' and his friends. One girl had been explicit that she had been forced into prostitution. In two cases, boys had reported that they had been sexually abused by their 'agents' or in prostitution.

6.6 CHILDREN'S MENTAL HEALTH

Situating these findings into existing information in the UK and internationally⁽¹²⁾ on the mental health of victims of trafficking we know that these children are likely to be suffering from a high level of depression, hostility, stress, anxiety and fear – of authority as well as of the criminals who abuse and exploit them. Typical control and coercion techniques used in trafficking include violence, the removal of identity documents and instilling a fear of not being believed and being deported by authorities back to further exploitation. Children in these circumstances will have no knowledge of their legal rights as a victim of trafficking within the UK and potentially have no English language skills to negotiate and access services. Outward manifestations of depression, anxiety or hostility may present as panic attacks, difficult or anti-social behaviour or suicidal thoughts. Other physical symptoms of abuse such as pregnancy, sexually transmitted infections and drug addiction can mask the real story of trafficking and mental health issues often go un-noticed.

Before the death of Marie there were reports of her uncommunicative, disruptive and uncooperative behaviour, chest pains, tiredness and stomach pains. In a 2006 report⁽¹³⁾ on the physical and psychological health consequences of trafficked women and adolescents, 63% of women interviewed experienced stomach pain and 82% reported feeling 'easily tired'. 83% reported feeling easily irritated and 67% experienced temper outbursts. Women described their outbursts and related aggression, such as punching walls, throwing items and hitting others.

When making assessments about vulnerable children from abroad, it is essential for practitioners to be aware of the likely physical and behavioural manifestations of extreme stress and fear that can be both a symptom and an indicator of trafficking and exploitation.

One aspect of mental health that can cause many problems is the inability to remember parts of the most traumatic or hurtful events. Problems recalling and reconstructing traumatic experiences soon after the event and again in later discussions have been confirmed by numerous studies.⁽¹⁴⁾ This can sometimes impact upon the credibility of the child in giving evidence or information to authorities where there are inconsistencies or gaps in stories. Expert advice should be sought from CAMHS (Child and Adolescent Mental Health Services) or specialist agencies working with victims of trauma.

6.7 SEXUAL EXPLOITATION

Across the findings of this study sexual exploitation was suspected in all three regions and directly disclosed by children in several cases reported to researchers. In at least four cases the children were either found or presented at social services pregnant. In one case, a 16 year old girl from Burundi who was in the care of the Local Authority went missing from residential housing. After six months she made contact with the relevant authorities and went back into care. She disclosed that she had been held in London where she had been raped and drugged. When she returned to care she was pregnant. She decided not to pursue criminal charges. In another case a 16 year old girl from Benin disclosed to social services that she had been threatened that her child would be taken away from her if she did not go into prostitution.

Trafficking for sexual exploitation with links to other entry ports was identified. In one instance a 16 year old Chinese girl was identified at the immigration area of a regional airport as being at risk of being trafficked. She lacked appropriate papers but did not appear to be a child. While she was being held in detention a man telephoned and requested that she be released into his care. Immigration officials checked his name and discovered he was suspected of being linked with the trafficking of girls through Heathrow. Increased monitoring of her in the form of 24 hour attention was then provided but she went missing from residential housing and was never located.

Although the majority of cases known or suspected as being trafficked for sexual exploitation are female there were at least three known cases of boys being reported as sexually abused in an organised form of prostitution.

During the period of this study a UK-wide police operation called Operation Pentameter led raids on brothels and saunas across the country and removed 84 trafficked females of which 12 were under 18 years of age, the youngest was 14 years. As with evidence emerging in this study the nationality of these girls challenges the assumption that trafficking for sexual exploitation is mainly associated with Eastern Europe or East Asia. In Operation Pentameter 9 of the 12 rescued girls were African (see Appendix 5).

In this study, one case was identified where a female had been rescued as a result of a raid on a sauna. More prevalent were cases reported about the involvement of a 'boyfriend' in the exploitation or sexual abuse of the child. In one case a 16 or 17 year old Kosovo-Albanian female

who was in local authority care was at the same time being prostituted by her cousin at one of the residential houses provided by social services. Her cousin had facilitated her entry into the UK for this purpose. She later went missing and has not been seen since.

As with ECPAT UK's earlier research in 2004 this study raises concerns about the exploitation of children in both on-street and off-street prostitution and the control of children through pimping by so called boyfriends. It is an area that requires much more investigation, particularly with reference to children arriving at ports with an adult who is not a parent or legal guardian.

6.8 DOMESTIC SERVITUDE

Throughout the study concerns were raised about the trafficking of African children for domestic servitude. However, case detail is minimal. Where information is available it tends to come to light at the time the child was abandoned or escaped. In one case, a 17 year old girl had disclosed to social workers that she had been living for some years with a Nigerian woman for servitude and that the woman was now leaving the country. She could not be traced as a missing person in London where she said she had lived. This indicates that she had never been registered by any local authority as an unaccompanied child.

In another case, two girls from the Congo aged between 14 and 16 escaped from a house where they had been used in domestic servitude. They stated that they believed they were coming to the UK for education.

May, age 14

May, age 14 from Nigeria, was identified by UK Immigration Services upon arrival at the airport having arrived on a visa, but seemingly unaccompanied. UKIS contacted social services. The girl's contact in the UK was said to be a friend, she was carrying two small bags of luggage. She provided the telephone number of her father in Nigeria who said she was being sent to her uncle for a holiday. The uncle did not come to collect her. She was housed in the Emergency Unit and deported back to Nigeria within a few weeks of arriving. Her father continually tried to block her return.

The abuse and exploitation of children through domestic servitude is a problem that is not going to go away through the traditional policing of organised crime. It is essential that the police and Local Authorities work closely together with community groups and community leaders to increase awareness, identification and support of vulnerable and exploited children. Children may fear giving information or evidence against family or community elders who have been involved in sending them to the UK.

6.9 PRIVATE FOSTERING

A private fostering arrangement is essentially one that is made privately, without local authority involvement, for the care of a child under the age of 16 (or 18 if disabled) by someone other than a parent or close relative with the intention that it should last for 28 days or more.

As with ECPAT UK's previous London based research, Cause for Concern, social services representatives across the three regions expressed frustration with the private fostering system. Concerns were raised during this study that some children brought into England under private fostering arrangements are being trafficked for domestic servitude or benefit fraud. However, a lack of detailed case information prevents drawing any significant conclusions except that all concerns were focussed on West African girls under 14 years.

The current system relies on the parents and the foster carers to notify the local authority of a private fostering arrangement (preferably before, but certainly within 48 hours of, the child's arrival). However, only a very small percentage of placements are notified, and private fostering remains a largely hidden activity. Staff or volunteers in an agency who have concerns that a child may be trafficked and privately fostered should contact children's social services, who can investigate under their regulatory duties in relation to private fostering. These duties are: to identify private fostering arrangements; to inspect the home and assess the suitability of the arrangement in terms of the child's welfare; to visit the child regularly; and to monitor and keep records of the placement. Section 7a of the Children Act 2004 requires local authorities to raise awareness of the notification requirements within local communities and to ensure that staff or volunteers in all agencies encourage notification.

However, even where no clear evidence of trafficking exists, private fostering cases that identify child protection concerns show how easy it is to isolate vulnerable children and keep them out of education, and away

from the attention of children's social services. The two cases presented below were not counted in the research results but are all too similar to the tragic case of Victoria Climbié and show that much more work needs to be done in this area.

More Cause for Concern

Adia, aged under four years, arrived in the UK from Nigeria in October 2004. She was accompanied by a Church Minister. Adia was handed to a woman who was not her birth mother, but who she later referred to as her mother. In January 2005, Adia suffered serious non-accidental physical injuries caused by her carer. Up until that time Adia was not known to health or social services and came to the attention of the local authority because a health visitor visiting the family in relation to another child asked pertinent questions. Following that, Adia was admitted to a nursery where concerns relating to abuse were again raised. The carer was subsequently charged with assault and neglect of the child.

In June 2006, two girls from the Ivory Coast, aged 9 and 11, came to the attention of social services for child protection concerns. The girls had been in the UK for a few years, attending school. Their school had suspected that the woman with whom they lived was not their birth mother. After the woman assaulted the children, the police charged her and undertook DNA testing, proving that she was not their mother as she had claimed. While there was physical abuse there was no direct evidence of trafficking. The girls are now in the care of social services.

6.10 LABOUR EXPLOITATION

The trafficking of children for labour exploitation emerged in this study in ways that have not been previously recorded in ECPAT UK research. Rather than claiming this as a new phenomenon this is more likely to indicate a growing awareness and willingness to analyse labour exploitation in the context of human trafficking.

Of particular concern in the West Midlands is the trend for young Afghan males between 14 and 16 years of age

to be brought into the region. According to reports the boys arrive in 'waves' occurring about once every three months. Each wave can include up to 8 – 10 new arrivals in a week. Almost all of these boys are arriving on the back of lorries driven through the UK. In instances where they are found and provided with social services support before they arrive in Birmingham, these children tend to go missing from care and emerge in the same Afghani community area in Birmingham. According to interviews most of the boys seem well adjusted and are attending some form of education, but all authorities involved have strong suspicions that they are involved in manual labour. This is largely due to indicators such as rough or dirty hands and tiredness being observed. There are concerns that these boys are tied to debt bondage. Some of the boys have gone missing from care but all have subsequently returned. Police and social services are monitoring the situation. These cases have not been included in the statistics for this study because exact numbers were not known even though there is a strong suspicion of trafficking.

However, the following cases indicate a different level of organisation behind trafficking for labour exploitation and have been counted in the overall case statistics.

One case involves three Bangladeshi males who arrived in Birmingham claiming to be over 18 years of age. All were holding work permits for minimum wage employment in a restaurant. The eldest passed through immigration, although it later came to light he was 17 years old. The other two children were clearly very young and were found to be around 10 and 14 years of age. After being placed in foster care they went missing and were never traced.

In another case two 16 year old Chinese girls arrived together in the West Midlands and were placed in residential housing. Soon afterward they were moved to semi-independent housing and they went missing. They were identified two months later working illegally in catering in London. Further efforts to trace their backgrounds were made and it was found that they had come from the same orphanage in China. Suspicions surrounded a Chinese-Canadian man who had funded the orphanage and that he had been involved in removing the girls from the orphanage over time.

The trafficking of children for labour exploitation is an area that must have more attention by police, immigration services and Local Authorities. In particular Local Authorities need to work with local communities to raise awareness about child trafficking and exploitative labour.

ECPAT UK is concerned that although children may have been trafficked for exploitative labour that they become highly vulnerable to physical abuse and sexual exploitation once they are in the UK, especially if they are forced to live on the streets or in unsafe accommodation with adults.

6.11 'CANNABIS FACTORIES'

Over the past 12 months there has been a major police crackdown on organised hydroponic cannabis production across the UK. These so called 'cannabis factories' are situated in ordinary suburban homes and produce 'skunk' - a potent and potentially dangerous form of cannabis. Skunk contains far higher quantities of the chemical THC than 'herbal' or 'resin', making skunk users considerably more vulnerable to its negative effects.

A 2005 Metropolitan Police Authority report⁽¹⁵⁾ stated that the link between Organised Criminal Networks (OCN's) and cannabis factories was formally established through intelligence and has now been proven by arrests and prosecutions. Vietnamese groups are setting up 'cannabis factories' on an unprecedented scale; since April 2005 more than 300 of the factories have been detected in London. This trait mirrors a similar pattern to that which occurred in Canada two years ago when Vietnamese OCNs set up hundreds of cannabis factories in order to facilitate large-scale cannabis distribution to Canadian and US cities.

Operation Keymer, a UK wide police operation led by the Metropolitan Police was launched in 2006 to break up the Cannabis Factory networks and this has resulted in hundreds of drug raids around the UK. ECPAT UK has been made aware of children being removed during these raids and charged with drug offences and immigration offences and labelled as running drug houses. Further investigation by ECPAT UK has uncovered links to human trafficking and debt bondage with children being brought over to the UK from Vietnam by drug gangs to work in extremely dangerous conditions and who have little control over their freedom. This exploitative labour is a form of human trafficking and their status as child victims should be investigated before any criminal or immigration charges are laid.

Although recent police raids have highlighted the growth of cannabis factories it is not a new phenomenon. ECPAT UK received its first referral of a trafficked Vietnamese boy, aged 15 years rescued from a cannabis factory in 2003.

The Northern Echo newspaper reported on 30 September 2006⁽¹⁶⁾ that in Newcastle Crown Court a 17 year old Vietnamese male was charged, along with 6 unrelated others, with drugs offences and sentenced to 4 months in a young offender unit before deportation. He claimed he was working to repay a family debt.

The ties of debt bondage when linked to serious and organised crime place children and young people in extreme danger. The conditions inside the cannabis factories are extremely hazardous. Constant heat and light are required to grow the plants. The illegal rewiring of the electricity needed to run the factories cause risk of fire and electrocution. The fumes inside the houses are intense and prolonged exposure is dangerous. Workers are often referred to as 'Gardeners'.

This study identified 2 Vietnamese children who had been reported trafficked for cannabis or drug factory labour, both male, one as young as 13 or 14 years. One of these 2 children went missing before registering with social services. Another Vietnamese boy of 15 years was reported as trafficked (Cannabis factory not specified) and also went missing while waiting for the interpreter at Social Services.

The use of exploitative child labour in cannabis factories must be urgently reviewed by police, social services and immigration authorities. The trafficking of children for this purpose must invoke immediate child protection procedures and statutory authorities, particularly police, fire and immigration authorities must prioritise the safety and security of these children. Much more work needs to be done with police to identify and safeguard child victims of trafficking for cannabis farming.

6.12 FORCED MARRIAGE

This study identified the link between the arrival of separated female children and underage forced marriage.

According to the 2005 Foreign and Commonwealth Office Forced Marriages Unit publication 'Forced Marriage: A Wrong Not a Right':

A forced marriage is conducted without the valid consent of one or both parties and is a marriage in which duress – either physical or emotional – is a factor. An arranged marriage is very different from a forced marriage. An arranged marriage is entered into freely by both people, although their

families take a leading role in the choice of partner. Forced marriage is an abuse of human rights, and a form of domestic violence and child abuse, when it involves young people.

Although there is no law in England and Wales specifically against forced marriage the law does provide for prosecution of various crimes committed to force someone into marriage. Children at risk of being forced into a marriage are entitled to the statutory protection afforded by the Children's Act 1989. Protection and care orders are obtainable by at-risk individuals under Section 8 of the Act, and orders are obtainable by local authorities under Section 37 of the Act.

In this study the particular cases of suspected under-age forced marriage involved 7 Somali females under 16 years and all went missing from the North-East. The Local Authority position is contained in the Newcastle Area Child Protection Guidance on Forced Marriage that states '*forced marriage is a human rights abuse....The United Nations considers it a form of trafficking, sexual slavery, and exploitation.*' (para 2.2)

Of the 19 known or highly suspected cases of child victims of trafficking reported in the North-East this represents a significant proportion (37%).It reflects a growing awareness of under-age forced marriages in the local area.

Much more investigation needs to be done to uncover and isolate the trafficking of children for forced marriage into, within and out of the UK.

6.13 CHILDREN UNDER IMMIGRATION CONTROL

6.13.1 Missing Out

Participants in this study repeatedly expressed frustration that immigration controls take precedence over safeguarding separated children who are victims of trafficking. As awareness of child trafficking increases and new policy frameworks support improved practice there are still barriers to effective service delivery in child protection because most trafficked children are subject to stringent immigration controls. This has led to confusion within Local Authorities about the application of comprehensive safeguarding strategies to vulnerable children from abroad whether or not there is evidence of trafficking.

It is not surprising that this confusion exists. The UK still holds a Reservation to the United Nations Convention on the Rights of the Child (CRC), which restricts the application of the principles of the CRC in the case of children and young people who are subject to immigration control. The Reservation has been widely criticised by both the Committee on the Rights of the Child (the international monitoring body) and Parliamentary Committees in the UK. Most recently this can be seen in the 2006 Joint Committee on Human Rights Inquiry into Human Trafficking. The JCHR expressed the view that the removal of the Reservation was even more urgent in relation to child victims of trafficking.⁽¹⁷⁾

In a 2006 report by the Immigration Law Practitioners Association (ILPA) the increasing conflict between social services and immigration is particularly well highlighted. It states:

Although the Reservation has existed for some time, the difference with the current approach is the extent to which local authorities and others responsible for providing support and protection to children and their families have been actively encouraged to exclude children subject to immigration control from both the provisions of the CRC and the Children Act 1989 and Children Act 2004. As a result, the two systems with which children subject to immigration control are most affected – social services and immigration – are increasingly at odds with one another. Because they have competing aims and objectives, each has tried to force the other to behave differently. The Home Office has attempted, in some cases successfully, to compel SSDs (Social Service Departments) to act in particular ways towards this group of children, primarily through the use of financial constraints and levers for securing co-operation with new processes the same time some SSDs have tried to ameliorate the worst effects on children by providing support within increasingly hostile practical and political contexts, or have been obliged to support these children as a result of legal challenges. This situation has caused difficulties for local authorities that are not properly reimbursed for these costs, and for individual children and their families who do not get the protection and support that they need.⁽¹⁸⁾

In January 2007 The Children's Commissioner of England called upon the Government for the removal of the Reservation stating, 'The reservation means that Government immigration policy and legislation can override international and domestic children's legislation and is at the heart of the UK's failure to secure the fair treatment of young asylum seekers' (see appendix 4).

The tangible impact of the UK policy framework on immigration control is felt at the very frontline of children's social services. The ability to plan and provide for a trafficked child's safety and wellbeing is compromised because of the lack of residency status beyond 18 years, or in some cases less than 18. With 56% of children identified in this study being aged 16 or 17 years, the services available to them, from accommodation through to counselling and legal advice are extremely limited and, as we have seen, do not guarantee their safety.

In order to uphold the ethos and principle of the Every Child Matters agenda the Government must resolve the crisis over the immigration status of child victims of trafficking. Any child who is a victim of trafficking should be taken out of the immigration system whilst a decision is made about his or her future.⁽¹⁹⁾

6.13.2 Age Disputes

Age assessments continue to be a source of confusion and concern. Young people's ages are regularly disputed by the Home Office and social services and age disputes have increased significantly in recent years. Age assessments determine which system the person will go through and what support they will get. While adults seeking asylum are referred through the National Asylum Support Service (NASS) children under 18 years of age become the responsibility of the Local Authority. A child whose age is disputed will be treated as an adult for the purpose of asylum.

For young people who have been trafficked this is a critical barrier to receiving specialised care and ensuring protection from harm. The criminal and covert nature of trafficking means that trafficked children can have their identity documents removed or travel on someone else's passport before coming to the attention of the authorities. If a child is incorrectly age assessed as an adult he or she will not be able to benefit from even the most basic child protection procedures. Of particular concern is that age disputed children may be detained with adults in an immigration reception or removal centre, wholly unsuitable for vulnerable and exploited young persons who may be living in fear.

This study identified a sixteen year old female, trafficked for domestic servitude and abandoned in London. She was age assessed as being 18 and was dispersed through NASS to Newcastle. It was due to the diligence of a local police officer that she was brought to the attention of Newcastle social services and identified and treated as a child victim of trafficking.

It is recognised that age assessment is an inexact science and that the margin of error can be up to 5 years each way.⁽²⁰⁾ Home Office policy on age disputes is that in the absence of any documentary evidence it falls to immigration officers to make a judgement as to the age of the applicant. Where the applicant had claimed to be an adult, but then later claims to be a minor, the burden rests on the applicant to prove s/he is a minor through the production of credible and conclusive medical evidence. Where the applicant claims to be a minor, but his appearance suggest otherwise (e.g. height, facial features such as skin condition and markings, general demeanour and use of language), the applicant will be treated as an adult until credible documentary evidence is produced to demonstrate the age claimed.⁽²¹⁾

The coercion and control tactics employed by traffickers will often mean they have groomed children in what to say when passing through airports or presenting themselves to social workers or police. This can include lying about their age pretending to be older to avoid detection or concerns of sexual exploitation; or younger to be passed off as a niece or nephew. Traffickers will also remove every scrap of identification including passports and photos. ECPAT UK accepts that age assessment is an onerous task, however where there are existing trafficking or other child protection concerns, a separated young person should always be given the benefit of the doubt.

Children who have been trafficked but who turn 18 years of age whilst in the UK or are age assessed as 18 should still be considered vulnerable to exploitation and entitled to full protection and assistance even if they are not considered a minor.

6.13.3 The Dublin II Regulation

The Dublin II Regulation came into effect from 1 September 2003, and is part of the European Union efforts to harmonise asylum policies and processes across Europe. The Dublin II Regulation provides the legal basis for establishing the criteria and mechanism for determining the State responsible for examining an asylum application in one of the Member States of the EU (excluding Denmark, but including Iceland and Norway) by a third country national. The regulation applies to the following countries: Austria, Belgium, France, Greece, the Federal Republic of Germany, Finland, the Republic of Iceland, Ireland, Italy, the Grand Duchy of Luxembourg, the Netherlands, the Kingdom of the Norway, Portugal, Spain, Sweden and the United Kingdom.

The regulation now forms part of UK law. Asylum applicants are fingerprinted and their fingerprints checked against a European wide database that informs the UK whether a person has previously passed through another EU member state or made a claim for asylum in another member state. A decision will then be made by the UK whether or not to remove the person to that country to have their asylum claim considered. Similarly, the regulation allows other EU

states to make the same arrangements to return people to the UK if they have travelled through the UK and subsequently claimed asylum in another member state.⁽²²⁾

Under Dublin II separated children can only be returned on the basis that they previously made an asylum claim in that country. This is referred to as ‘taking back’. However, children who have been age disputed in the UK by Immigration authorities can be returned on the lesser proof that the person has simply transited through the third country and this is called ‘taking charge’.

With time limits attached to the application of the regulation the opportunity to fully risk assess the child is compromised. The UK must formally request another member state to ‘take back’ an applicant within 3 months of the claim for asylum in the UK. A decision must be made on this request within two months and the UK has a further six months to enforce the transfer.⁽²³⁾

This study has uncovered two cases of African young people return to transit countries within the EU by British immigration authorities under the Dublin II Regulation. There is sufficient evidence to suggest that, in both cases, with high level of knowledge or suspicion of trafficking and the sexual exploitation they suffered that they should not have been removed from the UK at that time. In both cases the young person had disclosed sexual abuse and exploitation in either their home country or the transit country. Much more investigation needs to take place to identify how and why the Dublin II regulation is being used inappropriately to remove victims of trafficking to a country where they may have been abused while being transited through the European Union. In one instance an interviewee who had contact with one West African child before he was returned to the EU transit country said of his deteriorating mental health “it was frightening to see...”.

The Dublin II Regulation was never intended to remove victims of trafficking and should not be used to remove any child or young person where it is counter to the best interests of the child.

6.14 ACCOMMODATION

A key finding of this study is that when children have gone missing it has tended to be within the first seven days of being within local authority care, with specific instances of children going missing within 24-72 hours. Children went missing from a range of facilities including emergency accommodation, foster care, semi-independent housing, a residential home and a housing provider that was allegedly providing 24-hour surveillance.

The Children Act 1989 provides for two levels of support and protection. An assessment of need is done prior to deciding which section of the Act the child will be supported under. Children are ‘accommodated’ under section 20 and ‘supported’ under section 17. For children to fully receive all leaving care support they need to have been accommodated under Section 20 for at least 13 weeks.

However, confusion within some Local Authorities about the status of children under immigration control means that separated vulnerable children aged 16 and above have been assessed under Section 17 and placed in unsupervised accommodation such as bed and breakfasts, private rented shared housing or hostels.

All known or suspected trafficked children should be assessed under s20 of the Children Act. It is not known how many children in the study were assessed under s20, however, it is evident that, even when children have been accommodated under s20, the accommodation facilities did not provide the safety net to prevent them from going missing.

There has been much debate over the merits of Safe House accommodation for child victims of trafficking since the West Sussex Safe House model was closed in 2003. What is evident is that the concept of ‘Safeness’ is not just about the provision of confidential accommodation. It spans a range of specialised responses to the child’s physical, emotional, legal, language and security needs.

ECPAT UK considers that the solution to safe accommodation is a two-tier approach with (1) highly specialised foster carers; and (2) an accommodation model that has a fully integrated ‘bringing safeness to the child’ approach. The model must not only represent accommodation but integrate, through the role of local authorities and specialist agencies, the provision of services on an as-needed basis.

7. RECOMMENDATIONS

POLICY

1. The UK Government should immediately withdraw its Reservation on immigration matters from the UN Convention on the Rights of the Child (1989).
2. The UK Government should immediately ratify the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
3. The UK government should immediately sign and ratify the Council of Europe Convention on Action Against Trafficking in Human Beings.
4. The policy responsibility for safeguarding child victims of trafficking should be held within the Department for Education and Skills (DfES) to ensure the focus is kept on child protection.
5. An independent Child Trafficking Rapporteur should be appointed to collate and report annually on child trafficking across the UK.
6. A national strategy on child trafficking must be developed from a child protection perspective and considered a priority within the forthcoming National Plan on Trafficking.
7. The national strategy should identify a multi-agency framework and protocols for all professionals who may have contact with child victims of trafficking.
8. UK Immigration Service and Immigration and Nationality Directorate should be included within Section 11 of the Children Act, increasing their statutory responsibilities for safeguarding children.
9. A system of Guardianship to be established. Children suspected or identified as trafficked should be appointed a Guardian who has a statutory duty to support the child in their legal, practical and emotional needs and who can advocate on their behalf.
10. A mapping exercise should be undertaken to identify inconsistencies between immigration policies and child protection policies and practice, with inconsistencies rectified to prioritise safeguarding children.
11. Any child who is a victim of trafficking should be taken out of the immigration system while a decision is made about his or her future. A national dialogue on residency permits for victims of trafficking should proceed irrespective of whether the Government chooses to sign the Council of Europe Convention.
12. The Government should conduct a national enquiry into separated children missing from local authority care.

PRACTICE

13. Children suspected or identified as trafficked should be offered free specialist and experienced legal representation from an early stage and be provided with information on their legal rights as a victim of trafficking under UK and international law.
14. Specialist accommodation, including specialist trained foster carers must be provided by local authorities across the UK.

15. Multi-agency safeguarding teams should operate at ports of entry to identify and respond to concerns about separated children and young people.
16. Children arriving at ports of entry with an adult who is not a parent or legal guardian must be interviewed separately by child protection trained immigration staff.
17. Separated children who are age-disputed should be treated as minors whilst they are awaiting independent assessment.
18. Multi-agency training programmes should be developed to ensure cross-sectoral understanding of child trafficking issues. In addition, specialised training must be given to those working directly with trafficked children, including social workers, police, legal, interpreters and medical services.
19. In England, Wales and Northern Ireland, Local Children Safeguarding Boards should develop multi-agency protocols and guidance with the participation of local community groups for the identification of child victims of trafficking.
20. Improved systems of identification, monitoring and recording of trafficking cases must be explored using the principles set out within Every Child Matters.

APPENDICES

APPENDIX 1

RESEARCH LOCATIONS

(A) THE NORTH-WEST

Manchester

Manchester is a large metropolitan authority in the North West of England. It has a population of 437,000 and is situated within the Greater Manchester conurbation with a population of 2.48 million. The area has a large international airport handling over 20 million passengers per year coming from all over the world.⁽²⁴⁾

In 2004 Manchester was ranked the fourth most deprived area in the country.⁽²⁵⁾ Approximately 27% of the population are children and young people (about 107,000) and 28% of children and young people are from a black and minority ethnic group. The largest ethnic groups are Pakistani (9.3%) Black African (2.3%) and Black Caribbean (2%).⁽²⁶⁾

Since 2000 Greater Manchester has been a dispersal area for asylum-seeking adults and families and has the highest number of asylum seekers being dispersed to the area in England (with 2,490 asylum seekers receiving accommodation and subsistence and 435 receiving subsistence only through NASS, the National Asylum Support Service).⁽²⁷⁾

(B) THE NORTH-EAST

Newcastle-upon-Tyne

Newcastle is situated in the North East of England and has a population 266,000 people, with approximately 64,000 young people. It is considered the regional capital of a population of over two million people.⁽²⁸⁾ It has an international airport that handles over 5 million passengers.⁽²⁹⁾

Black and minority ethnic communities make up 6.9% of the population and there is increasing ethnic diversity within the city's population with Pakistani (1.9%), Indian (1.2%) Bangladeshi (1%) and Chinese (0.7%) communities.⁽³⁰⁾

Newcastle is a dispersal area for NASS and according to recent statistics there are 1,125 asylum seekers being supported through NASS with accommodation and subsistence in the area.⁽³¹⁾ Refugees and asylum seekers have come to the city from countries across Eastern Europe, Africa and Afghanistan.⁽³²⁾

(C) THE WEST MIDLANDS

Birmingham, Solihull and Coventry

Birmingham, Coventry and Solihull are clustered together in the West Midlands. Birmingham is England's second-largest city, and has a population of approximately one million people. Coventry is England's eighth-largest city with a population of 305,000, and is situated 18 miles east of Birmingham. Solihull is a large and prosperous town nine miles southeast of Birmingham - the borough of Solihull has a population of 200,400 people.

The fifth largest airport in the UK is situated in the area which handles more than 9 million passengers per year. Its main routes are within Europe, Dubai and the sub-Indian continent. The area also lies at the centre of UK's motorway network.⁽³³⁾

Birmingham has a long history of receiving migrants, including asylum-seekers, and about 30% of the population are from black and minority ethnic communities. Birmingham ranks second in the country, after London, in terms of the diversity of its population.⁽³⁴⁾ 21% of Coventry's population is from minority ethnic backgrounds.⁽³⁵⁾ Solihull is less ethnically diverse with 10% of children coming from black and minority ethnic backgrounds.⁽³⁵⁾

Birmingham and Coventry are dispersal areas for asylum seekers under NASS. Birmingham currently receives the fourth highest number of asylum-seekers receiving accommodation and subsistence in the UK (1,370).⁽³⁷⁾

APPENDIX 2

CHILD TRAFFICKING STUDY: INTERVIEW GUIDE

Scenario 1

A child from abroad, was brought to UK by an agent thinking she was going to stay with aunty and go to school. But she was made to work in the house and was abused and later ran away.

Scenario 2

A child from abroad arrived unaccompanied and claimed asylum at the airport. She was placed in the care of social services, but later disappeared from the home of her foster carer.

Scenario 3

A young Eastern European woman was discovered in a sauna, selling personal services. She tells a story of having been brought to the UK with promises of well-paid employment. But on arrival in the UK her 'agent', who paid for her passage, had 'sold' her to the owner of the sauna, who threatened violence to her family unless she did as he wished.

1. Can you tell me a bit about your work and its relation to issues around protecting vulnerable children from abroad?
2. Have you encountered cases such as the above in your work? Details.
How were these cases dealt with?
Did you have any difficulties in dealing with any of them? Details.
3. Have you had suspicions concerning the circumstances, perhaps like the examples above, of any child or children from abroad you have met through your work?
Probe: What was it raised your suspicions? (specific cases)
Were you able to follow-up in any way? (details)
Have there been/are there difficulties in acting on your suspicions?
(details)
4. Do you have established reporting procedures in relation to children from abroad found in circumstances such as the above? Discuss, get details, probe any difficulties
5. How much awareness of issues relating to vulnerable children from abroad, such as in the cases above, would you say there is among your staff?
Probe: Different levels of staff.
How is awareness raised?
Are child trafficking issues re-visited in on-going training?
Does induction for new staff include issues around this area?
If a member of your staff encountered a possible case of child trafficking, how confident are you that s/he would recognise the signs?
Would s/he know what to do?
6. Do you work with other agencies in relation to protecting children from abroad in general?
Do you work with other agencies in relation to specific cases or suspected cases of vulnerable children from abroad?
Discuss: Which agencies?
Structured or ad hoc working arrangements?
Are there other agencies with an interest in, or whose work intersects with this area who it would be useful to collaborate with for preventative or support work?
Are there any difficulties around joint working?

7. Is information on cases or suspected cases relating to vulnerable children from abroad shared among concerned agencies?
Probe: Which agencies?
Are there difficulties around sharing information? Explore.
8. What is your view on government guidance around this area? E.g., DfES guidance
Do you find it supports your work in this area to the extent you require?
Are there any shortcomings to this guidance in your opinion?
9. Have you seen the local (draft) guidance on Safeguarding Children from Abroad?
If 'yes', What are your views on this guidance in relation to possible cases of child trafficking? Discuss.
If 'no', Would you like to see it? Were you aware of the consultation process on this document? Discuss.
10. Is there anything else you would like to say in relation to protecting vulnerable children from abroad that we have not discussed?

APPENDIX 3

RISK INDICATORS

1. City of Manchester. Area Child Protection Committee Guidance on Safeguarding Children from Abroad. 2006

On Child Trafficking

11.2 A number of factors identified by the initial assessment may indicate that a child has been trafficked:

- The child may present as unaccompanied or semi accompanied
- The child may go missing or missing for periods of time
- Does not appear to have money but does have a mobile phone
- The multi use of the same address may indicate that it is an “unsafe house” or that the house is being used as a sorting house
- Contracts, consent and financial inducements with parents may become apparent
- The child may hint at threats to family in their home country for non co-operation or disclosure
- There may be talk of financial bonds and the withholding of documents.

2. Newcastle Area Child Protection Committee. Safeguarding Children and Young People from Abroad. Safeguarding Children North East England Regional Inter-agency Procedures May 2005

2.6 Risk of Trafficking

A number of factors identified by the initial assessment may indicate that a child or young person has been trafficked. In all such cases the first priority is to ensure the safety of the child or young person.

- The child or young person may present as unaccompanied.
- Child or young person may go missing.
- Multi use of the same address may indicate that this is a sorting house.
- Contracts, consent and financial inducement with parents may become apparent.
- The child or young person may hint at threats to family in their country of origin.
- Talk of financial bonds and the withholding of documents.
- Befriending of a vulnerable child or young person.
- False hopes of improvement in their lives.

3. London Child Protection Committee (LCPC). London Procedure for Safeguarding Trafficked and Exploited Children. 2006

10.1 Risk Indicators

There are a number of circumstances which could indicate that a child may have been trafficked to the UK, and may still be being controlled by the traffickers or receiving adults. These include situations in which the child:

- Does not appear to have money but does have a mobile phone
- Is driven around by an older male or ‘boyfriend’
- Is withdrawn and refuses to talk
- Shows signs of sexual behaviour or language
- Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted disease
- Has a history with missing links and unexplained moves
- 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
- Is being cared for by adult/s who are not their parents. The quality of the relationship between the child and

their adult carers is not good

- Has not been registered with or attended a GP practice
- Has not been enrolled in school
- Is required to earn a minimum amount of money every day
- Has to pay off an exorbitant debt, perhaps for the travel costs, before being able to have control over his/her own earnings
- Hands over a large part of their earnings to another person
- Is excessively afraid of being deported
- Has had their journey or visa arranged by someone other than themselves or their family
- Does not have possession of their own travel documents
- Has false papers, and these have been provided by another person
- Is unable to confirm which adult is going to accept responsibility for her/him
- Fits current profiles for those at risk of exploitation
- Has entered the country illegally or, the person:
 - In control of the child has applied for visas on behalf of many others, or acts as guarantor for other visa applications
 - Who guarantees the visa application has acted for other visitors who have not returned to their countries of origin on the expiry of the visa

APPENDIX 4

PRESS STATEMENT - OFFICE OF THE CHILDREN'S COMMISSIONER 08 JANUARY 2007

England's Children's Commissioner calls for equal rights for children seeking asylum

At the Joint Committee on Human Rights on Monday (8 January), representatives of the Children's Commissioner will urge the Government to remove the reservation applying the United Nations Convention on the Rights of the Child to asylum-seeking and refugee children. The reservation means that Government immigration policy and legislation can override international and domestic children's legislation and is at the heart of the UK's failure to secure the fair treatment of young asylum seekers.

The Children's Commissioner is also calling for:

- The appointment of a legal guardian to all young unaccompanied asylum-seekers to ensure access to appropriate support, advice and guidance and to remain with them until the child has reached 18 or has permanently left the UK.
- A more flexible approach to allowing young unaccompanied asylum seekers to complete education and training courses to avoid discrimination and encourage these young people to fulfil their full potential. The Commissioner warns that some young asylum seekers are being discouraged from pursuing higher education and training courses, which may extend beyond their 18th birthday.
- An end to the discriminatory policy of removing unaccompanied asylum-seeking children from the 'looked after' system to avoid care costs. The Commissioner is concerned that growing numbers of young people are being 'de-accommodated', a practice that does not apply to citizen children and potentially breaches articles of the UN Convention on Rights of the Child.
- The withdrawal of Section 9 of the Asylum and Immigration (Treatment of Claimants etc.) Act. This allows for the removal of housing and support to failed asylum-seekers and may lead to local authorities separating children from their parents and placing them in care. This conflicts with the best interests principles that are enshrined in children's legislation and the UN Convention on the Rights of the Child.
- Key agencies with a welfare responsibility to asylum-seeking children including the Immigration Service to be subject to Section 11 of the Children Act 2004. This would impose a duty on those agencies to have regard to the need to safeguard and promote the welfare of children in undertaking their normal duties.

APPENDIX 5

LAW ENFORCEMENT INITIATIVES

(A) Operation Pentameter

In 2006 police operational activity against human trafficking was co-ordinated across the UK in one operation. It involved all 55 Police Forces in England, Scotland, Wales, Ireland and Channel Islands and the United Kingdom Immigration Service, Serious and Organised Crime Agency (SOCA), Crown Prosecution Service and several non-governmental organisations. During the three-month operational phase police raided saunas and brothels looking for evidence of human trafficking. They were able to remove 84 trafficked females, of whom 12 were under 18 years of age the youngest being 14 years. The under 18 year old girls came from Latvia, Lithuania, Estonia, Burundi, Cameroon, Sudan, Guinea, Ivory Coast and Kenya .

Website: www.pentameter.police.uk

(B) UK Human Trafficking Centre - UKHTC

The UKHTC was launched in October 2006 and will assist police forces around the country to run their own operations by providing co-ordinated intelligence, victim care and legal advice. It will provide a checklist of requirements that police forces will need to consider during any operation.

Website: www.ukhtc.org

(C) Child Exploitation and On-Line Protection Centre CEOP

CEOP is a police led multi-agency initiative under the Serious and Organised Crime Agency and was launched in April 2006. It works across the UK and maximises international links to deliver a holistic approach that combines police powers with the dedicated expertise of other sectors such as children's charities. CEOP has recently undertaken a scoping study on child trafficking across the UK.

Website: www.ceop.gov.uk

APPENDIX 6**ABBREVIATIONS AND ACRONYMS**

ACPC	Area Child Protection Committees
CAF	Common Assessment Framework
CAMHS	Child and Adolescent Mental Health Services
DfES	Department for Education and Skills
ECPAT UK	End Child Prostitution, Pornography and the Trafficking of Children for Sexual Purposes
ISPCC	The Irish Society for the Prevention of Cruelty to Children
LSCB	Local Safeguarding Children's Boards
NRUC	National Register for Unaccompanied Children

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