

Separated children and child trafficking in Northern Ireland

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Barnardo's
Northern Ireland

September 2011 policy and
practice briefing

In partnership with

NSPCC 
NORTHERN IRELAND
Cruelty to children must stop. FULL STOP.

By Mary Anne Webb and Kathleen Toner





Introduction

The NSPCC and Barnardo's have considerable experience in providing a range of support services for children and families. These range from child protection to family support, work with children in care and those who go missing from care, sexually exploited children, and asylum-seeking children and their families.

We champion the rights of every child and use the knowledge gained from our work with children to influence policy and practice. As leading members of the Refugee Children's Consortium (RCC), Barnardo's and the NSPCC work collaboratively to ensure the rights and needs of children in the immigration system are promoted, respected and met in accordance with the relevant domestic and international standards.

Key definitions

- **Separated children** are all those outside their country of origin and separated

from their parents or legal or customary primary caregiver (UK Parliament, 2007). This term is widely viewed as good practice because it describes the situation of many unaccompanied asylum-seeking children (UASC) as being separated from their families abroad. Trafficked children are often, but not always, included and defined as part of the UASC population (Pearce et al, 2009).

- **Child trafficking¹** is the recruitment, transportation, transfer, harbouring or receipt of a child, whether by force or not, by a third person or group, for the purpose of different types of exploitation. This includes sexual prostitution, exploitative domestic servitude, enforced criminal activity or the removal of organs (Council of Europe, 2008).

- **Age-disputed children** are undocumented asylum applicants presenting as minors whose claimed date of birth is not accepted by the Home Office and/or by the Health and Social Care Trust/local authority who have been approached to provide support (Children's Legal Centre, 2011).

About this briefing

Separated children belong to different groups, for example, asylum seekers, victims of human trafficking, and minors illegally entering the EU. They may have been sent to the UK by their parents to escape deprivation and extreme poverty; or to seek safety from persecution, gender-based discrimination and natural disasters. Many have been separated from their families as

a result of genocide or armed conflict and some may have been trafficked for sexual, labour or other exploitation (Separated Children in Europe Programme (SCEP) and Save the Children, 2007).

Several UK-wide police operations have led to a number of arrests for human trafficking in recent years. Research suggests women and children are being trafficked into Northern Ireland (NI) (Martynowicz et al, 2009; Geraghty et al, 2010) and there is evidence that human traffickers are using Belfast International Airport as a port of entry to the UK (DHSSPS/PSNI, 2011). Some media reports state NI has been identified as a key gateway for criminal gangs involved in people trafficking to the Republic of Ireland.² Concerns about increased numbers of separated children and child trafficking in NI have also been expressed by various agencies working with asylum seekers and children.

In response, NSPCC NI and Barnardo's NI have undertaken a preliminary scoping study (2009-2011) to ascertain the incidence of separated children and child trafficking in Northern Ireland. This briefing paper highlights the key findings and associated issues.

Scoping study

A questionnaire³ was used as the basis for interviews with senior personnel across Health and Social Care Trusts. Semi-structured interviews were also conducted with the Department for Health, Social Services and Public Safety (DHSSPS) and the Police Service of Northern Ireland (PSNI) – Serious and Organised Crime Division (SOCA). This was further supported by discussions with voluntary and community sector organisations, Barnardo's

1 For the purpose of this paper, child trafficking refers to children trafficked into NI from abroad. It does not include the organised movement of local children for the purpose of sexual exploitation.

2 *Belfast Telegraph* (5 June 2011) Wiki Leaks: Northern Ireland 'a gateway to Ireland for prostitutes, pimps and gangsters'.

3 Based on questionnaire developed by interagency group in Wales, including NSPCC and Barnardo's.

UK staff specialising in child trafficking and the NSPCC's Child Trafficking Advice and Information Line (CTAIL). The study also included a mapping of our own NI service provision, information supplied by the Home Office and a review of existing UK policy and literature.

Characteristics of separated and trafficked children

Many separated children have lost family members and experienced extreme trauma and distress before arriving in the UK, affecting their mental health and emotional wellbeing (Chase et al, 2008). They have higher than average levels of post-traumatic stress disorder symptoms (Huemer et al, 2009; Michelson and Sclare, 2009) and exposure to physical and sexual maltreatment (Bean et al, 2007).

Separated children are a hidden population within immigration statistics, with UK figures only available for a sub-set who are unaccompanied asylum-seeking children (UASC).⁴ It is estimated there are around 10,000 separated children currently in the UK (Refugee Council, 2011).

Child trafficking victims are brought to the UK for many purposes. Recent trends suggest that forced labour and other forms of exploitation are more prevalent than trafficking for sexual exploitation. In the *Strategic Threat Assessment of Child Trafficking in the UK* (CEOP, 2010), a total of 287 children from 47 countries were identified as potential victims of trafficking.⁵ Where the type of exploitation was identified (219 cases), 35 per cent of children were sexually exploited, most of whom were female. However, the following exploitations were also identified:



- cannabis cultivation (18 per cent)
- domestic servitude (11 per cent)
- benefit fraud (11 per cent)
- labour exploitation (nine per cent)
- street crime (nine per cent)
- servile marriage (four per cent)
- illegal adoption (two per cent)
- various other types of exploitation (two per cent).

Policy context

- In September 2008 the UK lifted its reservation on Article 22 of the United Nations Convention on the Rights of the Child (UNCRC) entitling asylum-seeking children to the same protection and access to services as UK-born or resident children. *Improving the care of unaccompanied asylum-seeking children* (Home Office, 2008) focuses in particular on helping victims of trafficking and on developing specialist local services.
- *Human Trafficking: The Government's Strategy* (Home Office, 2011) aims to better aid in the identification and safeguarding of victims, including children. The strategy will also tackle the issue of trafficked children

who go missing from care and states that the Child Exploitation and Online Protection Centre (CEOP) has the lead for missing children.

- In Northern Ireland, *Working arrangements for the welfare and safeguarding of child victims of human trafficking* (DHSSPS/PSNI, 2011) establishes a framework of support and the processes to be followed for children believed to be the victims of trafficking, including those who go missing from care.
- Separated/trafficked children are the responsibility of Health and Social Care Trusts and are recognised as 'children in need' under the Children (NI) Order 1995. If aged under 16 they are placed in residential care. Guidance issued by the Health and Social Care Board (HSCB) states that 'placement in bed and breakfast accommodation or in generic hostels is not appropriate accommodation for young people aged 16 and 17' (DHSSPS/PSNI, 2011). However, young people aged 16 or over and age-disputed young people can be placed in unregulated supported accommodation if the Trust deems it appropriate.

⁴ In 2008, 4,285 unaccompanied asylum-seeking children arrived in the UK. A further 1,400 young people who applied for asylum had their age disputed.

⁵ Including children in Northern Ireland (<5).

- The *Strategic Action Plan on Children Missing from Home or Care* (HSCB, 2010, available on request from the HSCB) recognises it may be necessary to take extra measures to ensure young people who go missing from care are effectively safeguarded and protected.
- Other forthcoming guidance may have relevance to the delivery of social services to separated/trafficked children. The first of its kind in the UK, *Access to Social Care in Northern Ireland: Nationals from the EEA and Third Country States* (DHSSPS, pending) will assist the HSCB and Trusts in determining an individual's entitlement to access social care provision.

National Referral Mechanism (NRM)

The National Referral Mechanism (NRM) was introduced in 2009 as part of the *Council of Europe Convention on Action against Trafficking in Human Beings*.⁶ It is the UK's multi-agency framework for the different agencies involved in a trafficking case to cooperate, share information about potential victims, identify those victims and facilitate their access to advice, accommodation and support.

Barnardo's and the NSPCC (CTAIL) are recently appointed 'First Responders' alongside Health and Social Care Trusts/ local authorities, the UK Borders Agency (UKBA), the police and SOCA. They can refer a child who claims to have been trafficked, or whom they believe may have been trafficked, into the NRM. Trained case owners in designated 'Competent Authorities' (UKHTC and UKBA⁷) decide whether individuals referred to them should be considered to be victims of trafficking according

to the definition in the Council of Europe Convention.

The threshold⁸ required to establish a case of child trafficking remains high so the full scope of the problem may be under-represented in official statistics. Several agencies in our scoping work suggested that police, immigration officials and social workers need greater awareness training so that they ask the right questions and consider information from a child-centred perspective.

NI population of separated/trafficked children

Within the NSPCC and Barnardo's in NI we have established current service provision to a very small number (<3) of separated/trafficked children. Small numbers of separated children (<10) were identified across all Health and Social Care Trusts (2009-10). These figures appear to be supported by information supplied by the UKBA⁹ stating that less than 10 applicants claiming to be unaccompanied children came to their attention in NI during that period, of which the majority were aged 17 and the youngest was aged 15. All were referred to Health and Social Care Trusts and two were later established to be adults. Other recent scoping work conducted in the voluntary sector¹⁰ found that 13 separated children presented to health and social services between July 2009-November 2010 (Guardianship Working Group, 2010).

Without annual, centralised statistics it is difficult to accurately assess the extent and nature of new and existing separated/trafficked children in Northern Ireland. The scoping study found evidence about child trafficking for the purpose of sexual exploitation and forced labour was largely anecdotal.

While there were indicators suggesting child trafficking in a few cases, these had not been confirmed due to age disputes, young people's reluctance to discuss their background, and going missing from care within a very short period of time.

According to the Home Office, eight children have been referred to the NRM by First Responders in Northern Ireland since 1 April 2009 (Hansard, 2011). **One child has now been conclusively identified as a victim of trafficking for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings**, four children have been found not to be victims of trafficking, in one case the child has gone missing, in another case the decision is pending and the remaining case was withdrawn (See Table 1).

Table 1: National Referral Mechanism Referrals Northern Ireland

NRM Decisions	
Outcome	Number
Not trafficked	4
Trafficked	1
Missing	1
Decision pending	1
Withdrawn	1
Total	8

Gender	Number
Male	1
Female	7
Total	8

Age	Number
12-15 years	4
16-17 years	4
Total	8

6 More than one-quarter of all trafficking referrals to the National Referral Mechanism are for children aged under 18 years (The United Kingdom Human Trafficking Centre UKHTC, 2009-10).

7 All referrals where UKBA are not acting as the First Responder should be sent to UKHTC.

8 The Council of Europe Convention on trafficking has a two stage process for identifying victims of trafficking in which the 'reasonable grounds' test acts as an initial filter to a fuller more 'conclusive grounds' decision (UKHTC).

9 UKBA Freedom of Information request regarding unaccompanied children entering NI, Michelle McIlveen MLA, 5 July 2010.

10 Data collected by Voice of Young People in Care (VOYPIC).

Age assessment and dispute

It is Home Office policy that claimants should be given the 'benefit of the doubt' unless their physical appearance *strongly* suggests they are an adult. In the absence of any statutory procedure or guidance, a progressively legalised process of age assessment has developed in the UK.¹¹ In the scoping study, there was some indication of age dispute cases in Northern Ireland where UKBA had accepted a positive age assessment but social services subsequently disagreed with the finding. It has been suggested age disputes are often based on ill-informed assumptions about the appearance, behaviour and roles of children in other cultures and contexts (Crawley, 2007). Until recently there were no social workers based in Northern Ireland qualified to carry out age assessments. The DHSSPS has indicated some staff members in four Health and Social Care Trusts received Merton age assessment training in February 2011.

An accurate age assessment is important given the possible child protection risks to age-disputed applicants who may also be deprived of access to appropriate financial, accommodation, social, welfare, educational and health support. It should be noted there is no scientific or medical process that can provide an accurate assessment of age and assessing age is particularly unreliable for children and young people aged between 15 and 20 years (RCPCH, 2003).

Service provision

Research shows that separated children have varied and distinct circumstances and needs which require different types of service response (Abunimah and Blower, 2010). There are a number of non-government organisations across the UK providing legal and advocacy services to separated

children,¹² as well as a range of other localised services. Barnardo's and NSPCC service provision across the UK to separated/ trafficked children includes foster care, supported lodgings, independent visiting services, outreach work, sexual exploitation services and specialist therapeutic support for children trafficked from abroad.

The Refugee Council Panel of Advisers for Unaccompanied Refugee Children ('Children's Panel') supports vulnerable children and young people who apply for asylum on their own in England and Wales,¹³ but does not extend to Northern Ireland. A guardianship model which provides an independent advocate and point of contact for separated children has been piloted in Scotland, where each month up to five children and young people arrive independently (Scottish Refugee Council, 2011). Calls to introduce a similar scheme in England have been rejected as adding 'unhelpful complexity' to existing arrangements.¹⁴

There was general consensus in the scoping work that organisations must work together to provide a holistic package of support to separated/ trafficked children. There is presently a lack of coordination and connectedness across the range of agencies who can provide services in NI. To help address this a 'Guardianship Working Group' convened by Law Centre NI is mapping current service provision.

The NSPCC Child Trafficking Advice and Information Line (CTAIL)

CTAIL is a multi-disciplinary team with social workers and police officers, all with child protection and international work experience. The service provides valuable advice and

information to professionals who have a concern about a child being trafficked into the UK. It can give advice over the telephone and ongoing support with children's cases. CTAIL produces expert witness court reports and are First Responders for the NRM. The CTAIL service has dealt with over 580 children's cases across the UK since September 2007 and dealt with 146 cases in 2010, including seven from Northern Ireland. A referral can be made to the service by:

- contacting the freephone number: 0800 107 7057
- emailing the team: CTAIL@nspcc.org.uk



Barnardo's NI Safe Choices

Barnardo's has 22 services across the UK, including 'Safe Choices' in Northern Ireland, which provide preventative work, early identification and support to young people to exit sexually exploitative situations. Safe Choices works specifically with children and young people who go missing from their accommodation within the care system and are at risk of sexual exploitation.

11 R v Merton (2003) sets out guidelines (known as 'Merton-Compliant' age assessment); also R v Croydon/R v Lambeth (2009).

12 In Northern Ireland this includes Law Centre NI and VOYPIC.

13 Advisers support children through the asylum determination process and help them to access the best quality legal advice available.

14 Tim Loughton, 12 January 2011, *Hansard*, www.parliament.uk

This can include young people who have been trafficked into NI from abroad. With offices based in Belfast and Antrim, Safe Choices takes referrals from any agency, or a young person can refer themselves. The service can be contacted on 028 9065 8511.

Training and awareness

The scoping study shows the incidence of trafficked children in Northern Ireland is small. It is important however to recognise this can be a hidden problem and difficult to identify. Research indicates 'there can be a lack of awareness by the general public and some practitioners, enhanced by a culture of disbelief', however if this is addressed more cases of child trafficking can be identified (Pearce et al, 2009). Professionals who come into contact with separated/trafficked children in Northern Ireland should be trained to understand and effectively respond to their needs. Awareness-raising, embedding knowledge and building professionals' confidence about the issue of separated children, and child trafficking in particular, is vital for effective safeguarding.

Recommendations

- The DHSSPS should update and keep under review the child trafficking guidance in line with changing policy and practice. In the review of *Co-operating to Safeguard Children* consideration should be given to the development of specific safeguarding guidance for separated children to ensure a coordinated approach and seamless interagency service.
- The Safeguarding Board for Northern Ireland should have strategic oversight to ensure appropriate interagency safeguarding processes and frameworks are in place and

are working effectively for separated/trafficked children.

- Training and support relating to separated/trafficked children should be provided on a multi-agency basis and also built into professional training courses across health, social care, immigration and the police.
- The Regional Health and Social Care Board in conjunction with Health and Social Care Trusts should collate and centralise accurate information and statistical data on the extent and nature of separated children and child trafficking in Northern Ireland.

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542-544 Upper Newtownards Road,
Belfast BT4 3HE Tel 028 9067 2366
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