

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings

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**Report submitted by the British authorities
on measures taken to comply with
Committee of the Parties Recommendation CP(2012)10
on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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Home Office

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11 March 2015

Dear Nicolas,

**Group of Experts on Action against Trafficking in Human Beings (GRETA)
report on the implementation of the Council of Europe Convention on Action
against Trafficking in Human Beings by the UK**

I am pleased to enclose the UK's official response to the GRETA report on the UK.

As was explained by the UK representative at the Committee of the Parties' meeting on 5 December, due to the significant amount of policy changes taking place in recent months as a result of the Modern Slavery Bill, the Modern Slavery Strategy and the Review of the UK National Referral Mechanism, it was not possible to meet the original deadline. I am grateful that the Committee of the Parties agreed to extend the deadline for the UK response until 13 March.

The attached response provides information on the considerable amount of work to tackle modern slavery across the UK. The Review of the National Referral Mechanism was undertaken in the Summer of 2014 and reported in November. This recommended that the support system for identifying and supporting victims of people trafficking should be overhauled. In the UK, the new Modern Slavery Strategy was also published in November and set out a comprehensive cross-Government approach to tackling modern slavery. The Victim Care Contract through which supported is provided to adult victims of human trafficking has been reviewed and retendered. Legislation has been passed in Northern Ireland and is being progressed by the UK and Scottish Parliaments. This response provides the current position, but is likely to develop further as legislation is finalised and the response to the NRM review progresses, given this is an area that administrations across the United Kingdom have identified as a key priority.

Thank you again for your support for the UK's activity to tackle human trafficking.

Karen Bradley
Minister for Modern Slavery and Organised Crime

- GRETA considers that the Competent Authorities should address the consequences of having numerous pieces of legislation on THB and ensure that all types of THB are included and applied in full conformity with the Council of Europe Convention. In this context, GRETA considers that a dedicated legislation on human trafficking would provide legal status to victims of trafficking, including the right to a recovery and reflection period, as well as other provisions of the Convention which reflect the human rights-based approach to action against trafficking.***

England and Wales

The Modern Slavery Bill currently before the UK Parliament is a dedicated piece of legislation focussed on tackling slavery and human trafficking. The Bill will consolidate and simplify the existing offences – currently contained in a number of different Acts – into a single Act. The Bill includes two substantive modern slavery offences: one for human trafficking and one for slavery, servitude and forced or compulsory labour. It has a victim centred approach and includes a range of enhancements to the support and protections available to victims of human trafficking and slavery, which support the UK's existing activity in complying with the provisions of the Council of Europe Convention.

The review of the National Referral Mechanism (NRM) published in November 2014, did not recommend that the NRM was placed on a statutory footing. It found that simply putting the Convention into statute would not change the UK's commitment and obligations to abide by the trafficking convention or the methodology with which it is implemented. However, the Modern Slavery Bill includes provision for the National Referral Mechanism (NRM) to be set out in Regulations, once implementation of the NRM Review is further progressed.

Scotland

Scottish Ministers have brought forward dedicated human trafficking legislation – the Human Trafficking and Exploitation (Scotland) Bill.

This Bill will take a victim centred approach in criminalising the perpetrators while enhancing the support for victims with the aim of making Scotland hostile to trafficking.

Northern Ireland

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 received Royal Assent on 13 January 2015. This Act consolidated relevant statutory provision relating to human trafficking and slavery-type offences within a single piece of legislation. The Act created a new consolidated offence of human trafficking as well as a new offence of slavery, servitude and forced or compulsory labour. Previous offences have been repealed. The Act also includes measures in respect of sentencing, recovery of criminal assets, investigation and prosecution, prevention and protection and support for victims. In particular, section 18 of the Act sets responsibilities of the Northern Ireland Department of Justice's in respect of the provision of assistance and support to adult potential victims of human trafficking pending determination by a competent authority.

The Act is a comprehensive piece of legislation that will strengthen Northern Ireland's response to human trafficking and slavery and ensure that victims are provided with adequate support.

- 2. GRETA urges the Competent Authorities to ensure that all victims of trafficking for the purpose of sexual or any other type of exploitation who are under 18 years of age are to be considered as child victims of trafficking within the meaning of Article 4 of the Convention.***

England and Wales

Victims of human trafficking under 18 years of age are considered as child victims within the meaning of Article 4 of the Convention in England and Wales. Additionally, the Modern Slavery Bill will give clear effect to the UK's international obligations under Article 13 of the EU Directive on preventing and combating trafficking in human beings. It sets out that, where there is uncertainty around the age of a potential victim - believed to be a child - the person should be presumed to be a child. This will ensure that child victims of human trafficking receive immediate and appropriate assistance and support.

Scotland

In Scotland victims of human trafficking under the age of 18 are considered as children.

Northern Ireland

In Northern Ireland victims of human trafficking under the age of 18 years are recognised as children. This is in line with section 2(2) (interpretation) of the Children (Northern Ireland) Order 1995. This current position defines a child as a person under the age of 18. This position reflects Article 4 of the Convention.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, specifically provides for the definition of a child (who is a victim of trafficking) being a person under the age of eighteen years.

- 3. As regards Scotland, GRETA considers that the Scottish authorities should expand the scope of trafficking for the purpose of sexual exploitation to cover all the activities included in the Sexual Offences (Scotland) 2009 Act.***

The Human Trafficking and Exploitation (Scotland) Bill takes into account this recommendation.

- 4. GRETA urges the British authorities to revisit the guidance given to Competent Authorities on so-called "distant in time/historic claims", with a view to ensuring that all persons subject to THB are identified as victims of trafficking and have access to the measures included in Articles 11, 12, 13, 14, 15, 16, 26 and 28 of the Convention regardless of what the immediate assistance needs of such victims may be.***

The UK Government's position since September 2013 is that historic claims are no barrier to identification and access to support as a victim of human trafficking.

5. ***GRETA considers that the authorities should involve additional relevant bodies in the consultation on and assessment of anti-trafficking action, such as the Gangmasters Licensing Authority, the Children's Commissioners for England, Northern Ireland, Scotland and Wales, and the Anti-Trafficking Co-ordinator for Wales.***

England and Wales

The Home Office holds regular meetings with Operational and Stakeholder organisations to consult on the development of policy and the effectiveness of its actions to tackle modern slavery, including the Gangmasters Licensing Authority (GLA) and the Anti-Slavery Co-ordinator for Wales.

The Modern Slavery Bill will enhance this engagement with relevant bodies in the UK and internationally. The UK-wide Independent Anti-Slavery Commissioner will encourage good practice in the prevention, detection and prosecution of offences and the identification of victims of those offences. The Commissioner will work closely with other organisations including the GLA, Children's Commissioners for England, Wales Scotland and Northern Ireland, the Anti-Slavery Co-ordinator for Wales and members of civil society.

Scotland

The Scottish Government held a Human Trafficking Summit in October 2012, which brought together all organisations that had a statutory or specific responsibility to tackle trafficking and support its victims. Eleven actions were agreed at the summit – <http://www.scotland.gov.uk/Resource/0042/00429442.pdf> and a Progress Group was created to take forward the actions. There are four subgroups within the progress group designated with the task of taking forward:

- Awareness raising and training of front line professionals;
- Data collection and analysis of trends;
- Victim care and support; and
- Legislation/Enforcement/Prosecution.

The Scottish Government already works with a wide range of delivery partners in this context and will continue to do so.

Northern Ireland

The GLA is a member of the Organised Crime Task Force (OCTF) Immigration and Human Trafficking Sub Group. This Subgroup brings together the main statutory bodies with responsibilities around tackling human trafficking and it is focussed on providing strategic direction and resolving operational issues

In December 2012, the Department of Justice established an Engagement Group on human trafficking to facilitate liaison and information sharing on human trafficking between statutory and non-statutory groups. The Northern Ireland Commissioner for Children and Young People is represented on the Engagement Group.

In addition, section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Northern Ireland Department of Justice to publish an annual strategy on tackling slavery, forced labour and human trafficking. In drawing up the strategy the Department is required to consult other relevant organisations and have regard to their views.

- 6. In addition, GRETA invites the British authorities to carry out an independent mid-term evaluation of the Human Trafficking Strategy in order to assess the implementation and impact of the actions planned, and consider whether any adjustments are necessary.***

England and Wales

The Government's current programme of activity to stamp out modern slavery has superseded the Human Trafficking Strategy. This work includes the Modern Slavery Bill, Review of the NRM, re-tender of the Victim Care Contract (a national support service for adult victims of human trafficking in England and Wales, providing them with care and support), and the publication of the Modern Slavery Strategy in November 2014.

In producing the Modern Slavery Strategy work the Government reviewed previous activity on human trafficking, consulted widely with stakeholders, and secured evidence from a wide array of sources, to critically analyse its current approach and build on its actions to eradicate this heinous crime.

The Modern Slavery Strategy sets out the Government's comprehensive approach to tackling modern slavery and the contributions expected from Government departments, agencies and partners. The Strategy will be reviewed annually.

Scotland

The Human Trafficking and Exploitation (Scotland) Bill will place a duty on Scottish Ministers to prepare, publish and regularly review and update a Scottish Anti-Trafficking Strategy. The strategy and subsequent updates will require to be laid before Parliament.

Northern Ireland

Since May 2013 the Northern Ireland Minister of Justice has published annually a multi-agency action plan for Northern Ireland aimed at tackling human trafficking and exploitation. Good progress has been made against both the 2013/14 and the 2014/15 action plans. Published progress reports are available at: <http://www.dojni.gov.uk/northern-ireland-human-trafficking-action-plan-2013-14-progress-report>

In addition, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Department of Justice in Northern Ireland to publish an annual strategy to tackle human trafficking and slavery-like offences. Work on the development of the 2015/16 strategy is in its early stages.

7. *In order to ensure that action to combat THB is comprehensive, GRETA considers that the British authorities should:*
- *increase efforts to prevent and detect THB within the UK and of British nationals abroad;*
 - *step up action to combat THB for the purpose of labour exploitation, in particular in domestic service, care, hospitality, agricultural, fisheries and construction sectors, including through extending the scope of action of the GLA;*
 - *pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking;*
 - *consider the return of victims of trafficking as an integral part of anti-trafficking policy which is critical to achieve a comprehensive framework for the protection of victims and their rehabilitation.*

England and Wales

Improved prevention and detection is an integral part of the UK's approach to tackling human trafficking. The Home Office ran a campaign to increase awareness of modern slavery among the public, partners, and businesses in 2014, and encouraged reporting to the new modern slavery helpline (0800 0121 700) and website (www.modernslavery.co.uk).

We are raising awareness of forced labour and exploitation amongst employers and industry by targeting sectors in which slavery has been reported – agriculture and fisheries, factories and food processing, construction/ labouring, hotels and catering. We are working with industry bodies in these sectors to inform people who work either directly or indirectly in these sectors about modern slavery, its prevalence in their sector, and measures they can take to ensure their supply chains are clean.

Sponsorship of the Gangmasters Licensing Authority (GLA) has transferred to the Home Office to improve collaboration with policing agencies for its enforcement activities. We are committed to examining ways in which the GLA's role can be enhanced to tackle exploitative behaviour outside the industries it licences. We will consider whether this could include a power to inspect companies that do not operate in the licensable sector, nor intend to.

The Government views the trafficking of children as a very serious offence and acknowledges that where children are found to be trafficked their safety and welfare needs must be urgently addressed. We are currently conducting a 12 month trial of independent specialist advocates for victims of child trafficking across 23 local authorities in England. The advocates will provide dedicated support and guidance to promote the child's welfare and guide them through the social care, immigration and criminal justice systems. The Modern Slavery Bill includes a clause to give independent child trafficking advocates a statutory basis.

Preventing trafficked children from going missing, and protecting them from the harms and risks they face if re-trafficked is a key priority. We are working with partners to improve the police and operational response by spreading good practice models that have reduced the number of children who go missing. This includes reviewing how best we identify those at risk at our ports and borders and issuing

guidance to local authorities on protecting children at risk of going missing from care.

The Modern Slavery Strategy commits the Government to support the reintegration of victims into society, both in the UK and in their countries of origin. The Strategy sets out actions to improve support for victims returning home by building on existing voluntary return programmes, such as the Albanian voluntary return package established by the Foreign and Commonwealth Office (FCO) in 2013 in collaboration with the International Organisation for Migration (IOM) and Albanian Government.

The Home Office, through Refugee Action's Choices programme, offers a number of return packages for victims from countries outside the European Economic Area (EEA). Individuals are provided with practical support and advice to safely return home, including help in getting travel documents, arranging flights and, importantly, help in preparing a 'reintegration plan' - preparing for departure in the UK, and deciding what the individual will do on return. The package also includes reintegration assistance up to 12 months after return. To ensure that this support is available to all victims, regardless of their country of origin, the Home Office will extend the Choices Programme to victims of modern slavery from EEA countries.

Scotland

The subgroup of the Progress Group is taking forward actions relating to:

- Awareness raising and training of front line professionals;
- Data collection and analysis of trends;
- Victim care and support; and
- Legislation/Enforcement/Prosecution.

Police Scotland in conjunction with the Scottish Government launched a public facing human trafficking awareness leaflet with the Scottish Business Resilience Centre. The leaflet was distributed to approximately 25,000 people and throughout various businesses to enhance awareness and key indicators of human trafficking.

In 2013, the Scottish Government published a toolkit on tackling child trafficking: "Inter-Agency Guidance for Child Trafficking":

<http://www.scotland.gov.uk/Publications/2013/11/3285>.

The toolkit is based on the Glasgow Child Protection Committee model, providing information and guidance to all members of the children's workforce to enable professionals and others to be able to identify trafficked children and make appropriate referrals.

In 2014, the Scottish Government published updated National Guidance on Child Protection which also contains specific information for professionals on child trafficking: www.scotland.gov.uk/Publications/2014/05/3052

Northern Ireland

In May 2014, the Department of Justice (DOJNI) published a progress report against the first annual action plan on human trafficking. This can be accessed at:

<http://www.dojni.gov.uk/northern-ireland-human-trafficking-action-plan-2013-14-progress-report>

This report noted that good progress had been made in the course of the year with a number of important developments delivered. For example, the Criminal Justice (Northern Ireland) Act 2013 included new measures to tackle human trafficking. It brought Northern Ireland's criminal law into line with the EU Directive on human trafficking, creating new offences and addressing the international dimension of human trafficking.

In August 2013 an educational resource on human trafficking for teachers of post primary pupils was launched. The pack aims to raise awareness of the issue of human trafficking; to help young people to make healthy, safe choices; and to motivate them to become active citizens in the fight against trafficking.

A rights-based victims' information leaflet was produced and launched in September 2013. The leaflet was translated into eight languages, as well as made available in English. The leaflet was distributed to a range of relevant organisations, including Policing and Community Safety Partnerships (PCSPs), homeless organisations, Police Service of Northern Ireland, and healthcare providers. DOJNI has also produced and distributed other awareness raising resources to key sectors.

The Department of Justice and its statutory and civil society partners are now working to progress actions set out in the Human Trafficking and Exploitation Action Plan for Northern Ireland 2014-15. An interim review of the action plan can be accessed at: <http://www.dojni.gov.uk/northern-ireland-human-trafficking-and-slavery-action-plan-2014-15>

The action plan has three strategic aims. These aims are:

- strengthening law enforcement;
- protecting and supporting victims; and
- preventing human trafficking and exploitation.

The action plan includes a number of actions to raise awareness and improve our understanding of the scale of human trafficking and slavery/forced labour within Northern Ireland, some of which have already been completed. For example, the DOJNI and the Department of Justice and Equality in Dublin held a cross-border forum on forced labour on 21 January 2015.

8. Further, GRETA considers that the British authorities should keep under scrutiny, together with NGOs, the new overseas domestic worker system to ensure that it does not increase trafficking of overseas domestic workers.

The Government has introduced a range of measures to protect those entering the country on a domestic worker visa from abuse. We are piloting a programme to provide Overseas Domestic Workers with information on their rights and where to get help and support, using a pocket sized information card provided by Border Force officials upon entry to the UK, which will complement information that is already provided with the visa. We are strengthening the new contract template with more explicit terms and conditions to ensure both sponsors and their workers are aware of the expectations we have of them. In addition to hours of work and salary,

the contract will cover terms such as sleeping arrangements, passport retention and holiday entitlements.

Concerns have been expressed in Parliament about the potential for abuse of those who enter the country on such a visa and this is a matter which is being discussed as the Modern Slavery Bill reaches the end of its Parliamentary passage.

Given the concerns expressed in Parliament, the Government has commissioned an independent review of the Overseas Domestic Worker visa and to consider whether there are particular barriers which are preventing victims from coming forward and receiving the support to which they are entitled. The review will report by the end of July.

- 9. GRETA invites the Competent Authorities to continue ensuring that all relevant staff, including those working in NGOs contracted to provide assistance to victims of trafficking, are trained periodically in order to improve the detection of potential victims of trafficking, the formal identification of victims and the provision of assistance to them. Such training should be provided to law enforcement officers, immigration officials, staff working in immigration removal centres, staff working in shelters for victims of trafficking, local authorities staff, diplomatic and consular staff, health professionals, social workers and labour inspectors.***

England and Wales

Key organisations most likely to come into contact with victims – police forces, the NCA, Border Force, UKVI, the GLA and health workers – all have training packages in place to raise awareness of modern slavery and highlight the signs and indicators to watch out for. These training packages are currently under review and will be updated to take into account the legislative changes resulting from the Modern Slavery Bill and changes resulting from the NRM Review.

The Government is working with NGOs to develop a core training module for all first responder organisations. This can be built upon to create bespoke training for any organisations working with victims of modern slavery. It will be developed to take into account the new Slavery Safeguarding role.

A series of statements of standards of performance that individuals must achieve when carrying out functions in the workplace, together with specifications of the underpinning knowledge and understanding, known as National Occupational Standards, was developed for professionals who come into contact with potential victims of modern slavery and published in 2014. We anticipate that the standards on modern slavery will be used by support workers, and may also be referred to by police forces and social workers.

Scotland

The subgroup tasked with creating awareness-raising and training initiatives is continuing its work.

Police Scotland has established 14 divisional human trafficking champions and a National Human Trafficking Unit to investigate any evidence of trafficking. All police officers are required to undertake a mandatory e-learning programme. The E-learning package has been adapted for use by non-police staff. The Lord Advocate, Scotland's chief prosecutor, has appointed a specialist prosecutor to deal with human trafficking. The Lord Advocate has published guidance for prosecutors in relation to human trafficking.

There has also been engagement with businesses in Scotland through the UK-wide 'Stronger Together' campaign, which has over 3,000 members. The campaign was developed jointly by Migrant Help, the Gangmasters Licensing Authority and the Association of Labour Providers.

Northern Ireland

As set out in the progress report for the 2013/14 human trafficking action plan, training has been provided to over 4000 Police Service of Northern Ireland (PSNI) officers and a Training Needs Analysis was developed for statutory bodies represented on the Organised Crime Task Force subgroup. The Health and Social Care Board (HSCB) also developed guidance for staff in emergency departments and multi-agency training on issues relating to human trafficking was delivered to civil society organisations.

Training remains a priority for delivery in the 2014-15 action plan and bespoke training and awareness sessions have been provided to PSNI, UK Border Force, prison officers, registrars, midwives, ambulance teams, and airport staff amongst others. Further training is to be delivered next month to legal professionals.

- 10. Further, GRETA invites the Competent Authorities to step up the training provided to prosecutors and judges on the issue of THB and the applicable legislation and case-law, by stressing the importance of applying a human rights-based approach on the basis of the Council of Europe Convention and the case-law of the European Court on Human Rights.***

England and Wales

We have an independent judiciary who decide what training is appropriate. Awareness continues to be raised, for example, news articles through judicial communications. In October 2014, a number of the judiciary and prosecutors attended a Council of Europe workshop, the aim of which was to promote better implementation of the non-punishment provision with regard to victims of trafficking in human beings in relation to Article 26 of the Council of Europe Convention of Action against Trafficking in Human Beings.

Modern slavery cases are now referred for allocation of trial judges under the new Criminal Practice Direction that came into force in October 2014. This means that modern slavery cases can only be tried by High Court and Circuit Judges or Deputies provided the Presider has released it to that judge. This will improve consistency and ensure that judges with relevant experience will preside over these often complex trials.

The Crown Prosecution Service (CPS) continues to hold ongoing training events on human trafficking. A national course for prosecutors was held in October 2014; in January 2015 there was a 2 day organised crime course for law enforcement and organised and special crime divisions and special fraud division. Further training courses are planned for when the Modern Slavery Bill becomes law. These have focused on case building, financial investigation and alternative disruptive strategies.

Scotland

The Lord Advocate hosted a multi-agency event on human trafficking in October 2014 which brought together the heads of Prosecution Services from Scotland, England and Wales, Northern Ireland and the Republic of Ireland to discuss the issue. Following the Summit a communiqué was published committing prosecutors in each jurisdiction to work across boundaries and rise to the challenges to disrupt this abhorrent crime. The first cross-jurisdiction meeting is planned for 6 March 2015.

Northern Ireland

The Public Prosecution Service for Northern Ireland (PPSNI) launched its Policy for Prosecuting Cases of Human Trafficking in October 2013 and this has provided guidance for prosecutors working on these types of cases. Further detailed internal guidance for prosecutors has also issued.

Cases of human trafficking are currently dealt with in PPSNI Central Casework Section by experienced Senior Public Prosecutors with appropriate training.

The Judicial Studies Board (JSB) is responsible for judicial training. The Board runs study programmes and training workshops for the judiciary and issues written material to all judges. The JSB held a training event on trafficking human beings for the judiciary in October 2010, and a copy of the training materials is given to all judges appointed since then.

Judge Burgess in 2012 in the R v Pis case set out guidance, including mitigating and aggravating factors in relation to offences for human trafficking for sexual exploitation. In addition, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, introduced new statutory aggravating factors that courts will be required to consider when sentencing for an offence of human trafficking.

The Department has invited defence solicitors and barristers to engage in awareness training on human trafficking.

- 11. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking legislation and policy, the British authorities as well as the authorities of the constituent UK countries, should continue developing a comprehensive and coherent data collection system on trafficking in human beings by compiling statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.**

England and Wales

The United Kingdom Human Trafficking Centre, part of the National Crime Agency publishes an annual report on the nature and scale of human trafficking in the UK. Where the necessary measures to respect the right of data subjects to personal data protection allow, the data is disaggregated into gender, age, exploitation type and country of origin. You can access the latest assessment here:

<http://www.nationalcrimeagency.gov.uk/publications/399-nca-strategic-assessment-the-nature-and-scale-of-human-trafficking-in-2013/file>

The new duty to notify included in the Modern Slavery Bill will improve our picture of modern slavery in the UK. It will apply to specified public authorities in England and Wales identified as 'first responders' where they encounter individuals who may not wish to be referred into the National Referral Mechanism, suitable anonymised data is captured.

The Modern Slavery Strategy sets out further measures that we will take to improve our data collection systems and further develop our understanding of the scale and nature of modern slavery in the UK and internationally, including:

- working to develop an overall estimate of the number of victims of modern slavery in the UK;
- working with Europol, Interpol and their member countries to encourage greater sharing of intelligence and data to better inform the international picture of modern slavery;
- ensuring that intelligence from NCA assets overseas and multi-national law enforcement agencies is supported by the new NCA Fusion Hub and feeds into our understanding of the scale and nature of modern slavery;
- developing our understanding of modern slavery offenders.

The National Policing lead has also committed in the Strategy to:

- developing a process to consolidate information from each police force into one national overview of modern slavery and will introduce a framework for analysing information and intelligence within forces;
- working with NGOs and other law enforcement agencies to develop debriefing tools which can be used to capture the experiences of victims; this will enable us to further our understanding of modern slavery and share this knowledge with our partners.

Scotland

The Human Trafficking and Exploitation (Scotland) Bill will place a duty on public authorities to provide anonymised data about potential human trafficking victims to Police Scotland, where victims don't wish to participate in the NRM. This anonymised data will provide wider information about the potential scale and nature of human trafficking activity in Scotland not currently collected through the NRM or criminal justice processes. The data collected should help inform Government and law enforcement to target resources more effectively, to disrupt trafficking activity and identify, recover and support victims better. Non-public authorities, such as third sector organisations, will be asked to provide similar anonymised information about potential victims through a memorandum of understanding.

Northern Ireland

In line with the Modern Slavery Bill, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 has created a statutory duty on specified public authorities to report any cases where there is reason to believe that an individual may be a victim of an offence of slavery, servitude and forced or compulsory labour or of human trafficking (this duty will be commenced by Order of the Department).

This is to improve our understanding of the extent and nature of human trafficking and slavery, servitude and forced or compulsory labour in order to inform the development of effective policy and operational responses. Such information would help Government and law enforcement to target resources more effectively, to support victims better and, importantly, could also help law enforcement to identify and recover further victims and to target and disrupt perpetrators and bring them to justice.

This duty will ensure that even in cases where the individual has declined to give their consent to a referral to the NRM anonymised information can still be captured.

12. In addition, GRETA invites the British authorities to continue conducting and supporting research on trafficking-related issues as an important source of information for future policy measures. Areas where additional research is needed include internal trafficking in the UK and trafficking for the purpose of labour exploitation and domestic servitude, including in diplomatic households. It is also important to study the reasons why potential victims of trafficking refuse to enter the NRM and what could be done to discourage demand for the services of trafficked people.

England and Wales

The Government is working to improve our understanding of modern slavery and how best to tackle it. The Modern Slavery Strategy includes a commitment to improving our understanding of modern slavery offenders through extensive analysis of data sources, collaboration with academics and NGOs working in this area and by further reviewing existing literature to inform our prevention and deterrence measures.

In addition, the Strategy includes the first scientific estimate of the scale of modern slavery in the UK. Work by the Home Office's Chief Scientific Adviser, Professor Bernard Silverman, has estimated that in 2013 there were between 10,000 – 13,000 victims of modern slavery in the UK. Details of this research were published alongside the Modern Slavery Strategy.

The National Policing Lead, supported by the Anti-Slavery Commissioner, is undertaking work to improve the consistency and quality of data collected by police forces so that we better understand the nature and extent of modern slavery in the UK. The National Crime Agency publishes quarterly statistical assessments and an annual threat assessment of modern slavery in the UK.

In addition, the Government has commissioned an independent review of the Overseas Domestic Worker visa and any barriers preventing those on those visas from coming forward when they are abused. The review will report by the end of July.

Northern Ireland

A report has been produced which provides analysis of information on potential victims of human trafficking recovered in Northern Ireland and referred to the NRM from 1st April 2009 to 12th August 2013. It will enable partner agencies to better target their prevention and support approaches. Publication is pending.

13. GRETA invites the British authorities to continue developing the aspect of international co-operation with a view to preventing THB, assisting victims of trafficking, ensuring victims' safe return, and prosecuting offenders, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.

The Modern Slavery Strategy includes a strong international focus and details the UK's efforts to foster international cooperation with a view to preventing modern slavery, assisting the victims of trafficking and ensuring the victims' safe return, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.

The Government will annually identify priority countries. We will also work with international partners to provide a programme of support and advice to British Embassies and High Commissions so that they can prioritise activity to tackle modern slavery by developing Modern Slavery Priority Country plans.

We have already facilitated small scale training programmes by non-governmental organisations in West Africa and South East Asia. We will also continue to work with Europol, Interpol and their member countries to improve international co-operation on preventing modern slavery.

We will continue to lead and support the Santa Marta Group, launched in April 2014 by Pope Francis, which brings together senior international law enforcement chiefs and representatives of the Roman Catholic Church to strengthen and coordinate the response to tackling modern slavery globally. In conjunction with four other EU Member States we finance the CARE programme, an International Organisation for Migration run project, to provide reintegration support to victims of human trafficking returning to non EU countries.

14. GRETA considers that the Competent Authorities should plan future information and awareness-raising campaigns with the involvement of civil society and on the basis of previous research and impact assessment. More should be done to raise awareness of internal trafficking and the risks of trafficking of British nationals abroad, with a special emphasis on trafficking in children. More attention should also be paid to raising awareness of the risks of trafficking in men.

England and Wales

The Home Office ran a campaign to increase awareness of modern slavery among the public, partners, and businesses during 2014, and encouraged reporting to the new modern slavery helpline and website (www.modernslavery.co.uk). Civil society organisations were fully engaged in developing messaging and associated products for the campaign. A key element of the awareness raising campaign was to highlight that men, women and children could all be victims of trafficking and to highlight the wide range of communities which could be affected by modern slavery. The materials developed continue to be available and used by partners.

Partners have been encouraged to support the campaign, and communicate messages to both the public and their service users. A range of resources, including posters and a wallet-sized reference card, was specially produced for partners to promote the campaign, and can be found here: www.gov.uk/government/collections/modern-slavery

The dedicated helpline is being delivered by the National Society for the Prevention of Cruelty to Children (NSPCC), on behalf of the Home Office. Callers to the helpline are signposted to a range of organisations that can provide additional help, advice and support. The response to each call is considered on a case-by-case basis and there is the ability to involve the Foreign and Commonwealth Office (FCO) and contacts in the country from where the victim was trafficked, where appropriate.

We are raising awareness of forced labour and exploitation amongst employers and industry by targeting sectors in which slavery has been reported – agriculture and fisheries, factories and food processing, construction/labouring, hotels and catering. We are working with industry bodies in these sectors to inform people who work either directly or indirectly in these sectors about modern slavery, its prevalence in their sector, and measures they can take to ensure their supply chains are clean. This work is being complimented by news articles in trade sector press.

15. Further, GRETA invites the British authorities to continue contributing to awareness-raising prevention activities in the main countries of origin of victims of trafficking in the UK.

The FCO has financed a wide range of awareness-raising activities in key countries. This includes co-financing the Hungarian Government's Human Trafficking awareness raising programme series at the Sziget Festival which is visited by over 400,000, mainly young, people.

In Lithuania our Embassy launched the Comic Relief funded film "Two Little Girls" in partnership with Save the Children. The short animated film based on real life stories is aimed at young women in Eastern Europe who are in danger of being trafficked for sexual purposes. The launch attracted significant media coverage including on Lithuanian national television.

A key theme of the Modern Slavery Strategy is to work with international counterparts to improve awareness-raising and prevention activities in source countries, and those countries more susceptible to modern slavery.

We will work with international partners, including Rotary International, the Catholic Church, the Anglican Communion and UNICEF to provide a programme of support and advice to British Embassies and High Commissions so that they can prioritise activity to tackle modern slavery by developing Modern Slavery Priority Country plans.

- 16. In addition to continuing efforts to discourage demand for sexual services, GRETA considers that the British authorities should step up their efforts to discourage demand for the services of trafficked persons for the purpose of domestic servitude and for labour exploitation, including in the agriculture, fisheries, construction, hospitality and cleaning sectors, inter alia, through strengthening the role of labour inspections.**

England and Wales

The GLA have undertaken work to raise awareness of labour exploitation in the sectors which they regulate. This includes training for companies operating in those sectors as well as companies who use labour-providers in the regulated sectors. The Government has committed to conducting a public consultation on the role of the GLA early in the next Parliament.

This work sits alongside the broader awareness raising measures taken forward by the Government, including the national communications campaign in 2014.

This work is complemented by the Modern Slavery Bill, which includes a measure to increase transparency in supply chains by requiring businesses over a certain size to disclose the action they have taken to ensure their supply chains are slavery free. This builds on October 2013 changes to the Companies Act which requires UK listed companies to report on human rights where necessary for an understanding of the business. We will be further changing the reporting requirements in the Companies Act to reflect the EU Non-Financial Reporting Directive by the end of 2016.

We are also working closely with businesses and their representative organisations to take this forward. We are working with the Ethical Trade Initiative to develop a "10 step" guide for businesses who want to review their work to tackle modern slavery in their supply chains and are supporting the Department for Business, Innovation & Skills work with the British Retail Consortium to produce guidelines to help companies eliminate human rights abuses in their supply chains.

Northern Ireland

DOJNI and the Department of Justice and Equality in the Republic of Ireland co-hosted a cross-border conference on forced labour on 21 January 2015. The aims of the conference were to understand more about what constitutes forced labour; to establish the current nature and extent of forced labour across the island of Ireland; and to raise awareness of forced labour, primarily with statutory bodies and NGOs working in the field.

The conference was well attended by individuals from both statutory and non-governmental backgrounds, with a number of new stakeholders engaging on this topic for the first time. The discussions will help to inform the work of the Department of Justice and the Department of Justice and Equality in tackling forced labour and in particular, raising awareness of this crime.

- 17. GRETA considers that the British authorities should take steps to address the vulnerability to trafficking of adults and children from disadvantaged groups in the UK through targeted social, economic and other initiatives, and to secure funding for such initiatives.**

England and Wales

The broad range of work set out in the Modern Slavery will make a significant contribution to improving the prevention of modern slavery, as well improving the identification of victims and prosecution of perpetrators. This work will include a particular emphasis on groups vulnerable to exploitation.

For example, we are committed to preventing and tackling homelessness and we have increased spending on schemes to prevent homelessness. We will continue to raise awareness among homelessness shelter staff of the signs of modern slavery, given the vulnerability of the homeless to exploitation.

The Government supports the 'Before You Go' campaign, working with The Passage, a UK homelessness charity. Awareness raising messages have been targeted at potentially vulnerable communities in Romania, Lithuania and Bulgaria.

Children can be particularly vulnerable to abuse and the Government is undertaking a wide range of work to better protect children against abuse. Recently announced actions include the establishment of a new independent taskforce, the launch of a £1 million communications campaign; the creation of a new single point of contact for child abuse-related whistle-blowing; a new system of multi-agency inspections; an early warning system so that we can intervene earlier; and ensure proper accountability; and prioritising child sexual abuse within the police by giving it the status of a national threat in the Strategic Policing Requirement.

- 18. GRETA considers that the British authorities should step up their efforts to detect potential victims of trafficking at borders and provide written information to foreign nationals planning to travel to the UK in a language that they can understand, in order to alert them about the risks of THB for sexual and labour exploitation and domestic servitude, inform them of where they can go for help and advice, and provide them with information on their rights.**

Mandatory training is provided to all Border Force (BF) and Visa and Immigration (UKVI) staff to ensure they have the right knowledge and skills to detect potential victims of trafficking and provide the appropriate support. This includes specialist training for members of the new Safeguarding and Trafficking teams, which have been rolled out across all BF regions.

BF has made significant improvements over the last year in collecting and reporting frontline trafficking performance data, allowing the identification of hot spots or new trends, and the development of appropriate action to combat threats and protect victims. BF also makes full use of all available intelligence and information to develop risk profiles and alerts, and other intelligence tools to give frontline officers the information they need to intervene in cases of suspected trafficking.

The Foreign and Commonwealth Office (FCO) coordinates the delivery of a programme of Government activity to tackle modern slavery overseas to deter individuals from getting involved in modern slavery as well as assist with the reintegration of victims once they return home. This work often involves specialist charities. For example, in October, the NSPCC participated in a capacity building event for Association of South East Asian Nations (ASEAN) member states. They also ran training for UKVI staff to help them better identify trafficked children in Hanoi and Beijing in November. We will continue to look for opportunities to expand this kind of collaborative working to protect vulnerable individuals from falling prey to traffickers and strengthen our response at source.

We are piloting a programme to provide Overseas Domestic Workers with information on their rights and where to get help and support, using a pocket sized information card provided by Border Force officials upon entry to the UK, which will complement information that is already provided with the visa.

19. GRETA considers that the British authorities should take further steps to secure that all victims of trafficking are properly identified and can benefit from all the assistance and protection measures contained in the Convention. To this end, the British authorities should continue to review the identification procedure and decision making process under the NRM in the light of experience gathered since its inception, analysis of NRM data and research.

An independent review of the NRM was undertaken in 2014, reporting in November. This considered victim identification and the decision making process. It recommended that the system for identifying and supporting victims of people trafficking should be overhauled.

The key recommendations of the report included:

- extending the NRM to cover all victims of modern slavery;
- strengthening the first responder role - the point when potential victims are first identified and referred - by introducing accredited Slavery Safeguarding Leads;
- streamlining the referral process by removing the "reasonable grounds" decision once the Slavery Safeguarding Leads have been introduced;
- establishing new multi-disciplinary panels, headed by an independent chair, with a view to ceasing the sole decision-making roles of UKVI and the UKHTC; and
- creating a single case working unit within the Home Office to replace the current case-working units in the NCA and UKVI.

The Government accepted these recommendations and is examining how to implement these effectively, including conducting pilots of the new referral and decision making model suggested by the review.

20. As part of the review of the NRM, GRETA considers that the British authorities should:

- **expand the list of First Responders by including more civil society organisations as well as agencies responsible for employment standards inspections, regulating domestic work and making licensing decisions;**
- **entrust the identification of victims of trafficking who are illegally present in the UK to persons who are not involved in the asylum seeking procedure of the applicant, to avoid conflicts in the decision making;**
- **ensure that the guidance, toolkits and criteria used for the identification of victims of trafficking by frontline staff are harmonised and that application is rigorously monitored;**
- **review current practice as regards reconsidering identification decisions when new information is available;**
- **improve the identification of victims of trafficking in detention centres, by giving access to such centres to specialised NGOs and enabling detained irregular migrants to have access to legal assistance;**
- **pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging regular and co-ordinated multi-agency inspections by organisations responsible for regulating employment, health and safety in sectors most at risk;**
- **ensure that following a positive reasonable grounds decision, potential victims of trafficking are speedily removed from detention and offered assistance and protection as provided in the Convention.**

The review of the NRM recommended that the referral process of the NRM should be overhauled by professionalising the current First Responder role and reviewing the referral and reasonable grounds process. It recommended that the First Responder role should be replaced by accredited Slavery Safeguarding Leads.

The Government has welcomed these proposals and is committed to taking them forward. Following discussions with current First Responders in light of the Review's proposals regarding reasonable grounds decisions, many NGOs indicated that they would prefer the responsibility of Slavery Safeguarding Leads to fall on public bodies due to the consequences of referral decisions being challenged. Therefore, the list of First Responders will not be expanded.

This does not prevent NGOs or other agencies from speaking with the victim, completing the referral form, obtaining consent and then, with the Slavery Safeguarding Lead, referring the victim into the NRM. We expect the proposed Slavery Safeguarding Leads to form strong relationships with NGOs in their area and vice-a-versa.

The NRM Review recommended that asylum decisions should be separated from decisions on referral into the NRM and that a comprehensive awareness strategy leading to increased recognition of human trafficking by the public and professionals

should be developed with key partners. This will be taken forward by the Government.

Having considered whether a statutory appeal would be desirable, the NRM Review concluded that this would not be needed; recommending that a multi-disciplinary, decision-making panel, in which local representatives take responsibility for the decisions of the panel, should reduce the need for challenge, as would a strong system of governance. The Government accepted this recommendation.

Those migrants who are detained currently have access to legal advice, either through legal advisors based at detention centres or through the ability for their own legal advisor to visit them. We are considering the point about NGO access. This needs to be balanced against any risks, for example, to the individual visiting the centre. Our existing guidance makes provision for release immediately upon a positive reasonable grounds decision being made.

The Scottish Government and Northern Ireland Executive will work with the UK Government in taking forward the relevant rReview recommendations, as appropriate.

21. Further, GRETA invites the British authorities to:

- **further develop multi-agency training for frontline staff, First Responders and Competent Authorities on the identification of victims and their protection;**
- **ensure that there is a regular exchange of information to enhance anti-trafficking practice across partner agencies;**
- **commission an independent review of the NRM.**

An independent review of the NRM was undertaken in 2014, reporting in November. The Review recommended that the system for identifying and supporting victims of people trafficking should be overhauled. Details of key recommendations and the Government response are provided under question 19.

The Review also recommended developing, with key partners, a comprehensive awareness strategy leading to increased recognition of human trafficking by the public and professionals. This will form part of our work with stakeholders.

England and Wales

Law enforcement agencies are using a multi-agency approach to ensure that they are joined-up at a local, regional and national level, as well as working closely with partners in key source countries to stamp out this horrific crime. The Minister for Modern Slavery and Organised Crime holds monthly meetings with senior national and local law enforcement agencies to ensure our response is as joined up and comprehensive as possible.

The Independent Anti-slavery Commissioner also has a role in improving training provision and encouraging good practice in the identification of victims. The Commissioner will act strongly in the interests of victims - and potential victims - by making sure that the law enforcement response to modern slavery is coordinated and effective and ensuring victims are identified effectively.

The Home Office is also working with stakeholders to develop a core training package available to first responders and others who come into contact with potential victims of modern slavery. Supporting this work, six new National Occupational Standards (NOS) for professionals who come into contact with potential victims of modern slavery have been developed.

Scotland

There are a number of initiatives being progressed to increase the quality of front line services, including training and awareness and support measures.

Northern Ireland

A range of training initiatives are underway in Northern Ireland, as outlined at Recommendation 9 above.

The Organised Crime Task Force's Immigration and Human Trafficking Subgroup is a multi-agency partnership that facilitates sharing of intelligence and best practice among law enforcement agencies operating in Northern Ireland, the Republic of Ireland and across the UK. The DOJ NGO Engagement Group also provides a forum for information exchange.

- 22. GRETA urges the British authorities to take further steps to improve the identification of child victims of trafficking, and in particular to:**
- enhance the involvement of local authorities in the decision making process in order to ensure that the special needs and circumstances of children are taken into account during identification; in this context, it would be appropriate that Local Children Safeguarding Boards (Health and Social Care Trusts in Northern Ireland) act as the Competent Authority in child cases;**
 - ensure that unaccompanied children are not returned from entry points before being fully assessed by local authority children's services;**
 - conduct interviews with child victims of trafficking in a child-friendly setting;**
 - train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs;**
 - ensure that all unaccompanied minors who are potential victims of trafficking are assigned a legal guardian**

The NRM Review considered whether Local Children Safeguarding Boards should act as the competent authority in child cases. However, it recommended ensuring through the multi disciplinary panels, that decision makers have the appropriate expertise in child protection and in addition aligning the process for children with child protection timelines.

England and Wales

The Home Office is working with stakeholders to standardise the training currently available in order to raise standards across all frontline staff in the identification of child victims. We continue to actively promote the London Safeguarding Board Trafficking toolkit which is an aid for practitioners in identifying and safeguarding trafficked children. We have also revised the Department for Education/Home Office joint practice guidance - safeguarding children who may have been trafficked.

Border Force (BF) does not remove an unaccompanied child from the UK without ensuring that safe and adequate reception arrangements have been made for that child. Any reception arrangements that are made are discussed with Children's Services in the UK and, where appropriate, Children's Services in the country the child is travelling to. This fundamental part of the removal process assists BF in ensuring that suitable reception arrangements are in place for the child's return.

The Modern Slavery Bill includes a clause to give independent child trafficking advocates a statutory basis and the status they need to effectively support and represent the child. The clause provides the Secretary of State with a duty to make such arrangements as she considers reasonable to enable specialist child trafficking advocates to be available to support and represent children where there are reasonable grounds to believe may be victims of trafficking. This will allow for the outcome of the independent evaluation of the child trafficking advocates trial to be reflected, to ensure that we introduce the very best support for these vulnerable children.

The clause also makes clear on the face of the Bill that advocates would fulfil the European Union Agency for Fundamental Rights' (FRA's) key functions of a guardian, including acting in the best interests of the child, promoting their well being and assisting them with legal representation. The clause also provides that regulations made setting out the further detail of the advocate role must require public authorities to cooperate with advocates and provide them with information.

Scotland

A toolkit has been produced for agencies working with children and young people to ensure that staff are able to identify trafficked children and make appropriate referrals so that victims can receive protection and support. This is designed to be used in conjunction with the National Child Protection Guidance, the Safeguarding Children in Scotland guidance, and other relevant national and international guidance.

The Scottish Government is funding the Aberlour Child Care Trust and the Scottish Refugee Council to pilot a guardianship service for all separated children, including those who may have been trafficked.

Northern Ireland

In October 2012 the Department of Health, Social Services and Public Safety and the Department of Justice jointly issued *Guidance on Working arrangements for the Welfare and Protection of Adult Victims of Human Trafficking*.

Further Guidance *Pathway for Safeguarding and Promoting the Welfare of separated children* was launched in November 2013. Following the launch, the Health and Social Care Board is leading on a training needs analysis. This will form the basis for specific training to be provided by Health and Social Care Trusts to staff in relation to this area of practice for 2014/15.

In addition, awareness training and/or specialist training is provided for social workers as appropriate in relation to their duties.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 received Royal Assent on 13 January 2015. This provides for an Independent Guardian to be appointed for a child who is a victim, or a potential victim, of human trafficking, or who is determined to be a separated child. This provision will commence ten months after Royal Assent.

23. Further, GRETA urges the British authorities to take steps to address the problem of children going missing from local authority care, by providing suitable safe accommodation and adequately trained supervisors or foster parents.

England and Wales

We are currently working with partners to ensure our police and operational response is sufficiently robust including work to explore the opportunities and feasibility of spreading good practice models that have worked effectively to reduce the number of children who go missing. This includes reviewing how best we identify those at risk at our ports and borders and issuing guidance to local authorities on protecting children at risk of going missing from care.

Scotland

The Scottish Government is coordinating the development of a National Missing Persons Strategy for Scotland. The aim of the Strategy is to aid the creation of more effective and consistent arrangements for agencies involved in handling missing person's episodes, and also to help safeguard those that go missing. It will provide clarity about the existing legislative framework and guidance, promote best practice, identify preventative approaches, and raise awareness of people at risk of going missing. Its focus will be around prevention, safeguarding, and support.

Northern Ireland

Revised Regional Guidance Police Involvement in Residential Units – Safeguarding of Children Missing from Home or Foster Care was published in May 2012 by the Health and Social Care Board and the Police Service of Northern Ireland (PSNI). The document contains two related but distinct Guidance areas:

- guidance in relation to when the PSNI attend residential units including where a child is missing; and
- guidance in relation to children living within their own families, or who are in the care of a Health and Social Care Trust and placed in a family setting, who go missing.

In Northern Ireland, under The Children (Northern Ireland) Order 1995 (the Order), the relevant Health and Social Care Trust have responsibility for access to health and social care for those deemed to be "children in need" under the Order as they have overall responsibility for the provision of protection, care and support for these children.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 received Royal Assent on 13 January 2015. This Act includes measures about human trafficking offences and exploitation, measures to

prevent and combat human trafficking and slavery and provision of support for human trafficking victims.

- 24. GRETA also invites the British authorities to uphold their commitment to end child detention for immigration purposes and seek alternatives to detention, in line with the best interest of the child.**

The Government met the commitment it gave in 2010 to end child detention for immigration purposes by radically changing the system to ensure that the welfare of the child is at the heart of the decision and removals process. A new approach to managing the return of families, who have been living in the UK, but with no remaining legal basis to remain, was implemented on 1 March 2011. The Government has since gone further by giving legislative effect to the policy on detaining children for immigration purposes and by providing a statutory underpinning to key parts of the new family returns process in the Immigration Act 2014. It remains necessary, on occasion, to hold children and families at the border while enquiries are made to decide whether they can be admitted to the country, or until the next available return flight if they are refused entry.

- 25. In addition, GRETA invites the British authorities to ensure full compliance with Article 10(3) of the Convention concerning age verification.**

England and Wales

The Modern Slavery Bill will give clear effect to the UK's international obligations under Article 13 of the EU Directive on preventing and combating trafficking in human beings and Article 10(3) of the convention.

It sets out that, where there is uncertainty around the age of a potential victim - believed to be a child - the person should be presumed to be a child. This will ensure that child victims of trafficking receive immediate and appropriate assistance and support.

Northern Ireland

In Northern Ireland, a Health and Social Care Trust should always undertake a Merton Age Assessment in respect of a child victim of human trafficking or a child suspected to be a victim of human trafficking.

- 26. GRETA considers that the authorities of the UK and the constituent countries should make further efforts to ensure that all potential and actual victims of trafficking are provided with adequate support and assistance from their identification through to their recovery. This should involve, in particular:**
- **adopting clear support service minimum standards for victims of trafficking and the provision of adequate funding to maintain them;**
 - **ensuring that all children victims of trafficking benefit from the assistance measures provided for under the Convention, including appropriate accommodation and access to education (as regards accommodation for children, see paragraph 248);**

- *enabling victims of trafficking to have access to the labour market, vocational training and education as a form of rehabilitation;*
- *ensuring that victims of trafficking who need it can benefit from translation and interpretation services;*
- *improving the provision of legal advice or assistance to victims on various matters (NRM, asylum, criminal proceedings, compensation).*

England and Wales

The Home Office and Ministry of Justice jointly fund the Victim Care Contract – the national support service for adult victims of modern slavery in England and Wales. This provides all adult potential victims of human trafficking with care and support and meets the Government's obligations under Article 12 of the European Convention on Action against Trafficking in Human Beings, and Article 11 of the European Directive on preventing and combating trafficking in human beings.

The Home Office has retendered the Victim Care Contract, as the current one is due to expire on 31 March 2015. The Home Office has scoped the requirements, the contractual terms and conditions and provisions in line with the review of the NRM and policy development to ensure that the new contract continues to provide effective victim support. The new contract will continue the current provisions but may also look to include additional requirements to continue to provide support to victims who receive a positive conclusive grounds decision once they leave Government-funded support.

Local authorities have well-established child support arrangements and a statutory duty to safeguard and promote the welfare of all children in need of protection, including trafficked children. Under these arrangements, looked after children are provided with access to meet all of their needs, be these in relation to education, accommodation, psychological well-being or health. In July 2014 the Department for Education published updated care planning regulations and guidance for unaccompanied asylum seeking and trafficked children to clarify the steps local authorities should take in providing appropriate support.

The specialist independent child trafficking advocates provided for in the Bill will act as a single point of contact supporting, guiding and advising the child as needed through the complexities of the social care, immigration and criminal justice systems and will be responsible for promoting the child's safety and wellbeing.

Potential victims do have access to English as a Second Language (ESOL) classes and practical workshops, which are made available to them by their service provider. In addition, during their recovery and reflection period, potential victims will be provided with a range of options for when they leave the Service.

Adult victims of human trafficking who have appropriate leave to remain in the UK and decide to stay are able to access means-tested residence based benefits, and will be encouraged to access the labour market and/or seek vocational training. Interpreting services may also be provided to those accessing these services if their first language is not English.

Scotland

There has been in depth discussion with regards to ensuring and maintaining an adequate support package.

The support package includes, as required, access to safe accommodation and material assistance for victims of human trafficking. It also provides help to access specialized care including medical treatment, psychological assistance, counseling and information. Potential adult victims are also provided with assistance to access translation, interpretation and legal services and provided with help to access compensation.

The Human Trafficking and Exploitation (Scotland) Bill will commit Scottish Ministers to publish and update regularly a Scottish Anti trafficking strategy, setting out a vision and key objectives for a multi-agency approach to raising awareness of trafficking and making Scotland a hostile environment for traffickers.

Northern Ireland

In January 2014, following a public procurement process, Department of Justice Northern Ireland awarded contracts for the delivery of support services to potential adult victims of human trafficking to Migrant Help in respect of male potential victims and to Belfast and Lisburn Women's Aid in respect of female potential victims.

The support package includes, as required, access to safe accommodation and material assistance for victims of human trafficking. It also provides help to access specialised care including medical treatment, psychological assistance, counselling and information. Potential adult victims are also provided with assistance to access translation, interpretation and legal services and provided with help to access compensation. Delivery of the support package is overseen by a multi-agency Stakeholder Group.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 has put this support for potential adult victims of human trafficking onto a statutory footing in Northern Ireland. The appropriate Health and Social Care Trusts provides support for child victims of trafficking.

27. GRETA invites the British authorities to enshrine in law the right to a recovery and reflection period and to emphasise to Competent Authorities officials the need to respect this period as defined in the Convention. Potential victims of trafficking should be systematically informed of the implications of this period, in line with Article 13 of the Convention.

The Convention recommends that potential victims are given a minimum recovery and reflection period of 30 days; the UK Government provides a minimum of 45 days or until a positive determination that the individual is a victim of trafficking is made, whichever is greater.

The National Referral Mechanism (NRM) Review published in November 2014, did not recommend that the NRM was placed on a statutory footing. It found that simply putting the Convention into statute would not change the UK's commitment and

obligations to abide by the trafficking convention or the methodology with which it is implemented. However, the Modern Slavery Bill includes provision for the NRM to be set out in Regulations, once implementation of the NRM Review is further progressed.

Northern Ireland

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 has put this support for potential adult victims of human trafficking onto a statutory footing in Northern Ireland.

28. GRETA invites the British authorities to further sensitise law enforcement agencies of the possibility to request temporary residence permits for victims of trafficking who co-operate in the investigation or criminal proceedings

The Modern Slavery Strategy includes a commitment to work with law enforcement and others to promote the ability to request Discretionary Leave for victims of trafficking who co-operate in the investigation of police proceedings. When considering a referral into the NRM, UKVI will seek to ascertain whether any criminal investigation has commenced or is ongoing.

29. GRETA considers that the British authorities should adopt measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;***
- ensure that all victims of trafficking are eligible for compensation under the existing compensation scheme;***
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;***
- encourage prosecutors to request compensation orders to the largest possible extent;***
- enable victims of trafficking who have left the UK to benefit from the possibilities to claim compensation.***

England and Wales

Victims of trafficking and those granted asylum are entitled to compensation under The Criminal Injuries Compensation Scheme 2012. Although there is no right to automatic compensation, as with all claims, there is an eligibility criterion that victims are required to evidence. The Criminal Injuries Compensation Authority continues to work closely with the Salvation Army, who run the Government-funded Victim Care Contract, and with UKHTC to develop fact sheets for front line staff to make victims of human trafficking, who have suffered an injury as a result of their experience, aware of the routes to compensation. The Government brought the code of practice for victims of crime ("the Victim's Code") into force in December 2013. The Code gives victims of crime clearer information about their entitlements from criminal justice agencies including an enhanced level of service to victims of the most serious

crimes, including human trafficking, to make sure they get the right support at the right time. There is a section of the Code dedicated to the particular needs of children and young people.

New bespoke reparation orders in the Modern Slavery Bill will enable the courts to ensure that more money from convicted slave drivers and traffickers goes directly to their victims. Where the perpetrator has assets available, as evidenced by a Confiscation Order, the court would have to consider making a Reparation Order to provide reparation to the victim for the harm that they have suffered and give reasons if it does not.

Currently, victims of human trafficking can apply for civil legal aid for advice and representation in relation to immigration matters and for damages or employment claims in relation to their trafficking exploitation.

Scotland

Section 249 of the Criminal Procedure (Scotland) Act 1995 as amended by section 24 of the Victims & Witnesses (Scotland) Act 2014 requires a court in Scotland to consider in all relevant cases whether to make a compensation order requiring the offender to pay compensation to the victim.

Northern Ireland

Applications for compensation are handled in accordance with the Compensation (Northern Ireland) Order 2002 and the Northern Ireland Criminal Injuries Compensation Scheme 2009. The scheme allows for those who are resident in the United Kingdom, as well as those outside Northern Ireland and the United Kingdom to apply for compensation. It is open to victims of human trafficking.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Department of Justice in Northern Ireland to produce statutory guidance (commencement one month after Royal Assent) setting out the procedures for a human trafficking victim to apply for compensation and the arrangements to provide assistance and support to a person applying for compensation.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 also created a power for courts in Northern Ireland to order a convicted perpetrator to provide reparation to their victim. Under this measure courts are required to consider making a reparation order where they have powers to do so and to set out their reasons where they choose not to do so.

Access to translation and interpretation services is included in the DOJ's package of support for potential victims during the recovery and reflection period. The DOJ's package of support for potential victims during the recovery and reflection period includes signposting to legal advice. All victims of trafficking are made aware of their rights for legal redress in a language that they can understand.

A guidance note on compensation for victims of human trafficking has been issued by the Chief Executive of the Compensation Agency to agency staff.

30. Further, GRETA invites the British authorities to introduce a system for registration of compensation claims and awards to victims of trafficking regarding all forms of compensation.

England and Wales

There are no plans to introduce a system for registration of compensation claims and awards made to victims of trafficking. Compensation for victims is based on injuries people sustain not the particular crimes that make them a victim. The injuries for which Criminal Injuries Compensation Authority can compensate, and therefore provide reliable figures for, are set out in the Tariff of Injuries in the Criminal Injuries Compensation Scheme 2008. The Tariff does not contain any injuries specific to human trafficking.

Northern Ireland

The Compensation Service in Northern Ireland has put in place measures to record compensation claims in human trafficking cases, where this is known.

31. GRETA urges the British authorities to review the appropriateness of existing assisted voluntary return programmes for victims of trafficking as a specific category and to adopt a clear legal and policy framework for the return of trafficked persons. In this context, the British authorities should take steps to:

- ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this implies protection from retaliation and re-trafficking;**
- encourage Refugee Action to co-operate closely with support providers with a view to ensuring end-to-end services for victims of trafficking;**
- make efforts to develop co-operation with countries of origin of victims of trafficking in order to ensure proper risk assessment and safe return of victims, as well as their effective reintegration.**

England and Wales

Voluntary return packages for non-EEA Nationals are operated by Choices (a subsidiary company of Refugee Action). All victims of trafficking are made aware of the packages offered by Choices, who ensure that they engage with support providers. We have committed to extending the Choices return project to EEA nationals.

In addition, we fund the International Organisation for Migration (IOM) operated voluntary Albania Reintegration Project, a reintegration package specifically for victims of trafficking from Albania. Again, IOM have conducted significant outreach to engage with support providers.

Both packages provide voluntary return and reintegration provision which ensures that the rights, safety and dignity of trafficking victims are protected. It also provides for a tailored reintegration package, where the skills and ambitions of the victim are taken into account and reintegration provision is both realistic and achievable.

We are reviewing the provision of return and reintegration and will engage with Refugee Action, IOM, The Salvation Army and support providers to ensure that victims are fully informed about the provision available to them.

Scotland

In Scotland support service providers for potential adult victims of human trafficking currently have the discretion to help with repatriation of potential victims on a case-by-case basis, where the individual has requested it and where both the police and support providers indicate that repatriation would be in the best interests of the potential victim.

Northern Ireland

The DOJNI contracted support service for potential adult victims of human trafficking currently provides discretionary assistance with the repatriation of potential adult victims on a case-by-case basis, where the individual has requested it and where both the police and contracted support providers indicate that repatriation would be in the best interests of the potential victim.

32. GRETA urges the British authorities to step up their efforts to adopt a victim-centred approach when implementing Article 26 of the Convention by:

- encouraging prosecution services to consider THB as a serious violation of human rights when assessing the public interest of prosecuting identified victims of trafficking;**
- ensuring that CPS, COPFS and ACPO guidance are fully applied in order to prevent imposing penalties on identified victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so;**
- ensuring that, while the identification procedure is ongoing, potential victims of trafficking are not punished for immigration-related offences;**
- conducting age assessments promptly and applying the benefit of the doubt as regards the age of child victims of trafficking who were compelled to be involved in unlawful activities.**

England and Wales

The Crown Prosecution Service (CPS) issued refreshed guidance to prosecutors in February 2014 on the non-prosecution of suspects who might be victims of human trafficking. This has been shared with the National Policing Lead and the Law Society to ensure their members are aware as prosecutors are reliant on information from both sources on the identification of potential victims in order to inform their decision.

The CPS has also participated in a number of seminars for the judiciary, Bar and Law Society to highlight their role in identifying suspects who might be victims of trafficking. Additional briefings have been provided in seminars to the police.

A statutory defence for victims of human trafficking and slavery who have committed criminal offences has been created in the Modern Slavery Bill; this will operate in parallel with the CPS guidance. However, the issue of non-prosecution or availability

of a defence is entirely reliant upon the identification of the suspect as a trafficked victim.

Scotland

Police Scotland has established 14 divisional human trafficking champions and a National Human Trafficking Unit to investigate any evidence of trafficking. All police officers are required to undertake a mandatory e-learning programme. The E-learning package has been adapted for use by non-police staff. The Lord Advocate, Scotland's chief prosecutor, has appointed a specialist prosecutor to deal with Human Trafficking. The Lord Advocate has published guidance for prosecutors in relation to human trafficking.

Northern Ireland

In Northern Ireland, under the Test for Prosecution, consideration is given to whether the public interest calls for prosecution and punishment in cases where the defendant is a trafficked victim and the crime has been committed when he or she was compelled to commit it. The Public Prosecution Service for Northern Ireland's (PPSNI) Policy for Prosecuting Cases of Human Trafficking includes guidance on taking decisions in such cases, as well as highlighting the relevant case law. The PPSNI has confirmed that it has applied this approach in such cases already, resulting in no prosecution of the trafficked person.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 has also introduced a statutory defence for victims of offences of human trafficking or of slavery, servitude and forced or compulsory labour who have been forced to participate in certain criminal activities.

The exploitation of victims of human trafficking and slavery offences can include forced criminality, for example, by the cultivation of cannabis. This new measure affords greater protection from prosecution for such victims, in cases where the nature of the offence means that prosecution would not be in the wider public interest, in line with our obligations under Article 8 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA¹ ("the EU Directive").

We believe that this measure may also provide reassurance to victims of human trafficking and slavery-like offences to encourage them to come forward and give evidence against their traffickers without the fear of being convicted where for offences that they were forced to commit. The defence would not apply in the case of certain serious offences.

33. GRETA calls on the Public Prosecution Service to promptly issue guidance on THB offences in Northern Ireland.

¹ A copy of the EU Directive can be accessed at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

Public Prosecution Service Northern Ireland Policy for Prosecuting Cases of Human Trafficking was published on 15 October 2013 and includes guidance on victims' interests. Further detailed internal guidance for prosecutors has also been issued.

34. GRETA considers that the Competent Authorities should:

- *continue efforts to train law enforcement officials to detect cases of THB and to step up proactive investigations, including through co-operation between the police, UKBA and other relevant actors and the setting up of more units of specialised investigators;*
- *review the enforcement system for labour regulations and standards in the UK and address training and other relevant needs to increase detection and investigation of THB for labour exploitation, forced labour and domestic servitude across the UK;*
- *encourage the prosecution services in each UK country to develop their specialism in THB with a view to improving the collection of sufficient evidence to successfully prosecute more traffickers.*

England and Wales

Key organisations most likely to come into contact with victims – police forces, the NCA, Border Force, UKVI, the GLA and health workers – all have training packages in place to raise awareness of modern slavery and highlight the signs and indicators to watch out for. These training packages are currently under review and will be updated to take into account the legislative changes resulting from the Modern Slavery Bill and changes resulting from recent activity such as the NRM Review.

The Independent Anti-slavery Commissioner will co-ordinate the law enforcement response to modern slavery and will also have a role in improving training provision.

By raising awareness of the signs of exploited or trafficked labour, the GLA are working to reduce the occurrence as well as improving their enforcement capability.

Cases of trafficking and slavery are prepared by prosecutors based in the CPS' 14 regional Complex Casework Units or Organised Crime Division, all of whom are experienced in dealing with complex, organised and serious crime, international cooperation and effective case building.

Law enforcement are encouraged to engage with prosecutors at an early stage for investigative and pre-charge advice to identify avenues to investigate, financial investigation, early requests for cooperation from other jurisdictions and evidential requirements to build a strong case.

Scotland

Police Scotland has established 14 divisional human trafficking champions and a National Human Trafficking Unit to investigate any evidence of human trafficking. All police officers are required to undertake a mandatory e-learning programme. The E-learning package has been adapted for use by non-police staff. The Lord Advocate, Scotland's chief prosecutor, has appointed a specialist prosecutor to deal with Human Trafficking. The Lord Advocate has published guidance for prosecutors in relation to human trafficking.

There has also been engagement with businesses in Scotland through the UK-wide 'Stronger Together' campaign, which has over 3,000 members. The campaign was developed jointly by Migrant Help, the Gangmasters Licensing Authority and the Association of Labour Providers.

Northern Ireland

As set out in the progress report for the 2013/14 human trafficking action plan, training has been provided to over 4000 PSNI officers and a Training Needs Analysis was developed for statutory bodies represented on the Organised Crime Task Force (OCTF) subgroup.

The OCTF's Immigration and Human Trafficking Subgroup is a multi-agency partnership that facilitates sharing of intelligence and best practice among law enforcement agencies operating in Northern Ireland, the Republic of Ireland and across the UK.

Raising awareness of human trafficking within statutory and non-statutory organisations and, more generally, with the public will lead to an increase in proactive investigations as the intelligence flow increases.

A senior prosecutor within Public Prosecution Service oversees prosecution of human trafficking cases.

35. GRETA urges the Competent Authorities to:

- step up efforts to protect victims and to prevent intimidation during the investigation and during and after the court proceedings, including measures to protect their private life and safety. In this context, the British authorities should take additional measures to ensure that victims of trafficking are adequately informed and assisted during the pre-trial and court proceedings;**
- address the gap in victim protection at Employment Tribunals for victims of trafficking for the purpose of labour exploitation.**

England and Wales

There are many provisions in place to help vulnerable and intimidated witnesses give evidence in court through special measures – such as giving evidence from behind a screen or by video link, access to a registered intermediary and use of ground rule hearings to prevent oppressive cross-examination. We are working to improve the consistency and usage of special measures to support vulnerable witnesses including recruiting more registered intermediaries, and looking at ways to increase the number of sites where vulnerable and intimidated witnesses can give evidence away from the court.

Pre-trial cross-examination is being piloted in three courts, allowing vulnerable witnesses, which may include victims of human trafficking, to give evidence in advance so they do not have to do so during the full trial. Evaluation of the pilots will help inform the decision on any future roll-out of the measure.

Through the Modern Slavery Bill we will ensure that existing specific provisions for human trafficking victims, including automatic eligibility for special measures, are extended to all modern slavery victims.

Whilst the issue of the treatment of claimants/witnesses at Employment Tribunals (ET) is not covered specifically in the ET rules of procedure, where the parties are involved in conduct which is, for example, abusive or disruptive – and it is possible that particularly aggressive or intimidating cross-examination could fall within this – the ET judge may decide to issue a costs order against the offending party. Judges can also issue restricted reporting orders to ensure the anonymity and privacy of individuals involved in ET cases where it is in the interests of justice to do so.

Scotland

Section 10 of the Victims & Witnesses (Scotland) Act 2014, provides victims of human trafficking in Scotland with automatic right to access special support measures, such as screens in court or giving evidence by video link.

Northern Ireland

The Public Prosecution Service (PPS) "Policy for Prosecuting Cases of Human Trafficking" includes sections on the views and interests of victims and on the special measures that may be provided to help them give their best evidence. This sets out in detail the PPS commitment to ensuring that the interests of victims are considered at every stage of the criminal process.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 made provision to enhance the protection of victims during criminal investigation, to prevent secondary victimisation. It also made provision to ensure that victims of the new proposed consolidated offences of human trafficking and slavery, servitude and forced or compulsory labour, as well as any victims of the existing human trafficking and slavery offences where those cases may still be before the courts, would be automatically eligible for special measures.

