



Tackling Human Trafficking – Consultation on Proposals for a UK Action Plan

January 2006

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FOREWORD BY HOME OFFICE
PARLIAMENTARY UNDER SECRETARY
OF STATE PAUL GOGGINS MP AND
SCOTTISH EXECUTIVE MINISTER FOR
JUSTICE CATHY JAMIESON MSP



In 1807 Parliament passed The Slave Trade Act, bringing about the abolition of the slave trade in the former British Empire. 2007 will see the bicentenary of that landmark Act. While we are preparing to mark this historic event we must recognise that there is another challenge facing us in today's modern world. Thousands of people are still forced to live in slavery type conditions around the world, including in the UK, as a result of the modern criminal practice of trafficking in persons.

Human trafficking is a truly appalling crime where people are treated as commodities and traded for profit. It is big business, often controlled by organised crime groups who seek the maximum return for their investment at the expense of the health and wellbeing of their victims.

Traffickers prey on the vulnerable and normally dupe them into travelling to the UK with promises of work or of a better life. It is not until the person arrives here that the reality of their situation hits home and they find themselves being exploited and abused at the hands of the traffickers.

The UK is determined to tackle this terrible crime. We made human trafficking a priority during our presidencies of the G8 and of the EU. In particular, we drove forward the creation of a new EU Action Plan on Trafficking in Human Beings. I was very pleased that this plan, which sets the forward work programme on trafficking for the EU, was unanimously adopted by the Council when ministers met on 1-2 December 2005. We will continue to explore ways in which we can work with international partners to combat this transnational crime.

Domestically, we have already introduced a number of measures to tackle trafficking. This includes comprehensive legislation which covers all forms of trafficking, with trafficking offences carrying a heavy 14 year maximum sentence; the Poppy Scheme which provides specialised care and assistance to trafficking victims; and Reflex, our multi-agency task force on organised immigration crime, which has been increasingly targeting organised crime groups involved in human trafficking and has achieved a number of successful arrests and prosecutions.

The new Serious Organised Crime Agency (SOCA), which goes live on 1 April 2006, will bring a new concerted focus on groups involved in organised immigration crime. The Home Secretary has made it clear that people smuggling and trafficking should be SOCA's second priority after tackling drugs trafficking. Priorities for the agency for Scotland will be set in the new year.

In Scotland, the Scottish Drug Enforcement Agency (SDEA) has the remit of preventing and detecting serious organised crime and both they and Scottish police forces will work in partnership with SOCA to tackle this crime.

We recognise that we need to do more, however. This consultation document sets out what we have done so far, and suggests what we need to do in the future to further our efforts to combat trafficking in human beings. We need an end-to-end strategy and our proposed actions range from prevention of trafficking, including demand reduction, through to investigating and prosecuting the perpetrators, and to the protection and support of victims.

In the past we have focused very much on trafficking for sexual exploitation. The proposed action plan will not only provide an opportunity to further our work in this area, but also to increase our knowledge and understanding of other types of exploitation so that we can tackle all forms of human trafficking effectively.

We would very much welcome your views.

Paul Goggins MP

Cathy Jamieson MSP

EXECUTIVE SUMMARY

The purpose of this paper

The UK is committed to tackling human trafficking. It causes great harm to the individuals involved and to our society as a whole. We have already made considerable progress, but we need to look at what more we should be doing to tackle this crime. This paper sets out the progress the UK has made so far in our fight against people trafficking and proposes future plans for building on our existing work in this area.

In particular, this consultation paper suggests some key areas of work which we consider should form the basis of a UK action plan on this issue, to be published and take effect in 2006. We are seeking views on the areas identified, any specific workstreams we have proposed and for additional areas for action.

Where actions fall within devolved responsibilities they will be for the Scottish Executive, Northern Ireland Office or National Assembly for Wales to consider in light of consultation responses.

Proposals for the action plan

We are proposing that the plan should address all forms of trafficking and cover the following broad areas as recommended by the Organisation for Security and Cooperation in Europe (OSCE):

- Prevention
- Investigation, law enforcement and prosecution
- Providing protection and assistance to victims

Prevention

Research

Ensuring we have a solid understanding of the problem is essential in order to ensure that we make the best use of our available resources. We outline current work and invite views on how we can better scope the problem.

Preventing trafficking at source

Alongside proposals to support projects which address the root causes of trafficking and raise awareness among those who might be vulnerable to traffickers, we also need to close our borders to trafficking. We propose raising awareness among airlines and visa-issuing staff so that they are able to identify traffickers and their potential victims before they are trafficked here.

Demand reduction

We are also committed to taking action to address demand but again welcome views on what shape this should take.

Investigation, Law Enforcement and Prosecution

This section focuses on how we can improve the law enforcement response to trafficking. The proposals include raising awareness of trafficking issues among the police, developing appropriate resources for frontline staff and carrying out a review of police training on this issue.

Providing Protection and Assistance to Victims

The provision of care and support to trafficking victims is integral to any strategy to tackle people trafficking. This section looks at how we might improve our support services to victims, how to ensure that victims are identified at the

earliest opportunity and how to assist victims to return and reintegrate safely into their home countries. It also looks at how to address the specific protection needs of children arriving in the UK.

Your views

Your views on the proposals for the action plan will be a valuable contribution in building on our work to combat people trafficking.

Please write with your comments, by 5 April 2006 to:

Organised Immigration Crime Team
Specialist Crime 2
Home Office
5th Floor Fry Building
2 Marsham Street
London
SW1 4DP

Or send to:
THBconsultation@homeoffice.gsi.gov.uk

For additional hard copies please contact us at the above address. Electronic copies of this document are also available at:
<http://www.homeoffice.gov.uk/about-us/haveyoursay/current-consultations/>

You should also contact the Organised Immigration Crime Team should you require a copy of this consultation in any other format, e.g. Braille, Large Font or Audio.

We expect to publish a summary of the responses received within three months of the closing date for this consultation which will be made available on our website.

Responses from stakeholders in Scotland, Northern Ireland or Wales concerning devolved responsibilities will be copied to the Scottish Executive, Northern Ireland Office or National Assembly for Wales for their consideration.

INTRODUCTION

Definition

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking as:

“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 abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This should not be confused with people smuggling, with the vast majority of people entering the UK illegally being smuggled rather than trafficked. The UN Protocol against Smuggling defines it as:

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

People smuggling is the facilitation of illegal entry, either clandestinely or through deception or the use of false documentation. The smugglers charge large sums of money to facilitate their clients' illegal entry into the UK but the transaction ends there, and once in the country those smuggled will normally be left to their own devices. Those trafficked into the UK will continue to be under the control of the traffickers after arrival.

The UK situation

The UK is primarily a destination country for trafficking. Some people are brought directly to the UK and their exploitation commences only after arrival here, while others are brought to the UK in stages and exploited in transit countries before ultimately arriving in the UK. The majority of trafficked victims in the UK originate from Eastern Europe and the Balkans, or from the Far East, especially China and Thailand.

We do not fully understand the scale of trafficking into or within the UK. Currently most of our knowledge is based around the trafficking of women for sexual exploitation where there has already been some research work. One of the aims of developing an action plan is to increase our knowledge and understanding of other forms of trafficking, in particular trafficking for the purposes of labour exploitation. We also plan to do some work on scoping the issue of child trafficking into the UK. Available evidence has indicated that there is little, if any, demand for trafficked minors for the purposes of sexual exploitation but minors may be trafficked here for other purposes.

We recognise that we need a comprehensive UK Government response to trafficking and that we need to co-ordinate our efforts across departments. Earlier this year the first meeting of the Ministerial Group on Trafficking was held to formulate high-level policy on combating trafficking in persons. This group is currently chaired by Paul Goggins, Home Office Parliamentary Under Secretary of State for Policing, Security and Community Safety, with representative Ministers from the Foreign & Commonwealth Office, Department for International Development, Department for Work & Pensions, Department for Education & Skills, Department of Trade & Industry, the Attorney General and the Solicitor General. Two further meetings have taken place and it is proposed that the group will meet regularly in future. Other Government departments, such as the

Department of Health, alongside the devolved administrations, also contribute to the cross-Government response to trafficking.

International framework

Trafficking is an international crime, operating across borders. Many countries in the world are affected, either as source, transit or destination countries.

The issue of trafficking is now firmly on the international agenda. The most important international instrument on trafficking is the UN Convention against Transnational Organised Crime (UNTOC) and its optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This Protocol (also known as the Palermo Protocol) was adopted on 15 November 2000 and was the first international instrument to define and address the trafficking problem.

The UK was one of the first countries to sign the Palermo Protocol on 14 December 2000. We now fully comply with our legislative obligations under the Protocol and aim to ratify it in the near future, once we have enacted the primary legislation to enable ratification of the main UN Convention.

We are working to encourage other countries to sign, ratify and implement the international conventions against organised immigration crime, in particular UNTOC and its associated protocols. There are a number of other international instruments to which the UK is a party and these are listed at Annex A.

The most recent international instrument to be drawn up on trafficking is the Council of Europe Convention on Action against trafficking in Human Beings (Council of Europe Treaty Series/197). While we support fully its aims, we have concerns that some of the provisions, such as the automatic granting of reflection periods and residence permits for trafficking victims, may

act as “pull” factors to the UK. While this is not a formal consultation on whether or not the UK should sign the Council of Europe Convention, we are seeking views on reflection periods and residence permits as part of this consultation exercise and will be taking note of views.

Work within international fora

We recognise that we can only have maximum impact against what is essentially a transnational business, by working with international partners. For this reason we made people trafficking a priority during our presidencies of the EU and the G8.

EU presidency

The UK worked closely with the Commission and EU partners to develop an EU plan on best practices, standards and mechanisms to prevent and combat trafficking in persons. The Hague Programme gave a mandate to the EU Commission and EU Council to draw up this plan during 2005. In developing this plan we built on the existing body of work which has been done at EU level on trafficking and focused on how the EU collectively could have maximum impact.

This plan was adopted by Justice and Home Affairs ministers when they met in December 2005.

The UK is also working to improve operational co-operation at EU level. We have been supporting changes at Europol which should enhance their capability to undertake analytical work on trafficking. Better exchange, analysis and targeted use of law enforcement information on organised crime was another overarching presidency priority. During our presidency we introduced the concept of a European Criminal Intelligence model and the supporting Organised Crime Threat Assessment model. We believe this will produce enhanced threat assessments and facilitate the best use of resources.

We also took forward work to raise awareness of the role Eurojust can play in investigating and prosecuting human trafficking.

Wider international work

We are committed to improving information exchange with international partners to ensure that we have a full strategic picture of the problem. The UK is participating in the Interpol-led Operation Bridge. The aim of this project is to improve the collection of information on groups involved in organised immigration crime, such as trafficking routes and modus operandi. Within the G8, the UK has been driving forward the adoption of the Interpol human smuggling and trafficking (HST) messaging service. The database, which was launched in May 2005, will allow intelligence on routes and methods of people smuggling and trafficking to be forwarded to Interpol in Lyon for analysis and dissemination.

The UK put the wider issues associated with people trafficking on the agenda for the G8 Justice and Interior ministers meeting in Sheffield in July, held under the Presidency of the UK. Ministers agreed that human trafficking is a high priority for the G8, both from the perspective of tackling the organised criminals involved and protecting the victims. At the G8 Roma-Lyon sub group, which met in November 2005, the UK launched an initiative aimed at exchanging intelligence and information on current policy and practice in both combating human trafficking and tackling facilitated illegal immigration. This initiative will provide a platform for G8 states to share information on trends, routes and methods alongside best practice on policy and procedure currently in place. We would expect this initiative to highlight areas for future action within the G8.

We continue to participate fully in existing relevant G8 initiatives such as work to tackle document fraud, improve sharing of passenger data and the use of biometric identifiers in passports.

We will continue to work with international and non-government organisations and charities such as the Organisation for Security and Co-operation in Europe (OSCE), United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM) and International Labour Organisation (ILO) on activities which address the full range of issues raised by trafficking. We work in source countries, transit countries and here in the UK to alert potential victims, to build the capacity of the law enforcement agencies and to reduce the demand for the services of trafficked persons and prosecute the criminals heading the trafficking networks.

Consultation

The following pages set out the areas we consider a UK action plan should cover and some specific proposals for action.

- 1. Have we got the scope of the plan right? Have we adequately covered the various forms of exploitation which can arise in the trafficking context?**
- 2. Are there any areas for action or specific actions missing from the proposals?**

PREVENTION OF TRAFFICKING

In order to combat trafficking effectively, we need a proper understanding of the problem with which we are faced. It is very difficult to measure the level of trafficking into and within the UK given its covert nature, but further research will improve our knowledge and give us a better idea of the scope of the problem.

We must also take measures to tackle trafficking at its source. The UK is primarily a destination country for trafficking. We already have a strong tradition of working with countries of origin to address the issues which lead to people being trafficked. We need to continue with this work and ensure that assistance is targeted in the right places. We need to continue to undertake work which increases the capacity of law enforcement agencies to deal with trafficking in source and transit countries, raises awareness amongst people who are vulnerable to the traffickers and improves the situation in the source country to remove some of the push factors which make people fall prey to traffickers. However, in addition, we want to consider what more we can do to intercept trafficking upstream.

We also need to reduce demand for the services of people trafficked into the UK. Trafficking is perpetuated by ongoing demand. If we reduce the demand for the services of trafficked men, women and children, then this will reduce the levels of trafficking.

Where we are now

Research

In 2000, the Home Office published “Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK”, Police Research Series Paper 125. This paper underlined the difficulties of producing accurate estimates of the numbers of women trafficked to the UK each year.

As part of our current research work programme on organised crime, Home Office researchers have been taking forward innovative new work on sizing various organised crime markets in operation in the UK, including the market for people trafficked here for sexual exploitation. The purpose of this research is to provide ministers, senior policy makers and operational colleagues with estimates of the costs of the social and economic harms caused by different types of organised crime to help inform resource allocation. In order to size the people trafficking market, and the costs of the harms associated with it, researchers have been testing new methodologies to estimate the numbers of victims of trafficking currently in the UK. While far from an exact science, this research will start to provide us with some better estimates of the extent of the problem.

In the work we have been doing with EU partners, difficulties in collecting data on the size and nature of the trafficking problem has been a key theme. We are keen that more is done at EU level to ensure there are common standards for measuring the problem. This featured prominently in the EU plan we developed.

Preventing Trafficking at Source

The Home Office, Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID) already support a number of projects which aim to tackle trafficking at its source.

DfID has committed some £8.9m in total to the ILO’s International Programme for the Elimination of Child Labour (IPEC), for work in the Greater Mekong region which includes parts of Cambodia, China, Laos, Thailand and Vietnam. This involves a number of linked interventions to raise awareness of trafficking and to reintegrate survivors of trafficking back into society. DfID also supports a range of activities in China to address the gender inequalities that lead to trafficking and provides

support to the United Nations Development Fund for Women (UNIFEM) to strengthen the implementation, monitoring and reporting on the Convention on Elimination of All forms of Discrimination against Women.

To raise awareness in source countries the FCO is currently engaged in projects in Bangladesh, India and Pakistan that highlight the general dangers posed by illegal immigration. Many of the messages apply equally to trafficking. Similar projects are being considered in Albania, Afghanistan and Nepal.

To build capacity in source and transit countries the FCO has funded projects such as an anti-trafficking witness protection and support programme in Albania and provided equipment for the Anti-Human Trafficking and Sexual Offences Unit in Bosnia. The FCO is also funding work with the Turkish authorities to build detention capacity and raise awareness of trafficking issues within the law enforcement community. A project currently being funded in Lithuania combines reintegration support and employment training for victims of trafficking with awareness raising activities among potential victims.

Demand Reduction

Our strategy to combat trafficking has tended to focus on supply reduction as opposed to demand reduction. However, we are closely monitoring developments in other countries which have taken more targeted steps on demand.

We will shortly be publishing recommendations for a coordinated strategy on prostitution, this follows an extensive consultation exercise launched in 2004. Our objective for the strategy will be to address the harms caused by the prostitution market, in particular the harms to communities associated with on-street prostitution and harms resulting from the exploitation of children, young people and women.

Earlier this year we reviewed our legislation, to consider whether there should be a specific offence of having sexual intercourse with a trafficked woman, to attack the demand part of the chain. However, we concluded that the existing legislation, with its emphasis on consent freely entered into, provided the necessary legal protection. Creating a separate offence may imply that engaging in sexual intercourse with a trafficked woman without her consent is a lesser offence than rape, which it is not.

The Scottish Executive is undertaking a separate review of prostitution in Scotland. Legislative proposals on street prostitution will be brought forward shortly. In addition the Scottish Executive is also working to develop a strategic approach to all forms of violence against women.

In terms of trafficking for labour exploitation, we have proposed a new offence in the Immigration, Asylum and Nationality Bill 2005 which will address demand side by criminalising employers who knowingly employ illegal migrants.

Our future plans

Research

We will publish research into the harms caused by organised immigration crime, including trafficking. This research will provide a better understanding of the trafficking problem faced in the UK and will be updated annually.

In 2006 we will also commence a scoping exercise focused on trafficking and the off-street prostitution market.

Preventing Trafficking at Source

We will continue to support projects in source and transit countries which tackle the causes of trafficking and which aim to raise awareness of trafficking among groups which are vulnerable to recruitment by traffickers. Funding for these projects is part of our overall approach on organised crime on which there is close cross-

Whitehall collaboration to ensure that resources are directed to priority areas. However, we recognise that there are other opportunities to prevent trafficking upstream.

We will aim to deter traffickers by developing a strategy to publicise successful UK prosecutions for trafficking offences in source and transit countries. We will make our message clear: we will not tolerate trafficking into and within the UK and will take strong action against those responsible.

We will raise awareness of trafficking amongst our visa-issuing posts overseas so that suspected traffickers, and their potential victims, are not issued with visas to travel to the UK. We will also tighten up procedures for issuing visas to minors who wish to travel to the UK. Minors will have their visas endorsed with the name of the person accompanying them and will have to travel with that person. People looking after a visa national minor for more than 28 days will be required to register with their local authority prior to the minor being granted entry clearance.

We will raise awareness of trafficking amongst Airline Liaison Officers in source and transit countries and consider ways in which we could also raise awareness amongst airline carriers.

In terms of trafficking abroad, UK troops on deployment continue to play an important role acting as a force for good around the world, creating the security environment in which it becomes more difficult for people traffickers to operate. The Ministry of Defence will strengthen training in human rights issues, including trafficking, and will show zero tolerance for the abuse of women and children in conflict areas.

Demand Reduction

As part of the wider coordinated strategy on prostitution we will work to reduce the demand

for women and children trafficked for the purposes of prostitution.

We will strengthen the legislation on the employment of illegal workers to deter trafficking for labour exploitation. We will support projects which promote legal migration routes to the UK.

We will work with NGOs to consider issues specific to child trafficking and consider how we can prevent the trafficking of vulnerable minors.

Consultation

- 3. How can we measure the extent to which trafficking is taking place into and within the UK? In particular, how can we improve our knowledge on the scale of child trafficking and trafficking for labour exploitation into and within the UK?**
- 4. Does your organisation have information on cases of trafficking in the UK, in particular trafficking for forced labour, including domestic service?**
- 5. How can we raise awareness amongst potential trafficking victims about the risks and realities of the exploitation they are likely to suffer through being trafficked?**
- 6. How do we ensure that victims are identified at the earliest opportunity, particularly in source countries (prior to departure) and at our borders where the victims themselves may not be aware that they are being trafficked?**
- 7. How can we reduce the demand for the services of trafficked persons, in particular for forced labour, including domestic service?**
- 8. How should we tackle the specific problem of child trafficking?**

INVESTIGATION, LAW ENFORCEMENT & PROSECUTION

A large number of the people trafficked into the UK are brought here by organised crime groups. In some cases, the same group will be responsible for the transit of the victim and their subsequent exploitation here, but in many cases the victim is sold on to a separate criminal gang upon or shortly after arrival. Victims may be sold and re-sold several times en route and once in the UK.

The UK is determined to deal with the criminals who are responsible for this illegal trade in people. We have already criminalised trafficking and have provided for heavy penalties for those who commit these offences. The UK also places great emphasis on tackling trafficking on the ground in partnership with law enforcement and intelligence agencies both in the UK and overseas.

A New Organised Crime Agency

The Serious Organised Crime and Police Act 2005 provided the legislative basis for the establishment of a new organised crime agency and new powers to enhance our ability to tackle organised crime. The 2005 Act followed the white paper “One Step Ahead: A 21st Century Strategy to Defeat Organised Crime” published in March 2004. This set out the blueprint for the agency and a new strategy with a focus on reducing the harms caused to the UK and UK citizens by organised criminal activity, costs of which are estimated at over £20bn a year.

SOCA is being established to create a single, specialist organisation with a harm reduction focus. It will bring together existing agencies and skills and create an intelligence-driven mix of analysis, surveillance, technical skills, financial expertise and law enforcement powers to achieve a much greater impact on organised crime than ever before.

The new agency, which will come into being on 1 April 2006, will bring together the National Crime Squad, the National Criminal Intelligence Service and parts of Her Majesty’s Customs and Excise and the Immigration Service. It will be headed by Bill Hughes, former head of the National Crime Squad. Sir Stephen Lander, former head of the Security Service, is the Chair Designate.

SOCA will have three main aims:

- To reduce the opportunities for organised criminals to make money;
- To disrupt and dismantle their enterprises; and
- To raise the personal risks they run by successful targeted prosecutions of the major figures.

SOCA’s top priority will be the continuous development of an improved knowledge and understanding of the way criminal enterprises operate. This is so that its own efforts to enforce the law and to intervene in those enterprises can achieve real and lasting impact, but also so that intelligence can be shared with, and operational support provided to, others in law enforcement, government and beyond, at home and overseas, so that their efforts at harm reduction may be supported effectively. In disrupting organised crime groups it will seek to combine a traditional law enforcement and prosecutions approach with innovative methods aimed at undermining criminal businesses, for example through the seizure of cash and assets.

Where we are now

The UK Government's organised crime strategy is moving on apace. The new Serious Organised Crime Agency will come into effect on 1 April 2006. With it comes a renewed focus on improving intelligence and targeting those organised crime groups which cause the most harm. The Home Secretary, in setting the priorities for SOCA, has indicated that organised immigration crime should follow drugs as the second current priority for the agency. The National Policing Plan 2005 – 2008 for England and Wales, which sets strategic priorities for police in the regions, makes specific reference to tackling organised immigration crime and to Reflex.

It is against this background that Reflex has been working to raise the profile of organised immigration crime and human trafficking with police forces in the regions and has resulted in a series of successful investigations.

In Scotland the Police, Public Order and Criminal Justice (Scotland) Bill which is currently before the Scottish Parliament will move the SDEA onto a legislative footing and it will be renamed the Scottish Crime and Drug Enforcement Agency (SCDEA) to reflect its wider remit in tackling serious organised crime in Scotland. This agency will be a key partner of SOCA.

The UK has introduced legislation to comprehensively criminalise trafficking. The Sexual Offences Act 2003 widened the offence of trafficking for the purpose of sexual exploitation to cover trafficking into, within or out of the UK. In Scotland, section 22 of the Criminal Justice (Scotland) Act 2003 covers roughly the same issues, although it is narrower in scope and applies to trafficking for the purposes of prostitution or for the making of obscene/indecent material. The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 introduced new offences of trafficking for slavery or forced labour, human organ transplant

or other forms of exploitation. Trafficking offences carry a maximum penalty of fourteen years imprisonment.

To date we have had 14 convictions for trafficking for sexual exploitation under the Sexual Offences Act 2003 in seven different cases. The sentences achieved in these cases for the specific counts of trafficking ranged from two to nine years, although convictions for separate counts have resulted in higher overall sentences being awarded – up to 21 years.

The Crown Prosecution Service (CPS) and the Crown Office and Procurator Fiscal (COPFS) in Scotland regard trafficking cases as a priority and seeks to make full use of the anti-trafficking offences at their disposal, where appropriate. The CPS and COPFS have already provided new guidance to prosecutors on bringing charges under this legislation and the CPS has provided training to key personnel for dissemination in each of its 42 Areas. As part of the process heralding in the Serious and Organised Crime Agency (SOCA), the CPS has created, and is already operating, a dedicated Organised Crime Directorate within its Headquarters that will deal with prosecuting the most serious and complex trafficking cases, and which will also provide advice on best practice and support to Area prosecutions. COPFS is currently considering its approach to serious and organised crime in light of recent legislative developments.

The Proceeds of Crime Act 2002 allows for the confiscation of criminal assets including assets from trafficking and related offences. The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Proceeds of Crime Act 2002 both apply across the UK.

The Gangmasters (Licensing) Act 2004 established the Gangmasters Licensing Authority which is responsible for setting up and operating the licensing scheme for labour providers operating in the agriculture, shellfish gathering and associated processing and packaging

Reflex – Operation return

In March 2005 three men were prosecuted for trafficking a fifteen year old Lithuanian girl to the UK for sexual exploitation following an investigation by South Yorkshire police. Shaban Maka was found guilty of one count of trafficking into the UK and two counts of trafficking within the UK, Ilij Barjami was found guilty of one count of each trafficking into and within the UK and Xhevahir Pisha was found guilty of one count of trafficking within the UK. These counts were added to counts of false imprisonment and rape. They were sentenced overall to 18 years, 15 years and 5 years respectively.

These were the first charges to be brought under the new trafficking offences contained within the Sexual Offences Act 2003. In November, Maka appealed against his sentence but this appeal was lost and his sentence upheld.

South Yorkshire police, who led the investigation, worked closely with Europol, Eurojust and the Lithuanian authorities during the investigation. South Yorkshire police are part of a regional Reflex funded team dealing with organised immigration crime which also consists of West Yorkshire and Humberside forces.

sectors. The aim is to open the scheme for licence applications from April 2006. Once these licensing arrangements are in place, the Act will prohibit anyone from acting as a gangmaster in the specified areas without a licence. It will also make it an offence for a person to enter into an arrangement with an unlicensed gangmaster. The Gangmasters (Licensing) Act 2004 and the associated Gangmasters (Licensing Authority) Regulations 2005 will apply to work done anywhere in the UK, along the shoreline and in the UK coastal waters.

In 2000, the UK set up Reflex, a practical multi-agency task force to combat organised immigration crime. One of Reflex's three key objectives is to target people trafficking. Reflex is currently chaired by Bill Hughes, the Director General Designate of the Serious Organised Crime Agency, and involves the Home Office, the Immigration Service, the National Criminal Intelligence Service, the security and intelligence agencies, the Foreign & Commonwealth Office and key police forces with support from the Association of Chief Police Officers (ACPO) and its Scottish equivalent ACPOS. Its remit is to co-ordinate operations against organised

immigration crime, to develop the intelligence and strategic planning that underpin these operations and to target the infrastructure which supports such criminality. This co-ordinated joined-up approach has been very successful in disrupting organised immigration crime gangs and has led to a large number of arrests and the seizure of criminal assets. In 2004/05 Reflex activity led to 149 disruptions, 1456 arrests and the seizure of over £5.5 million in criminal assets.

Under Reflex, a network of Immigration Liaison Officers covering 23 key source and transit countries in Europe has been established. Their role is to work with other governments and their law enforcement agencies to create joint intelligence structures to disrupt and dismantle criminal gangs involved in organised immigration crime.

Here in the UK, we have formed a number of multi-agency intelligence teams which pool the capabilities and resources of various organisations such as the police, customs, the Immigration Service and other government departments to gather intelligence on organised

immigration crime, including trafficking, to inform the operational arm.

Our investigation and intelligence efforts have previously focused on trafficking for sexual exploitation. We are expanding our work on gathering intelligence and disrupting groups who are involved in the use of forced labour. In September this year we launched a new Joint Workplace Enforcement Pilot (JWEP). One of the aims of the pilot will be to gather information on businesses exploiting illegal migrant labour and then deliver effective enforcement action.

The UK also takes part in various initiatives aimed at building the capacity of our overseas partners to tackle trafficking. A UK led EU-funded twinning project with the Czech Ministry of the Interior, run in partnership with the Netherlands Centre for International Police Co-operation, to strengthen the capacity of the Czech Republic to combat trafficking into, within and out of the country concluded at the end of November 2005.

Reflex Romania is another example of a successful overseas initiative. Building on previous bilateral co-operation, the UK and Romania agreed to establish a central intelligence unit based in Bucharest to focus on organised immigration crime originating in and transiting through Romania.

Under Reflex, considerable work has also been undertaken in Serbia and Montenegro along with work in Bosnia and Herzegovina to establish a consistent regional approach in respect of border control management and to gain closer co-operation at an operational level, an important step towards achieving regional stability.

Our future plans

We recognise the importance of ensuring that the police are fully aware of trafficking issues and have the knowledge to deal with it. Through Reflex we will continue to raise awareness of trafficking amongst the police and, for England and Wales, review police training on organised immigration crime and trafficking to establish whether it should be expanded. We anticipate making more materials available to frontline staff, for example cue cards and resource packs.

The UK will continue to fund Reflex and monitor its success in disrupting organised crime groups involved in organised immigration crime, arresting those responsible and seizing their assets.

We will monitor issues relevant to labour exploitation through the Joint Workplace Enforcement Pilot (JWEP).

We will continue to engage on joint operational work with EU and other international partners.

Consultation

9. We have provided for heavy maximum penalties for trafficking offences. Are we achieving the right sentences in these cases?

10. What more needs to be done to get trafficking into core police business?

11. What more needs to be done to raise awareness of organised immigration crime, including trafficking, among police forces?

PROVIDING PROTECTION AND ASSISTANCE TO VICTIMS

Many people travel to the UK each year in search of work and better opportunities. Traffickers exploit people's desire to make a better life for themselves. They prey on those that have been made vulnerable through economic, political or social dislocation, and usually trick their victims into travelling with them to the UK with promises of legitimate employment here. But instead, the victims find themselves trapped in abusive and exploitative situations, working as forced labour or working in the sex trade. The traffickers treat their victims as commodities, to be moved, bought and sold to make maximum profits.

More is known about the recruitment of women and girls for the sex trade than other forms of trafficking. Traffickers use a number of methods to recruit females into the vice trade. Most involve some form of deception and exploit the lack of opportunities open to women in source countries. Traffickers place advertisements in local newspapers and media, advertising legitimate employment opportunities in the EU, for example work available for maids, nannies, bar and catering staff, receptionists, clerical staff, dancers and entertainers. Other victims are knowingly recruited into the sex trade, but are unaware of the conditions under which they will be forced to work. Some trafficking victims are kidnapped in the source country, but this is less common.

Once people find themselves in the hands of the traffickers, it can be very difficult to escape their situation. Many are brought into the UK illegally and are scared to approach the authorities given their illegal immigration status. Often those who are in the UK legitimately have had their identity documents retained by the traffickers so they have no way of proving their lawful status. Others are kept in their situation because they have amassed huge debts to the traffickers during their passage to the UK, or because they are threatened with violence if they attempt to leave.

We recognise that victims of trafficking, who are often highly traumatised by their experiences, require specialist care and protection. They may require support while they make choices about their future. In some cases it may be appropriate to allow them to remain in the UK. If they do not wish to remain, they will require assistance to return to their home country and to reintegrate back into society there. We also recognise that victims have a valuable role to play in bringing traffickers to justice and that victims may require support and assistance in deciding whether to help the authorities in any prosecution case against those who trafficked them.

What the UK has done already

In March 2003, in conjunction with the voluntary sector, the Home Office launched a pilot scheme providing safe accommodation and support for adult female victims of trafficking for the purposes of sexual exploitation.

The Poppy scheme is designed to provide safe shelter and care for up to 25 adult female victims of trafficking who have been brought to the UK to work as prostitutes. Shelter and basic care to meet immediate needs is provided in all cases on a short-term basis (for up to four weeks whilst individual women decide whether or not to assist the authorities). Longer term support is available to women who agree to actively assist the authorities in gathering intelligence about the traffickers and taking action against them.

The Poppy project provides a range of support services to meet individual needs including counselling, access to primary healthcare, interpretation/translation services and access to legal advice.

The Poppy scheme has recently been formally evaluated. Overall the findings were positive about the model and the quality of support provided for the trafficked women but the report highlighted a number of areas for improvement which are currently being considered. In light of the pilot scheme operation and evaluation findings we propose to increase the geographical coverage of support services for victims and introduce support at varying levels of intensity according to individual need. We will also use the evaluation evidence to inform our decisions on the nature and scope of future support.

The Scottish Executive is supporting a similar pilot project in Glasgow, as currently there is no service in Scotland providing specialist support to women who have been trafficked for the purposes of sexual exploitation.

We recognise that victims may need time and assistance to recover from the effects of abuse at the hands of their traffickers and to make informed decisions about their future. The Poppy scheme already provides for a period during which victims can receive care and support whilst deciding whether to assist the authorities.

At present, there is no specific provision within immigration legislation to allow those who are identified as victims of trafficking to remain purely on the basis of their status as a victim. All cases are dealt with on their own individual merits and leave to remain may be granted in appropriate cases, irrespective of the willingness of the individual to co-operate with the authorities. The victim's safety in the home country, if returned, is one of the factors taken into account when considering whether they should be granted leave to remain in the UK. Victims of trafficking are entitled to apply for asylum in the UK and these applications will be considered in line with normal policy and procedures.

Witness protection is another important consideration in the care and support of

trafficking victims. We recently placed witness protection on a statutory footing. This legislation is contained in the Serious Organised Crime and Policing (SOCAP) Act 2005 which will become effective from 1 April 2006.

Following a review of national witness protection which concluded in September 2004, a Central Witness (Protection) Bureau (CWB) is to be established from April 2006. This will assist law enforcement agencies with specific witness protection services such as housing, international liaison, and other essential services. In Scotland, witness protection is managed centrally by the SDEA. The CWB is primarily being established for England and Wales but will assist with Scottish and Northern Irish cases also. Additionally we launched the Multi-Agency Witness Mobility Scheme in November 2003 (since renamed as the National Witness Mobility Service). The Service assists police and social landlords with relocation of witnesses and could, if necessary, assist victims/witnesses of trafficking with somewhere to reside. To date, 300 cases have been referred to the service, several of which have been human trafficking cases.

It is important to identify victims of trafficking at the earliest opportunity. We have developed an online toolkit aimed at practitioners to increase awareness of trafficking. This is available to all immigration staff at our borders and provides comprehensive information on trafficking, including a section on the victim's perspective.

The Unaccompanied Minors Best Practice document for immigration staff, originally launched in July 2003, has recently been reviewed and a chapter on trafficking added. The guidance aims to equip officers with the tools they need to recognise children who may have been trafficked.

The Immigration and Nationality Directorate (IND) guidance on dealing with children in need also contains a section on trafficking, the aim of

which is to enable IND staff to refer any children who may have been trafficked to the appropriate practitioners.

An Interviewing Minors training course has been available to border control staff since November 2003. Recognising signs of trafficking is an important aspect of this course. Staff who have received this training have formed 'Minors Teams' at ports. They deal with cases of unaccompanied minors arriving in the UK and work closely with social services, police and child protection officers.

As a result of Operation Paladin Child, an operation funded by Reflex and led by the Metropolitan Police to track unaccompanied children arriving at Heathrow, it was agreed to take forward the creation of a permanent multi-agency partnership team based at Heathrow, to address the specific safeguarding needs of unaccompanied minors. The team has been operational since 17 October 2005 and involves the following agencies in some capacity: Metropolitan Police, Immigration and Nationality Directorate, Department for Education and Skills, social services, NSPCC, and the Foreign & Commonwealth Office.

What we plan to do

We recognise the importance of providing specialist care and support to victims of trafficking.

We will consider how victim care arrangements should be modified and/or expanded following the formal evaluation of the Poppy scheme. As part of this work, we will look at the current entry criteria, capacity and location of the current support services and we will also consider whether it may be possible to provide non-residential services.

We recognise that some other countries provide an automatic reflection period for victims of trafficking – a time period varying between 4

weeks and 3 months, during which the victim is given temporary leave to remain while they consider whether or not to assist the authorities with an investigation. During that time, the victim is not required to speak to investigating authorities, they can if they so wish, but the emphasis is on giving the victims the time and space to consider their options. Where operated, these provisions are very similar to the arrangements in place for victims referred to the Poppy Scheme. We are considering whether there are advantages in adopting the policy of an automatic reflection period, against our current case by case approach, and would welcome views on this.

In the interim, we will continue to allow a reflection period for women on the Poppy Scheme so that they can make informed choices about their future. We will continue to hold immigration service removal action in abeyance for the duration of the victim's residence on the Scheme.

Many of those states which operate a system of reflection periods also have a specific category of longer term leave to remain in the country, called a residence permit, for victims of trafficking. Again, we are seeking views on whether the UK should have specific leave provisions for victims of trafficking in place. In the interim, we will continue to consider each victim's case on its own merits and grant a period of leave in appropriate cases.

We have been gathering evidence about how the automatic granting of reflection periods and residence permits to those presenting as victims of trafficking are operating in other European transit and destination countries where they have been introduced. We have also been consulting with stakeholders inside and outside government on the possible advantages and disadvantages of these types of provisions. We have a serious concern that implementing such provisions might act as a "pull" factor to the UK. For example, they could be misused by

individuals seeking to extend their stay in the UK, where they do not have a genuine claim as a victim of trafficking. Dealing with fraudulent applications will slow down our ability to respond to genuine claims. In addition, we need to consider the impact of a reflection delay on the ability of the police to gather evidence in investigations, the risk being that the trail could run cold.

We recognise the importance of identifying victims at the earliest opportunity. We will review the training and guidance already being given to immigration staff who may come into contact with victims of trafficking to ensure that victims are identified as such and receive appropriate treatment. As part of this review we will explore the possibility of providing border control agencies with profiles of trafficking victims to aid early identification and quick referral to appropriate support.

We will also expand the guidance available to asylum caseworkers on identifying victims of trafficking and ensure that this is widely available. This will ensure that victims are identified and referred for appropriate support at the earliest opportunity. The guidance will also advise caseworkers on the particular considerations required when dealing with applications from victims of trafficking. We also plan to provide further child protection training to IND staff.

The Department of Health, in conjunction with the National Institute for Mental Health and the Home Office, is to carry out a mapping exercise of the health and mental health service responses to victims of trafficking, as part of a wider exercise looking at responses to victims of domestic and sexual violence, abuse and exploitation. The Department of Health will develop guidelines on identifying and responding to the specific needs of these individuals.

We recognise that it is important to provide support and assistance to victims of trafficking who wish to return home. Victims of trafficking will continue to be able to use the current assisted voluntary return programmes and we are exploring the provision of additional reintegration support for victims returning to their home countries. We will exchange best practice on reintegration with other EU member states to inform our approach. We will support programmes in source regions which support reintegration.

Consultation

12. How could support services provided to victims of trafficking be replicated or expanded?

13. Do you know of organisations that can provide specialist care and support to victims of trafficking?

14. How do we identify vulnerable child victims?

15. What are the benefits and drawbacks of providing reflection periods and/or residence permits to victims of trafficking?

16. How can we ensure that vulnerable victims returning to their countries of origin are not re-trafficked?

17. How can we ensure safe and sustainable return and reintegration of victims into their home communities?

18. How do the support needs of those trafficked for labour exploitation differ from the needs of those trafficked for sexual exploitation?

SUMMARY OF PROPOSED ACTIONS

The Government will work to prevent trafficking by researching the problem, raising awareness in source countries and reducing demand

It will:

Research

- Publish a report coming out of research into the harms caused by organised immigration crime, including trafficking, and regularly update thereafter in order to scope the size of the trafficking problem **[Home Office]**
- Carry out a scoping study on the off-street prostitution market to commence in 2006 **[Home Office]**

Prevention of trafficking at source

- Develop a strategy to publicise successful prosecutions of traffickers in source and transit countries to deter others **[Foreign & Commonwealth Office]**
- Support projects in source countries aimed at raising awareness within groups that are vulnerable to recruitment by traffickers **[Foreign & Commonwealth Office]**
- Carry out specific projects designed to build capacity in source and transit countries to deal with organised immigration crime **[Foreign & Commonwealth Office]**
- Raise awareness of trafficking among airline carriers in source and transit countries through the Airline Liaison Officer network **[Home Office]**
- Raise awareness of trafficking amongst Entry Clearance Officers in source and transit countries by rolling out information to Risk Assessment Units and considering the options for targeting advice to relevant posts overseas **[UK Visas]**

- Tighten entry clearance procedures by endorsing minors' vignettes with the names of the person accompanying them **[UK Visas]**
- Require people looking after a visa national minor for more than 28 days to have registered with their Local Authority prior to the minor being granted entry clearance **[Home Office]**
- Implement NATO policy to show zero tolerance for the abuse of women and children in conflict areas and roll out to other areas where UK troops are deployed **[Ministry of Defence]**
- Include information about trafficking in women and children in the training of British military personnel, in the first instance in NATO deployments but with a view to rolling out to all overseas deployments **[Ministry of Defence]**

Demand reduction

- As part of a wider coordinated strategy on prostitution, tackle the demand for women and children trafficked for the purposes of prostitution **[Home Office]**
- The Scottish Executive is undertaking a separate review of prostitution in Scotland. Legislative proposals on street prostitution will be brought forward shortly **[Scottish Executive]**
- The Scottish Executive is also working to develop a strategic approach to all forms of violence against women **[Scottish Executive]**
- Strengthen the legislation on the employment of illegal workers by replacing section 8 of the Asylum and Immigration Act 1996 with measures contained in the Immigration, Asylum & Nationality Bill,

including a new offence of knowingly employing an illegal migrant worker
[Home Office]

- Support projects which promote legal migration routes to the UK **[Home Office]**
- Work with NGOs to consider issues specific to child trafficking and consider whether any policy changes are required **[Home Office]**

The Government will investigate and prosecute those who are involved in the trafficking of human beings into the UK

It will:

- Continue to fund Reflex, the multi-agency task force which focuses on tackling organised immigration crime, including trafficking **[Home Office]**
- Continue, through Reflex, to work with the police to raise awareness of trafficking and to review existing police training on organised immigration crime and trafficking to see if it needs to be expanded **[Home Office]**
- Through Reflex, continue to engage on joint operational work with EU and international partners **[Home Office]**
- Develop appropriate resources for frontline staff, e.g. cue cards, information packs **[Home Office]**
- Monitor issues raised by the Joint Workplace Enforcement Pilot and consider disruption methods **[Home Office]**

The Government will ensure that victims of trafficking are protected, provided with help and assistance, and supported in providing evidence against their traffickers

It will:

- Consider how support services for victims of trafficking might be expanded using the Poppy Scheme evaluation evidence and other live-running data **[Home Office]**
- We will review training and guidance provided to frontline immigration staff. As part of this we will explore providing border control agencies with trafficking victim profiles and guidance to staff on the use of these profiles to aid early identification **[Home Office]**
- Continue to promote joint working by local agencies and the training of their staff who may come into contact with victims of trafficking **[Home Office, DfES]**
- Include trafficking victims in the mapping exercise of health and mental health service responses to victims of domestic and sexual violence and abuse, and developing guidelines on professionals and services identifying and responding to the needs of these individuals **[Department of Health with National Institute for Mental Health and Home Office]**
- Work to establish reintegration support for victims returning to their home countries **[Home Office]**
- Exchange best practice on reintegration with other Member States **[Home Office]**
- Support programmes in source regions (including through international agencies and NGOs) which include components providing protection for trafficked persons and help in re-establishing their livelihoods **[Department for International Development]**

Annex A **RELEVANT INTERNATIONAL INSTRUMENTS**

The UK is a party to a number of international instruments which are of relevance to human trafficking.

The UK has ratified the following key instruments that outlaw slavery:

- the International Covenant on Civil and Political Rights
- the European Convention on Human Rights
- the UN Slavery Convention
- the International Labour Organisation Conventions 29 and 105 on Forced Labour.

The UK has ratified the following key instruments on protecting children from exploitation:

- Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- International Labour Organisation Convention 182 on the Worst Forms of Child Labour.

Annex B **CONSULTATION QUESTIONS**

General

1. Have we got the scope of the plan right? Have we adequately covered the various forms of exploitation which can arise in the trafficking context?

2. Are there any areas for action or specific actions missing from the proposals?

Prevention

3. How can we measure the extent to which trafficking is taking place into and within the UK? In particular, how can we improve our knowledge on the scale of child trafficking and trafficking for labour exploitation into and within the UK?

4. Does your organisation have information on cases of trafficking in the UK, in particular trafficking for forced labour including domestic service?

5. How can we raise awareness among potential trafficking victims about the risks and realities of the exploitation they are likely to suffer through being trafficked?

6. How do we ensure that victims are identified at the earliest opportunity particularly in source countries (prior to departure) and at our borders where the victims themselves may not be aware that they are being trafficked?

7. How can we reduce the demand for the services of trafficked persons, in particular for forced labour, including domestic service?

8. How should we tackle the specific problem of child trafficking?

Investigation, law enforcement and prosecution

9. We have provided for heavy maximum penalties for trafficking offences. Are we achieving the right sentences in these cases?

10. What more needs to be done to get trafficking into core police business?

11. What more needs to be done to raise awareness of organised immigration crime, including trafficking, among police forces?

Victims

12. How could support services provided to victims of trafficking be replicated or expanded?

13. Do you know of organisations that could provide specialist care and support to victims of trafficking?

14. How do we identify vulnerable child victims?

15. What are the benefits and drawbacks of providing reflection periods and/or residence permits to victims of trafficking?

16. How can we ensure that vulnerable victims returning to their countries of origin are not re-trafficked?

17. How can we ensure safe and sustainable return and reintegration of victims into their home communities?

18. How do the support needs of those trafficked for labour exploitation differ from the needs of those trafficked for sexual exploitation?

Annex C **PARTIAL REGULATORY IMPACT ASSESSMENT**

1. Purpose and intended effect

1.1 Objective

1. The objective of the proposals contained in this consultation is to reduce the scale of people trafficking in the UK and the harms caused by it. Our specific aims are:

- to reduce the numbers of people trafficked to the UK;
- increase the effectiveness of investigations and prosecutions of trafficking cases and the number of successful disruptions of crime groups involved in trafficking; and
- to enhance the protection and support provided to victims who are identified.

2. We will do this through a series of targeted measures aimed at prevention; prosecution and investigation; and protection and support. For example, we will raise awareness of trafficking among airline carriers in source and transit countries to prevent trafficking early. We will develop training and resources for frontline staff in order to improve the identification of victims to ensure victims are better protected and to increase the opportunities for law enforcement and prosecutors to investigate and prosecute trafficking cases.

3. A UK Action Plan on Human Trafficking will be developed and published following this consultation exercise to provide the framework for these measures and join up cross-Government activity aimed at preventing and combating trafficking. The development of a UK Action Plan will also meet a political commitment we have made to the Organisation for Security and Cooperation in Europe (OSCE) to develop such a plan.

1.2 Background

4. Human trafficking involves the movement of people, either within one country or from one country to another, using coercion, deception or abuse of power for the purpose of their exploitation. Given the covert nature of the crime, it is extremely difficult to establish the scope of the problem but there is little doubt that it is a growing problem in the UK and in Europe as a whole. Law enforcement agencies report a rise in the prevalence of trafficking in the last two to three years.

5. Most of our knowledge centres around trafficking for sexual exploitation. Generally the victims are duped into coming to the UK with promises of work, but once here they are sold on to organised crime gangs and forced into prostitution. The majority of trafficked victims originate from Eastern Europe and the Balkans, or from the Far East, especially China and Thailand. Trafficking for labour exploitation and child trafficking into the UK are less well understood and part of the objective of this consultation exercise is to increase our knowledge of the issues relevant to these groups.

6. Trafficking victims are frequently subject to violence alongside sexual and emotional abuse. Restrictions on freedom may amount to slavery like conditions. The harms to individuals are therefore high. Human trafficking is linked to a broader spectrum of criminality and is often carried out by organised crime groups. It is a high profit crime. There are therefore significant social and economic harms caused by this form of criminality also.

7. The international community place a high priority on tackling trafficking. The UK has made a political commitment to the Organisation for Security and Cooperation in Europe (OSCE) to draw up a national action plan for combating and preventing trafficking. This, alongside growing

public and political concern, has been the driver for this consultation process.

1.3 Rationale for Government Intervention.

8. The Government has a responsibility to develop policies which protect and support vulnerable people and reduce the opportunities for their exploitation. There is therefore a duty of care to protect and support victims of human trafficking and, as far as possible, preventing future instances of abuse.

9. Human trafficking is often carried out by organised crime groups who exploit loopholes in policy and legislation to enable them to carry out their businesses. A joined-up national strategy is therefore essential to ensure a consistent and robust response.

10. We have an international obligation to take action to prevent this global problem.

11. Failure to deliver a UK action plan on human trafficking may lead to a perception that we are not committed to tackling this issue. There is already much work underway on tackling trafficking but the absence of an action plan may mean we are not addressing important areas and gaps in our knowledge.

2. Options

12. Option one: Do nothing. This would result in us carrying on with existing work streams but not taking forward the wider proposals in this document or considering proposals forthcoming as a result of the consultation exercise.

13. Option two: Implement the proposals contained within this consultation document and consider additional proposals forthcoming as a result of this consultation exercise. This Partial RIA includes an analysis of the following elements in the consultation document:

- Scoping off-street prostitution and the link with trafficking;
- Developing a strategy to publicise successful prosecutions in source and transit countries;
- Raising awareness of trafficking with airline carriers in source and transit countries through the Airline Liaison Officer Network;
- Raising awareness with Entry Clearance Officers in source and transit countries;
- Requiring people looking after a visa national minor for 28 days plus to have registered with their Local Authority prior to the minor being granted entry clearance;
- Tightening entry clearance procedures by endorsing minor's vignettes with the names of their accompanying parents;
- Replacing section 8 of the Asylum and Immigration Act 1996 with measures contained in the Immigration, Asylum & Nationality Bill, including a new offence of knowingly employing an illegal migrant worker;
- Developing resources for frontline staff;
- Further developing policy on support services for victims of trafficking;
- Reviewing training and guidance available to frontline immigration staff and providing border control agencies with profiles to aid early identification.
- Working to establish reintegration support for victims returning to their home countries.

3. Benefits

14. The intended benefits of option two relative to option one are a reduction in the scale of people trafficking, and better protection of trafficked victims.

15. Internal Home Office research has estimated that the total economic and social cost, or harm, of people trafficking for sexual exploitation was roughly £1bn in 2003. The main costs to victims quantified of this type of trafficking are the sexual and physical violence suffered by victims at the hands of traffickers and clients. Even a small reduction in the scale of trafficking would reap high benefits.

16. These benefits can be realised through greater prevention of trafficking at source. In particular the following measures:

- Scoping off-street prostitution and the link with trafficking;

This, alongside other research underway in the Home Office, will give us a better understanding of the problem and enable us to better target resources and enforcement activity. It is envisaged that this scoping exercise would be undertaken in close cooperation with police forces to examine their knowledge on the scale of local off-street prostitution markets and prevalence of trafficking.

- Developing a strategy to publicise successful prosecutions in source and transit countries.

This action will highlight the risks to traffickers of being caught, thus providing a deterrent. This strategy may be based around the more regular dissemination of information to UK posts overseas, or the use of media networks. The aim will be to ensure that examples of successful criminal justice interventions in the UK are

widely publicised in source and transit countries to act as a deterrent to those considering engaging in trafficking and to raise awareness with potential victims.

- Raising awareness of trafficking with airline carriers in source and transit countries through the Airline Liaison Officer Network;
- Raising awareness with Entry Clearance Officers in source and transit countries;
- Require people looking after a visa national minor for 28 days plus to have registered with their Local Authority prior to the minor being granted entry clearance;
- Tightening entry clearance procedures by endorsing minor's vignettes with the names of the person accompanying them;

These measures are designed to reduce the opportunities for traffickers to carry out their criminality undetected. The first two actions will be taken forward by dissemination of information and guidance through existing networks. Work on registration procedures for visa national minors is being taken forward between the Home Office, DfES and Local Authorities. The IND "Child in Need" Guidance will also be updated as part of this work. UK Visas will lead on changes to minor's visa arrangements.

17. Other benefits will accrue through reducing demand. For example:

- Replacing section 8 of the Asylum and Immigration Act 1996 with measures contained in the Immigration, Asylum & Nationality Bill, including a new offence of knowingly employing an illegal migrant worker;

Tougher penalties for 'knowingly' employing an illegal migrant worker should act to deter employers who are knowingly and deliberately using illegal migrant workers, some of whom may have been trafficked, thereby acting to reduce demand. Changes to legislation are being taken forward in the Immigration, Asylum and Nationality Bill currently before parliament.

18. Benefits will also be achieved by enhancing our efforts to identify and disrupt instances of trafficking. For example:

- Developing resources for frontline staff;
- Reviewing training and guidance provided to frontline immigration staff and providing border control agencies with profiles to aid early identification.

These measures, alongside existing work being taken forward by Reflex (the multi-agency law enforcement taskforce on organised immigration crime), will increase the detection of trafficking, these actions are therefore also important to the better protection of victims. The Home Office will take forward work on frontline resources for police staff, in collaboration with Reflex and Association of Chief Police Officers (ACPO). The Home Office Immigration and Nationality Directorate will lead the review of immigration staff training and guidance and consider how best to extend. As part of this IND and HM Immigration Service will explore how best to ensure identification of victims, including by sharing profiles with border control staff.

19. There will be additional benefits associated with better protection of trafficked victims in dealing with the after-effects of trafficking. These will be realised through:

- Further developing policy on support services for victims of trafficking;
- Working to establish reintegration support for victims returning to their home countries.

These measures will ensure the correct provisions are in place to enable victims to recover from their ordeal, support them through any criminal justice procedures and enable them to better reintegrate into society in their home country when they return home. Reintegration is essential to prevention of re-trafficking and its associated harms. Work is at an early stage but will build on the experience and lessons learned from existing support/reintegration provision. In particular, account will be taken of the findings from the evaluation of the Home Office funded POPPY Scheme in London – a pilot established in March 2003 to provide accommodation and support for adult victims of trafficking for prostitution, and the experience from current return schemes operating with the International Organisation for Migration (IOM).

4. Costs

20. The additional direct costs of the proposals are:

- Approximately £40,000 for producing the action plan; consisting of £35,000 of staff costs and £5,000 for the costs of publication

21. The proposed new provisions in the Immigration, Asylum & Nationality Bill have already been the subject of a RIA published on 22 June 2005, this is available at http://www.ind.homeoffice.gov.uk/ind/en/home/laws__policy/legislation/immigration__asylum.html.

22. In most cases, the financial costs of initiatives contained in this proposal will be absorbed by existing budgets. For example, proposals in the plan for frontline resources may be funded from the existing Reflex budget and work on scoping off-street prostitution will be absorbed in the existing Home Office research budget. Nevertheless, costs will still be incurred in that organisations will have to trade-off time and expenditure incurred in dealing with people trafficking with their other responsibilities. For example, raising awareness of trafficking amongst police forces will require additional training and, to a limited extent, will mean less time available to, for example, other crime areas. However, we anticipate that this impact will be small.

23. Further costs will need to be assessed following the consultation exercise when a full list of actions has been agreed.

24. It is likely that there will be some areas where more significant costs will be incurred. Based on the current POPPY scheme arrangements, the costs of supporting a victim of trafficking are estimated at about £2075 per month, which equates to around £25,000 per annum. Extension of the current provisions would therefore have significant cost implications.

5. Small Firms Impact Test

25. We do not anticipate that this proposal will have an adverse impact on small businesses. To the extent that there are competition benefits (see below) there could be some small benefits to legitimate small firms.

6. Competition Assessment

26. At present, firms using trafficked persons for cheap labour will have an unfair competition advantage. By addressing this, it is likely that these proposals will have a positive impact on competitiveness. A further assessment of the

impact of the new provisions in the Immigration, Asylum & Nationality Bill can be found in the RIA for that Bill (see above).

7. Enforcement and sanctions

27. Consideration will be given to any enforcement implications once final actions have been agreed. The proposed new provisions in the Immigration, Asylum & Nationality Bill will of course be subject to enforcement and where appropriate prosecutions, in particular the new offence of “knowingly” employing an illegal migrant worker will need to be enforced by the police or appropriately training immigration officers.

8. Monitoring and evaluation

28. Progress against the action plan will be monitored by the HO chaired Ministerial Group on Human Trafficking. An evaluation process will be established once the actions in the plan have been finalised.

9. Consultation

29. Within government:

- Foreign & Commonwealth Office
- Department for International Development
- Department for Work and Pensions
- Department for Education and Skills
- Department for Trade and Industry
- Department of Health
- Ministry of Defence
- Crown Prosecution Service
- Crown Office and Procurator Fiscal Service
- Attorney General’s Office
- Solicitor General’s Office
- Scottish Executive
- Northern Ireland Office
- National Assembly for Wales

30. A number of key stakeholders have been identified for involvement in the public consultation process. The list includes the Association of Police Authorities, the Association of Chief Police Officers, and the Association of Chief Police Officers in Scotland, the National Criminal Intelligence Service, the National Crime Squad, the Trade Union Congress, and various international and non-governmental organisations who are active in the trafficking field.

10. Summary and recommendation

31. The Government proposes to proceed with Option 2, to take forward the initiatives contained in this proposal and give consideration to additional proposals forthcoming as a result of this consultation exercise. The development of a comprehensive UK Action Plan on trafficking will enable us to have a great impact in preventing and combating trafficking and will meet our international commitments.

Annex D **CONSULTATION CODE OF PRACTICE**

This consultation follows the Code of Practice on Consultation the criteria for which are set out below.

The six consultation criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:
<http://www.cabinet-office.gov.uk/regulation/consultation/index.asp>

Consultation coordinator

If you have any complaints or comments about the consultation process, you should contact the Home Office consultation coordinator Bruce Bebbington by email at:

Bruce.Bebbington@homeoffice.gsi.gov.uk.

Alternatively you may wish to write to:

Bruce Bebbington
Consultation Coordinator
Performance and Delivery Unit
Home Office
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

Annex E **RESPONSES: CONFIDENTIALITY & DISCLAIMER**

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information you provide to be treated as confidential, please be aware that under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA – in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

