

GRETA(2016)21

# **Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom**

## **SECOND EVALUATION ROUND**

Adopted on 8 July 2016  
Published on 7 October 2016



Secretariat of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
(GRETA and Committee of the Parties)  
Council of Europe  
F- 67075 Strasbourg Cedex  
France

[trafficking@coe.int](mailto:trafficking@coe.int)

[www.coe.int/en/web/anti-human-trafficking](http://www.coe.int/en/web/anti-human-trafficking)

## Table of contents

<b>Preamble .....</b>	<b>4</b>
<b>I. Introduction .....</b>	<b>5</b>
<b>II. Main developments in the implementation of the Convention by the United Kingdom ...</b>	<b>8</b>
1. Emerging trends in trafficking in human beings.....	8
2. Developments in the legal framework .....	9
3. Developments in the institutional framework .....	10
4. Strategies and action plans .....	14
5. Training of relevant professionals .....	16
6. Data collection and research .....	19
<b>III. Article-by-article findings .....</b>	<b>22</b>
1. Prevention of trafficking in human beings.....	22
a. Measures to raise awareness of THB (Article 5) .....	22
b. Measures to prevent THB for the purpose of labour exploitation (Article 5).....	24
c. Measures to prevent trafficking in children (Article 5).....	30
d. Measures to prevent trafficking for the purpose of organ removal (Article 5).....	32
e. Measures to discourage demand (Article 6).....	33
f. Border measures (Article 7) .....	35
2. Measures to protect and promote the rights of victims, guaranteeing gender equality	36
a. Identification of victims (Article 10) .....	36
b. Assistance measures (Article 12).....	44
c. Identification of and assistance for child victims of trafficking (Articles 10 and 12) .....	48
d. Protection of private life (Article 11) .....	55
e. Recovery and reflection period (Article 13).....	56
f. Residence permit (Article 14).....	58
g. Compensation and legal remedies (Article 15).....	59
h. Repatriation and return of victims of THB (Article 16) .....	64
3. Substantive criminal law.....	65
a. Criminalisation of THB (Article 18).....	65
b. Criminalisation of the use of services of a victim (Article 19).....	70
c. Corporate liability (Article 22) .....	71
d. Non-punishment of victims of THB (Article 26) .....	71
4. Investigation, prosecution and procedural law .....	73
a. Measures related to ensuring effective investigations (Articles 1, 27 and 29).....	73
b. Protection of witnesses and victims (Articles 28 and 30).....	77
c. Jurisdiction (Article 31).....	78
5. International co-operation and co-operation with civil society.....	79
a. International co-operation (Article 32) .....	79
b. Co-operation with civil society (Article 35).....	81
<b>IV. Conclusions .....</b>	<b>82</b>
<b>Appendix List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations.....</b>	<b>88</b>
<b>Government's Comments .....</b>	<b>91</b>

## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom ("the Convention") took place in 2011-2012. Following the receipt of the UK reply to GRETA's first questionnaire on 1 September 2011, a country evaluation visit was organised from 24 to 28 October 2011. The draft report on the UK was examined at GRETA's 13th meeting (19-23 March 2012) and the final report was adopted at GRETA's 14th meeting (25-29 June 2012). Following the receipt of the UK authorities' comments, GRETA's final report was published on 12 September 2012.<sup>1</sup>

2. In its first report, GRETA welcomed the steps taken by the UK authorities to combat trafficking in human beings (THB), including the establishment of co-ordination structures, the adoption of the UK Government's Strategy on Human Trafficking for the period 2011-2015, and the formalisation of the identification procedures and victim support process through the setting up of a National Referral Mechanism (NRM). GRETA noted that the legal and institutional framework in the field of action against THB in the UK was complex, due to the fact that the devolved administrations had been granted varying powers to make legislation and administer certain areas, in particular criminal law and victim care. GRETA considered that the 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 Convention.

3. While welcoming the improved data collection as a result of the setting up of the NRM and the provision of guidance and training to relevant professionals, GRETA was concerned that a number of victims of human trafficking were not referred to the NRM because of fear that they would not be positively identified and would be removed from the UK. GRETA considered that the UK authorities should take further steps to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures contained in the Convention. GRETA was concerned that a significant number of unaccompanied children placed in local authority care went missing and urged the UK authorities to take steps to improve the identification of child victims of trafficking, and to ensure that all unaccompanied minors who are possible victims of trafficking are assigned a legal guardian and are provided with suitable safe accommodation and adequately trained supervisors or foster parents. Furthermore, GRETA urged the UK authorities to adopt a clear legal and policy framework for the return of victims of trafficking, having due regard for the rights, safety and dignity of the person and the status of legal proceedings, and in order to avoid re-trafficking and re-victimisation.

4. GRETA also considered that improvements were needed to guarantee access to compensation for victims of trafficking, including through the provision of systematic information on their rights and by ensuring effective access to legal aid. Concerned that victims of trafficking had been arrested, prosecuted and convicted in relation to immigration and other offences, GRETA urged the UK authorities to strengthen their efforts to ensure that the non-punishment principle is applied consistently. Further, GRETA noted with concern the low level of convictions as compared to the number of identified victims of THB and stressed the need to step up proactive investigations and to encourage the prosecution services in each UK jurisdiction to develop their specialism in THB. Finally, GRETA urged the authorities to improve the protection of victims during investigations and court proceedings.

<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, GRETA(2012)6, available at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063d26d>

5. On the basis of GRETA's report, the Committee of the Parties to the Convention adopted a recommendation to the UK authorities on 13 November 2012, requesting them to report back on the measures taken to comply with this recommendation by 13 November 2014.<sup>2</sup> The report submitted by the UK authorities was considered at the 16th meeting of the Committee of the Parties (15 June 2015). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

6. On 5 January 2015, GRETA launched the second round of evaluation of the Convention in respect of the UK by sending the questionnaire for this round to the UK authorities. The deadline for submitting the reply to the questionnaire was 5 June 2015. The UK authorities submitted their reply on 10 June 2015.<sup>4</sup>

7. In preparation of this report, GRETA used the reply to the questionnaire by the UK authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to the UK took place from 23 to 30 October 2015 in order to hold meetings with relevant actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Siobhán Mullally, First Vice-President of GRETA;
- Mr Jan van Dijk, Second Vice-President of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Convention;
- Mr Gerald Dunn, Administrator in the Secretariat of the Convention.

8. During the visit, the GRETA delegation held consultations with Ms Karen Bradley, Home Office Minister for Preventing Abuse and Exploitation, Mr Kevin Hyland, Independent Anti-Slavery Commissioner, and officials from the Home Office, the Ministry of Justice, the Department for Education, the National Crime Agency (NCA), UK Visas and Immigration (UKVI), UK Border Force (UKBF), the Crown Prosecution Service (CPS, England and Wales), the Gangmasters Licensing Authority (GLA), and the Metropolitan Police Service. The GRETA delegation also met members of the All-Party Parliamentary Group (APPG) on Human Trafficking and representatives of the Office of the Children's Commissioner for England. Further, the GRETA delegation met representatives of the Modern Slavery Co-ordination Unit based in the Greater Manchester Police and Wythenshawe social care services.

9. In Northern Ireland, the GRETA delegation met Mr David Ford, Minister of Justice, as well as officials from the Department of Justice, the Department of Health, Social Services and Public Safety, the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, the Employment Agency Inspectorate, and the Gangmasters Licensing Authority. Discussions were also held with the Office of the Commissioner for Children and Young People in Northern Ireland, the Office of the Northern Ireland Human Rights Commission, and the Human Trafficking Engagement Group.

---

<sup>2</sup> Recommendation CP(2012)10 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, adopted at the 8th meeting of the Committee of the Parties on 13 November 2011, available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063cabc>

<sup>3</sup> Available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063d270>

<sup>4</sup> Available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680665003>

10. In Scotland, the GRETA delegation met officials from the Scottish Government, the Crown Office and Procurator Fiscal Service, Police Scotland, the Convention of Scottish Local Authorities and Glasgow City Council. Meetings were also held with members of the Scottish Parliament Cross Party Group on Human Trafficking, the Scottish Commissioner for Children and Young People, Mr Tam Baillie, and the Scottish Guardianship Service. Further, GRETA met representatives of the Criminal Injuries Compensation Authority, based in Glasgow.

11. In Wales, the GRETA delegation met Mr Stephen Chapman, Anti-Slavery Co-ordinator, and members of the Wales Anti-Slavery Leadership Group, including representatives from the Welsh Government, Crown Prosecution Service Cymru/Wales, Welsh Police Forces, Wales Regional Intelligence Unit, Gangmasters Licensing Authority, chairs from the Regional Anti-Slavery Groups, and the NGOs Bawso and New Pathways.

12. Separate meetings were held with representatives of non-governmental organisations (NGOs), trade unions and civil society in London, Belfast, Cardiff and Edinburgh.

13. In the course of the visit, the GRETA delegation visited accommodation facilities for adult victims of trafficking in London, Cardiff and Manchester, as well as a shelter for child victims of trafficking in Belfast.

14. The list of the national authorities, non-governmental organisations and other organisations with which the delegation held consultations is set out the appendix to this report. GRETA is grateful for the information provided by them.

15. GRETA is grateful for the assistance provided before, during and after the visit by the contact person appointed by the UK authorities, Ms Maarit Virenus-Varela, Modern Slavery Unit, Home Office, as well as by Mr Stephen Chapman, Anti-Slavery Co-ordinator of the Welsh Government, Ms Emma Crozier, Human Trafficking Team, Department of Justice of the Northern Ireland Executive, Mr Christopher Duncan, Human Trafficking Team, Scottish Government, and Mr Nicholas Marsh, Modern Slavery Co-ordination Unit in the Greater Manchester Police.

16. The draft of the present report was approved by GRETA at its 25th meeting (7-11 March 2016) and was submitted to the UK authorities for comments on 12 April 2016. The authorities' comments were received on 13 June 2016 and have been taken into account by GRETA when considering and adopting the final report at its 26th meeting (4-8 July 2016). The final report covers the situation up to 8 July 2016; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 83-88).

## **II. Main developments in the implementation of the Convention by the United Kingdom**

### **1. Emerging trends in trafficking in human beings**

17. According to data collected by the National Crime Agency (NCA), the number of referrals of possible victims of trafficking to the National Referral Mechanism (NRM) was, respectively, 1 186 in 2012, 1 746 in 2013, 2 340 in 2014, and 3 266 in 2015.<sup>5</sup> Out of the total number of referrals over the period 2012-2015, 60% were female, with an upward trend in the proportion of male referrals over the years (thus in 2015, there were 1 744 female and 1 518 male referrals). The number of child victims referred to the NRM has also been on the increase: from 371 in 2012 to 982 in 2015 (29% of all referrals during the period 2012-2015). Sexual exploitation was the most frequently referred type during the reporting period (36% of all referrals), followed by labour exploitation (35% of the referrals), which also includes as a subcategory the exploitation of criminal activities, and domestic servitude (13% of the referrals). Further, there were eight referrals of possible victims of trafficking for the purpose of organ harvesting during the reporting period. The type of exploitation was unknown in the remaining cases. Statistics indicate an upward trend in the proportion of referrals of victims of trafficking for the purpose of labour exploitation, which in 2015 was the most prominent type of exploitation recorded for both adult and child victims.

18. Possible victims of trafficking were reported to originate from some 100 different countries. Albania, Vietnam and Nigeria were the most common countries of origin of the possible victims referred. Other main countries of origin were Romania, Poland, the Slovak Republic and Sudan. The number of UK nationals referred as possible victims over the period 2012 to 2015 was 451; the majority of them were children trafficked for the purpose of sexual exploitation within the UK.

19. As regards the number of persons actually recognised as victims of trafficking (i.e. given positive conclusive decisions after referral to the NRM), it was 819 in 2013 (46.9% of all referrals), 834 in 2014 (35.6% of the referrals) and 674 in 2015 (20.6% of the referrals). The number of negative decisions was, respectively, 776 in 2013 (44.5% of all referrals), 924 in 2014 (39.5% of the referrals) and 768 in 2015 (23.5% of the referrals). The remainder of the cases were pending decisions, suspended cases and cases withdrawn from process.<sup>6</sup> GRETA notes that trends in the percentages of positive and negative conclusive decisions are strongly influenced by the proportion of pending cases. The UK authorities have indicated that the quarterly NRM statistics that are published on the National Crime Agency website will include an update of the decision status of the 2015 NRM statistics.

20. GRETA notes that according to a 2014 estimate of the Home Office, based on Multiple Systems Estimation and using the different sources of data collected by the NCA,<sup>7</sup> there are between 10 000 and 13 000 persons who would upon detection be referred into the NRM (possible victims of modern slavery) in the UK. The proportion of those who are referred into the NRM is small but constantly growing, as illustrated by the above-mentioned figures.

<sup>5</sup> [www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics](http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics)

<sup>6</sup> [www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/676-national-referral-mechanism-statistics-end-of-year-summary-2015/file](http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/676-national-referral-mechanism-statistics-end-of-year-summary-2015/file)

<sup>7</sup> Bales K., Hesketh. O. and Silverman B. (2015), *Modern Slavery in the UK: how many victims?*, Significance Volume 12, Issue 3, on pages 16-21.

## 2. Developments in the legal framework

21. Since GRETA's first evaluation, several important legal developments regarding action against human trafficking have taken place in the UK and its different jurisdictions, reflecting a number of the recommendations made in GRETA's first report.<sup>8</sup> In October 2013 the UK Government introduced the Modern Slavery Bill, a comprehensive piece of legislation aimed at enhancing the fight against human trafficking through effective prevention, prosecution of perpetrators and protection of victims. The umbrella term "modern slavery" has been used by the UK Government since 2013 to cover the offences of human trafficking, slavery, servitude and forced or compulsory labour, which is why this report uses the term "modern slavery" wherever government action does not establish a distinction between human trafficking and the offences of slavery, servitude and forced or compulsory labour.

22. Following extensive consultation and amendments, the Modern Slavery Bill received Royal Assent and became an official Act of Parliament on 26 March 2015. The Act consolidates and simplifies the existing offences, previously contained in a number of different laws.<sup>9</sup> It establishes two offences: in section 1, slavery, servitude and forced or compulsory labour, and in section 2, human trafficking. Further, it increases the maximum sentence for these offences to life imprisonment, makes it easier to confiscate the assets of traffickers and use them to compensate victims, and introduces provisions for slavery and trafficking prevention orders. The Act also introduces a range of enhancements to the support and protection available to victims and places a requirement on the Secretary of State to issue guidance on assistance and support to potential adult victims of slavery and human trafficking. The Act creates a new statutory defence for victims who have been compelled to commit offences and new measures to protect victims who act as witnesses. It also makes provisions for independent child trafficking advocates and the protection of overseas domestic workers. Moreover, the Act establishes the office of an Independent Anti-Slavery Commissioner and makes provision for the prevention of modern slavery in supply chains. While most of its provisions apply in England and Wales only, some provisions also concern Northern Ireland and Scotland (in particular those related to the Independent Anti-Slavery Commissioner, transparency in supply chains and maritime powers). Most of the provisions of the Act came into force on 31 July 2015, but the entry into force of some provisions was postponed.<sup>10</sup>

23. At the same time, dedicated legislation on human trafficking has been adopted in the devolved administrations. In Northern Ireland, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) was enacted into law on 13 January 2015. The Act created a new consolidated offence of human trafficking and a new offence of slavery, servitude and forced or compulsory labour. It also includes measures in respect of sentencing, recovery of criminal assets, investigation and prosecution, prevention and protection and support for victims.

24. In Scotland, the Human Trafficking Exploitation (Scotland) Act 2015 was given Royal Assent on 4 November 2015. It consolidates and strengthens criminal law against traffickers and exploiters, enhances the support to victims, and requires relevant bodies to co-operate on a Scottish Anti-Trafficking Strategy.

25. The above-mentioned new legislative acts are examined in greater detail in later sections of the report, alongside other legislative developments. ***GRETA welcomes the political attention to the problem of trafficking in human beings in the UK and the devolved administrations and the adoption of dedicated, comprehensive legislation on human trafficking/modern slavery across the UK, which was one of the main recommendations made in GRETA's first evaluation report.*** The impact of the new laws remains to be seen, in particular whether the new definitions of the offences will result in better identification of victims and more convictions.

<sup>8</sup> See GRETA's first evaluation report (document GRETA(2012)6), paragraphs 76-78.

<sup>9</sup> See GRETA's first evaluation report, paragraphs 64-67.

<sup>10</sup> For example, section 54 on transparency in supply chains entered into force on 29 October 2015.

### **3. Developments in the institutional framework**

26. The institutional framework for action against trafficking in human beings in the UK and its constituent jurisdictions has undergone a number of changes since GRETA's first evaluation and continues to be evolving at the time of writing this report.

27. In 2014 the post of Minister for Preventing Abuse, Exploitation and Crime<sup>11</sup> was created under the Home Secretary, with direct responsibility for driving the modern slavery government agenda. Before that, the Home Office Minister of State for Immigration had the lead on human trafficking until 2013 and then the Security Minister until 2014.

28. In 2013 the Home Office set up a Modern Slavery Unit, composed of nine staff members, to advise ministers, oversee government activities and reforms linked to the implementation of the Modern Strategy Act and Strategy.

29. The Inter-Departmental Ministerial Group (IDMG) on Human Trafficking was renamed IDM on Modern Slavery in 2014. The IDM brings together the UK Government, Scottish Government, Northern Ireland Executive and Welsh Government with a view to reporting on actions taken to combat human trafficking and modern slavery across the UK and to implement anti-trafficking strategies. Since 2014, it has been chaired by the Home Secretary.<sup>12</sup> According to the UK authorities, the IDM performs a national rapporteur function, in the sense of Article 19 of EU Directive 2011/36/EU, and is responsible for overseeing the government's contribution to the Modern Slavery Strategy. The IDM has published annual reports in 2012, 2013 and 2015. In 2014, the IDM did not produce an annual report but published a statement instead. All are public documents available on the UK Government's website.

30. The Modern Slavery Act 2015 created the post of Independent Anti-Slavery Commissioner whose mandate covers the whole of the UK. The Commissioner is appointed by the Home Secretary, after consulting the Scottish Ministers and the Northern Ireland Department of Justice (section 40(1), Modern Slavery Act 2015). The functions of the Commissioner are to encourage good practice in the prevention, detection, investigation and prosecution of human trafficking and exploitation offences, as well as the identification of victims. The first incumbent, Mr Kevin Hyland, a former senior police officer, was appointed in November 2014. He published in October 2015 a Strategic Plan for 2015-2017.<sup>13</sup> According to it, the Anti-Slavery Commissioner's priorities are to improve the identification of victims and provide enhanced levels of immediate and sustained support, to improve the law enforcement and criminal response and training, to promote understanding and best practice in partnerships between statutory agencies, NGOs and businesses, to engage with the private sector in order to encourage supply chain transparency, and to promote international co-operation. The Anti-Slavery Commissioner reports annually to the Home Secretary on progress being made on tackling modern slavery. In 2015, the annual budget of the Anti-Slavery Commissioner was GBP 500 000 and his office comprised seven staff members.

<sup>11</sup> Initially called Minister for Preventing Abuse and Exploitation.

<sup>12</sup> Composition as of October 2015: Home Secretary (Chair), Minister for Preventing Abuse and Exploitation, Scottish Government (Cabinet Secretary for Justice), Northern Ireland Executive (Minister for Justice), Welsh Government (Minister for Public Services), Attorney General's Office (Solicitor General), Minister for Policing, Criminal Justice and Victims, Department for Education (Minister of State for Children and Families), Department of Health (Parliamentary Under Secretary of State of Public Health), Foreign and Commonwealth Office (Minister of State), Department for Work and Pensions (Minister of State for Employment), Department for Business, Innovation and Skills (Minister for Small Business, Industry and Enterprise), Department for Communities and Local Government (Parliamentary Under Secretary of State), Department for International Development (Parliamentary Under Secretary of State).

<sup>13</sup> Available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/468729/IASC\\_StrategicPlan\\_2015.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/468729/IASC_StrategicPlan_2015.pdf)

31. GRETA notes that the remits of the Inter-Departmental Ministerial Group (IDMG) and the Independent Anti-Slavery Commissioner fall short of that of a National Rapporteur within the meaning of Article 29, paragraph 4, of the Convention. As explained in paragraph 29, the IDMG is composed of government officials from the stakeholders directly involved in the delivery of anti-trafficking actions, while its function is overseeing the government's contribution to the Modern Slavery Strategy. As for the Anti-Slavery Commissioner, he is appointed by and answerable to the Home Secretary and his mandate does not include data collection and analysis. GRETA stresses that the key features of National Rapporteurs' mechanisms according to Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end to maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. **GRETA considers that the UK authorities should examine the possibility of establishing an independent National Rapporteur or designating another independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

32. The UK Human Trafficking Centre (UKHTC), one of the Competent Authorities deciding on the formal identification of victims, has been incorporated into the National Crime Agency (NCA), which replaced the Serious Organised Crime Agency (SOCA) in 2013. It provides expert advice on the investigation and prosecution of trafficking offences.<sup>14</sup>

33. The Home Office's UK Border Agency (UKBA) was replaced in 2013 by the UK Border Force (UKBF), Immigration Enforcement (IE) and UK Visas and Immigration (UKVI). The Home Office, through both UKVI and IE, is responsible for taking decisions on the identification of victims of human trafficking among third-country nationals and EEA nationals subject to immigration control and has set up a NRM Hub based in Leeds for this purpose, with branches in Wales, Scotland and Northern Ireland. The Leeds Hub deals with 80% of all THB cases and has a team of 10 senior decision makers, six decision makers, four administrative officers and two senior executive officers.

34. In 2014 a National Policing Lead on Modern Slavery was designated amongst the chief constables, who head the territorial police forces in England, to ensure that police forces follow a common approach to combating trafficking and work together.

35. As described in the first evaluation report,<sup>15</sup> the Gangmasters Licensing Authority (GLA) is a government agency set up in 2005 under the Gangmasters (Licensing) Act 2004. It regulates the supply of workers to the agricultural, forestry, horticultural, shellfish gathering, food processing and packaging industries by setting up and operating a licensing scheme for labour providers across the UK. In 2014 the GLA was moved from the Department for Environment, Food and Rural Affairs to the Home Office. This move was aimed at strengthening the GLA's enforcement and intelligence capabilities, allowing it to provide and receive expert support and to participate as a partner into the single intelligence threat picture for the modern slavery crime. Following a consultation process, the UK government has recently decided to expand the GLA's remit, which will be renamed the Gangmasters Labour Abuse Authority (GLAA) to reflect its broader functions (see paragraph 95).

<sup>14</sup>

See GRETA's first evaluation report, paragraph 34.

<sup>15</sup>

See GRETA's first evaluation report, paragraphs 44 and 100.

36. Following the adoption of the Modern Slavery Strategy in November 2014, other new structures were set up at UK government level to ensure the strategy's implementation: the Modern Slavery Strategy Board, the Modern Slavery Threat Group and the Modern Slavery Strategy and Implementation Group.

37. The Modern Slavery Strategy Board has been set up to develop and drive implementation of the Modern Slavery Strategy. In addition to the Minister for Preventing Abuse, Exploitation and Crime, who chairs it, it is composed of representatives of the Home Office (the Director General of the Crime, Policing and Fire Group and Modern Slavery Senior Responsible Owner, the Director of Safeguarding, the Head of the Modern Slavery Unit and the Director of Serious and Organised Crime); the National Policing Lead on Modern Slavery; the GLA Chief Executive; the Director of Organised Crime of the NCA; the Crown Prosecution Service as well as the Independent Anti-Slavery Commissioner. The Modern Slavery Strategy Board meets on a quarterly basis.

38. The Modern Slavery Threat Group (MSTG), under the responsibility of the NCA and chaired by the National Policing Lead on Modern Slavery, looks into operational matters such as intelligence collecting, analysis and sharing, threat assessments, strengthening the operational response to disrupt and bring to justice perpetrators of modern slavery and strengthening the capability of operational staff through awareness raising, training and better co-operation.<sup>16</sup> The group is to work closely with the other organised crime threat leads, notably on organised immigration crime which previously covered human trafficking. It is meant to meet on a quarterly basis and sub-groups created under it can meet more frequently. The MSTG has a Strategic Action Plan based on the 4 "P"s (Pursue, Prevent, Protect, Prepare) followed by both the Modern Slavery Strategy and the Serious Organised Crime Strategy (see paragraph 46).

39. The Modern Slavery Strategy and Implementation Group (MSSIG) was set up in April 2016 with a view to engaging with civil society stakeholders. It is intended to complement the work of the Modern Slavery Threat Group and the Modern Slavery Strategy Board in ensuring the effective implementation of the Modern Slavery Strategy. The MSSIG was due to meet for the first time in July 2016 and is subsequently due to be convened on a quarterly basis. It will be chaired by the Minister for Preventing Abuse and Exploitation and will be composed of a steering board of eight NGOs<sup>17</sup> attending all meetings and 22 associate members<sup>18</sup> who will be invited to meetings depending on the topics discussed. Standing invitations to all meetings will be sent to the Office of the Independent Anti-Slavery Commissioner, the Local Government Association, the Northern Ireland Executive, the Scottish Government and the Welsh Government. The MSSIG has replaced the Modern Slavery Stakeholder Forum, which was operational from February 2014 to April 2016 as a forum for information sharing and discussion between the Home Office and civil society during the preparation of the Modern Slavery Strategy and Bill.<sup>19</sup>

---

<sup>16</sup> The Modern Slavery Threat Group members include: the National Policing Lead (England and Wales); Police Scotland; Police Service of Northern Ireland; Home Office Modern Slavery Unit; Border Force; Immigration Enforcement; UK Visas and Immigration; Gangmasters' Licensing Authority; Ministry of Justice; Crown Prosecution Service; Foreign and Commonwealth Office; Department for Health; Department for Communities and Local Government; Department for Work and Pensions; HMRC; the Wales Anti-Slavery Co-ordinator.

<sup>17</sup> Anti-Slavery, Barnardo's, ECPAT, Human Trafficking Foundation, Just Enough UK, Medaille Trust, The Salvation Army, Unseen.

<sup>18</sup> Ashiana, BAWSO, the British Red Cross, Children' Society, Crimestoppers, Ethical Trading Initiative, FLEX, Helen Bamber Foundation, HESTIA, IOM, Kalayaan, Migrant Help UK, Nadine Finch (honorary research fellow, University of Bristol), National Society for the Prevention of Cruelty to Children, Palm Cove Society, Polaris, The Poppy Project, Stop the Traffik, Stronger Together and TARA. Three international organisations are also associate members: the International Organization for Migration (IOM), the UN High Commissioner for Refugees (UNHCR) and UNICEF.

<sup>19</sup> The Modern Slavery Stakeholder Forum was chaired by the Minister for Preventing Abuse and Exploitation and brought together representatives of 13 NGOs, international organisations, the Home Office (Modern Slavery Unit; National Policing Lead office; Immigration and Border Policy Directorate; Strategic Centre for Serious and Organised Crime; Safeguarding and Public Protection Unit, College of Policing), the GLA, of the devolved administrations as well as the Independent Anti-Slavery Commissioner.

40. The Anti-Trafficking Monitoring Group (ATMG), which is composed of 12 specialised NGOs<sup>20</sup>, has remained active and has published several reports assessing the measures taken by the UK authorities to respond to human trafficking from a human rights perspective (see paragraph 76). It was involved in the discussions on the Modern Slavery Bill and issued briefings and an alternative bill.<sup>21</sup>

41. The Scottish Government held a Human Trafficking Summit in October 2012, which brought together all organisations with a statutory or specific responsibility for tackling human trafficking and supporting victims.<sup>22</sup> The Director General of the Scottish Crime and Drug Enforcement Agency (SCDEA) was responsible for anti-trafficking policing until 2013, when all police forces of Scotland were merged into a single service, Police Scotland. The National Human Trafficking Unit (NHTU) within Police Scotland advises and supports law enforcement officers across Scotland. Following the organisation of the summit in October 2012, 11 action points were agreed covering awareness raising, training of frontline staff, data collection, victim care and enforcement, which were taken forward by the Anti-Trafficking Progress Group (ATPG) over a period of 18 months before a new summit was organised. Following the passing of the Human Trafficking and Exploitation (Scotland) Act 2015, two working groups have been set up to oversee the development of the Human Trafficking and Exploitation Strategy and assist in the implementation of the Act. Firstly, the Human Trafficking Strategic Oversight Group, which is chaired by the Cabinet Secretary for Justice, was established, *inter alia*, to secure a high political profile for the strategy and ensure that it remains strategic within the broader UK context.<sup>23</sup> Secondly, the Strategy Implementation Group was created to ensure that strategy is practical and effective; to act as conduits of information to and from their stakeholders; and to lead on different strands of the strategy and its implementation.<sup>24</sup>

42. In Northern Ireland, the Immigration and Human Trafficking Subgroup has been set up under the Organised Crime Task Force (OCTF). It brings together statutory bodies and law enforcement authorities and is chaired by the Police Service of Northern Ireland (PSNI), providing strategic direction on tackling human trafficking through multi-agency partnership. In 2012, the Department of Justice created a Human Trafficking Team to facilitate co-operation with other jurisdictions, statutory bodies and NGOs. Further, in 2013, the Department of Justice's NGO Engagement Group on Human Trafficking was established to ensure co-operation between statutory bodies and civil society in anti-trafficking action. It meets every four months and has a subgroup which focuses on awareness-raising.

---

<sup>20</sup> AFRUCA, Amnesty International UK, Anti-Slavery International, Bawso, ECPAT UK, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Kalayaan, Law Centre (NI), POPPY project, the TARA service and UNICEF UK. ATMG also work closely with the Human Trafficking Foundation.

<sup>21</sup> [www.antislavery.org/english/what\\_we\\_do/trafficking/anti\\_trafficking\\_monitoring\\_group/default.aspx](http://www.antislavery.org/english/what_we_do/trafficking/anti_trafficking_monitoring_group/default.aspx)

<sup>22</sup> Scottish Government, Scottish Chamber of Commerce, Scottish Trade Unions Congress, Scotland's Commissioner for Children and Young People, Police Scotland, Crown Office and Procurator Fiscal Service, Migrant Help, Trafficking Awareness Raising Alliance (TARA), Convention of Scottish Local Authorities, Equality and Human Rights Commission, Northern Ireland Executive, Irish Government, UK Human Trafficking Centre, UK Government.

<sup>23</sup> Members are currently the Minister for Childcare and Early Years, the Lord Advocate, the Chief Executive of NHS Scotland, the Convention of Scottish Local Authorities (COSLA), the Assistant Chief Constable for Major Crime and Public Protection, Police Scotland, the Children and Young People's Commissioner for Scotland, the Independent Anti-Slavery Commissioner, the Equality and Human Rights Commission, Action on Churches Together Scotland, Aberlour Child Care Trust, the Chair Scottish Child Protection Committees and Scottish Government Directors for Justice and Director for Children and Families.

<sup>24</sup> It is chaired by the Scottish Government and its members are the Crown Office and Procurator Fiscal Service, NHS Scotland, COSLA, Police Scotland, the NGO TARA, the NGO Migrant Help, the Scottish Guardianship Service, the Children's Trafficking Strategy Group, and the GLA. The Home Office, as well as Wales and Northern Ireland Policy Teams, are also members of this group.

43. In Wales, the post of Welsh Government Anti-Slavery Co-ordinator was created in 2011 and in November 2012 Mr Stephen Chapman became the second incumbent. He represents the Welsh Government on a number of UK Strategic Groups, engages with a variety of stakeholders and publishes annual reports. In 2013, the Wales Anti-Slavery Leadership Group was established to ensure a multi-agency response, including civil society.<sup>25</sup> It has set up three sub-groups: on training, casework review and the Wales Threat Group for Modern Slavery. Further, the Wales Anti-Slavery Operational Delivery Group was set up in May 2014 to co-ordinate and deliver the work taking place across Wales to tackle slavery and facilitate the sharing of good practice and local delivery through the Regional Anti-Slavery Groups.<sup>26</sup> The Delivery Group meets once every three months. Since April 2014, the Welsh Government has funded Community Cohesion Co-ordinators to provide support to the Anti-Slavery Co-ordinator in engaging with the local authorities. Further, in November 2013, the North Wales Regional Anti-Slavery Co-ordinator was appointed.

44. The Houses of Parliament's All Parliamentary Group (APPG) on Human Trafficking and Modern Slavery has remained active and has carried out, *inter alia*, an inquiry into data collection.<sup>27</sup> In 2012, a Cross-Party Group on Human Trafficking was set up in the Scottish Parliament, which got actively involved in the Human Trafficking and Exploitation (Scotland) Bill. The All-Party Group on Human Trafficking (APGHT) Northern Ireland was launched in May 2012 and holds monthly meetings. The Welsh Assembly Cross Party Group on Human Trafficking (CPGHT), set up in 2009, has continued to be active.

45. **GRETA welcomes the efforts of the UK authorities and the devolved administrations to set up co-ordinating and specialised structures for combating human trafficking, the multi-agency approach promoted and the engagement with civil society, including through the Modern Slavery Strategy Implementation Group and targeted initiatives of the devolved administrations.**

## **4. Strategies and action plans**

46. The Strategy on Human Trafficking, published by the UK Government in 2011, remained the reference government policy document until 2014.<sup>28</sup> The Modern Slavery Strategy<sup>29</sup> was published in November 2014. The Strategy is based on four "P"s: (i) Pursue: prosecuting and disrupting individuals and groups responsible for modern slavery; (ii) Prevent: preventing people from engaging in modern slavery; (iii) Protect: strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of this crime; and (iv) Prepare: reducing the harm caused by modern slavery through improved identification and support. Actions in the first two areas (pursue and prevent) are intended to reduce the threat from modern slavery, whilst actions in the two others (protect and prepare) aim at reducing vulnerability to modern slavery, with the overall goal of reducing the prevalence of this crime in the UK. The Modern Slavery Strategy applies to England and Wales, as well as to Northern Ireland and Scotland for non-devolved matters. In producing the Modern Slavery Strategy, the Government reviewed previous activity on human trafficking and secured evidence from a wide array of sources, including civil society groups.

<sup>25</sup> It comprises representatives of the Welsh Government Departments, other UK Government Departments, including the Home Office, Welsh Local Government Association, National Crime Agency, National Police Chiefs' Council Cymru, Wales Regional Intelligence Unit, GLA, Crown Prosecution Service Wales, National Offender Management Service in Wales, Children's Commissioner for Wales, Bawso, Wales Anti-Slavery NGO Forum and the Community Justice Cymru Network.

<sup>26</sup> The six regional groups cover Cardiff and the Vale; Dyfed Powys; Gwent; North Wales; Western Bay; and Cwm Taff.

<sup>27</sup> Available at: <http://allpartygrouphumantrafficking.org/the-appg/data-collection>

<sup>28</sup> See GRETA's first evaluation report, paragraph 25.

<sup>29</sup> Available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/383764/Modern\\_Slavery\\_Strategy\\_FINAL\\_DEC2015.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf)

47. The Strategy gives a detailed picture of modern slavery in the UK, based on figures provided by the National Crime Agency and illustrated by a number of concrete and anonymised cases. It goes on to expose the government's strategic response, with descriptions of what is already in place and a number of specific initiatives to be taken forward at UK level as well as regional and local levels. Amongst the concrete measures mentioned, statutory guidance will be issued by the Home Secretary to ensure that frontline professionals identify victims and refer them to assistance; a national action plan will be prepared to improve co-operation between police forces to identify victims and combat trafficking; good practice will be developed by the Anti-Slavery Commissioner, in co-operation with NGOs, for police forces; a small-business awareness campaign will take place in high-risk economic sectors; reparation orders for compensation of victims directly from convicted traffickers will be introduced. These measures are discussed in detail in later sections of this report.

48. The introduction to the Strategy specifies that a victim-centred approach runs throughout it. However, the overall framework replicates that of the strategies recently adopted against serious and organised crime and terrorism, and the Strategy has a strong law-enforcement bias, victim identification and support being tackled last. Further, there are many references to law enforcement action against human trafficking as well as witness protection in human trafficking cases in the Serious and Organised Crime Strategy published in 2013.

49. In the Strategy's Annexe on implementation and accountability, it is underlined that delivery would be closely monitored and assessed by the Home Office, with contributions of various other departments and agencies as well as civil society, particularly through the Home Office's Modern Slavery Stakeholder Forum, which became the Modern Slavery Strategy Implementation Group in April 2016 (see paragraph 39). The Inter-Departmental Ministerial Group (IDMG) is responsible for publishing annual reports measuring progress in the implementation of the Strategy. The first such review was published in October 2015.<sup>30</sup>

50. Insofar as Northern Ireland is concerned, two annual human trafficking action plans were published, respectively in 2013 and 2014, containing specific objectives and defining responsible stakeholders. These action plans were evaluated through review reports prepared by the Northern Ireland Executive's Department of Justice. In accordance with the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, the first annual Human Trafficking and Exploitation Strategy for Northern Ireland was published by the Department of Justice in September 2015.<sup>31</sup> It was developed in consultation with civil society partners, through the Engagement Group, and statutory bodies sitting on the Organised Crime Task Force's Immigration and Human Trafficking Subgroup. The draft Strategy was also subject to public consultation, giving other civil society organisations and the wider public the opportunity to help shape the final Strategy. The Strategy sets out specific objectives, expected outcomes, actions to be taken, target dates and delivery stakeholders. The Strategy will be updated on a yearly basis and a public consultation on the draft Northern Ireland Human Trafficking and Modern Slavery Strategy 2016-17 was launched on 1 July 2016.<sup>32</sup>

<sup>30</sup> Available at:

[www.gov.uk/government/publications/report-of-the-inter-departmental-ministerial-group-on-modern-slavery-2015](http://www.gov.uk/government/publications/report-of-the-inter-departmental-ministerial-group-on-modern-slavery-2015)

<sup>31</sup> Available at:

[www.octf.gov.uk/OCTF/media/OCTF/images/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Exploitation-Strategy-2015-16.pdf?ext=.pdf](http://www.octf.gov.uk/OCTF/media/OCTF/images/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Exploitation-Strategy-2015-16.pdf?ext=.pdf)

<sup>32</sup> Available at:

<https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/human-trafficking-strategy-consultation-2016-17.pdf>

51. In accordance with the Human Trafficking and Exploitation (Scotland) Act 2015, the Human Trafficking and Exploitation Strategy is being developed in conjunction with relevant stakeholders through the Strategic Oversight Group and the Strategy Implementation Group (see paragraph 41). In addition, two Stakeholder Forums, open to anyone with an interest in the issue of human trafficking, were held in January and June 2016. The draft Strategy will be issued for public consultation in autumn 2016. As part of the public consultation, the Scottish Government will be seeking input from victims and considering how victims' views can best be reflected. The Strategy will be accompanied by an action plan, which will be kept under review.

52. The Wales Anti-Slavery Leadership Group prepares annual plans for delivering the Anti-Slavery Strategy in Wales. The current delivery plan, for 2015-2016, has the following strategic objectives: develop training; improve awareness and information; develop the "Survivor Care Pathway" (see paragraph 176); tackle child exploitation; prevent labour exploitation; engage with the National Offender Management Service; and reduce exploitation through prostitution.

## 5. Training of relevant professionals

53. The UK authorities have reported that a basic one-hour e-learning training on modern slavery is mandatory for staff most likely to come into contact with victims, in particular staff of the police forces, the National Crime Agency (NCA), UK Border Force (UKBF), UK Visas and Immigration (UKVI), Immigration Enforcement (IE), the Gangmasters Licensing Authority (GLA), Her Majesty's Revenue and Customs (HMRC), the local authorities' children's services, health workers and the judiciary.

54. The Home Office e-learning on modern slavery and the NRM, aimed at UKBF, UKVI and IE staff, was updated and re-launched in March 2016, with revised text relating to modern slavery and other relevant policy changes. It comprises three courses: (i) an NRM e-learning course for UKBF, UKVI and IE; (ii) a specific modern slavery e-learning course for UKBF; and (iii) a separate modern slavery e-learning course for UKVI and IE. The training is mandatory for all staff working in these areas. The courses provide a general insight into modern slavery, indicators to look out for and some more detailed information about specific types of exploitation, such as sexual exploitation, forced labour and domestic servitude. Staff are trained to refer cases into the NRM and to apply the duty to notify adult victims (see paragraph 69), which means that the Home Office receives an anonymised notification if a possible victim does not want to be referred into the NRM. Since March 2016, a total of 2 924 Home Office staff (from UKVI, IE and UKBF) have passed the NRM e-learning and a further 801 staff are progressing through the training. The authorities have also provided figures on Home Office staff who have followed the modern slavery course for UKVI and IE officials (2 995 since March 2016) and Home Office staff who have passed the modern slavery course for UKBF (2 092 since March 2016). As of 18 May 2016, the number of Home Office staff who have completed training on modern slavery was 29 933.

55. There are 43 territorial police forces in England and Wales and it is up to each of them to decide whether to organise training on THB in addition to the compulsory e-training. While there are examples of such additional training in some police forces (e.g. see paragraph 66 for Wales), this is not the case for all police forces. According to the Independent Anti-Slavery Commissioner, current training for law enforcement officials needs to be reviewed and strengthened.<sup>33</sup> In their comments on GRETA's draft report, the UK authorities have indicated that a UK Anti-Slavery Training Delivery Group (a sub-group of the Modern Slavery Threat Group chaired by the National Policing Lead for Modern Slavery) has been created to provide leadership and be the strategic voice for anti-slavery training in the UK. It is intended that the Group will promote good practice, review existing training, identify gaps and promote a common platform for training initiatives.

<sup>33</sup>

Independent Anti-Slavery Commissioner, Strategic Plan 2015-2017.

56. In 2014 additional training in co-operation with UNHCR was organised for UKVI officials dealing with asylum claims for officials responsible for screening victims of sexual exploitation. Moreover, at Heathrow Airport, extra training is given to a number of UKBF officers involved in criminal investigation and joint operations with NGOs (see paragraph 137).

57. The UK authorities are working to standardise the training currently available in order to raise standards across all frontline staff in the identification of child victims of modern slavery. They promote the London Safeguarding Board Trafficking toolkit, which requires that in cases where a child displays indicators that they may have been trafficked, local authority social workers or other front line professionals should refer the case to the NRM.

58. Following a successful pilot trial of a training package with a supermarket chain (Sainsbury's), the GLA is working closely with the University of Derby and the Ethical Trading Initiative on accredited training of staff and auditors of supermarkets and major suppliers in the food industry to raise their awareness of forced labour in supply chains, how to identify it and action to be taken. So far eight courses have been delivered covering 62 persons from 30 organisations, including fresh produce suppliers, recruitment agencies, advisory services, retailers, food processors and trade associations. A further seven courses have been scheduled until 2018.

59. In March 2013, the Crown Prosecution Service (CPS) for England and Wales launched an e-training resource. In addition, the CPS has delivered a number of briefing sessions on the non-punishment provision, including to the police (12 regional sessions), the Law Society and the Criminal Case Review Commission. Additionally, training sessions for the Casework Units in the CPS have covered the new statutory defence, the application of the CPS legal guidance on non-prosecution and the information needed to inform the decision not to prosecute. CPS lawyers are not all eligible to present cases in higher courts such as the Crown Court and rely on prosecuting advocates, who are barristers. The UK authorities have stated that prosecuting advocates for cases of human trafficking are selected from the Quality Assured Advocate Panel according to their proven experience, advocacy skills and ability to deal with technical issues arising. In CPS areas where there are more cases of trafficking prosecuted, such as London, West Midlands and Greater Manchester, counsel with proven previous experience of prosecuting human trafficking are instructed.

60. The Law Society of England and Wales hosted a training seminar on human trafficking in December 2015 with speakers from the CPS and experienced lawyers. It was also opened to criminal defence lawyers, CPS lawyers, police officers and policy advisers involved in the detection and prevention of human trafficking offences, and legal advisers to magistrates.

61. In 2015 the Judicial College organised training sessions on human trafficking, including on compensation. Judges have also been invited to the training sessions organised by the CPS, but no information is available as to how many judges have received training on human trafficking.

62. While a number of NGOs run training courses on modern slavery and THB aimed at front-line professionals, there is no system for approval or standardisation of the training and it is generally not compulsory but depends on initiatives taken individually and not across the board.<sup>34</sup> The government is working with NGOs to develop a core training module for all First Responder organisations that refer possible victims into the NRM, taking into account the new Slavery Safeguarding Lead (SSL) role resulting from the NRM review (see paragraphs 161-162). As part of the pilot implementation of the revised NRM, the designated SSLs in the two pilot areas were trained from October to December 2015.

<sup>34</sup> Home Office, "Review of the National Referral Mechanism for victims of human trafficking" (2014), page 21.

Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467434/Review\\_of\\_the\\_National\\_Referral\\_Mechanism\\_for\\_victims\\_of\\_human\\_trafficking.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467434/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf)

63. The Department of Health has published an e-learning tool for health service staff on identifying and responding to cases of modern slavery, which is available on the largest e-learning portal for NHS staff.<sup>35</sup> In 2015, guidance for health professionals on identifying and supporting victims of modern slavery was updated.<sup>36</sup>

64. In Northern Ireland, in 2013-2014 the Police Service of Northern Ireland (PSNI) developed and rolled out e-training on human trafficking. To date a total of 4 154 PSNI officers, 580 PSNI student officers, 49 call handlers, and 1 734 front-line officers have completed or received a mix of e-training and presentations. An Operational Field Guide was also issued to all officers. The Health and Social Care Board also developed guidance for staff in emergency departments, and multi-agency training on issues relating to human trafficking and giving contact points in case they come across suspected cases of trafficking was delivered by NGOs. The Department of Justice has commissioned the Law Centre of Northern Ireland to deliver briefing sessions on THB to specialised groups in 2015, including social workers, health workers, staff of the Compensation Service of Northern Ireland (CSNI) and NGOs. The Public Prosecution Service of Northern Ireland has provided training on the legislation change and is working with the NGOs Migrant Help and Women's Aid to provide training to its Victim Witness Care Unit (VWCU) staff. Further, the NGO Freedom Acts has organised training sessions with the Human Trafficking Team from the Department of Justice for prison staff at Maghaberry Prison. Freedom Acts has also held training sessions for staff at Larne House (short-term holding centre for immigration detainees) and safeguarding staff of the Southern Health and Social Care Trust.

65. In Scotland, training on human trafficking for police officers is provided by the Police Scotland College (including as part of the initial course for investigators, the course for senior investigators and the course for sexual offences liaison officers). This is in addition to local training that is disseminated from Divisional Human Trafficking Champions, i.e. police officers with specialisation in THB. With the recent introduction of the Human Trafficking and Exploitation (Scotland) Act 2015, a programme of training has been developed for all police officers and staff using the internal police intranet system and electronic briefings. Furthermore, the Crown Office and Procurator Fiscal Service (COPFS) has recently updated its training on "Human Trafficking and Exploitation" to reflect the new legislation, including the non-punishment provision. The COPFS has also provided clear guidance which is available for all staff on the new legislation and includes the Lord Advocate's Instructions on the non-prosecution of victims. The NGO TARA participates in COPFS training on sexual offences to provide an input on human trafficking. In March 2016 NHS Health Scotland published a leaflet on how health workers can identify and help victims of human trafficking.

66. In Wales, the Training Sub-Group of the Wales Anti-Slavery Leadership Group has put in place a multi-agency training programme aimed at developing skills to identify, report and deal with modern slavery. The training courses include a one-day trainer preparation course, a one-day First Responder course, a three-day organised crime and modern slavery course for senior investigating officers and prosecutors, a 3½-hour awareness course, a 3½-hour child sexual exploitation awareness course, and a 45-minute "lunch and learn" course. These training courses are delivered to local authorities, law enforcement staff, health staff, education staff, university staff, airport and port staff, NGOs and community groups. A three-day interactive training programme for senior investigating officers and prosecutors was successfully piloted in November 2013 and was subsequently approved by the Welsh Government. In 2014 over 100 persons completed the trainer preparation course and 71 persons completed the First Responder course. In 2015, some 4 500 persons were trained.

<sup>35</sup>

<http://www.e-lfh.org.uk/programmes/modern-slavery/>

<sup>36</sup>

<https://www.gov.uk/government/publications/identifying-and-supporting-victims-of-human-trafficking-guidance-for-health-staff>

67. **GRETA welcomes measures taken to train relevant staff, to adapt training to new legal developments and to adopt a multi-agency approach to training.** GRETA considers that the UK authorities should continue their efforts in order to ensure that comprehensive training programmes are organised in a systematic and harmonised way across the UK for all relevant officials, in particular law enforcement officials, lawyers (including duty solicitors), prosecutors, magistrates, judges, social workers, child specialists and medical professionals. The relevance, effectiveness and reach of these programmes should be evaluated at regular intervals.

## 6. Data collection and research

68. The UK authorities have set up a data collection system on referrals of possible victims to the NRM. It is run by the UK Human Trafficking Centre of the National Crime Agency (NCA), which publishes quarterly and annual reports. These reports contain data broken down by country of origin, sex, age and exploitation type. Data on conclusive ground decisions are also specified, although not disaggregated by country of origin and decision maker. The NCA analyse the collected data in order to produce regular "threat assessment" analysis. **GRETA welcomes the regular publication of data from the NRM as a way to inform public policies to combat human trafficking and invites the UK authorities to also publish information on NRM decisions (both reasonable grounds and conclusive grounds decision) disaggregated by country of origin, type of modern slavery and decision maker.**

69. According to the UK authorities, the duty to notify encompassed in section 52 of the Modern Slavery Act 2015 should allow for more accurate reporting of the number of possible victims of THB. In accordance with section 52, any authority with reasonable grounds to believe that a person may be a victim of THB has the duty to report the person to the Competent Authority, even if this person does not wish to enter the NRM. The possibility of anonymising the data in the case of adults if they so wish is provided. Similar provisions have been introduced in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and the Human Trafficking and Exploitation (Scotland) Act 2015. The UK authorities have indicated that the Home Office Guidance on the duty to notify encourages NGOs to report victims who do not wish to enter the NRM and in doing so to observe the same rules on confidentiality (see paragraphs 212-213).

70. The National Policing Lead on Modern Slavery for England has made the improvement of data collection one of his priorities and has developed a process to merge information from the different police forces into one national overview. The first confidential report presenting data from the police was ready at the end of 2015. In April 2015 modern slavery was introduced as a separate crime recording category, covering data on human trafficking for all forms of exploitation, slavery, servitude and forced or compulsory labour. Data on the number of modern slavery crimes recorded by the police in England and Wales is published quarterly by the Office for National Statistics (ONS).

71. The Modern Slavery Strategy indicates that the National Policing Lead will work with NGOs and law enforcement agencies to develop debriefing tools to capture the experiences of victims. The UK authorities have informed GRETA that a data tool comprising information about victims, offenders and locations involved in modern slavery (the fields include operations linked to location, the intelligence summary, location type and exploitation type), which was created through structured de-briefing of investigations, was trialled in early 2015. It highlighted the importance of connecting police forces by matching similar investigations or victims across boundaries, but was problematic to resource in police forces where analytical capability was not dedicated to modern slavery. It has since then been in place across Wales and in police forces with dedicated capability, such as the Greater Manchester Police. In December 2015 the Modern Slavery Threat Group agreed to a number of recommendations to improve data collection and exploitation. These recommendations included: (i) establishing a multi-agency Critical Reference Group, bringing together analysts working across law enforcement agencies to create joint products. This is now in place with collaborated products feeding the Threat Group; (ii) establishing a series of national proactive thematics, to bring all agencies together to seek out modern slavery; (iii) rolling out the national police data tool to all forces; (iv) recommending increased analytical resourcing, which was agreed by the Threat Group and resulted in a recommendation from the National Policing Lead to all Chief Constables. The authorities have recognised that while resourcing is gradually improving, there are many gaps at regional level. The national policing modern slavery data tool has now been adapted to include subjects linked to organised immigration crime records as well, and is being trialled across Welsh Forces.

72. The Crown Prosecution Service (CPS) (England and Wales) has adopted a system whereby cases with a human trafficking component are flagged as human trafficking cases, even if the charges of human trafficking are subsequently amended or dropped. No data is available on the type of exploitation involved. The UK authorities have indicated that data on the number of prosecutions and convictions for modern slavery offences in England and Wales is published annually by the Ministry of Justice.

73. GRETA notes that there are gaps in the collection of data on human trafficking, limiting the possibility of analysing trends and adjusting policies. There is in particular a lack of statistical data regarding investigations, prosecutions, convictions and compensation in relation to human trafficking, as well as on recovery and reflection periods for possible victims and residence permits for conclusively identified victims. Many stakeholders met during the evaluation visit underlined the absence of statistical information on compensation of victims of human trafficking either from the offender or the Criminal Injuries Compensation Authority (CICA), including on amounts awarded. Further, no systemic information is available on possible child victims of THB going missing from the care of local authorities.

74. **GRETA considers that the UK authorities should continue and strengthen their efforts to develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of THB cases, including by entrusting this task to an independent entity (see paragraph 31).**

75. In terms of research, in November 2014 the Home Office published a detailed review of the NRM, taking stock of achievements and making proposals for improvements.<sup>37</sup> It also published the first scientific estimate of the scale of modern slavery in the UK, prepared by the Home Office Chief Scientific Adviser in 2013 (see paragraph 20).<sup>38</sup> The government has also commissioned an independent evaluation report from the University of Bedfordshire on the trial on Independent Child Trafficking Advocates, which ran for a year from September 2014 (see paragraph 203).<sup>39</sup> Further, an independent review of the Overseas Domestic Worker visa system was commissioned by the government and published in November 2015 (see paragraphs 101-104).<sup>40</sup> In Scotland, the Equality and Human Rights Commission published an Inquiry into Human Trafficking in Scotland in 2011 with recommendations to the Scottish Government on a follow-up report in March 2013.<sup>41</sup>

76. Civil society stakeholders have published a variety of reports on human trafficking. Since the first evaluation report, the Anti-Trafficking Monitoring Group (ATMG) has published several reports based on in-depth research on the situation in the UK and the adequacy of the response of the authorities in terms of their compliance with their Convention obligations.<sup>42</sup> The Human Trafficking Foundation has published a report on what happens to victims beyond the 45-day period of state-funded assistance.<sup>43</sup> The NGOs Finance against Trafficking and Stop the Traffik published a report on the risks of human trafficking in the supply chains of FTSE 100 companies.<sup>44</sup> There have also been numerous academic research studies and articles, such as the King's College London Study on characteristics of trafficked adults and children with severe mental illness,<sup>45</sup> reports of the Institute for Public Policy Research<sup>46</sup> and the Think Tank Centre for Social Justice,<sup>47</sup> as well as articles in the British Medical Journal<sup>48</sup> and legal journals.

**77. GRETA welcomes the research carried out by different stakeholders in the UK and covering a wide range of issues relevant to human trafficking and invites the UK authorities to continue providing funding and support for research projects on THB.**

<sup>37</sup> Home Office, "Review of the National Referral Mechanism for victims of human trafficking" (2014).

<sup>38</sup> Bales K., Hesketh. O. and Silverman B. (2015), *Modern Slavery in the UK: how many victims?*, Significance Volume 12, Issue 3, on pages 16-21.

<sup>39</sup> Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486138/icta-horr86.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486138/icta-horr86.pdf)

<sup>40</sup> Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486532/ODWV\\_Review\\_Final\\_Report\\_6\\_11\\_15\\_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review_Final_Report_6_11_15_.pdf)

<sup>41</sup> Available at: [www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/human-rights-scotland/inquiry-human-trafficking-scotland](http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/human-rights-scotland/inquiry-human-trafficking-scotland)

<sup>42</sup> Recent reports published by the Anti-Trafficking Monitoring Group (ATMG) include in particular: "In the Dock. Examining the UK's Criminal Justice Response to Trafficking" (2013); "Hidden in Plain Sight. Three years on: updated analysis of UK measures to protect trafficked persons" (2013). These reports and other documents available at: [www.antislavery.org/english/what\\_we\\_do/trafficking/anti\\_trafficking\\_monitoring\\_group/atmg\\_reports\\_briefings.aspx](http://www.antislavery.org/english/what_we_do/trafficking/anti_trafficking_monitoring_group/atmg_reports_briefings.aspx)

<sup>43</sup> Human Trafficking Foundation (HTF), "Life Beyond the Safe House for Survivors of Modern Slavery in London" (2015). Available at: [www.humantraffickingfoundation.org/life-beyond-safe-house-survivors-modern-slavery-london](http://www.humantraffickingfoundation.org/life-beyond-safe-house-survivors-modern-slavery-london)

<sup>44</sup> Finance Against Trafficking, in partnership with Stop The Traffik, Us, Ecumenical Council for Corporate Responsibility (ECCR) and Rathbone Greenbank Investments, "Forced Labour, Human Trafficking & The FTSE 100: A review of company disclosure and recommendations for investor engagement" (2015)

Available at: [www.stopthetraffik.org/uk/page/new-report-forced-labour-human-trafficking-and-the-ftse-100-](http://www.stopthetraffik.org/uk/page/new-report-forced-labour-human-trafficking-and-the-ftse-100-)

<sup>45</sup> Oram S. et al (2015), *Characteristics of trafficked adults and children with severe mental illness: a historical cohort study*, *The Lancet Psychiatry*.

<sup>46</sup> Cherti O., Pennington J. and Galos E. (2012), *The UK's response to human trafficking: fit for purpose?* IPPR; Cherti O., Pennington J. and Grant. P (2013), *Beyond borders, Human trafficking from Nigeria to the UK*, IPPR.

<sup>47</sup> Centre for Social Justice, "It Happens Here: Equipping the United Kingdom to fight modern slavery" (2013); "A Modern Response to Modern Slavery" (2015). Available at: [www.centreforsocialjustice.org.uk/](http://www.centreforsocialjustice.org.uk/)

<sup>48</sup> Ross C. et al (2015), *Human trafficking and health: a cross-sectional survey of NHS professionals' contact with victims of human trafficking*, *BMJ Open*. Available at: <http://bmjopen.bmjjournals.org/content/5/8/e008682.full>

## **III. Article-by-article findings**

### **1. Prevention of trafficking in human beings**

#### **a. Measures to raise awareness of THB (Article 5)**

78. A variety of awareness-raising activities on human trafficking have been organised across the UK by a range of public and civil society stakeholders and this section provides some examples to illustrate this.

79. In July 2014, the Home Office launched a campaign entitled "Slavery is closer than you think" to increase awareness of modern slavery and its different forms amongst the general public. The campaign involved a TV advertisement and a dedicated website launched in partnership with the National Society for the Prevention of Cruelty to Children (NSPCC). The website describes what modern slavery is, providing indicators, concrete examples of different types of exploitation, and information on who to contact in case of suspicion.<sup>49</sup> A new helpline, operated by the NSPCC, was launched (0800 0121 700) on this occasion. Media partnerships were concluded with two large newspapers (Daily Mail and Daily Telegraph) from September to November 2014, including online and print advertorials, display advertising and social media support. The total cost of the campaign was GBP 2.18 million.

80. An independent evaluation was carried out by Ipsos MORI before and after the campaign and a report on the impact of the campaign was published in July 2015.<sup>50</sup> According to this report, the combined marketing activity reached 93% of all adults in the UK. A higher portion of people acknowledged that "modern slavery exists in the UK" after the campaign (61%) than before it (50%) and there was also a better understanding and awareness of the types of exploitation and the signs of modern slavery. During the TV airtime, the helpline received on average eight calls a day and four calls a day during the rest of the campaign. Overall, during the campaign, the modern slavery helpline received 591 contacts and the website received over 57 000 visitors. From July to December 2014, a total of 619 contacts were received by the helpline, including 77 requests for advice, 176 enquiries and 366 referrals (including updates on referrals). In 2015 a total of 384 contacts were received by the helpline, which included 80 requests for advice, 110 enquiries and 194 referrals (including updates on referrals).

81. The UK Anti-Slavery Day, 18 October, which coincides with the EU Anti-Trafficking Day, was created by Act of Parliament in 2010 to raise awareness of modern slavery. A variety of events, including exhibitions, conferences and sporting events, are organised over a fortnight to raise awareness of modern slavery amongst the general public. Many of these events are held by NGOs such as A21, BAWSO, Care UK, ECPAT UK, Law Centre (Northern Ireland) and Unseen. Public bodies also get involved, such as the GLA, which held a live web chat in 2015; the Greater Manchester Police, which hosted a conference in 2015; the Northern Ireland authorities, which organised a series of seminars for healthcare professionals working in the Belfast Health and Social Care Trust in 2015; the Heathrow Border Police, which organised drop-in training sessions for airline staff in 2014; the Wales Anti-Slavery Leadership Group, which held a conference in 2014; and the London Metropolitan Police, which launched an awareness campaign in 2013.<sup>51</sup>

<sup>49</sup> Available at: <https://moderndlavery.co.uk/spot-the-signs.html>

<sup>50</sup> Available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/451964/150806\\_Modern\\_Slavery\\_Evaluation\\_for\\_public\\_action\\_FINAL.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451964/150806_Modern_Slavery_Evaluation_for_public_action_FINAL.pdf)

<sup>51</sup> For more information, see: [www.antislaveryday.com/](http://www.antislaveryday.com/)

82. Other awareness-raising actions have included the "GIFT Box", a project developed by UNGIFT (Global Initiative to Fight Trafficking) and the NGO Stop the Traffik for the 2012 London Olympic Games. It consisted of brightly coloured gift-looking boxes in which one can walk, with promises of a better future written on the outside and true stories of human trafficking inside. This proved a very successful initiative and, in 2014, "GIFT Boxes" were used in Glasgow for the Commonwealth Games and a "GIFT Box" was displayed at various locations and events across Northern Ireland. In 2015, they were used during the Edinburgh International Theatre Festival.

83. In addition, an array of awareness-raising measures and campaigns are organised on a regular basis in the devolved administrations. For example, in February 2014, the Welsh Government launched a month-long campaign under the title "Say No to Slavery" with spots shown on Welsh TV channels, posters displayed on buses, at Cardiff Airport, ports, and railway stations, in police stations and other public areas across Wales, and some 15 000 stickers distributed across Wales. As part of the North Wales anti-human trafficking project, an awareness-raising day was organised in October 2014 at Holyhead, a ferry port between Wales and Ireland with over two million passengers per year, on how to spot the signs of human trafficking. It involved 40 stakeholders, amongst which the North Welsh Police, ferry companies and NGOs, including BAWSO, Soroptimists International, Stop the Traffik and Crimestoppers. A checklist on signs of human trafficking was handed to passengers and posters were put up with phone numbers to contact. Two conferences were also held in Wales in 2015, in Llandudno and Cardiff, to raise awareness of modern slavery amongst frontline workers and the general public. Such conferences are intended to take place annually.

84. In Scotland, a leaflet - "Reading the Signs" - has been developed as a basic awareness-raising tool and distributed widely to 4 000 businesses affiliated to the Scottish Business Resilience Centre, the Scottish Prison Service, Her Majesty's Revenue and Customs, Chief Executives and Directors of Social Work in the Scottish Local Authorities and 360 registered social landlords across Scotland. During the 2015 Edinburgh International Theatre Festival, the Scottish Churches Anti-Trafficking Group and the Salvation Army organised a series of awareness initiatives on human trafficking, such as street theatre and discussions. In developing the Scottish Human Trafficking and Exploitation Strategy (see paragraph 51), the Scottish authorities will seek to identify ways in which they can measure the impact of awareness-raising efforts and thereby improve them.

85. In Northern Ireland, the Department of Justice published a leaflet entitled "Human Trafficking: Know Your Rights", to inform possible victims about their rights and ways to receive support. The leaflet, available in 12 languages, was distributed to policing and community safety partnerships,<sup>52</sup> organisations assisting homeless people, the police, courthouses, health-care providers and migrant communities. Moreover, NGOs from the Engagement Group work on concerted awareness initiatives, in particular with the Belfast City Council and the Belfast Policing and Community Safety Partnership which are also part of the Group. This included in 2015 the display of posters in taxis and hospitals, and awareness-raising activities for waste collection staff and postal workers to spot tell-tale signs of THB. Further, the NGO No More Traffik organises regular public awareness events in Northern Ireland and social media campaigns, for instance, on how to spot signs of human trafficking when travelling into and out of Northern Ireland airports and ports.

<sup>52</sup> Policing and community safety partnerships are local bodies made up of elected local councillors and independent people from each council area who work to make their community safer, by engaging with the local community, identifying problems and preparing how to tackle them, alongside the police.

86. Specialised NGOs continuously engage in public awareness and are very active across the UK. By way of example, Stop the Traffik concluded a partnership with the Financial Times for the newspaper's seasonal appeal running from November 2015 to January 2016, as a result of which the Financial Times published a number of feature articles, interviews and videos on human trafficking to raise readers' awareness. Further, the Shiva Foundation, in partnership with the NGO Unseen, organised an awareness-raising session for the hotel industry in May 2015 and is building on that to develop a training package. In April 2013 the NGO Platform 51, in partnership with the Department of Health, launched an awareness-raising package for the health sector providing information and advice to a diverse range of health sector workers in England and Wales.

87. At the international level, the Foreign and Commonwealth Office has financed a number of awareness-raising activities in countries of origin. By way of example, the UK authorities supported an awareness-raising campaign run by the Hungarian authorities during the Sziget Festival (one of the largest music and cultural festival in Europe), which is held every year in Northern Budapest and attracts some 400 000 people. Moreover, the UK Embassies in Bulgaria, Croatia, Lithuania and Ukraine supported the launching of the film "Two Little Girls", which was produced by the charity Comic Relief in partnership with the NGO Save the Children. The UK also engages in projects to prevent trafficking in some of the main countries of origins, such as Vietnam or Nigeria (see paragraphs 326-333).

88. **GRETA welcomes the awareness-raising efforts on human trafficking made across the UK and the support provided to countries of origin, and invites the authorities to systematically assess the impact of these efforts and to plan future information and awareness-raising campaigns on the basis of previous research and impact assessment.**

b. **Measures to prevent THB for the purpose of labour exploitation (Article 5)**

89. As part of the awareness-raising campaign referred to in paragraph 79, online advertising, direct emails and press advertisements targeting small and medium businesses were organised from mid-October to mid-December 2014. One of the aims of this campaign was to raise awareness of forced labour and exploitation in at-risk sectors (agriculture, fisheries, food processing, construction and hospitality), by engaging with the relevant industry bodies to inform employees about modern slavery and measures to ensure that their supply chains are clean.

90. During the 2012 London Olympic Games, a number of initiatives were organised and the NGO Anti-Slavery International ran the London Slavery Free Campaign. As part of this campaign, Anti-Slavery International prepared postcard-sized leaflets to be handed to migrant workers informing them of their rights and providing warning-signs of forced labour practices. They were produced in seven languages and distributed by migrant rights organisations as well as by the border authorities in six ports during the Games.

91. Further, the Department for Communities and Local Government and the Foreign and Commonwealth Office supported the "Before You Go" campaign, run by the NGO The Passage, which deals with homelessness in London. This included awareness-raising messages targeted at potentially vulnerable communities in Romania, Lithuania and Bulgaria highlighting the importance of migrants securing a legitimate job before traveling to the UK.

92. A multi-stakeholder campaign, "Stronger Together", was developed and launched in 2014 by the Gangmasters Licensing Authority (GLA), the Association of Labour Providers and the NGO Migrant Help in order to raise awareness of trafficking for forced labour in supply chains. Major supermarkets are project sponsors and several specialised NGOs are supporting partners. The aim is to provide guidance, resources and support to employers, labour providers, workers and their representatives. The campaign has a website where a toolkit, a video in several languages, posters and leaflets can be downloaded, as well as a guidance to deter, detect and deal with hidden labour exploitation in supply chains. Online training courses are available and regular workshops are also organised across the UK on "Tackling Modern Slavery in UK Businesses and Supply Chains". To mark the Anti-Slavery Day in 2015, an interactive training workshop on responsibilities and best practice for tackling hidden labour exploitation in the workplace was organised in Spalding, a town located at the centre of a major region of flower and vegetable cultivation.

93. The GLA is, *inter alia*, responsible for preventing the exploitation of workers and labour providers are checked to assess if they meet the GLA licensing standards which cover health and safety, accommodation, pay, transport and training. The GLA carries out compliance inspections to check that license holders are continuing to meet the licensing standards. The GLA has not only civil powers, but also extensive criminal powers required to ensure effective investigation, including search powers and the power to request the production of documents. The maximum penalty for operating without a license is 10 years' imprisonment and a fine, but the GLA also uses sanctions such as the refusal or revoking of the license and publicly naming and shaming.

94. The GLA has sought private sector engagement, for instance through the 2013 Supplier/Retailer Protocol (known as the Supermarket Protocol) agreed with the major food retailers and suppliers, which aims to ensure that safety and welfare standards for workers are maintained and any exploitation of workers is eliminated.<sup>53</sup> The protocol acts as a prevention/deterrence mechanism, as well as a source of information. The Good Practice Guide for Labour Users and Suppliers details the legal requirements and explains how suppliers can ensure they are using a licensed labour provider. Furthermore, the GLA has prepared a leaflet on workers' rights, available in 18 languages, which provides information on the national minimum wage, hours of work, annual leave, payslips, deduction from wages, health and safety, as well as terms and conditions of contracts. It also indicates employers' obligations and organisations to contact for support.

<sup>53</sup>

Available at: [www.gla.gov.uk/Publications/Labour-User-Guidance/](http://www.gla.gov.uk/Publications/Labour-User-Guidance/)

95. While highlighting the GLA as an example of good practice to prevent THB for the purpose of labour exploitation in its first evaluation report GRETA called on the UK authorities to broaden the GLA's remit to cover high risk sectors such as construction and hospitality. Following a consultation process launched in October 2015 entitled "Tackling Exploitation in the Labour Market", the UK Government decided in January 2016 to extend the GLA's remit and rename it the Gangmasters Labour Abuse Authority (GLAA) to reflect its broader functions. It will be given new police-style powers, as well as powers under national minimum wage and employment agencies legislation to investigate and enforce more serious cases of labour market offences. According to various contributions to the consultation process, matching resources to an expanded remit was considered essential by contributors to maintain its effectiveness.<sup>54</sup> In their comments on GRETA's draft report, the UK authorities indicated that the GLA has received additional financial resources in 2016-17 from the Home Office in response to its widening remit. The new Director of Labour Market Enforcement will assess the scale and nature of non-compliance in the labour market and set a strategic plan which will include recommendations for budgets and allocations for the three enforcement bodies (Employment Agency Standards Inspectorate, National Minimum Wage enforcement function of Her Majesty's Revenue and Customs (HMRC) and the GLAA), within the total envelope of available funding. This plan will be subject to the joint approval of the Department for Business, Innovation and Skills and Home Office Ministers. GRETA notes that this reform does not include the Health and Safety Executive, which monitors workplace health, safety and welfare.

96. Civil society has expressed concerns about the increasing precariousness and potential vulnerability to trafficking of self-employed workers, in particular in the construction industry. At the same time, GRETA notes that since 2010, the resources of different inspectorates (Employment Agency Standards Inspectorate, GLA and HRMC National Minimum Wage) have been significantly reduced and there is currently 0.9 inspector for 100 000 workers.<sup>55</sup> As a result, there has been a reduction in the number of proactive labour inspections. GRETA underlines the significant role of workplace inspections, including on health and safety, compliance with labour standards and revenue laws, in deterring instances of human trafficking for forced labour and identifying possible victims of THB.

97. The Northern Ireland Department of Employment and Learning (DEL), through the Employment Agency Inspectorate (EAI), is responsible for regulating private employment agencies which supply temporary workers to hirers. Although there is no licencing system, agencies must comply with the Conduct Regulations and the EAI conducts targeted inspections. It regulates sectors not covered by the GLA, such as construction, hospitality, health and entertainment. The DEL also works in co-operation with the Department of Justice to raise awareness of human trafficking for forced labour, for instance through seminars targeting recruitment agencies. Moreover, the Organised Crime Task Force has within its Immigration and Human Trafficking Sub Group representatives of the GLA and together with the DEL they have taken steps to raise awareness of supermarkets chains and major retail outlets. In addition, the Department of Justice and other statutory and civil society partners have a visible presence at a number of key events in Northern Ireland, such as the Balmoral Agricultural Show.

98. Police Scotland and the Scottish Government have launched a public awareness leaflet with the Scottish Business Resilience Centre, which was distributed to approximately 25 000 people and to businesses to increase awareness of key indicators of 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 GLA and the Association of Labour Providers. The Scottish Government has also engaged with the Scottish Chambers of Commerce on raising awareness amongst Scottish businesses.

<sup>54</sup> Available at: [www.gov.uk/government/consultations/labour-market-exploitation-improving-enforcement](http://www.gov.uk/government/consultations/labour-market-exploitation-improving-enforcement)

<sup>55</sup> FLEX "Policy Blueprint: Combatting Labour Exploitation" (2015), page 3. Figures based on: Gangmasters Licensing Authority (GLA), 2015, GLA Annual Report and Accounts 1 April 2014 to 31 March 2015; National Minimum Wage Inspectors see Parliamentary answer, House of Commons Debate of 21 September 2015 to Question 10050 and Employment Agency Standards Inspectorate see Parliamentary Answer, House of Commons debate of 26 March 2015, to Question 228738.

---

99. In Wales, guidance has been produced for use within the hotel and hospitality sector. It provides information on different forms of modern slavery, how staff can spot the signs and whom to contact.

100. In its first evaluation report, GRETA examined the framework governing the employment of overseas domestic workers as of April 2012 and considered that the UK authorities should keep under scrutiny the new overseas domestic worker system to ensure that it does not increase trafficking of overseas domestic workers.<sup>56</sup> The fact that overseas domestic workers may not change employer has been criticised by a number of stakeholders, including the Parliament's Joint Committee on the Draft Modern Slavery Bill and the Joint Committee on Human Rights as well as by several NGOs.

101. In 2015, 75 allegations of domestic servitude were recorded by the London Metropolitan Police, 10 of which concerned diplomatic households. An independent review of the overseas domestic workers visa system commissioned by the government was published in December 2015 (the Ewins Review).<sup>57</sup> The Review's first key conclusion is that "the existence of a tie to a specific employer and the absence of a universal right to change employer and apply for extensions of the visa are incompatible with the reasonable protection of overseas domestic workers while in the UK". It goes on to say that the right to change employer and apply for extensions of their visa would provide overseas domestic workers in a situation of abuse with "a real and practical way out of that abuse without the current possibility of a subsequent precarious immigration status and threat to livelihood". The second key conclusion of the Review is that mandatory group information meetings should be instated for all overseas domestic workers who remain in the UK for more than 42 days, to enable victims of abuse to be identified or to self-identify, and to empower them to take steps to leave their abusive employers,. Following this report, the UK authorities have decided to allow overseas domestic workers to change employers only during the six month period for which they are originally admitted.<sup>58</sup> In addition, overseas domestic workers will be able to continue in their employment while their case is considered if, at the end of this six-month period, they have been the subject of a positive reasonable grounds decision under the NRM. The UK authorities have also announced that registration requirements will be introduced for overseas domestic workers' employers.<sup>59</sup>

---

<sup>56</sup> See GRETA's first evaluation report, paragraphs 101, 102 and 110.

<sup>57</sup> Ewins J, "Independent Review of the Overseas Domestic Workers Visa" (2015). Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486532/ODWV\\_Review - Final Report 6.11.15.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review - Final Report 6.11.15.pdf)

<sup>58</sup> Overseas Domestic Workers: Written statement to the Parliament by the Minister of State for Immigration, 7 March 2016, available at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2016-03-07/HLWS568/>

<sup>59</sup> Overseas Domestic Workers: Written statement to the Parliament by the Minister of State for Immigration, 7 March 2016.

102. Insofar as overseas domestic workers in diplomatic households are concerned, before any diplomatic mission can sponsor an overseas domestic workers visa, it must have been granted a licence to do so. One of the conditions of the licence is that the sponsoring mission must acknowledge that the UK Government may seek a limited waiver of inviolability. Such sponsors are regularly reminded of their obligations under the 1961 Vienna Convention on Diplomatic Relations. In the event that the Foreign and Commonwealth Office is informed by the police or UKVI of allegations of mistreatment of overseas domestic workers in diplomatic households, they raise the matter with the mission concerned and, when requested to do so by the police or other law enforcement agency, seek waivers of immunity. If the offence alleged is serious (i.e. would attract a prison sentence of more than 12 months) and if the waiver sought is not forthcoming, the immediate withdrawal of the diplomat concerned is sought. GRETA notes with concern that in a recent case, the Court of Appeal (England and Wales) concluded that there was no established rule of international law on human trafficking that took precedence over the international law rules on diplomatic immunity. On whether the restriction on the right to access to the courts, arising from a diplomatic immunity claim, conflicted with the right of access to the courts (Article 6 of the European Convention of Human Rights), the Court took the view that the recognition of diplomatic immunity in civil proceedings pursued the "legitimate aim of complying with a State's international law obligations to prevent hindrance to the diplomat in performing his functions". The case concerned two victims of human trafficking for the purpose of domestic servitude in a diplomatic household, who had brought proceedings before the Employment Tribunal alleging that they had suffered racial discrimination and harassment, and been paid less than the national minimum wage.<sup>60</sup> The Court noted that although the denial of legal remedies to victims of trafficking "may appear" unfair, any "apparent inequity" reflected a policy decision that was "already made" to privilege diplomatic relations over individual rights. By contrast, in another case where domestic workers employed by two embassies sought to bring employment related claims before the courts, the Court of Appeal concluded that the law of state immunity should not prevent them from doing so. Notably, the Court declared sections 4(2)(b) and 16(1)(a) of the State Immunity Act to be incompatible with Article 6 ECHR.<sup>61</sup>

103. The aforementioned Ewin Review recommended that that the conditions of the sponsorship licence be amended to require that all overseas domestic workers working in diplomatic households should be employed by the Embassy mission, not individual diplomats, so as to ensure that immunity claims would not trump access to the courts.<sup>62</sup> However, the UK authorities have stated that in their view such a change would not make a material difference to the UKVI's ability to check compliance, as the mission itself would enjoy state immunity.<sup>63</sup>

---

<sup>60</sup> *Ms C Reyes and Ms T Suryadi -v- Mr J Al-Malki and Mrs Al-Malki and Others*, [2015] EWCA Civ 32

<sup>61</sup> *Ms Fatima Ahmed Benkharbouche and Ms Minah Janah -v- Embassy of the Republic of Sudan and Others*, [2015] EWCA Civ 33

<sup>62</sup> "Independent Review of the Overseas Domestic Workers Visa", Ewins J (2015). Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486532/ODWV\\_Review\\_-Final\\_Report\\_6\\_11\\_15.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review_-Final_Report_6_11_15.pdf)

<sup>63</sup> Overseas Domestic Workers: Written statement to the Parliament by the Minister of State for Immigration, 7 March 2016, available at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2016-03-07/HLWS568/>

104. An innovative feature of the Modern Slavery Act 2015 is the introduction of a requirement for businesses of a certain size to prepare a “slavery and human trafficking statement” for each financial year on the steps taken to ensure that slavery and human trafficking is not taking place in any of their supply chains and any part of their own business. In February 2015, the Home Office launched a public consultation on “Modern Slavery and Supply Chains” in order to set the threshold of annual turnover required for this provision to apply and to determine the content of future guidance on the disclosure requirement. Following on from the consultation, the threshold was set at GBP 36 million annual turnover, which would concern an estimated 12 000 businesses. In October 2015 the Home Office published guidance for companies entitled “Practical Guide on Transparency of Supply Chains”. It is indicated in the guidance that the aim of the duty to report is to increase transparency. It is intended that customers, shareholders, investors and civil society will advocate for businesses to increase due diligence to ensure that supply chains are free from trafficking and modern slavery.<sup>64</sup> A failure to produce a slavery and human trafficking report can result in the Secretary of State bringing civil proceedings in the High Court for an injunction against the companies concerned. GRETA notes that according to a survey carried out by the Chartered Institute of Procurement and Supply and published in January 2016, one in five UK supply chain managers who fall under the new rules were unaware of the requirements, 38% of them could not say when their first modern slavery report is expected, 40% had not read the government guidance and more than half of the managers indicated that they lacked the skills to deal with modern slavery in their supply chains.<sup>65</sup> The first statements were due for publication by 31 March 2016 and the UK authorities have reported hundreds of statements being published before and after this date.

105. The National Action Plan for implementing the UN Guiding Principles on Business and Human Rights was updated in May 2016 with the involvement of private sector and NGOs. The plan includes measures taken to tackle modern slavery and trafficking.<sup>66</sup> The Scottish Government is planning further work with stakeholders to develop guidance for businesses in Scotland on human rights, modern slavery and trafficking

**106. GRETA welcomes the efforts made since the first evaluation to prevent trafficking for the purpose of labour exploitation and in particular the extended mandate and increased resources of the GLA/GLAA as well as the transparency in supply chains provisions of the Modern Slavery Act 2015. However, GRETA considers that the UK authorities should take further measures to:**

- **strengthen the capacity and remit of the relevant inspectorates (Employment Agency Standards Inspectorate, Employment Agency Inspectorate in Northern Ireland, GLA/GLAA, Her Majesty's Revenue and Customs (HRMC) National Minimum Wage, Health and Safety Executive);**
- **ensure that ongoing training is provided to all inspectorate staff to enable proactive identification and referral of human trafficking cases for labour exploitation;**
- **ensure that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of THB;**
- **implement the recommendations of the Ewins Review, including the reform of the overseas domestic workers visa system to allow for change of employment and, for domestic workers employed in diplomatic households, ensure that work contracts are concluded with Embassy missions rather than individual diplomats.**

<sup>64</sup>

See: [www.humantraffickingfoundation.org/meeting-7-september-2015](http://www.humantraffickingfoundation.org/meeting-7-september-2015)

<sup>65</sup>

More information available at: [www.cips.org/en/news/news/uk-businesses-are-woefully-unprepared-for-the-modern-slavery-acts-reporting-requirement-ahead-of-key-date/](http://www.cips.org/en/news/news/uk-businesses-are-woefully-unprepared-for-the-modern-slavery-acts-reporting-requirement-ahead-of-key-date/)

<sup>66</sup>

Available at: [www.gov.uk/government/publications/bhr-action-plan](http://www.gov.uk/government/publications/bhr-action-plan)

**107. Furthermore, GRETA invites the UK authorities to:**

- **continue working closely with the private sector to promote corporate social responsibility, in line with the Guiding Principles on Business and Human Rights;<sup>67</sup>**
- **monitor the impact of the statutory requirements on transparency in supply chains, with a view to assessing their effectiveness in combatting human trafficking for the purpose of labour exploitation.**

**c. Measures to prevent trafficking in children (Article 5)**

108. Following several large-scale organised sexual exploitation cases involving children, the UK authorities established in 2013 the National Group on Sexual Violence against Children and Vulnerable People<sup>68</sup> to better identify at-risk groups and foster a victim-focused approach by the police, health and children's services.<sup>69</sup>

109. The Child Exploitation and Online Protection Command (CEOP) of the National Crime Agency has developed a programme, "ThinkUknow", providing resources, training and support for professionals who work directly with children and young people. The materials are designed to help children keep themselves safe from sexual abuse and exploitation both online and offline by developing skills in identifying and avoiding risk, learning how best to protect themselves, and knowing how to get support and report abuse if they do encounter difficulties. The CEOP's website proposes online training and training courses are also organised. Several versions of the website have been created for different age groups.

110. The National Society for the Prevention of Cruelty to Children (NSPCC) operates a helpline through their Child Trafficking Advice Centre (CTAC), which is run by a multidisciplinary team composed of social workers, an immigration officer and a police officer seconded by the NCA. The helpline is intended for professionals who suspect that a child might be a victim of trafficking. The CTAC organises regular training for professionals (including the police, immigration officials, children's services and NGOs working with children) on how to spot the signs of child trafficking. In 2014, the Home Office funded CTAC to deliver awareness-raising sessions to students completing a social work degree in Higher Education institutions and qualified social workers as part of their professional development.

111. A number of NGOs have run initiatives to draw the public's attention to child trafficking. For instance, events on child trafficking are organised to mark the Anti-Slavery Day. In 2015, ECPAT UK, in partnership with the Border Force's Safeguarding and Trafficking Team, organised a day of activity at Heathrow Airport's Terminal 5 to raise awareness about child trafficking and support airport staff and passengers to detect and protect vulnerable children. In 2012, a conference on child trafficking was organised by Stop the Traffik, in partnership with Hampshire Police, Hampshire Council, the National Working Group Network for Sexually Exploited Children and Young People and Barnardo's. Another example is the NGO Unchosen which specialises in the production of short films on modern slavery which are used in various awareness-raising events. Since 2013, the Unchosen Modern Slavery Short Film Competition is held annually and the theme of the 2016 edition is child slavery.

---

<sup>67</sup> Implementing the United Nations "Protect, Respect and Remedy Framework", HR/PUB/11/04, United Nations, 2011, available at: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>68</sup> It is led by the Minister of State for Crime Prevention, and consists of Government departments, key partners such as the police, the National Crime Agency's (NCA) Child Exploitation and Online Protection (CEOP) Command, the Local Government Association and the Association of Police and Crime Commissioners, and experts such as the National Society for Prevention of Cruelty to Children, Rape Crisis England and Wales and Barnardo's.

<sup>69</sup> See, for instance, "Independent Inquiry into Child Sexual Exploitation in Rotherham (2007-2013)" published in 2014; Children's Commissioner for England Inquiry into Child Sexual Exploitation in Gangs and Groups "If only someone had listened" (2013) and "Follow-up Inquiry" (2015); House of Commons Home Affairs Committee Sixth Report "Child sexual exploitation and the response to localised grooming: follow-up" (2014).

112. In Northern Ireland, an educational pack (Visi's World) was developed by the NGO Invisible Trafficking to raise awareness of human trafficking amongst primary school children. As part of the 2015 Modern Slavery Day, a competition for primary classes linked to the contents of the educational pack was also launched. In addition, the authorities have launched an education resource on human trafficking for teachers of pupils aged 13 to 16 which have been made available to all post primary schools in Northern Ireland.

113. Since April 2014, the Police School Liaison Officers seconded to the All Wales School Liaison Core Programme (a Welsh Government funded initiative delivered by police officers to schools across Wales) have received anti-slavery awareness training and are including it in their programme for pupils in schools across Wales. This training is also being delivered to school governors, parent teacher associations, teachers and other staff including leads on safeguarding.

114. In Scotland, guidance and tools on safeguarding children have been issued to agencies working with children and young people to enable staff to prevent trafficking and identify trafficked children. A National Action Plan to Tackle Child Sexual Exploitation, which was published in November 2014 and updated in March 2016, sets out a range of actions for the Scottish Government, Police Scotland, the Crown Office, local authorities, Child Protection Committees, the Care Inspectorate and NGOs. Steps have been taken to raise awareness amongst parents and the wider public, with a national integrated marketing campaign, and there are plans to target young people via a popular digital channel. Furthermore, the Independent Poverty Advisor and other stakeholders are working on tackling child poverty as one of the ways to address the vulnerability of children to trafficking. The Scottish Government's Human Trafficking and Exploitation Strategy currently being developed will address the prevention of child trafficking.

115. According to the Anti-Trafficking Monitoring Group (ATMG), awareness-raising on child trafficking has focused essentially on the grooming of young girls for sexual exploitation without adequately addressing the problem of human trafficking for the purpose of domestic servitude or forced criminality (e.g. pickpocketing, theft, cannabis cultivation and forced begging).<sup>70</sup> GRETA also notes that the UN Committee on the Rights of the Child urged the UK authorities to develop prevention programmes targeting children in the most vulnerable situations, such as children in street situations, children in contact with or linked to gang members or groups (particularly in England), irregular migrant children and children living in residential institutions.<sup>71</sup>

116. GRETA notes with interest the judgment of the Upper Tribunal in *R (on the application of ZAT and Others) v Secretary of State for the Home Department* and the order to facilitate admission of the four applicant children to the UK, given the well-documented risks of exploitation, including trafficking, of unaccompanied minors living in the Calais camp.<sup>72</sup> GRETA notes the Joint Ministerial Declaration on UK/French Cooperation, *Managing Migratory Flows in Calais*, of 20 August 2015 and stresses the importance of international co-operation to identify possible victims of trafficking and of effective measures to prevent trafficking of children, including through facilitating lawful migration and family reunification.

---

<sup>70</sup> Written submission by the Anti-Trafficking Monitoring Group (ATMG) to the European Commission on the UK's implementation of the EU Directive (2011/EU/36), available at:

[www.antislavery.org/english/what\\_we\\_do/trafficking/anti\\_trafficking\\_monitoring\\_group/atmg\\_reports\\_briefings.aspx](http://www.antislavery.org/english/what_we_do/trafficking/anti_trafficking_monitoring_group/atmg_reports_briefings.aspx)

<sup>71</sup> UN Committee on the Rights of the Child, Concluding observations on the report submitted by the United Kingdom of Great Britain and Northern Ireland under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2014).

<sup>72</sup> IJR [2016] UKUT 61 (IAC). See also report by UNICEF *Ni sain, ni sauf – enquête sur les enfants non accompagnés dans le Nord de la France* (2016) (*Neither safe, nor sound – study on unaccompanied children in the North of France*) available in French only at: [https://www.unicef.fr/sites/default/files/atoms/files/ni-sains-ni-saufs\\_mna\\_france\\_2016.pdf](https://www.unicef.fr/sites/default/files/atoms/files/ni-sains-ni-saufs_mna_france_2016.pdf)

117. The UK authorities have referred to the joint Home Office/Department for Education practice guidance on "Safeguarding children who may have been trafficked", which was issued to help agencies safeguard and promote the welfare of children who may have been trafficked (see paragraph 188). Local Safeguarding Children's Boards (LSCBs) are instructed to work with a range of agencies, including local authorities, schools, local health services and the police to co-ordinate preventive measures. Furthermore, the authorities have indicated that schools may choose to cover issues related to human trafficking, including child trafficking, as part of their wider school curriculum or as part of personal, social, health and economic (PSHE) education, but it is left to them to decide whether to do so.

**118. GRETA considers that the UK authorities should strengthen their efforts in the area of prevention of child trafficking, including concerning forms of exploitation other than sexual exploitation, and targeting in particular children from vulnerable groups and children in street situations, including those living in residential institutions, through educational, social, economic and other initiatives.**

**d. Measures to prevent trafficking for the purpose of organ removal (Article 5)**

119. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>73</sup> are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplants and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>74</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplant of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

120. Prior to the Modern Slavery Act 2015, human trafficking for the purpose of the removal of organs was criminalised under section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004, making it an offence to traffic someone for the purpose of committing an offence under the Human Organ Transplants Act 1989. The consolidated human trafficking offence in sections 2 and 3 of the Modern Slavery Act 2015, now includes trafficking for the purpose of removal of organs.

121. The UK signed the Council of Europe Convention against Trafficking in Human Organs on 25 March 2015 and has transposed EU legislation in the area of safety and quality of tissues, cells and organs of human origin for human application that requires their voluntary donation of such tissue and the licensing of activities such as the procurement, storage and transplantation of tissue, cells and organs. A record of all organs donated and transplanted in the UK must be kept in a central data base and each donation and transplantation must be traceable.

<sup>73</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

<sup>74</sup> See "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs", Joint Council of Europe/United Nations Study (2009), in particular pages 55-56 ; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

122. The Human Tissue Act 2004 regulates activities concerning the removal, storage, use and disposal of human tissue, including organs, and the donation of organs from living people across the UK to ensure that valid consent has been given by the donor so that they fully understand any risks, donate of their own free will and that no reward is associated with the transplantation. The Human Tissue Authority (HTA) licenses organisations that remove, store and use human tissue for specific purposes such as organ donation and transplantation. A protocol for managing potential criminal breaches of the legislation has been agreed between the National Policing Leads, the HTA and the Crown Prosecution Service, which includes instances of human trafficking. The role of the HTA is to establish whether there has been a statutory or regulatory breach and refer to the police any cases where offences under the human tissue legislation are suspected.

123. All potential living donors are assessed by independent assessors to ensure that the donor is not receiving financial inducement or being coerced. All independent assessors are trained and accredited by the HTA. The HTA guidance document for transplant teams and independent assessors was updated in 2015 specifically to include information on trafficking.<sup>75</sup> The HTA makes it clear at the independent assessor training sessions that one of the primary reasons the living organ donation area is regulated is to prevent trafficking of both people and organs. The HTA made a policy decision for donors and recipients to be interviewed together, as well as separately (as required by legislation), so that independent assessors can see the interaction between the two parties. The same approach is taken in Scotland where there is an agreement between HTA and the Scottish Government.

124. As noted in paragraph 17, there were eight referrals to the NRM of possible victims of trafficking for the purpose of organ removal: one minor in 2012, one adult and one minor in 2014, and two adults and three minors in 2015. Two of the referrals in 2015 led to a positive conclusive grounds decision, one was given a possible reasonable grounds decision, and the other two were given negative conclusive grounds decisions. No removal of organs had occurred and the situations that gave rise to the victims' belief that their organs would be harvested occurred overseas. Consequently, there have been no prosecutions or convictions for organ removal in 2015.

**125. GRETA invites the UK authorities to continue their efforts to sensitise medical professionals involved in organ transplants and other relevant professionals about THB for the purpose of organ removal.**

e. **Measures to discourage demand (Article 6)**

126. In 2013 the UK authorities published the Human Trafficking Practical Guidance<sup>76</sup> to alert businesses about human trafficking, underlining that effective due diligence should be carried out to ensure that employees and fellow workers are safeguarded and providing information on telltale signs that may indicate that a person is trafficked and whom to contact in case of suspected human trafficking situations. No information, however, was available as to its dissemination.

<sup>75</sup> Available at: <https://www.hpa.gov.uk/policies/guidance-transplant-teams-and-independent-assessors>

<sup>76</sup> Available at:  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/181550/Human\\_Trafficking\\_practical\\_guidance.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181550/Human_Trafficking_practical_guidance.pdf)

127. The Modern Slavery Strategy underlines that companies should be confident that no forced labour or trafficking is involved in their supply chains, so that consumers can trust that the goods and services they buy are free from forced labour. This has led to the introduction of the transparency in supply chains provisions in the Modern Slavery Act 2015 (see paragraph 104). The Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013, which became effective on 1 October 2013, requires UK listed companies to prepare strategic reports that include information about social, community and human rights issues, including information about any policies of the company in relation to those matters and the effectiveness of those policies. This allows for monitoring by the public and shareholders (section 414A to 414D). In respect of the public sector, the UK Government has pledged to improve the way procurement takes account of potential exploitation in supply chains.

128. The UK authorities have given much publicity to the release of the Modern Slavery Strategy and the adoption of the Modern Slavery Act 2015 with a view to raising awareness of the seriousness of the crime of modern slavery, hence discouraging demand. Similarly, details of law enforcement operational successes and penalties imposed are regularly publicised in the media. Furthermore, the Independent Anti-Slavery Commissioner and the Anti-Slavery Co-ordinator for Wales have used their public profile to raise awareness about modern slavery through interviews in the media and conferences.

129. In Northern Ireland, the Department of Justice was a partner in the all-Ireland EU-funded REACH Project, aimed at raising awareness of and reducing demand for human trafficking for sexual exploitation. Two campaigns were launched under this initiative: one aimed at women and girls who are vulnerable to trafficking and one aimed at men and boys as potential purchasers of sex. The project ran from December 2013 to December 2015.

130. In Northern Ireland, the purchase of sexual services has been criminalised through the recently adopted Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Since the entry into force of the Act in June 2015, there has been one arrest for the purchase of sexual services which was related to a human trafficking investigation. In line with its statutory obligations under the Act, the Northern Ireland Department of Justice will review this legislative provision by June 2018 and assess the extent to which the law has operated to reduce human trafficking for the purposes of sexual exploitation. GRETA stresses the importance of keeping under review the impact of the legislation criminalising the purchase of sexual services on the identification of victims of trafficking, the provision of protection and assistance to victims of THB, and the effective prosecution of traffickers. The impact of the criminalisation of the purchase of sexual services on the reduction of demand for the services of trafficked persons, and more broadly on the phenomenon of THB for the purposes of sexual exploitation, should also be continuously assessed.

131. In December 2015, the Northern Ireland Department of Health, Social Services and Public Safety published "Leaving Prostitution: a Strategy for Help and Support". The Sex Workers Liaison Group was established in November 2015 to formalise and strengthen engagement between the Department of Justice and organisations representing or working with sex workers. The Liaison Group seeks to raise awareness of human trafficking and to identify possible victims. As part of its work the Group held an awareness-raising event for sex workers in February 2016.

132. The authorities have indicated that deterrence of potential buyers from using the sexual services of those forced or coerced into providing these services is achieved in England and Wales through the Sexual Offence Act 2003, which contains an offence making it illegal to pay for the sexual services of a prostitute subjected to force, threats (whether or not relating to violence) or any other form of coercion or any form of deception of a kind likely to induce or encourage the prostitute to provide those services.

133. In Scotland, legislation makes it a criminal offence to solicit or to loiter in a public place with the purpose of either buying or selling sex, to run or manage a brothel and to live off the earnings of the prostitution of others or to traffic people for sexual exploitation. During the passage of the Human Trafficking and Exploitation (Scotland) Act 2015 the Scottish Government gave a commitment to the Justice Committee and to Parliament that it would commission research to investigate the reliability of the evidence available on the criminalisation of the purchase of sexual services, and how it applies to Scotland.<sup>77</sup> A workshop will be held in the summer of 2016 to discuss the implications of the research findings with key stakeholders.

**134. GRETA considers that the UK authorities should make further efforts to discourage demand that fosters trafficking for all forms of exploitation, through legislative, educational, social and other measures, in partnership with civil society and the private sector.**

**f. Border measures (Article 7)**

135. The Modern Slavery Strategy sets out as a priority to strengthen border security and improve the authorities' ability to detect victims and traffickers at the border. Joint Border Intelligence Units bringing together UK Border Force officials and National Crime Agency (NCA) officers are being established at major ports and airports.

136. According to the Strategy, the Home Office Immigration Enforcement's Risk and Liaison Overseas Network (IE RALON) will use emerging intelligence to identify possible traffickers and victims during the visa application process and at the border. This will involve co-operation with airlines, using appropriate biometric information and sharing information with overseas law enforcement agencies.

137. The UK Border Force is implementing a programme to improve their response to modern slavery, including training of all frontline officers on indicators and threats specific to ports and airports. During the second evaluation visit, the GRETA delegation met the Safeguarding and Trafficking network at Heathrow Airport. It is composed of several Safeguarding and Trafficking Teams, bringing together 95 Border Force staff across the different terminals. Their mission is to maximise the opportunity to detect possible victims of trafficking and to prevent their movement across the border, as well as identify and safeguard children at risk of harm travelling to and from the UK. Staff are trained to spot at-risk passengers, including on the basis of their appearance and body language. Airport staff are encouraged to look out for signs of people being trafficked, including at e-gates where CCTV allows staff to monitor people. Attention is paid not only to people arriving in the country but also those leaving, and not only foreign passport holders but also British/EEA passport holders. There are secure rooms next to border checks where possible victims can be kept until they are interviewed by a safeguarding officer. A number of additional safeguards are in place for children, in partnership with the Hillingdon Local Children Safeguarding Board (see paragraph 193). The UK authorities have indicated that Safeguarding and Trafficking Teams are already in place in all major ports and airports with a network of over 600 Safeguarding and Trafficking officers across the UK. All frontline staff are required to complete the new modern slavery e-learning course (see paragraph 54) and are trained in keeping children safe. **GRETA welcomes the practice developed at Heathrow Airport and other airports and ports to detect possible victims of trafficking.**

<sup>77</sup> Three studies were commissioned: a Rapid Evidence Assessment (REA) of the impacts of the criminalisation of the purchase of sex; a desk-based review of published research and evidence on prostitution in Scotland; and an investigation into the scale and nature of prostitution in Scotland based on exploration and collation of evidence provided by a range of professionals. The first two studies were conducted by the Scottish Centre for Crime and Justice Research (SCCJR) and the third by the Scottish Government's Justice Analytical Services (JAS).

138. Noting the Treaty of Le Touquet (Treaty between the Government of the United Kingdom and the Government of the French Republic concerning the implementation of frontier controls at sea ports of both countries on the Channel and North Sea),<sup>78</sup> and the existence of “juxtaposed controls” between Belgium, France and the United Kingdom, whereby UK immigration checks on certain cross-Channel routes take place in Belgium and France before boarding the train or ferry,<sup>79</sup> GRETA stresses the importance of ensuring detection of possible victims of trafficking at UK immigration checkpoints, including, in particular, amongst unaccompanied and separated minors.

139. The UK authorities have engaged with the travel industry, more specifically with Virgin Atlantic, EasyJet and Thomas Cook, to develop a training package concerning human trafficking for cabin crew staff. The UK authorities have informed GRETA that this training will be updated to reflect the changes brought about by the Modern Slavery Act 2015 with a view to re-launching it at a national event for airlines, ferry companies and port operators to mark the 2016 Anti-Slavery Day. The authorities will seek adoption of the training by all major carriers (including ferry companies) and travel agents. Leaflets have recently been sent to all airline and ferry companies to encourage their support and enable staff to spot signs of trafficking.

**140. GRETA invites the UK authorities to pursue their efforts to detect victims of trafficking at border crossings, including at UK checkpoints in France and Belgium.**

## **2. Measures to protect and promote the rights of victims, guaranteeing gender equality**

### **a. Identification of victims (Article 10)**

141. The framework for the identification of victims of trafficking provided by the National Referral Mechanism (NRM), which was described in detail in GRETA’s first evaluation report,<sup>80</sup> has remained in place. Up until the review of the NRM in 2014 (see paragraph 161), the NRM Oversight Group decided on a list of First Responders (public authorities and NGOs) who are entitled to refer possible victims of trafficking into the NRM.<sup>81</sup> Whilst the number of First Responders has slightly increased since GRETA’s first report (three more NGOs have become First Responders: BAWSO, New Pathways and the Refugee Council), some important stakeholders who may come into contact with possible victims of trafficking, such as medical professionals, prison staff and legal professionals, still cannot refer victims directly into the NRM. In addition, in Northern Ireland, one of the two service providers, Women’s Aid, is still not a First Responder. The UK authorities have indicated that the NRM Oversight Board has stopped functioning since the NRM review. However, for the time being, this framework is still in force with the exception of two areas where pilot projects were launched as a follow-up to the NRM review (see paragraph 162).

<sup>78</sup> Cm 5832(2003); 2003/04 Cm 6172; Treaty 18 (2004) Treaty Series No. 18 (2004).

<sup>79</sup> Sangatte Protocol to the Canterbury between France and the United Kingdom (the governing agreement for the Channel tunnel), published as Cm2366(1993); Additional Protocol, published as Cm5015(2000); Schedule 2 to the Channel Tunnel (Miscellaneous Provisions) Order 1994 (SI 1994 No. 1405), as amended by the Channel Tunnel (Miscellaneous Provisions) Amendment Order 2004 (SI 2004 No. 2589). See also the Joint Ministerial Declaration on UK / French Cooperation, *Managing Migratory Flows in Calais* (20 August 2015).

<sup>80</sup> See GRETA’s first evaluation report, paragraphs 205-214.

<sup>81</sup> First Responders include the National Crime Agency, UK Border Force, UK Visas and Immigration, police forces, local authorities, GLA and the Northern Ireland Health Social Care Trusts, as well as the following civil society organisations: Poppy Project, TARA, Migrant Help, Kalayaan, Medaille Trust, The Salvation Army, Unseen UK, Barnardo’s, NSPCC’s Child Information Trafficking Line, BAWSO, New Pathways and the Refugee Council.

142. First Responders must contact the UK Human Trafficking Centre (UKHTC) when they come into contact with a possible victim, subject to adult victims' consent to the referral. UKHTC decides on the appropriate Competent Authority the case should go to: UKHTC for UK and EEA nationals, and the Home Office, in particular UK Visas and Immigration (UKVI), for non-EEA nationals and EEA nationals subject to immigration control. As noted in paragraph 33, UKVI has set up a NRM Hub based in Leeds, fully operational since January 2014, which makes decisions on all non-detained non-EEA cases for England, ensuring that staff are supported with targeted training packages on identification and improving the quality and consistency of data. Similarly, the Cardiff branch of the Hub deals with cases in Wales and the Scotland/Northern Ireland branch (based in Glasgow and Belfast) deals with cases in Scotland and Northern Ireland. Other Home Office departments act as Competent Authority for victims of THB who are in detention, such as the Third Country Unit, Detained Cases Unit, or Immigration Enforcement's Criminal Case Work.

143. The Competent Authority takes a first decision concerning identification, the "reasonable grounds decision", in principle within five days of the person's referral, applying a low threshold test ("I suspect but cannot prove"). This decision triggers the granting of a 45-day period during which the presumed victim is offered a place in a specialised shelter and receives assistance. Meanwhile, the Competent Authority seeks to establish whether "on a balance of probabilities" it can be confirmed that the person is a victim of trafficking. The conclusive grounds decision which confirms the victim status applies the "it is more likely than not" test.

144. Persons who receive the status of victims of trafficking following a positive conclusive decision have two weeks to leave the specialised shelter and can benefit from assisted voluntary return to their home country. In case of a negative conclusive grounds decision, the person concerned has 48 hours to leave the shelter. However, the decision on residence permits is separate from that on whether the person is a trafficked victim. This means that victims who have received a positive conclusive grounds decision and who are subject to immigration control are not automatically granted a residence permit, known as "discretionary leave to remain" (see paragraphs 223-229).

145. Since the setting up of the NRM in 2010, there has been a considerable increase in the number of victims entering it (from 714 in 2010, to 3 266 in 2015). In 2015, according to the statistics published by the NCA,<sup>82</sup> 1 639 possible victims were referred to the NRM by the Home Office (including, 4 by the NCA, 110 by UKBF, and 7 by GLA), 759 by the police, 306 by local authorities (including 280 children) and 562 by NGOs.

146. The number of referrals by the police varies greatly between police forces.<sup>83</sup> In areas where the police, other public agencies, local authorities and NGOs work together on proactively identifying victims, identification rates are significantly higher. For example, in Greater Manchester where a multi-agency task force involving NGOs was set up in 2014, the number of referrals to the NRM by the police reached 89 in 2015 (all referrals for the area amounting to 144). **GRETA welcomes the setting up in Greater Manchester of a multi-agency task force, with NGO involvement, which adopts a multi-disciplinary approach to tackle human trafficking and improve identification.**

<sup>82</sup> Available at: <http://www.nationalcrimeagency.gov.uk/publications/676-national-referral-mechanism-statistics-end-of-year-summary-2015/file>

<sup>83</sup> The number of referrals of 28 of the 43 police forces in England and Wales amounted to only 1% of total referrals in 2013. In 2015, five police forces referred no possible victim into the NRM and 11 made five or less referrals.

147. In 2014 the UK authorities published the Guidance for Competent Authorities, updated in 2015 and 2016 to reflect changes linked to the Modern Slavery Act 2015.<sup>84</sup> It provides a description of the legal framework, including the Council of Europe Anti-Trafficking Convention, the role of Competent Authorities, the components of the definition of human trafficking, the distinction between human trafficking and smuggling, the specificities of child trafficking, indicators of trafficking, myths about victims,<sup>85</sup> and detailed instructions on decision making. The mandatory e-learning referred to in paragraph 54 for UKVI, UKBF and Immigration Enforcement (IE) is based on the updated guidance.

148. When it comes to decision making, the Guidance explicitly states that the Competent Authorities should take into account the expert views of those surrounding the person when unsure about the reasonable grounds decision outcome. If it appears that the reasonable grounds test is going to be negative, they must contact the First Responder, the support services, the police and local authorities to give them the opportunity to provide further information, and must give due weight to their reports and views. The information gathering can involve interviews with the possible victim, in particular to clarify any inconsistencies, but the Competent Authority must balance the benefits of an interview against the risk of re-traumatising the victim, and consider whether it should take place during the 45-day period. It should be determined who is best placed to carry out the interview, whether the service provider should be present, and, subject to what is operationally possible, an interviewer and interpreter of the gender wished by the possible victim.

149. GRETA notes that according to research carried out by the Anti-Trafficking Monitoring Group on developments in the NRM from 2010 until 2013 (using a combination of desk and field research, including an analysis of 40 Competent Authority decision letters), a disproportionate weight was given to the credibility of the presumed victims' statements and small inconsistencies in the victim's account, such as discrepancies between dates and times of events, were used by Home Office case workers to justify negative decisions.<sup>86</sup> The same research found that, while the then Guidance for Competent Authorities envisaged that the Competent Authority would proactively seek out all information that could be useful from the First Responder, service provider, police or local authority, in practice the Home Office seldom sought additional information from service providers before issuing negative conclusive grounds decisions.<sup>87</sup>

150. As noted in GRETA's first evaluation report, there continues to be a disparity between the rate of positive conclusive decisions delivered by UKHTC, i.e. for UK or EEA nationals, and those delivered by UKVI regarding third-country nationals and EEA nationals subject to immigration control. From January to March 2013, UKHTC dealt with 122 referrals, 79% of which led to a positive conclusive decision, whilst the UK Border Agency (UKBA), the predecessor of UKVI, dealt with 269 referrals and issued positive conclusive decisions in 14% of them.<sup>88</sup> In 2013 the data on positive conclusive decisions of the 10 countries with most referrals shows that EEA countries (Hungary, Latvia, Lithuania, Poland, Romania and the UK) had a rate of 72% for positive conclusive grounds decisions, while the rate of non-EEA countries (Albania, China, Nigeria and Vietnam) was just under 30%, the average rate for all countries being 49%.<sup>89</sup>

<sup>84</sup> Available at:

<https://www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies>

<sup>85</sup> For example, if the person did not take an opportunity to escape, he/she is not being coerced; crossing a border is required in order to be trafficked; a person is not a victim when they say they have a better life than previously.

<sup>86</sup> Anti-Trafficking Monitoring Group, "Hidden in Plain Sight" (2013), pages 23-35.

<sup>87</sup> Idem, page 16.

<sup>88</sup> Idem, page 18.

<sup>89</sup> Based on data from the Review of the National Referral Mechanism for victims of human trafficking (2014), page 44.

151. Concerning the timeline for decisions, official data and data from civil society diverge significantly. The data on reasonable grounds decisions for 2013 from the authorities refer to an average of seven days whereas the Salvation Army in the same period mentioned an average of 37 days, and the Poppy Project stated that they had found an average time of 39 days for a sample of 49 cases. As regards conclusive grounds decisions, data from the UKHTC for 2013 refer to an average of 56 days from referrals to conclusive grounds decisions. The Salvation Army stated that, on average, conclusive grounds decisions took 104 days from the delivery of the reasonable grounds decision, and the Poppy Project stated that on average conclusive decisions had taken 154 days in a sample of 30 cases.<sup>90</sup> According to the UK authorities, there has been a marked improvement in the length of time between referrals and reasonable grounds decisions since the creation of the Home Office NRM hub.

152. The Metropolitan Police together with the NGO Stop the Traffik run a 24-hour hotline for reporting suspected human trafficking cases. Further, the Salvation Army operates a 24-hour confidential Referral Helpline for England and Wales. In Scotland and Northern Ireland, the NGO Migrant Help has set up a similar helpline, and in Scotland, the NGO TARA also operates a helpline.

153. In its first evaluation report,<sup>91</sup> GRETA noted that a number of possible victims of trafficking were reportedly detained in immigration detention centres and other detention facilities. According to the Competent Authorities Guidance, possible victims of trafficking should be released from immigration detention and benefit from a recovery and reflection period, unless their continued detention is justified on grounds of public order. However, civil society interlocutors have reported that many victims of trafficking continue to be subject to immigration detention. In their comments on the draft GRETA report, the UK authorities have stated that possible victims are not placed in immigration detention centres, but sometimes are only detected once in detention and have stressed that any person with a positive reasonable grounds decision must be released from immigration detention unless there are public order grounds to detain them. According to the UK authorities, civil society interlocutors are probably referring to persons who have not received positive reasonable grounds decisions.

154. Where deportation is imminent and the Home Office Operation Support and Certification Unit (OSCU) considers that the claimant is a possible victim of human trafficking, deportation is suspended and the case is referred to the Leeds Hub to make the conclusive decision. Concerns continue to be expressed by civil society relating to the failure to identify possible victims of trafficking amongst irregular migrants held in detention, as for instance in the Larne House Short-term Facility in Northern Ireland.<sup>92</sup> The detection of victims of human trafficking appears to rely essentially on self-identification by the victims.<sup>93</sup> The UK authorities have underlined that the e-learning on the NRM and on modern slavery referred to in paragraph 54 is mandatory for Home Office staff working in detention. Staff are required to follow the published guidance on the identification and referral of possible victims according to which a positive reasonable grounds decision triggers a minimum 45-day period of assistance.

---

<sup>90</sup> Anti-Trafficking Monitoring Group (ATMG), "Hidden in Plain Sight" (2013), page 17.

<sup>91</sup> See GRETA's first evaluation report, paragraph 228.

<sup>92</sup> See GRETA's first evaluation report, paragraph 229. This facility can accommodate up to 19 adult detainees for a period of up to five days. In 2014 there is said to have been 2 035 movements of detainees, which represents a significant number for a jurisdiction of the size of Northern Ireland.

<sup>93</sup> In its submission to the UN Committee against Torture in January 2016 (57th Session on the Sixth Periodic Report of the UK on compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), the Northern Ireland Human Rights Commission pointed to the fact that measures in place for the identification of victims of human trafficking in Larne House appear to rely heavily on self-identification.

155. UKVI, similarly to its predecessor, the UK Border Agency, has continued to be both First Responder and Competent Authority. Most referrals to the NRM from this agency come through the asylum procedure. GRETA was informed that the asylum screening interview includes only one question relating to trafficking, namely whether the interviewee has been exploited before entering the UK, en route or within the UK. There have been a number of reports of asylum screening officers failing to spot trafficking indicators during screening interviews. Civil society interlocutors have expressed concerns that, where a possible victim concurrently enters the NRM and claims asylum, the NRM decision is suspended until the decision on asylum is taken.<sup>94</sup> This would result in the possible victim not benefiting from the recovery and reflection period or specialised assistance measures in a dedicated shelter for victims of trafficking (see paragraph 219). However, the UK authorities have stated that the NRM decision making is not suspended until an asylum decision is taken and the individual is identified as a potential victim by either the screening officer or asylum decision maker, referred into the NRM, and a reasonable grounds decision is made by the Competent Authority. The Competent Authority Guidance stipulates that the Home Office should not take an asylum decision unless the potential victim has had a negative reasonable grounds decision and should not take a negative asylum decision until the potential victim has had a conclusive grounds decision from the NRM, as it may have a bearing on the asylum claim. Asylum caseworkers must complete the e-learning on modern slavery and the NRM referred to in paragraph 53. The UK authorities have indicated that the NRM Hub has been working closely with the Asylum Screening Unit in recent years to support their staff in identifying possible victims and understanding the NRM process.

156. A Detained Fast Track Procedure was introduced to determine within one week asylum claims considered as straightforward. The first asylum screening interview usually determines whether the claim could be processed through the Detained Fast Track Procedure. Unless the applicants are detected as victims of trafficking at this early stage, they are detained while their application is processed. According to civil society interlocutors, those who do not report that they were trafficked at the moment of arrest or detention, experience difficulties, in practice, in establishing credibility when disclosure is made at a later stage. In July 2015 the UK authorities temporarily suspended the Detained Fast Track Procedure after court decisions highlighted insufficient safeguards for particularly vulnerable applicants concerning appeals.<sup>95</sup> However, in a written statement to Parliament, the Minister of State for Immigration stated that the immigration authorities will continue to exercise the right to detain or keep in detention illegal migrants who have claimed asylum, where their specific circumstances warrant it.

<sup>94</sup> Anti-Trafficking Monitoring Group (ATMG), "The National Referral Mechanism - A Five Year Review" (2014), page 20; Written Submission by ATMG to the European Commission on the UK's implementation of the EU Directive (2011/EU/36) (2015).

<sup>95</sup> High Court decision of 12 June 2015, *Detention Action v First-Tier Tribunal (Immigration and Asylum Chamber) & Ors* [2015] EWHC 1689 (Admin); Court of Appeal decision of 29 July 2015, *The Lord Chancellor v Detention Action* [2015] EWCA Civ 840.

157. In the first evaluation report, GRETA expressed concern about the refusal of a significant number of possible victims to enter the NRM, reportedly due to fears relating to their irregular migration status.<sup>96</sup> According to civil society interlocutors, possible victims detected during police raids are usually interviewed in police stations by immigration officers, which may limit victims' willingness to disclose their experiences, particularly if their immigration status is irregular or precarious. GRETA notes that the Immigration Act 2016 creates an offence of illegal working, according to which irregular migrant workers incur a fine and/or a prison sentence of up to 51 weeks in England and Wales and up to six months in Scotland and Northern Ireland. The UK authorities have stated that victims of modern slavery or human trafficking have a strong statutory defence in section 45 of the Modern Slavery Act 2015, and are not the targets of the new criminal offence. **GRETA considers that the UK authorities should closely monitor the implications of the new Immigration Act offence of illegal working, for the identification and protection of victims of trafficking, the application of the non-punishment provision (see paragraphs 284-291) and the prosecution of offenders.**<sup>97</sup>

158. According to reports by civil society, victims of trafficking for the purpose of forced labour, including domestic servitude, are frequently turned away from police stations when they report that their passports have been withheld and their wages unpaid as these are seen as civil claims, rather than indicators of trafficking. There is reportedly insufficient awareness among public stakeholders, including judges, of the situation of victims of trafficking for forced labour. The UK authorities have indicated that a renewed focus will be put on protecting workers from exploitation by linking together labour market enforcement agencies for the first time. As noted in paragraph 35, the GLA will be transformed into the Gangmasters and Labour Abuse Authority (GLAA) with police-style powers to investigate a wider range of labour market offences, including modern slavery and trafficking, across all commercial sectors.

159. In its first report, GRETA urged the UK authorities to change their policy in respect of so-called "historic" victims, i.e. persons who have been exploited at some point of time in the past, whereby the competent authorities could take negative identification decisions in such cases.<sup>98</sup> GRETA notes that the High Court in *R (Atamewan) v. Secretary of State for the Home Department* ruled that the protection provisions of the Convention applied to victims who were trafficked in the past and that such persons should have access to assistance appropriate to their current needs.<sup>99</sup> The Home Office has amended the NRM guidance in July 2015 to allow a "historic" victim of trafficking/modern slavery to receive a positive decision from the NRM. However, GRETA was informed of a recent case in Northern Ireland where a victim with a positive conclusive decision was denied discretionary leave to remain on the basis that the particular circumstances of the victim's case no longer existed. The authorities have indicated that the *Atamewan* judgment is not applicable to conclusive rounds decisions but only to reasonable grounds decisions. A positive conclusive grounds decision given to a victim of trafficking (whether the claim is historic or not) does not provide that victim with an automatic grant of discretionary leave to remain. The Competent Authority Guidance provides that, if the experience took place some time ago, this factor may be taken into account in determining whether the victim requires a grant of leave to remain in the UK due to compelling personal circumstances.

<sup>96</sup> See GRETA's first evaluation report, paragraph 221. Furthermore, in 2013, the National Crime Agency strategic assessment identified 1 649 possible victims of human trafficking who had not entered the National Referral Mechanism (see Review of the National Referral Mechanism for victims of human trafficking (2014), page 20).

<sup>97</sup> See also the [European Commission against Racism and Intolerance \(ECRI\) General Policy Recommendation No. 16 on Safeguarding Irregularly Present Migrants from Discrimination](#) adopted 16 March 2016, in particular paragraphs 30 and 33.

<sup>98</sup> See GRETA's first evaluation report, paragraphs 82-85.

<sup>99</sup> *R (Atamewan) v. Secretary of State for the Home Department* [2014] 1 W.L.R. 1959

160. Insofar as appealing against a negative decision is concerned, the situation as described in the first report remains unchanged.<sup>100</sup> First Responders and service providers can informally request reconsideration of negative decisions where important information seems to have been overlooked. While the negative decision is challenged victims are no longer entitled to assistance. The only formal option to challenge negative decisions is by way of judicial review where a judge will only review the lawfulness of the decision but not re-examine the facts of the case and take a new decision. In addition, these are lengthy and costly proceedings before the High Court and, therefore, difficult of access for most victims. As the majority of trafficking identification guidance is in the form of policy, rather than legislation, permission to have such decisions reviewed is difficult to obtain.<sup>101</sup>

161. In April 2014, the UK Government commissioned a review of the NRM, in line with a recommendation made by GRETA in its first evaluation report.<sup>102</sup> The review addressed six areas: identification; access to support; level of support; decision making; governance of the NRM; and collecting and sharing data. The review was conducted by a senior government official and involved consultations with a broad range of stakeholders, including the police, local authorities, NGOs, parliamentarians and victims. The review, published in November 2014, found that there was a lack of knowledge about human trafficking and the NRM amongst actors that should be involved. It noted that there were examples of joint work between the police forces, other government agencies and NGOs leading to referrals, but that this did not happen across the board. The decision making was also criticised, namely the quality and consistency of decisions, communication around them and the sharing of information. The review made a number of recommendations, including an overhaul of the referral process of the NRM by replacing the current First Responders by accredited officials known as "Slavery Safeguarding Leads". According to the review, the fact that there would be such specialised officials would improve the quality of referral decisions. Further, the review proposed a process of conclusive identification of trafficking victims through regional multi-disciplinary panels. Another recommendation concerned the introduction of a single management process placed with the Home Office as opposed to the current system which is divided between UKHTC and the Home Office.

162. The UK Government responded favourably to the recommendations made in the review and decided to launch pilots to trial some of the changes proposed. A 12-month pilot was launched in August 2015 in two areas (West Yorkshire, predominantly urban, and the South West, essentially rural). A number of persons from local statutory agencies have been identified as Slavery Safeguarding Leads in the pilot areas. These Slavery Safeguarding Leads were trained and started operating in November 2015. Slavery Safeguarding Leads are acting as the competent authority by accepting referrals from all frontline staff and then making reasonable grounds decisions, working with the referring organisation to gather sufficient evidence to inform the decision. The pilot was ongoing at the time of adoption of this report, but the UK authorities have stated that, in practice, this system has already made it easier for NGOs who may not have been First Responders to make referrals directly to a Competent Authority rather than via a First Responder, and has retained all the expertise of existing first responders.

<sup>100</sup> See GRETA's first evaluation report, paragraph 227.

<sup>101</sup> Anti-Trafficking Monitoring Group (ATMG), "Hidden in Plain Sight" (2013), page 28.

<sup>102</sup> See GRETA's first evaluation report, paragraph 232.

163. Further, a Home Office case management unit was set up in Birmingham, bringing together officials from UKHTC and UKVI who put together a file for consideration by the multi-agency panels. The first such panels were convened in October 2015. They meet virtually (i.e. by teleconference) to discuss cases and come to a conclusive grounds decision. The panels are chaired by a person appointed by the Home Office and include representatives of the police, UKVI, the local authorities, health services and NGOs. The formal decision is made by the chair based on the view of the majority of the panel. The decision on residence permits will remain separate from the panel's decision. Moreover, the panels cannot pronounce on the safety of return to their country of origin. To ensure Slavery Safeguarding Leads and multi-disciplinary panel members have the knowledge and skills to undertake their roles, they were required to attend mandatory training tailored to their roles prior to undertaking their duties. The training was delivered by the NGOs Unseen and ECPAT UK. GRETA was informed by civil society actors that the selection of panel members was made on the basis of a declaration of interest and the panels would not be funded, which may jeopardise their sustainability. The UK authorities have stated that there are a number of pre-requisites for appointment as panel members, including having a background in working with vulnerable victims, excellent knowledge of modern slavery issues, as well as experience of working in a multi-disciplinary setting and making decisions in a complex and challenging environment.

164. Following the review of the NRM, the NRM decision making and the asylum procedure have been separated. If a conclusive decision is positive, the decision is communicated to asylum case workers to inform their own decision on asylum and avoid different findings as to whether the person is a trafficked victim. However, the aforementioned updated Competent Authorities Guidance provides for the possibility of asylum interviews serving the double purpose of assessing an asylum claim and determining whether a person is a trafficked victim (see paragraph 147). The UK authorities have noted that this was to avoid re-traumatisation of possible victims by not asking them to relay their experiences on more than one occasion.

165. In Wales, a three-month pilot started on 1 September 2015 whereby all First Responder organisations undertook to report to the police all potential cases of modern slavery, with a view to improving the law enforcement response. The police force receiving the report has to provide a crime report/occurrence number which the First Responder will insert in the NRM form and submit to the UKHTC, with a copy to the police force. The authorities have stated that, throughout the pilot, steps have been taken to ensure that data of victims is handled in accordance with the Data Protection Act 1998. All multi-disciplinary panel members and Slavery Safeguarding Leads are security cleared and panel members have all signed a statement of principles for the secure handling of personal data. Secure data transfer systems are used for sharing data with panel members. The authorities have informed GRETA that the Wales Pilot is now mainstreamed and all NRM referrals are reported to the police and made subject of a crime report for investigation, including where the victim wishes to remain anonymous. In Wales NRM referrals continue to increase and in 2015 increased by 91.4% from 70 to 134. No issues around the protection of data concerning victims have been reported.

166. **GRETA welcomes the recent review of the NRM and the setting up of multi-agency panels to identify victims of trafficking, which corresponds to the requirements of the Convention concerning collaboration with support organisations (Article 10(2) of the Convention). GRETA considers that the UK authorities should allocate sufficient resources to ensure their full effectiveness and sustainability.**

**167. Further, GRETA considers that the UK authorities should:**

- ensure that the NRM and the asylum determination processes are recognised as separate and distinct procedures, in practice, and keep under review the identification of victims of trafficking amongst applicants for international protection, including asylum seekers;
- improve the identification of victims of trafficking in detention centres and ensure that following a positive reasonable grounds decision, possible victims of trafficking are speedily removed from detention and offered assistance and protection as provided in the Convention;
- 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, including with the Gangmasters Labour Abuse Authority, by the bodies responsible for regulating employment, health and safety and tax compliance in sectors most at risk;
- reform the current practice to allow for appeal of a negative NRM decision, in particular where new information is available, and ensure that assistance continues to be provided while an appeal process is ongoing.

**b. Assistance measures (Article 12)**

168. The current system of government-funded support to victims of human trafficking lasts 45 days, although, in practice, the stay in a shelter may be longer because of the time it takes to reach a conclusive grounds decision (see paragraph 151). After the Competent Authority's conclusive grounds decision, the person has to leave the safe house where they have been accommodated, within 48 hours if the decision is negative, and within two weeks if it is positive. The UK authorities have stated that support can be extended where appropriate (see paragraphs 170 and 173). The government-funded support is accessible to all victims, regardless of nationality or immigration status, provided they give their consent at the outset. Outreach support must be provided to possible victims who are in other types of accommodations than shelters or safe houses. The number of possible victims of trafficking who received support rose from 550 in 2012-2013 to 889 in 2013-2014 and 1 097 in 2014-2015.<sup>103</sup>

169. There are differences between the legal frameworks in place regarding assistance in the different UK jurisdictions. Insofar as assistance is concerned, the scope of the Modern Slavery Act 2015 is limited to England and Wales. It does not contain provisions specifying the rights of victims in terms of assistance and support, but indicates that guidance and regulations will be published in due course. The UK authorities justified this by the fact that there were ongoing pilots related to the review of the NRM and it would have been premature to deal with assistance and support in the law before the outcome of these pilots.

170. By contrast, support and assistance have been put on a statutory footing in Scotland and Northern Ireland. The Human Trafficking and Exploitation (Scotland) Act 2015 includes a provision on the requirement to provide support and assistance for victims, which may include accommodation, day to day living, medical advice and treatment (including psychological treatment), translation and interpretation, counselling, legal advice, information on available services and repatriation. Similarly, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 includes a provision on support and assistance whereby victims should have access to a safe and appropriate accommodation, material assistance, health-care services, relevant information, translation and interpretation, legal advice and repatriation. Importantly, the period of assistance can be extended after a positive conclusive decision has been granted for as long as deemed necessary.

<sup>103</sup>

The figures correspond to the budgetary year, i.e. from April to April.

171. In 2015 the Human Trafficking Foundation, in partnership with service providers,<sup>104</sup> published the Trafficking Survivor Care Standards.<sup>105</sup> A wide range of professionals were also consulted, including lawyers, medical practitioners and clinical psychologists. Their aim is to improve service provision by ensuring that adult survivors of trafficking consistently receive high quality care wherever they are in the UK. The care standards have been endorsed by the Independent Anti-Slavery Commissioner and distributed to every police force in England and Wales. The UK authorities have indicated that they will consider the Trafficking Survivor Care Standards when they tender the next Victim Care Contract for the provision of assistance services for victims in England and Wales. In Northern Ireland, the care standards were taken into account in the 2016 revision of the operational guidance "Working Arrangements for Safeguarding the Welfare of Child Victims and Potential Child Victims of Human Trafficking" and were shared with members of the NGO Engagement Group and the Organised Crime Task Force subgroup on Human Trafficking. The Northern Ireland Department of Justice will consider the integration of the care standards into the support contract for adult possible victims of human trafficking. In Scotland, the NGO TARA has distributed the care standards to the police, prosecutors, social workers, frontline support agencies, medical doctors and other relevant professionals.

172. As was noted in GRETA's first evaluation report, assistance to adult victims of trafficking is entrusted to different service providers across the UK. The Salvation Army has been awarded a new Victim Care Contract to continue provision of services to victims of modern slavery in England and Wales. As prime contractor, the Salvation Army has access to over 200 units of safe accommodation across England and Wales, which allows for victims to be accommodated outside the area of exploitation. Accommodation varies from single flats to shared houses with three to 12 places. Safe houses are available to meet the needs of male and female victims, pregnant women, single parents, families and couples. The Salvation Army organises quarterly meeting with all subcontractors. The annual amount spent on the support contract of the Salvation Army was GBP 4 million in 2013, 2014 and 2015. Other civil society actors, such as the Poppy Project and Caritas, offer accommodation and assistance services outside the government-funded scheme.

173. In the course of the evaluation visit, GRETA visited, at an address kept secret, a safe house run by the NGO Hestia, a subcontractor of the Salvation Army, located in a London suburb. It can accommodate up to six women, including when they are accompanied by their children. At the time of the visit, there were three women at the shelter, each accompanied by a child. In this respect, GRETA notes a recent report by the Anti-Trafficking Monitoring Group which highlights the particular needs of victims who are either pregnant or accompanied by a child, who represent from 25% to 50% of all female victims of trafficking.<sup>106</sup> Hestia also provides outreach services. Once in the safe house, risk and needs assessments are carried out and a support plan is agreed. The victims are registered with a doctor and undergo a sex health check in a clinic with which the NGO has a confidentiality agreement. Victims are accommodated until they receive the conclusive decision. If the decision is negative, they have to move out within 48 hours and are assisted in getting into a National Asylum Support Service accommodation. If the decision is positive, they normally have two weeks to find alternative accommodation with the help of the case worker, but they usually ask for an extension of two more weeks. Hestia runs another safe house in the London area which can also accommodate six female victims, as well as a safe house for male victims, also in London, and was due to open two additional safe houses in Kent by the end of June 2016.

<sup>104</sup> Ashiana, BAWSO, City Hearts, Counter Human Trafficking Bureau, Helen Bamber Foundation, Hestia, Housing for Women, Human Trafficking Foundation, Medaille Trust, Eaves Poppy Project, the Salvation Army, TARA, Unseen.

<sup>105</sup> Available at:

[www.humantraffickingfoundation.org/sites/default/files/Trafficking%20Survivor%20Care%20Standards%202015.pdf](http://www.humantraffickingfoundation.org/sites/default/files/Trafficking%20Survivor%20Care%20Standards%202015.pdf)

<sup>106</sup> Anti-Trafficking Monitoring Group (ATMG), "Time to deliver - Considering pregnancy and parenthood in the UK's response to human trafficking" (2016).

174. GRETA also visited a shelter for female victims of trafficking, Bakhita House, operated by the Catholic Church in London. The shelter started functioning in July 2015 and by the end of October 2015 it had received 16 victims, referred mostly by the police, including victims who did not want to enter the NRM and could therefore not be supported by the Salvation Army. There were 12 places for adult women, plus an emergency bed, and at the time of the visit, seven women were present. The facility offered excellent material conditions. The period of stay of the victims was up to three months. During this period, victims had the possibility to receive counselling and therapy, learn English, and engage in cooking and gardening. The funding of the shelter was provided by private donations and GRETA was informed that in 2015, the cost of running the shelter amounted to GBP 350 000. The shelter was staffed around the clock, with four support workers and two night workers. In addition to permanent staff, a number of volunteers worked at the shelter.

175. In Manchester, GRETA visited a safe house for female victims of human trafficking, subcontracted by the Salvation Army and run by the NGO Medaille Trust. It can accommodate up to seven women. At the time of the visit, five victims were accommodated and two others were receiving outreach assistance in partnership with the local authorities. Most women accommodated in this safe house are victims of sexual exploitation but there have also been cases of labour exploitation and domestic servitude. Medaille Trust also operates a shelter for women accompanied by their children and another one for male victims in Manchester.

176. In Wales, BAWSO works with the Salvation Army to provide accommodation to possible victims of trafficking. In addition, the Welsh Government has been funding BAWSO's "Diogel" Project in North Wales since 2010, which now provides 13 units of secure accommodation and 20 outreach units across Wales. During the evaluation visit, GRETA visited the "Survivor Accommodation House" run by BAWSO in Cardiff. BAWSO and the Anti-Slavery Leadership Group have established a "Survivor Care Pathway" across Wales to help ensure that victims have access to support and services during the reflection and recover period and afterwards. In addition, the North Wales Regional Anti-Slavery Group has set up a Reception Centre Model operational within two hours of victims being recovered, which is run by the British Red Cross, in partnership with the police, local authorities and NGOs. After being trialled in North Wales for an operation where 111 victims were recovered, further roll out of the Reception Centre Model is currently under consideration.

177. In Scotland, the NGOs TARA and Migrant Help continue to receive Scottish government funding to provide services to possible victims and confirmed victims (GBP 317 900 to TARA and GBP 405 000 to Migrant Help in the fiscal year 2016-2017). TARA specialises in assisting female victims who have been victims of trafficking for sexual exploitation. It can respond to urgent referrals around the clock and provides crisis accommodation during the recovery and reflection period, care planning, support to access legal advice and support to speak to Police Scotland. A psychology service is also provided in partnership with the NHS. Migrant Help provides support to male and female victims of forced labour or domestic servitude and to adult male victims who have been subjected to sexual exploitation. It operates a shelter in Paisley and seven self-contained flats. In 2014, Migrant Help supported 78 victims and in the first 10 months of 2015, 66 victims.

178. In Northern Ireland, Migrant Help continues to be contracted by the Department of Justice to provide support to male victims of human trafficking. They work with other NGOs during the recovery and reflection period to help victim become autonomous. Women's Aid continues to be contracted to provide support to female victims. Victims of sexual exploitation are referred to them by the Home Office when identified through an asylum claim.

179. Possible victims of THB who apply for asylum are often put into National Asylum Support Service (NASS) accommodation. Outreach support should be provided to them there. The decision whether to place a possible victim in NASS accommodation or a safe house appears to hinge on an assessment of the person's needs made at the beginning. According to service providers, the initial needs assessment, including on the need to be protected from the traffickers, is sometimes not enough to determine the actual needs of a possible victim. Service providers have underlined that safety from traffickers includes the risk of victims themselves entering into contact with traffickers rather than the reverse, and safe houses protocol deal with this aspect whereas NASS accommodation do not. In addition, concerns have been expressed about the information to persons placed in NASS accommodation on their rights as victims of trafficking.

180. As regards access to psychological support during the recovery and reflection period, difficulties have been reported where service providers cannot provide it themselves and possible victims have to go through the NHS where waiting lists are sometimes several weeks or even months long.<sup>107</sup>

181. In practice, service providers frequently have to extend the provision of support and accommodation beyond the 45-day period, whether because the NRM decisions are taking longer or the particular needs of a victim require it. In 2013, the average length of stay in safe houses operated by the Salvation Army and its subcontractors was of 69 days, outreach support in other types of accommodation was of 121 days and in asylum support accommodation of 118 days. In Scotland, TARA can continue to support victims (other than by providing accommodation) on an outreach, needs-led basis for a period of 12 to 18 months. Migrant Help reported that they could support victims for up to two weeks after the 45-period.

182. After a positive conclusive grounds decision, there is no government scheme setting out the support that trafficked victims should have after conclusive grounds decisions, and local authorities have not received guidance on how to support such victims.<sup>108</sup> Victims are entitled to normal means-tested residence-based benefits, provided they have been granted discretionary leave to remain or are EU/EEA nationals, or, if they have a pending asylum claim, to support available to asylum seekers (basic subsistence grants and accommodation). The status as victims of human trafficking does not give them any priority on accessing benefits.

183. The situation of EU/EEA nationals is complicated by the fact that when they do not meet the "habitual residence" test, they cannot access benefits. In 2014 changes were made to tests for eligibility for Housing Benefit and Job Seekers Allowance requiring a person to have been resident in the UK for three months in order to have access to these benefits (the so-called "habitual residency" test). Most EU/EEA victims of THB have little or no documentation to establish they have stayed for three months in the UK, especially if they were exploited during this period. This results in many EU/EEA victims being unable to access financial support, social housing or private rental accommodation, which often require applicants to have a stable job, making them particularly vulnerable to homelessness, destitution and re-trafficking. The only way for EU/EEA victims to be exempt from the eligibility test for welfare benefits is for them to be granted discretionary leave to remain.

<sup>107</sup> Anti-Trafficking Monitoring Group (ATMG), "Hidden in Plain Sight" (2013), page 39.

<sup>108</sup> Human Trafficking Foundation, "Life Beyond the Safe House for Survivors of Modern Slavery in London" (2015). In England and Wales, the Care Act 2014 places on local authorities the obligation to provide support to adults who have specific needs. While this could cover victims of trafficking, the strict eligibility criteria make it difficult in practice. More generally, local authorities have received no guidance on housing issues affecting victims of human trafficking.

184. All service providers met by GRETA across the UK underlined that victims exiting NRM accommodation face difficulties in transitioning to independence and benefiting from other types of services to enable them to access housing, health care, employment or training. This makes victims very vulnerable and at risk of being re-trafficked.<sup>109</sup> There is no hard data of what happens to victims after they exit the government-funded scheme, but there is evidential information in a report by the Human Rights Foundation highlighting concerns about victims' safety and barriers to integration.<sup>110</sup>

185. In the absence of a government scheme, a number of NGOs offer services to accompany victims after the conclusive grounds decision. For example, the Salvation Army's Victim Care Fund is available for subcontractors to support victims' reintegration. A pilot programme was developed to tackle the difficulty of reintegrating trafficked men back into society by supporting them in finding work, exiting the benefit system and becoming self-supported. This involved coaching sessions, group work, work placement and training opportunities. Further, the NGO HERA (Her Equality Rights and Autonomy) helps female victims of trafficking to set up their own business. For this purpose, HERA has set up an Entrepreneurship Training Programme and a network of businesswomen to act as mentors and share their professional knowledge. In Northern Ireland, the NGO Flourish helps trafficked women and men to find housing, develop professional skills, get financial and advice support, access legal advice and therapies. GRETA welcomes these positive initiatives but notes that they place victims on a different footing depending on where they are assisted as there is no national approach to assistance and support after the conclusive grounds decision. In their comments on the GRETA's draft report, the UK authorities have indicated that guidance is due to be issued shortly on how extension of support by the Salvation Army has to be applied for and in what circumstances it will be granted.

186. **GRETA urges the UK authorities and devolved administrations to make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection.**

c. **Identification of and assistance for child victims of trafficking (Articles 10 and 12)**

187. There is no NRM specifically for children and the same process as for adults is followed. However, the difference is that in England and Wales, the provision of assistance and support to possible child victims of trafficking lies with local authorities, which have overall responsibility for care arrangements for children. This responsibility goes to the Health and Social care trusts in Northern Ireland and jointly to local authorities and health boards in Scotland. Another difference is that First Responders must refer all children who are possible victims to UKHTC for identification and to the local authorities' children care services for assistance, without having to obtain the child's consent.

---

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

188. In its first evaluation report,<sup>111</sup> GRETA referred to various policy documents that had been issued to guide frontline staff in detecting and assisting child victims of trafficking. Since that report, in 2014, the Statutory Guidance on the Care of Unaccompanied and Trafficked Children, which is designed for local authorities in England, was published.<sup>112</sup> It underlines the duty of the local authority to protect and support these highly vulnerable children who often have complex needs. The Guidance recognises the need for everyone involved in the care of unaccompanied and trafficked children to be trained to recognise and understand the particular issues likely to be faced by these children, including recognising the indicators of trafficking. There is also a requirement for independent reviewing officers to be aware of local authority duties to take account of the child's needs as an unaccompanied or trafficked child, when planning and providing for care and for the suspected risk of trafficking to be recorded in the child's care plan. Placement decisions should also consider protecting the child from any continued risk from traffickers, and from a heightened risk of going missing. However, the Statutory Guidance does not provide detailed guidance on steps the local authorities should take to identify and protect trafficked children, the reference document for this still being the Guidance on Safeguarding Children Who May Have Been Trafficked (2011), which is not on a statutory footing. The Department for Education is reviewing the Statutory Guidance prior to consultation on a number of revisions. Guidance for Child First Responders was published in 2013 by the Home Office, with information on the NRM and the role of First Responders, and updated in March 2016.<sup>113</sup> The authorities continue promoting the London Safeguarding Board Trafficking Toolkit as an aid for practitioners in identifying and safeguarding trafficked children.

189. In 2013 the Scottish Government produced the Inter-Agency Guidance for Child Trafficking which is a toolkit 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.<sup>114</sup>

190. In Northern Ireland, the Guidance on Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking, issued in 2011 by the Department of Health, Social Services and Public Safety and the Police Service for Northern Ireland, remains applicable. It expands on the role of the police, including where children go missing, and the role of Health and Social Care Trusts in providing adequate support. Monitoring of the guidance's implementation is done through the Regional Practice Network, the Working Arrangements for the Safeguarding and Welfare of Child Victims of Human Trafficking, the Regional Pathway and training. However, in 2014, the Northern Ireland Commissioner for Children and Young People published research which identified that support, services and expertise provided to separated children, including those who may have been trafficked, can be variable and contingent on the skills and commitment of individual practitioners.<sup>115</sup>

191. In Wales, the All Wales Practice Guidance for Safeguarding Children Who May Have Been Trafficked published in 2011 remains in place. The Welsh Government Head of Safeguarding works with the six Welsh Regional Safeguarding Boards to ensure consistency and implementation of the Guidance across Wales.

<sup>111</sup> See GRETA's first evaluation report, paragraph 237.

<sup>112</sup> Available at: <https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children>

<sup>113</sup> Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/244697/NRM\\_First\\_Responder\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244697/NRM_First_Responder_Guidance.pdf)

<sup>114</sup> Available at: [www.gov.scot/Resource/0043/00437636.pdf](http://www.gov.scot/Resource/0043/00437636.pdf)

<sup>115</sup> Available at: [www.niccy.org/publications/2014/february/11/by-their-side-and-on-their-side/](http://www.niccy.org/publications/2014/february/11/by-their-side-and-on-their-side/)

192. In spite of the above-mentioned guidance, child trafficking remains underreported. The NRM Review underlined the low awareness of the NRM and trafficking indicators for child victims amongst local authorities and First Responders.<sup>116</sup> According to civil society interlocutors met by GRETA, children displaying clear signs of having been trafficked are often not referred into the NRM and are offered instead generic services for children in need, which are unfit for trafficked children. The NRM Review notes that Local Safeguarding Children Boards (LSCB) and equivalent structures in Scotland and Northern Ireland have a strategic role and as such could organise training for frontline organisations and agree local multi-agency safeguarding strategies adapted to child victims of trafficking. The UK authorities are working to standardise the training in order to raise standards across all frontline staff. However, the mandatory e-learning training (see paragraph 54) does not specifically deal with child trafficking.

193. In a number of local authorities, Multi-Agency Safeguarding Hubs (MASHs) or equivalent mechanisms have been set up, involving professionals from the children and health services, the police and civil society, to better identify risks to children, improve decision-making and arrive at a quicker, more adapted safeguarding plan for vulnerable children. The Anti-Trafficking Monitoring Group (ATMG) has recommended that MASHs and similar structures play a role in the NRM decision making in order to ensure that the child's best interests are at the heart of NRM decisions.<sup>117</sup> A six-month pilot multi-agency Panel for Adolescents and Children Affected by Trafficking (PACT) in the Greater Manchester area was launched in October 2015 with a view to ensuring that child victims are referred into the NRM and receive consistent support.

194. As indicated in GRETA's first evaluation report, accommodation provision for children includes residential care homes, shared flats and houses, bedsits, bed and breakfast emergency housing and foster care. The preferred option is placement in foster care, especially for children aged below 16. Older children are usually placed in semi-independent accommodation. However, there is a continuing lack of safe accommodation for children who are suspected or known to have been trafficked.<sup>118</sup> There are no agreed standards for accommodating child victims of trafficking who are often provided general assistance which does not cater for their special needs. In their comments on GRETA's draft report, the UK authorities have indicated that social workers specialising in foster or residential care are advised of the high risk that trafficked children may return to their traffickers and therefore have to make provision to mitigate this risk. The UK authorities have made a commitment to review local authority support for non-European Economic Area migrant children who have been trafficked to help improve understanding of current specialist local authority provisions and to provide training for foster carers and support workers in how to support trafficked children.

195. In order to respond to concerns about child victims of sexual exploitation going missing after being placed in foster care, a pilot on specialist foster care placements was developed by Barnardo's, with funding from the Department for Education. It included training of foster carers and individual support to young people in other care settings. It was trialled in 2012 and led to a positive evaluation report in 2013.<sup>119</sup> However, the initiative was discontinued as it was deemed too costly by the authorities. The authorities have indicated that foster carers are trained, skilled and experienced in dealing with children with a range of needs, but that there is no statutory requirement for foster carers to be specially trained for child victims of trafficking. The UK authorities will be commissioning training for foster carers and support workers for unaccompanied children who have been trafficked, to help increase the availability of suitable accommodation for this cohort of children.

<sup>116</sup> A survey run with around 75 Local Authorities in 2013 showed that less than 10% of social workers would have heard of the NRM.

<sup>117</sup> Anti-Trafficking Monitoring Group (ATMG), "Proposal for a Revised National Referral Mechanism for Children" (2014).

<sup>118</sup> Anti-Trafficking Monitoring Group (ATMG), "Hidden in Plain Sight" (2013).

<sup>119</sup> University of Bedfordshire, Institute of Applied Social Research, "Evaluation of Barnardo's Safe Accommodation Project for Sexually Exploited and Trafficked Young People" (2013). Available at:

[www.beds.ac.uk/\\_data/assets/pdf\\_file/0007/281374/Barnardo27s-SA-Project-Evaluation-Full-Report.pdf](http://www.beds.ac.uk/_data/assets/pdf_file/0007/281374/Barnardo27s-SA-Project-Evaluation-Full-Report.pdf)

196. The UK authorities have stated that in deciding whether it is appropriate to initiate contact with an unaccompanied child's family, child protection considerations will be paramount as the child's family may have been involved in trafficking. The wishes and feelings of the child will be important in establishing the steps to take when undertaking family tracing. Regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005 places a positive duty on the Secretary of State for the Home Department to endeavour to trace the members of a child's family as soon as possible after they make their claim for asylum, while ensuring those enquiries are conducted in a way that does not jeopardise the safety of the child or their family. The Home Office will liaise with the authority where and when they believe it is appropriate to initiate tracing efforts beyond the collection of information from the child and UK governmental records. Children should always be informed if family tracing is being undertaken or commissioned on their behalf.

197. In Northern Ireland, GRETA visited a children's home for separated/unaccompanied children/young people of secondary school age upwards (i.e. above 11) who may be victims of human trafficking. It was opened in 2014 and is commissioned by the Health and Social Care Board and delivered by a civil society organisation. With a capacity for eight children, at the time of the visit, the home was accommodating six children, both girls and boys, aged from 13 to 18. Notably, no child placed there has gone missing. The staff is composed of six social workers, three care workers working in shifts at night and two support workers at weekends. A range of protection measures are implemented, determined by an individualised risk assessment. Security and protection measures include CCTV in the reception area and in the hall. Access to computers is in a communal area and supervised. A range of activities are organised and access to education is ensured, with specialist support provided. Additional support is in place for young people transitioning out of the home, and continuing support is being provided. The authorities have stated that based on needs, the facility will be maintained and funding is in place to ensure the continued running of the children's home.

198. The issue of children going missing, already highlighted in GRETA's first evaluation report,<sup>120</sup> remains of great concern. It is estimated that as many as 60% of trafficked children in local authority care go missing.<sup>121</sup> Most children go missing within 48 hours of being placed into care and before having been identified. In addition to lack of secure accommodation for child victims of trafficking, there is a lack of commonly agreed safety and protection standards. When children are undocumented, they are placed in community care but are not registered. A recurrent pattern is for unaccompanied minors to be left by traffickers in transit at the airport, before picking them up from where they have been accommodated by the local authorities.<sup>122</sup> Children that go missing in one part of the UK can end up exploited in another part, without any connection being made. There does not appear to be a system whereby child victims at risk of disappearing can be accommodated in another local authority area than the one where they have been found.<sup>123</sup> Furthermore, a report by the Office for Standards in Education, Children's Services and Skills (Ofsted), the statutory body responsible for monitoring care services, stresses that agencies do not give priority to tracking children and young people who go missing from residential or foster care. In their comments on GRETA's draft report, the UK authorities have stated that ways of improving timeliness and sharing of information on immigration and police systems are currently being explored and that doing so and joining up with social care data in a coherent system would help to identify and trace missing children. The authorities also support the use of child rescue alert if a child has gone missing and "return home" interviews to ensure better learning on protection and prevention.

<sup>120</sup> See GRETA's first evaluation report, paragraph 240.

<sup>121</sup> Centre for Social Justice (CSJ), "It Happens Here: Equipping the United Kingdom to Fight Modern Slavery" (2013).

<sup>122</sup> Anti-Trafficking Monitoring Group (ATMG), "Hidden in Plain Sight" (2013), page 51.

<sup>123</sup> Refugee Council and The Children's Society, "Still at Risk – A Review of Support for Trafficked Children" (2013).

199. Although since late 2013 Ofsted has asked local authorities to provide data about missing children and young people in their area, many local authorities have not been able to provide that information.<sup>124</sup> There is no centrally collated data on children who go missing from care, although since July 2014, local authorities are under obligation to keep track of the number of missing children and report on this annually. This information was to be gathered for the first time at the end of 2015. The UK authorities have indicated that, since 2014, strengthened regulations require children's homes to assess the safety of the areas where they are located and to develop effective responses to children going missing. The Department for Education's revised Statutory Guidance on Children Who Run Away and Go Missing from Home or Care in England sets out measures to be taken to reduce the likelihood of children going missing from care and how the authorities should work with the police and others when a child goes missing. The Guidance includes the requirement to offer an independent return interview within 72 hours of a child's return. The Department for Education has also introduced changes from April 2014 to improve the transparency and quality of data available on children in care who go missing. All authorities must inform the Department of all incidences of children going missing from care, including those which last less than 24 hours.

200. GRETA notes that there are some positive local initiatives to prevent children from going missing. For instance, the Hillingdon Local Safeguarding Children Board, which is responsible for child victims detected at Heathrow Airport, adopted in 2014 a Joint Protocol on Children and Young People who Run Away or Go Missing From Care or Home and have set up a team specialising in referrals of unaccompanied minors or safeguarding issues for foreign children. Protection and security measures (such as closer supervision of the children) are reinforced during the first few days, which is known to be the time where the risk of children disappearing is the highest. Children are placed in residential care homes and arrangements for foster care are made. This approach has led to reducing the number of potentially trafficked children going missing in this local authority area.

201. In Scotland, Glasgow City Council has developed procedures for vulnerable young persons which apply to victims of trafficking and involve the appointment of legal guardians (see paragraph 205). More generally, it is for local authorities to assess the safety of the areas where children's homes are to be located and collect data that refer to that. GRETA was informed that the number of unaccompanied children who go missing in Scotland was low (e.g. only one case in 2015). Reference was made to the Campus Project, run by the Mungo Foundation, which is a residential project offering temporary accommodation and support for up to 20 separated children seeking asylum, aged 16-18 years. It provides a place of safety, with 24-hour supervision and a high staff ratio, to prevent children from disappearing.<sup>125</sup> The Scottish Government is currently working on a National Missing Person Strategy, to be published in late 2016, which would cover children who go missing.

202. In 2013 the Northern Ireland authorities issued the Guidance Pathway for Safeguarding and Promoting the Welfare of Separated Children. In addition, Revised Guidance on Police Involvement in Residential Units – Safeguarding Children Missing from Home or Foster Care was published by the Health and Social Care Board and the Police Service of Northern Ireland in 2012. It was reviewed in 2015 and released under the name Missing Children Protocol (Runaway and Missing from Home and Care), which is subject to an agreed training pack. Monthly liaison meetings are in place to ensure implementation and to monitor application of the Protocol. The working arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery are currently being revised and were due to be released for consultation at the end of June 2016. On finalisation the document will be accompanied by training for key staff.

<sup>124</sup> The Report of Ofsted on Social care 2013-14 (2015). Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410528/ofsted\\_social\\_care\\_annual\\_report\\_201314.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410528/ofsted_social_care_annual_report_201314.pdf)

<sup>125</sup> [www.themungofoundation.org.uk/what-we-do/supported-living/homelessness/campus/](http://www.themungofoundation.org.uk/what-we-do/supported-living/homelessness/campus/)

203. As noted in GRETA's first evaluation report, there is no system of legal guardianship applying across the UK. The Modern Slavery Act 2015 provides for independent child trafficking advocates to represent and support children who are possible victims of human trafficking in England and Wales (section 48). They will have the power to instruct lawyers on behalf of child victims. In 2014-15, a one-year trial of the Independent Child Trafficking Advocates service took place across 23 local authority areas in England. It was run by the NGO Barnardo's. An independent evaluation report of the trial was published in December 2015.<sup>126</sup> The report found that advocates added value to the existing service provision, but co-operation with statutory bodies was not always easy. It also stated that the Advocates service appeared to be important in ensuring clarity, coherence and continuity for the child, working across other services responsible for the child, over time and across contexts. The UK authorities have, however, decided not to roll out the Advocates service yet and to prolong the trial period. They consider that the trial model showed promise but did not deliver on some key outcomes such as preventing children going missing. The UK authorities have made a public commitment to the national roll out of independent child trafficking advocates in accordance with the provisions in the Modern Slavery Act. They will roll out independent child trafficking advocates in three early adopter sites (Hampshire & the Isle of Wight, Greater Manchester and Wales) with an amended model. Learning from the early adopter sites will inform the design of the model for national roll out. Furthermore, the UK authorities consider that they are compliant with the Convention in that the wider child protection system means that, although there is no legal guardianship system, unaccompanied children have a corporate parent. However, GRETA shares the concerns expressed by the UN Committee on the Rights of the Child that child victims are not entitled to access, free of charge, to a qualified legal representative and that the UK does not appoint independent guardians for all child victims of offences covered by the Optional Protocol to the Convention on the Rights of the Child, including victims of trafficking.<sup>127</sup>

204. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 provides for independent legal guardians for trafficked and separated children. The legal guardians will be employed by a registered charity and will act in the child's best interests, whilst those providing services to a child or making decisions about the child must pay due regard to the functions of the guardian and provide access to information to allow the guardian to function properly. At the time of adoption of this report, the Department of Health, Social Services and Public Safety was drafting regulations regarding the guardian's training and qualifications and the support and supervision of guardians.

205. Scotland has operated since 2010 a non-statutory system of guardianship for non-EU unaccompanied asylum seeking children. The Scottish Guardianship Service, which is delivered in partnership by the Scottish Refugee Council and Aberlour Child Care Fund, has developed a joint working protocol with local authorities and immigration staff. According to an independent evaluation published in 2013, one third of the children having benefited from the guardianship service between 2010 and 2012 displayed signs of having been trafficked for domestic servitude, sexual exploitation or cannabis cultivation.<sup>128</sup> It should be noted that two children who were victims of trafficking for cannabis cultivation were serving custodial sentences at Polmont Youth Offender Institute when their referral was made. The Human Trafficking and Exploitation (Scotland) Act 2015 provides for the introduction of a statutory guardianship service for unaccompanied children. **GRETA welcomes the steps taken in Scotland to establish a legal guardianship system.**

<sup>126</sup> Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486138/icta-horr86.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486138/icta-horr86.pdf)

<sup>127</sup> Committee on the Rights of the Child, Concluding observations on the report submitted by the United Kingdom of Great Britain and Northern Ireland under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, [document CRC/C/OPSC/GBR/CO/1](#), published 8 July 2014.

<sup>128</sup> Swansea University and University of Bedfordshire, "She endures with me: An evaluation of the Scottish Guardianship Service Pilot" (2012). Available at: [www.aberlour.org.uk/assets/0000/9979/Summary - Evaluation report of the Scottish Guardianship Service.pdf](http://www.aberlour.org.uk/assets/0000/9979/Summary - Evaluation report of the Scottish Guardianship Service.pdf)

206. On 15 October 2015, section 51 of the Modern Slavery Act 2015 entered into force, giving a statutory footing to the presumption that a possible victim is under 18 years of age until an age assessment is carried out whenever there are reasonable grounds to believe that the person has not reached 18 years of age. This presumption about age is also found in section 12(1) and (2) of the Human Trafficking and Exploitation (Scotland) Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Age assessment for migrant children is normally carried out by the local authority, but in some cases also by UKVI. There is no statutory age assessment guidance for local authorities. Best practice continues to follow the "Merton Compliant Age Assessment".<sup>129</sup>

207. However, GRETA notes civil society's persistent concerns that the cost implications of assessing a young person to be a minor, may influence the age assessment decision-making process.<sup>130</sup> Furthermore, age assessments were reported to be taking place in unsuitable settings, such as police stations. According to a report by Coram-Children's Legal Centre, a quarter of all unaccompanied children claiming asylum have their ages disputed each year.<sup>131</sup> An incorrect age assessment and failure to identify results in child victims not having access to education, being housed in shared accommodation with adults, or being placed in an adult prison or immigration detention.<sup>132</sup> In 2012 the Refugee Council worked with 24 children who had been wrongly detained as adults and in the first three months of 2013, with nine children who had been released from detention. GRETA is greatly concerned by the re-trafficking risks when children are released from immigration detention without appropriate safeguarding and protection plans being made and have heard of several such cases.

208. GRETA has been informed of several cases where Vietnamese nationals were held at a Dover Immigration Removal Centre (IRC) on the basis of allegedly incorrect age assessments by the immigration authorities and despite showing clear signs of having been trafficked. They were eventually referred into the NRM and were released from IRC. However, insufficient protection measures were taken to prevent their disappearance upon release and they went missing shortly afterwards before comprehensive age assessments being carried out by the local authorities. GRETA stresses that, according to Article 10(3) of the Convention, when the age of a victim is uncertain and there are reasons to believe that the victim is a child, he or she must be presumed to be a child and provided with special protection measures pending verification of his/her age.

---

<sup>129</sup> Case law has provided some general guidance to local authorities in a case involving Merton Council (*B v London Borough of Merton* [2003] EWHC 1689 (Admin)). In a case where age is not clear, and no reliable documentary evidence exists, the credibility of the applicant, physical appearance and behaviour must be assessed. The assessment must also include general background of the applicant, including ethnic and cultural considerations, family circumstances, education and history over the past few years. A medical report is not necessary.

<sup>130</sup> See GRETA's first evaluation report, paragraph 244; ATMG, "In the Dock – Examining the UK Criminal Response to Trafficking" (2013), page 108; Coram – Children's Legal Centre, "Happy Birthday? Disputing the age of children in the immigration system" (2013), page 14.

<sup>131</sup> Coram – Children's Legal Centre, "Happy Birthday? Disputing the Age of Children in the Immigration System" (2013).

<sup>132</sup> Refugee Council and The Children's Society, "Still at Risk – A Review of Support for Trafficked Children" (2013); Coram – Children's Legal Centre, "Happy Birthday? Disputing the Age of Children in the Immigration System" (2013). Available at: [www.childrenslegalcentre.com/userfiles/file/HappyBirthday\\_Final.pdf](http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final.pdf)

209. When child victims of trafficking reach the age of 18, support in leaving care must be offered which should include help with education and training, assessment of needs, and the provision of a personal advisor until the age of 21, or 25 if the young person is still in education. In practice, while the immediate needs of children (such as accommodation, protection, access to education) are taken care of, insufficient attention is paid to longer-term solutions. According to a recent study, data on young people reaching 18 and leaving care is patchy and inconsistent across local authorities and, as a result, little is known about what happens to them after they leave care.<sup>133</sup> In addition, it appears that they are often granted temporary leave as "Unaccompanied Asylum Seeking Children" until they are 17½ years old, in the same way as other separated children, rather than renewable residence permits under the NRM (see paragraph 226). This increases uncertainty about their leave to remain after they turn 18 and the possibility that they may be placed in immigration detention. GRETA underlines that it is vital to ensure that durable solutions be developed for each child victim, with forward-looking reintegration plans or possible return to the country of origin in accordance with the child's best interests.

210. **Recalling the recommendations made in its first report, GRETA once again urges the UK authorities to take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular 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;**
- **improve the exchange of information on missing unaccompanied children between police forces and local authorities;**
- **ensure that child victims who may be at risk of re-trafficking can be accommodated in another local authority area, to ensure effective protection from such risk;**
- **train all professionals working with child victims of trafficking to recognise and respond appropriately to their individual needs and the best interests of the child;**
- **ensure that possible victims of trafficking are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);<sup>134</sup>**
- **ensure full compliance with Article 10(3) of the Convention concerning age assessment and provision of special protection measures.**

d. **Protection of private life (Article 11)**

211. The Data Protection Act 1998 provides for the right to privacy with respect to the processing of personal data. Accordingly, anyone holding personal data is legally obliged to comply with this Act, subject to some exemptions.

<sup>133</sup> Humphris, R. and Sigona, N. (2016) 'Mapping unaccompanied asylum seeking children in England', *Becoming Adult Research Brief Series*, no. 1, London: UCL

<sup>134</sup> See also [General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin](#), Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

212. Since November 2015 the new duty to notify included in the Modern Slavery Act 2015 (section 52) applies to specified public authorities in England and Wales and where they encounter adult possible victims who may not wish to be referred into the NRM, suitably anonymised data will be captured. Reference is made to the pilot that was trialled in Wales and has been extended (see paragraph 165). Guidance on the duty to notify the Home Office of a possible victim of modern slavery has been published; it underlines that if the person does not consent to enter into the NRM the notification must not include information that identifies the person, or enables the person to be identified (either by itself or in combination with other information).<sup>135</sup> The Guidance encourages NGOs to notify possible victims who do not wish to be referred into the NRM, respecting the same confidentiality regulations if they do so. A similar provision exists in the Human Trafficking and Exploitation (Scotland) Act 2015 (section 38, still to come into force at the time of adoption of this report) and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (section 13, still to come into force at the time of adoption of this report).

213. GRETA stresses the importance of respecting the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the NRM. The UK authorities have stated that all guidance states clearly that no data sharing should take place except in accordance with the subject's rights under the Data Protection Act 1998 and data sharing measures have been designed with this in mind.

**214. GRETA invites the UK authorities to promote the relevant guidance and sensitise all relevant staff and NGOs to the need to guarantee the confidentiality of the personal data of victims, especially those not wishing to enter into the NRM, when discharging their duty to notify all possible victims to the law enforcement authorities.**

#### e. Recovery and reflection period (Article 13)

215. As explained in the first evaluation report, all victims of trafficking who receive a positive reasonable grounds decision, regardless of whether they are British or foreign nationals, are entitled to a minimum of 45 days of assistance or until a positive conclusive decision of being a victim of trafficking is made, whichever is greater, unless public order prevents it or the victim status was claimed improperly. This period is not enshrined in the Modern Slavery Act 2015 or other legislation and therefore still has no statutory basis in England and Wales, contrary to what was recommended in GRETA's first evaluation report.<sup>136</sup>

216. Pursuant to section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015, where there are reasonable grounds to believe that an adult is a victim of human trafficking, the Scottish Ministers must secure for the adult the provision of such support and assistance as they consider necessary given the adult's needs until the end of the period specified in regulations made by the Scottish Ministers or the date on which there is a conclusive determination that the adult is or is not a victim of an offence of human trafficking. The minimum length of time is not specified in the law. Section 9 is not in force yet. GRETA notes that the law makes no mention that the purpose of this period, which should be to allow the victim to recover and escape the influence of traffickers and to take an informed decision on co-operation with the authorities, in accordance with Article 13 of the Convention.

---

<sup>135</sup> Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/472620/Guidance-Duty\\_to\\_notify\\_Home\\_Office\\_of\\_potential\\_victim\\_of\\_modern\\_slavery\\_V1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472620/Guidance-Duty_to_notify_Home_Office_of_potential_victim_of_modern_slavery_V1.pdf)

<sup>136</sup> See GRETA's first evaluation report, paragraph 283.

217. Section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 makes statutory provision for support and assistance to be provided to adult possible victims of human trafficking in Northern Ireland for 45 days, which run from the moment the Competent Authority has determined that there are reasonable grounds to believe that the person is a victim of trafficking in human beings and may be extended where needed. Similarly, GRETA notes that the law makes no mention that the purpose of this period which should be to allow the victim to recover and escape the influence of traffickers and to take an informed decision on co-operation with the authorities, in accordance with Article 13 of the Convention.

218. Many service providers have highlighted that, in practice, the recovery period is used by the Competent Authority to gather evidence necessary for reaching a conclusive grounds decision, which requires victims being interviewed repeatedly by the police and taken to police stations for this purpose.<sup>137</sup> While acknowledging the importance of gathering information for the purpose of investigations, GRETA stresses that the police forces should co-operate with service providers to minimise the negative impact police interviews can have on victims' recovery. GRETA underlines that one of the purposes of the recovery and reflection period is to allow victims to come to a decision on whether they will co-operate with law-enforcement authorities.

219. GRETA notes that concerns have been raised that in some instances recovery and reflection periods are postponed until an asylum determination has been made, whereas the UK authorities state that NRM decision making is not suspended until a decision on asylum is taken (see paragraph 155).<sup>138</sup> According to civil society interlocutors, because of this delay, possible victims do not benefit from specialised assistance and accommodation, as provided by Article 14 of the Convention while waiting for asylum determination. Where a trafficked person applies for asylum in parallel to the NRM, they are transferred to accommodation for asylum seekers (NASS accommodation) and outreach support is provided where appropriate.<sup>139</sup> Services providers have indicated that providing outreach support in NASS accommodation sometimes proves difficult owing to the location of the accommodation and limited resources of service providers. The UK authorities have indicated that, pursuant to the Competent Authority Guidance, victim identification and asylum applications are assessed separately, the reasonable grounds decision is given first and interviews for the asylum claim are only conducted after the recovery and reflection period has started. The authorities have also stated that all cases are referred to the Salvation Army and possible victims deemed to be particularly vulnerable are offered support, while those who are considered suitable for NASS accommodation remain there.

220. Civil society stakeholders report that children often do not benefit from a recovery and reflection period as the Home Office makes decisions within the NRM and on immigration status concurrently and requires that children apply for asylum before the recovery and reflection period has started or has been completed.<sup>140</sup> The Home Office review of the NRM notes that local authorities have a duty to look after vulnerable children without any time limit.<sup>141</sup> However, GRETA stresses that there is a need to have specialised support adapted to the situation of child victims of trafficking from the moment of identification as a possible victim.

221. No statistics were provided to GRETA on the number of possible victims granted a recovery and reflection period since 2012. In this respect, reference is made to the recommendation made in paragraph 74.

<sup>137</sup> Anti-Trafficking Monitoring Group (ATMG), "Hidden in Plain Sight" (2013).

<sup>138</sup> Anti-Trafficking Monitoring Group (ATMG), "The National Referral Mechanism - A Five Year Review" (2014), page 20; Written Submission by ATMG to the European Commission on the UK's implementation of the EU Direction (2011/EU/36) (2015).

<sup>139</sup> Written evidence submitted by the Salvation Army to the House of Commons Home Affairs Committee (2013), para. 2.6 ([www.publications.parliament.uk/pa/cm201314/cmselect/cmhaft/72-i/72we02.htm](http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaft/72-i/72we02.htm)).

<sup>140</sup> Anti-Trafficking Monitoring Group (ATMG), "Proposal for a revised NRM for children" (2014).

<sup>141</sup> Home Office, "Review of the National Referral Mechanism for victims of human trafficking" (2014), page 62.

**222. GRETA urges the UK authorities to:**

- **enshrine in the law applicable in England and Wales, Scotland and Northern Ireland the right to a recovery and reflection period as defined in Article 13 of the Convention;**
- **ensure that all possible victims of trafficking, including children, are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period.**

**f. Residence permit (Article 14)**

223. The situation as regards residence permits for victims of THB remains the same as described in the first evaluation report.<sup>142</sup> There are no Immigration Rules which grant leave on grounds of human trafficking and residence permits (known as discretionary leave to remain) are delivered on the basis of section 3(1)(b) and (3) of the Immigration Act 1971. Persons conclusively found to be victims of trafficking may be eligible for a residence permit if their personal circumstances warrant them remaining in the UK or if they are co-operating with the authorities in a criminal investigation or proceedings and their presence in the UK is required for this purpose. In October 2015, the UK authorities implemented immigration rules for overseas domestic workers that provide for the possibility of extending their visas where they are found to be victims of human trafficking. The provisions were extended in April 2016 to allow for a visa of up to two years instead of the previous six months.

224. If the personal circumstances of the victim are particularly compelling, a residence permit can be considered appropriate without the victim having to co-operate with the criminal investigations or proceedings. This would apply, for instance, if the victim needs to complete a course of medical treatment which would not be readily available if they were to return home, or if they seek to pursue a claim for compensation against the traffickers. The period of leave depends on the individual facts of the case but does not normally exceed 2½ years. According to NGOs, this form of residence permit is very rarely granted and, as noted in GRETA's first evaluation report, the professional opinion and expertise of service providers does not always seem to be given due weight by the Competent Authorities.

225. The Home Office may grant a period of 12-month residence permit where necessary to assist with police enquiries upon a formal request from the police. This may be extended where necessary, for example, where a criminal prosecution takes longer than expected and the police have confirmed this or requested an extension. In 2013 only 52 cases were granted this form of leave and, in the Modern Slavery Strategy, the UK authorities have indicated their commitment to increase the number of such residence permits, notably by promoting increased awareness of the provision within police forces, including by ensuring that it is included in the new statutory guidance on supporting victims.

226. As noted in paragraph 209, trafficked children are usually granted temporary Unaccompanied Asylum Seeking Children leave until they are 17½ years old in the same way as other separated, looked-after children rather than residence permits as victims of trafficking. This results in their immigration status being very precarious when they reach the age of 18. EEA children are provided with protection and care under the general child protection system.

227. The Guidance for Competent Authorities stipulates that there is no automatic grant of immigration leave if there is a finding of fact that a person is a victim of human trafficking. It does not exclude that EEA nationals be granted discretionary leave if the victim is unable to exercise their free movement rights. The Home Office publishes and periodically updates comprehensive guidance on criteria for granting discretionary leave to victims of modern slavery.

<sup>142</sup>

See GRETA's first evaluation report, paragraphs 285-287.

228. There are no available statistics on the number of residence permits granted to victims of trafficking, either on the basis of co-operation or personal circumstances, for both adult and child victims.

229. **GRETA considers that the UK authorities should:**

- ensure that all victims of human trafficking who have received a positive conclusive grounds decision and whose immigration status requires it are issued a renewable residence permit when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in the UK is required for this purpose, in accordance with Article 14(1) of the Convention;
- ensure that all child victims are issued such residence permits, in accordance with the best interests of the child, pursuant to Article 14(2) of the Convention;
- ensure that the right to seek and enjoy asylum or subsidiary/complementary protection is effectively protected for victims of trafficking, including children (Article 14(5) of the Convention).

g. **Compensation and legal remedies (Article 15)**

230. As described in the first evaluation report, there are four avenues for victims of trafficking to obtain compensation: (i) through prosecutors requesting a compensation order upon conviction in appropriate cases; (ii) through confiscation and compensation under the Proceeds of Crime Act; (iii) through civil proceedings against the offender; and (iv) through the Criminal Injuries Compensation Authority (CICA).

231. Under sections 130-134 of the Powers of Criminal Courts (Sentencing) Act 2000, compensation orders can be made against convicted persons in favour of their victims. Prosecutors can in principle request a compensation order upon conviction, but courts will be more likely to order compensation if monies have been seized upon arrest through a confiscation order. This is more likely to be the case if financial investigations have been initiated in parallel under the Proceeds of Crime Act 2002. According to the CPS Prosecution Policy and Guidance, the prosecutor should be ready to assist the court to reach the appropriate decision as to sentence, which includes drawing the court's attention to its powers to award compensation and inviting them to make a compensation order where appropriate.

232. There are no statistics on the number of human trafficking cases where compensation from the perpetrators has been awarded to victims or on the amount of compensation. According to the UK authorities, from 2003 to 2014, there were only three cases where an offender convicted of a principal offence of human trafficking was ordered to pay compensation to the victim.<sup>143</sup>

<sup>143</sup>

Modern Slavery Bill Factsheet: Reparations Order (Clauses 8-10), November 2014.

233. With a view to improving the compensation of victims, section 8 of the Modern Slavery Act 2015 provides for reparation orders to ensure that more money from convicted perpetrators goes directly to victims. Where the perpetrator has assets available, as evidenced by a confiscation order, the court has to consider making a reparation order to provide compensation to the victim and give reasons if it does not. The court can also impose a reparation order in cases where no confiscation order has been made. If the perpetrator does not have enough money to pay both a fine and compensation, the court must give preference to compensation. In order to make a reparation order, the court must have regard to the offender's means. Where the offender has limited means, the order may be scaled down or the offender may be given additional time to pay. The UK authorities have indicated that the Serious Crime Act 2015 amended the Proceeds of Crime Act 2002 to close various loopholes to help enforcement and speed up confiscation. GRETA stresses that prompt criminal assets confiscation procedures under the Proceeds of Crime Act in human trafficking cases is vital to ensure effective access to compensation for victims (see paragraph 303), and to ensure that the perpetrators of THB do not avail themselves of insolvency proceedings to avoid payment of compensation or conceal or alienate their assets.

234. Section 10 of the Human Trafficking and Exploitation Act (Northern Ireland) 2015 gives effect in Northern Ireland to the provision of the Modern Slavery Act 2015 on reparation orders. Section 20 of the Act places a requirement on the Department of Justice to produce statutory guidance setting out the procedures for trafficked victims to apply for compensation.

235. In Scotland, section 249 of the Criminal Procedure (Scotland) Act 1995 enables a court in Scotland to make compensation orders requiring offenders to make compensation payments to victims.

236. State compensation can be claimed by trafficked victims through the Criminal Injuries Compensation Authority (CICA), which is sponsored by the UK Ministry of Justice and is based in Glasgow. CICA delivers compensation according to a scheme (with tariffs for different offences and injuries) agreed by the UK Parliament for England and Wales and approved by the Scottish Parliament. According to the Criminal Injuries Compensation Scheme 2012,<sup>144</sup> victims of trafficking are entitled to apply for compensation if they have suffered a criminal injury in Great Britain (England, Scotland and Wales). There is an express provision in the Criminal Injuries Compensation Scheme 2012 which makes it possible for irregular migrants to claim compensation if they have been referred to a Competent Authority as possible victims of trafficking. However, as trafficking is not specifically listed as one of the "crimes of violence", victims must demonstrate that their recruitment, movement and/or exploitation involved violence or the threat of violence. There is no requirement that a criminal case has been opened. Particular conditions apply to the grant of compensation to those eligible under the scheme, including a requirement of co-operation with the authorities. Furthermore, an award may be withheld or reduced where the conduct of the applicant before, during or after the incident giving rise to the criminal injury makes it inappropriate to make an award or a full award, or because of the applicant's character (paragraphs 25-27 of the Criminal Injuries Compensation Scheme 2012). CICA does not keep statistics on the number of compensations awarded to victims of trafficking and the publicly available database on compensation awards refers to the injuries sustained rather than the type of offence.

<sup>144</sup>

Available at :

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243480/9780108512117.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243480/9780108512117.pdf)

237. CICA has published a leaflet, "Victims of Human Trafficking and the Criminal Injuries Compensation Scheme", and has provided the Salvation Army with a fact sheet for frontline staff to make victims of human trafficking aware of the ways of claiming compensation. However, civil society interlocutors have reported that victims are very often not aware of the possibilities opened to them to obtain compensation and, for example, that there is no mention of their right to compensation in the reasonable grounds and conclusive grounds decisions. In their comments on GRETA's draft report, the UK authorities have stated that for victims referred through the NRM, information, advice and translation are provided under the Victim Care Contract with The Salvation Army. In Scotland, all victims and alleged victims are entitled to receive a copy of the Victims' Code for Scotland which set out the rights of victims, including information about compensation and details of whom to contact for more information.

238. In 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, which is administered by the Compensation Service of Northern Ireland (CSNI). This is open to victims of human trafficking who have been physically and/or mentally injured in Northern Ireland as a result of being trafficked. However, a victim's claim may be denied or reduced in certain circumstances, such as when the victim has not reported the circumstances of the injury to the police and can offer no reasonable explanation for not doing so; the victim chose not to fully co-operate with the CSNI, the police and other authorities during the application for compensation; the victim has a criminal conviction. The CSNI records compensation claims in human trafficking cases: there have been 19 cases to date (12 ongoing cases; three successful cases and four applications rejected). A guidance note on compensation for trafficked victims has been issued to CSNI staff. In 2015 a leaflet for trafficked victims on how to make applications under the Northern Ireland Criminal Injuries Compensation Scheme was published by the Department of Justice and is available in five languages, in addition to English. The Department of Justice provides funding to Victim Support Northern Ireland (VSNI), an NGO supporting people affected by crime, which offers a free and confidential service, whether or not a crime has been reported and regardless of how long ago the event took place. VSNI can access interpreter services should they be required and their information leaflet is available in several languages.

239. Insofar as trafficked victims for domestic servitude and forced labour are concerned, there is the possibility of bringing a case before employment tribunals, in particular to recover unpaid wages. Victims who are irregular migrant workers were unable to access compensation for unpaid wages under employment law due to the "doctrine of illegality", which barred irregular migrant workers because of their immigration status. However, in July 2014, the UK Supreme Court, reversing the decision of the Court of Appeal, held that to uphold the defence of illegality in this case ran counter to the greater public policy interest in combating human trafficking and protecting its victims, including against discrimination. The judgment is a significant one in advancing the human rights of trafficked persons.<sup>145</sup>

240. Since 2013, claimants have to pay a fee (from GBP 160 to 250) to initiate proceedings before an employment tribunal in England and Wales. This has led to a sharp decrease in the number of cases in employment proceedings, more particularly of claims for unpaid wages which went down by 89% from the period running from January to March 2014 compared to the same period the year before. Civil society interlocutors have expressed concern that this has created an additional hurdle for trafficked victims. Furthermore, GRETA was informed that, whilst there have been cases where victims had obtained significant awards through employment tribunals, most of the payments remain unsatisfied as the onus is on the victims to pursue enforcement of the judgment. Some victims receive pro bono assistance from law firms in securing enforcement of judgments, but this does not guarantee equal access to an effective remedy for all victims.

---

<sup>145</sup>

*Houna (Appellant) v Allen and another (Respondent)* [2014] UKSC 47.

241. GRETA was informed that new guidance has been introduced that restricts payment of a claim for the national minimum wage to the last two years preceding the claim. Civil society interlocutors have underlined that this would have a negative impact on victims of human trafficking as they may have been in exploitative situations in which they have received no payment for their work for a considerable period of time. Furthermore, a requirement to enter mediation prior to making a claim to the employment tribunal has been in force since 6 May 2014.<sup>146</sup> There is no exemption from this mediation requirement for victims of trafficking, which raises concerns about the relative negotiating position of persons who have been exploited by their employers, as a victim of THB. More generally, GRETA stresses the importance of ensuring the safety of victims of trafficking in employment proceedings.

242. As noted in the first evaluation report,<sup>147</sup> the Legal Aid, Sentencing and Punishment of Offenders Act 2012, applicable in England and Wales, allows victims of trafficking to access legal aid to seek compensation in civil courts and Employment Tribunals. Legal aid is available for initial advice and support and for representation at relevant proceedings, as well as for immigration matters. The provision of legal aid is subject to assessments of the person's means and the merits of the case. In order to access legal aid, victims of trafficking need to have a positive reasonable ground decision or a positive or pending conclusive decision. There are no contracts offered by the Ministry of Justice to legal aid providers specifically for human trafficking, which means that providers are limited to taking on five cases from their allocated number of cases for miscellaneous case-work, amongst which is human trafficking. Moreover, contracts appear to be linked to a percentage of successful cases and, in practice, providers can decide to use miscellaneous case-work for other cases than trafficking if they are considered more likely to be successful, which makes it more difficult for victims of trafficking to obtain legal assistance. The UK Government was planning to restrict access to legal aid to persons who have been lawfully resident in the UK continuously for 12 months prior to the time of application. However, on 18 April 2016, the Supreme Court ruled that the Lord Chancellor did not have the legal power to introduce the residence test.<sup>148</sup> The Ministry of Justice and the Legal Aid Agency are currently carrying out a review of the arrangements for providing legal aid for initial advice and assistance (known as Legal Help) in respect of civil compensation claims for trafficking and modern slavery offences.

243. In Northern Ireland, victims of human trafficking are entitled to apply for legal aid for all areas of law for which public funding is available.<sup>149</sup> The tests for the grant of legal aid are that the case is within the scope of legal aid, that the applicant is financially eligible and that the legal merits test is met. In practice, the Legal Services Agency has funded both adults and children who are trafficking victims across a range of civil legal services. The Northern Ireland Criminal Injuries Compensation Scheme does not require an applicant to have legal advice or representation in order to apply for compensation. The Department of Justice, however, specifically funds the NGO Victim Support Northern Ireland (VSNI) to assist victims, free of charge, with the compensation process.

<sup>146</sup> The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014.

<sup>147</sup> See GRETA's first evaluation report, paragraph 296.

<sup>148</sup> *R (on the application of The Public Law Project) (Appellant) v Lord Chancellor (Respondent)* (Case ID: UKSC 2015/0255) (full written reasons for the decision were not available at the time of adoption of this report):

<https://www.supremecourt.uk/news/r-on-the-application-of-the-public-law-project-v-lord-chancellor-160418.html?platform=hootsuite>

<sup>149</sup> The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (and regulations made under that Order); The Access to Justice (Northern Ireland) Order 2003; and The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

244. In Scotland, the position of victims of trafficking in criminal proceedings, and their access to legal aid, is no different to that of any other victims of crime with an interest in a criminal case. The Scottish Legal Aid Board (SLAB) is responsible for the administration of publicly funded legal aid. Legal aid can take the form of advice and assistance or funding for representation. Access to legal aid on some human trafficking matters is not contingent on formal recognition of victim status. Beyond the provision of legal aid, assistance can be provided through grant-funding programmes. An assessment of the provision of legal aid to victims of trafficking was recently carried out by the SLAB. According to it, a small number of legal advice and assistance requests are made in relation to criminal injuries compensation for trafficking victims each year, but legal aid is available in this respect. The authorities were not aware of any applications for civil damages against the perpetrator, which may reflect a need for awareness-raising that this remedy is available. **GRETA welcomes the review carried out by the Scottish Legal Aid Board on access to legal aid by victims of human trafficking so as to identify needs for awareness-raising, targeting victims and the legal professions.**

245. **GRETA urges the UK authorities to adopt measures and to facilitate and guarantee access to compensation for victims of THB, and in particular to:**

- ensure that victims of trafficking are systematically informed in a language they understand of the available avenues to seek compensation and the procedures to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
- secure criminal assets as early as possible in trafficking investigations to make confiscation orders effective;
- instruct prosecutors to request reparation orders to the greatest possible extent, including in cases where the defendant has limited earning capacity and no assets;
- ensure that all victims of human trafficking are eligible for compensation from the Criminal Injuries Compensation Authority, regardless of the nature of the means used, and that the amount of compensation from the Northern Ireland Criminal Injuries Compensation Authority is not made dependent on the victim's co-operation with the authorities or prior convictions;
- remove the fee to initiate employment proceedings for victims of trafficking as well as the requirement to enter into mediation before initiating employment proceedings for victims of trafficking;
- ensure that victims of trafficking who are irregular migrants are not prevented from seeking unpaid salaries before employment tribunals by reason of their immigration status.

246. **Further, GRETA considers that the UK authorities should review the provisions on grounds for withholding or reducing the award of compensation to victims of crime (paragraphs 25-27 of the Criminal Injuries Compensation Scheme 2012) so as to ensure that the right to compensation for victims of trafficking is respected.**

247. **GRETA once again invites the UK authorities to introduce a system for registration of compensation claims and awards to victims of trafficking regarding all forms of compensation, as a way of assessing the operation of the existing provisions and informing future improvements.**

#### **h. Repatriation and return of victims of THB (Article 16)**

248. In its first report, GRETA urged the UK 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 order to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person. GRETA considered that the authorities should view the return of victims of trafficking as an integral part of anti-trafficking policy in order to achieve a comprehensive framework for the protection of victims and their rehabilitation.

249. Until 2016 the UK authorities funded the NGO Choices to operate assisted voluntary return packages for non-EEA nationals. Insofar as children are concerned, the NGO Children and Families across Borders (CFAB) carried out risk assessments for all unaccompanied children before return and assess reception conditions post return, to identify risks and protective factors, and enable a safe return plan to be established. The number of separated children voluntarily returning has been very low, with only 12 separated children being returned between April 2011 and February 2015. It is not known how many of those returned were victims of trafficking.

250. However, the delegation of return services to NGOs has now been discontinued and they are dealt with directly by the Home Office through the Assisted Voluntary Return of Irregular Migrants (AVRIM), which is only open to non-EEA nationals. In a letter to the Minister of State for Security and Immigration sent in July 2015, representatives of the British Red Cross, CFAB, Refugee Council, Praxis Community Projects and Refugee Action expressed concern about the implications of this change for victims' reintegration support and the withdrawal of all funded advice for people who might consider return.<sup>150</sup> Further, in a letter addressed to the Minister in July 2015, the Refugee Children's Consortium (a group of 40 NGOs specialising in the defence of refugee children's rights) expressed concern that risk assessments of unaccompanied children would no longer be carried out by experienced NGOs who are in contact with partners in the return country.<sup>151</sup>

251. The UK authorities fund the IOM operated voluntary Albania Reintegration Project specifically for Albanian victims. In 2015 Albanian nationals formed the biggest group of referrals into the NRM, with 394 referrals of adults. Albanian child victims represented the second biggest group of child referrals in 2015, with 206 referrals.

252. Support providers in Scotland and Northern Ireland currently provide discretionary assistance with the repatriation of victims of human trafficking on a case-by-case basis, where the person has requested it and where the police, statutory authorities and support providers indicate that repatriation would be in the best interests of the person concerned. Risk assessments are conducted beforehand and the countries of origin are informed of returns either through their embassies or Europol.

253. GRETA did not receive statistics regarding the number of victims returned to their home country or other countries from 2012 to 2015.

<sup>150</sup>

Available at: [www.refugee-action.org.uk/assets/0001/2605/Assisted\\_Voluntary\\_Return\\_Letter.pdf](http://www.refugee-action.org.uk/assets/0001/2605/Assisted_Voluntary_Return_Letter.pdf)

<sup>151</sup>

Available at: [www.refugeechildrensconsortium.org.uk/files/RCC\\_Minister\\_AVR\\_14\\_07\\_15\\_1.pdf](http://www.refugeechildrensconsortium.org.uk/files/RCC_Minister_AVR_14_07_15_1.pdf)

254. GRETA urges the UK authorities to ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return; such assessments should also ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return (Article 16 (5) of the Convention).

255. Further, GRETA considers that the UK authorities should take steps to:

- ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of *non-refoulement*. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people;<sup>152</sup>
- develop international co-operation in order to ensure comprehensive risk assessment and safe return, as well as effective reintegration and protection of victims of THB;
- keep under review return and repatriation policies in order to ensure compliance in law and practice with Article 16 of the Convention.

### **3. Substantive criminal law**

#### **a. Criminalisation of THB (Article 18)**

256. Legislation dealing with human trafficking has undergone important changes since GRETA's first evaluation report, which has culminated in the adoption of dedicated laws on human trafficking in England and Wales, Scotland and Northern Ireland. Each criminalises human trafficking in a consolidated manner and replaces most of the other instruments which addressed aspects of human trafficking and exploitation types in isolation.

##### **(i) England and Wales**

257. The Modern Slavery Act 2015 criminalises human trafficking, on the one hand, and slavery, servitude and forced and compulsory labour, on the other, as stand-alone offences. The offence of human trafficking, as defined in section 2 of the Act, replaced the offences in section 59A of the Sexual Offences Act and section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Section 2 of the Modern Slavery Act 2015 reads as follows:

---

<sup>152</sup> [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking, HCR/GIP/06/07, 7 April 2006](http://www.unhcr.org/53d9c9a80.html)

- (1) A person commits an offence if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited.
- (2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).
- (3) A person may in particular arrange or facilitate V's travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.
- (4) A person arranges or facilitates V's travel with a view to V being exploited only if -
- (a) the person intends to exploit V (in any part of the world) during or after the travel, or
  - (b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.
- (5) "Travel" means -
- (a) arriving in, or entering, any country,
  - (b) departing from any country,
  - (c) travelling within any country.
- (6) A person who is a UK national commits an offence under this section regardless of-
- (a) where the arranging or facilitating takes place, or
  - (b) where the travel takes place.
- (7) A person who is not a UK national commits an offence under this section if -
- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
  - (b) the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom."

258. Section 1 of the Modern Slavery Act 2015 criminalises slavery, servitude and forced or compulsory labour, which are to be construed in accordance with Article 4 of the European Convention on Human Rights. In determining whether a person is being held in slavery or servitude or required to perform forced or compulsory labour, regard may be had to all the circumstances, including to personal circumstances which may make the person more vulnerable than other persons.

259. "Exploitation" is defined in section 3 of the Modern Slavery Act 2015 as follows:

- "(1) For the purposes of section 2 a person is exploited only if one or more of the following subsections apply in relation to the person.

*Slavery, servitude and forced or compulsory labour*

- (2) The person is the victim of behaviour -
- (a) which involves the commission of an offence under section 1, or
  - (b) which would involve the commission of an offence under that section if it took place in England and Wales.

*Sexual exploitation*

- (3) Something is done to or in respect of the person -
- (a) which involves the commission of an offence under -
    - (i) section 1(1)(a) of the Protection of Children Act 1978 (indecent photographs of children), or
    - (ii) Part 1 of the Sexual Offences Act 2003 (sexual offences), as it has effect in England and Wales, or
  - (b) which would involve the commission of such an offence if it were done in England and Wales.

*Removal of organs etc*

- (4) The person is encouraged, required or expected to do anything -
  - (a) which involves the commission, by him or her or another person, of an offence under section 32 or 33 of the Human Tissue Act 2004 (prohibition of commercial dealings in organs and restrictions on use of live donors) as it has effect in England and Wales, or
  - (b) which would involve the commission of such an offence, by him or her or another person, if it were done in England and Wales.

*Securing services etc by force, threats or deception*

- (5) The person is subjected to force, threats or deception designed to induce him or her-
  - (a) to provide services of any kind,
  - (b) to provide another person with benefits of any kind, or
  - (c) to enable another person to acquire benefits of any kind.

*Securing services etc from children and vulnerable persons*

- (6) Another person uses or attempts to use the person for a purpose within paragraph (a), (b) or (c) of subsection (5), having chosen him or her for that purpose on the grounds that -
  - (a) he or she is a child, is mentally or physically ill or disabled, or has a family relationship with a particular person, and
  - (b) an adult, or a person without the illness, disability, or family relationship, would be likely to refuse to be used for that purpose."

260. Under the Modern Slavery Act 2015, human trafficking is defined as the act of arranging or facilitating the travel of another person by recruiting, transporting, transferring, harbouring, receiving, or transferring or exchanging control over this person with a view to his/her exploitation. Thus a pivotal component of the offence of human trafficking is the notion of "travel", which is defined in section 2(5) as arriving in, or entering, or departing from, or travelling within any country.

261. GRETA notes that all the elements of the "action" component of the definition of human trafficking in Article 4 of the Council of Europe Anti-Trafficking Convention are included in section 2, subsection 3 of the Modern Slavery Act 2015 ("recruiting, transporting, transferring, harbouring or receiving"). These actions are viewed through the notion of "travel". The elements of the "purpose" component of the Convention's definition of human trafficking are provided in section 3 of the Act, in relation to section 2. The list of exploitative purposes is non-exhaustive and includes slavery, servitude and forced or compulsory labour; sexual exploitation; removal or organs; and securing services of any kind.

262. As regards the "means" component of the Convention's definition, it is limited only to one form of exploitation, "securing services etc.", by force, threats or deception (section 3(5) of the Act). This form of exploitation would cover forced begging and engagement in criminal activities, and only in respect of such cases would the "means" component have to be proved. Section 3(6) includes situations where a person has been chosen to provide services of any kind on the grounds that he or she is a child, is mentally or physically ill or disabled, or has a family relationship with a particular person. Further, "kidnapping" and "false imprisonment" are mentioned as aggravating circumstances in section 5 (penalties). The other means referred to in the Convention's definition of human trafficking, namely fraud, abuse of power or of a position of vulnerability, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, are not specifically mentioned in the Modern Slavery Act 2015. The UK authorities have stated that the offence of human trafficking does not specify the "means" by which the person must arrange or facilitate travel, but all of the "means" listed in the Convention could be taken into account when investigating and prosecuting offences under the Modern Slavery Act 2015.

263. Section 1(5) of the Modern Slavery Act 2015 refers to the irrelevance of a person's consent, whether an adult or a child, to slavery, servitude or forced or compulsory labour, while section 2(2) of the Act refers to the irrelevance of a person's consent to the travel which is arranged or facilitated with a view to that person's exploitation. According to the authorities, consent is irrelevant regardless of the "means" used, which is why it was not necessary to list the "means" in the legislation.

264. The Modern Slavery Act's provisions defining human trafficking and exploitation are meant to apply to both adults and children.<sup>153</sup> Pursuant to section 1(4) and section 3(6) of the Act, particular regard must be had of the vulnerability of children. In respect of sexual exploitation (section 3(3) of the Act), reference is made to the Protection of Children Act 1978.

265. In line with Article 21 of the Convention, section 4 of the Modern Slavery Act 2015 criminalises the commission of any offence with the intention of subsequently committing human trafficking, including by aiding, abetting, counselling or procuring an offence. According to the explanatory notes to the Act, this separate offence ensures that preparatory criminal conduct which constitutes a lesser offence, for example theft of a vehicle with the intention of using that vehicle to traffic individuals, can attract the higher penalties provided for in section 5.

266. As noted in paragraph 22, the Modern Slavery Act 2015 increases the penalties for human trafficking. The offences of slavery, servitude, forced or compulsory labour, and human trafficking have been included in Schedule 15 of the Criminal Justice Act (2003) as "violent offences", which is a sign of the seriousness with which the Government is treating modern slavery. Under section 5 of the Act, the maximum penalty on conviction is life imprisonment. On summary conviction, which involves no indictment or jury, the penalty is imprisonment for a term not exceeding 12 months or a fine or both. Engaging in preparatory offences leading to the commission of human trafficking is punished by up to 10 years' imprisonment on conviction or up to 12 month's imprisonment or a fine or both on summary conviction. If the preparatory offences involve kidnapping or false imprisonment, the perpetrator is liable on conviction to life imprisonment. As to the possibility of summary conviction procedures in human trafficking cases, the UK authorities have stated that the offences contained in the Modern Slavery Act 2015 are so serious and the likely penalties are such that they are unlikely to be appropriate to be heard at a magistrate's court. Guidance to prosecutors reminds them that these cases are so serious that they are likely to lead to a significant sentence and should be tried at the Crown Court. In cases where an early guilty plea is anticipated, it enables the plea to be indicated at an early stage in the magistrate's court. The magistrates would then refer the case to the Crown Court for sentence because the appropriate sentence is likely to be beyond their powers to impose. In this way, the case can be expedited through the criminal justice system. There have been no cases under the Modern Slavery Act 2015 or under previous legislation where the defendant has been subject to the summary conviction procedure for human trafficking or slavery.

267. As noted in the first evaluation report,<sup>154</sup> aggravating circumstances for trafficking in human beings are not enshrined in the legislation, but are provided for in sentencing guidelines published by the Sentencing Council for England and Wales, an independent, non-departmental public body of the Ministry of Justice. The Sentencing Council has published guidelines on the Sexual Offences Act 2003 which are relevant in cases of trafficking for the purpose of sexual exploitation.<sup>155</sup> As part of the first evaluation, the UK authorities stated that the aggravating circumstances under Article 24(a), (c) and (d) of the Convention would be taken into account in sentencing, if evidenced. However, there are still no sentencing guidelines on trafficking for types of exploitation other than sexual exploitation.

---

<sup>153</sup> Section 56(3) states that for the purpose of the Modern Slavery Act 2015 "child" means a person under the age of 18.

<sup>154</sup> See GRETA's first evaluation report, paragraph 318.

<sup>155</sup> Available at: <https://www.sentencingcouncil.org.uk/publications/item/sexual-offences-definitive-guideline/>

268. A new feature of the Modern Slavery Act 2015 is the possibility for courts to issue Trafficking Prevention Orders against perpetrators when there is a risk that the defendant may commit an offence of trafficking and the order is necessary to protect persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence (section 14). The order should apply for a period of at least five years and can involve, for example, the prohibition of foreign travel and the requirement for the person concerned to provide their name and address. In addition, Slavery and Trafficking Risk Orders may be issued by magistrates' courts against persons who pose a risk of committing a slavery or human trafficking offence. These orders can apply for no more than two years. GRETA was informed that such orders had already been issued.

269. As regards acts relating to forging and procuring identity documents as well as retaining, removing, concealing, damaging or destroying the identity document of another person, sections 5 and 6 of the Identity Cards Act 2010 create an offence for a person with prohibited intention to have in their possession or control, any apparatus which has been specifically designed or adapted for making false identity documents and an offence of having in their possession an identity document which is false. In addition, Part 1 of the Forgery and Counterfeiting Act 1981 (forgery and connected offences) creates offences of forgery of identity documents, as well as the manufacture, custody, or control of equipment or materials to make them. In cases where an identity document has been removed from another person, offences under the Theft Act 1968 will apply.

### *(ii) Scotland*

270. The Human Trafficking and Exploitation (Scotland) Act 2015 criminalises human trafficking in section 1 as an "action" (recruitment, transportation or transfer, harbouring or receiving, exchanging or transferring of control over another person, or arranging or facilitating any of the preceding actions) carried out for the purpose of exploitation. The types of exploitation are provided in section 3 of the Act and include slavery, servitude and forced or compulsory labour (defined in section 4 of the Act); prostitution and sexual exploitation; removal of organs; and securing services and benefits. As in the case of the Modern Slavery Act 2015, the "means" component is only mentioned in relation to securing services and benefits through force, threats or deception (section 1(7) of the Act).

271. The irrelevance of the person's consent to any of the actions that constitute human trafficking is established in section 1(3) of the Scottish Act.

272. The penalties are comparable to those of the Modern Slavery Act 2015 (i.e. up to life imprisonment or a fine or both on conviction and up to six months or a fine or both on a summary conviction). One difference is that the Scotland Act lays down child trafficking and involvement of a public official as aggravating circumstances, respectively, in sections 6 and 7. The authorities have stated that while deliberate endangering of the victim's life was not included as a specific aggravation, where the victim had been deliberately endangered this may be mentioned as an aggravating circumstance in the charges and reflected in the sentence imposed. Section 29 of the Criminal Justice and Licensing (Scotland) Act 2010 provides that any offence (including human trafficking) may be aggravated where the person committing it is motivated wholly or partly by the objective of committing or conspiring to commit serious organised crime.

273. Trafficking prevention orders and trafficking risk orders also feature in the Human Trafficking and Exploitation (Scotland) Act 2015.

### **(iii) Northern Ireland**

274. In Northern Ireland, human trafficking is criminalised under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015 as an “action” (arranging or facilitating the travel of a person, by recruiting, transporting or transferring, harbouring or receiving, or transferring or exchanging control over that person) carried out with a view to a person being exploited. The types of exploitation listed under section 3 of the Act include slavery, servitude and forced or compulsory labour (defined in section 1 of the Act); sexual exploitation; removal of organs; and securing any services. The offence of human trafficking as defined in the Act is therefore close to that of the Modern Slavery Act 2015. One difference is that aggravating circumstances are listed under section 6 and include child trafficking; the offender deliberately or through gross negligence endangered the life of the victim; and the involvement of public officials while performing their duties.

275. The authorities have indicated that sentencing guidelines for human trafficking and forced labour are set out in the judgment in *R v Matyas Pis* of 25 May 2012, which sets out “large scale commercial operation” as an aggravating factor.<sup>156</sup> This has already been applied in a later judgment in *R v Rong, Chen, Simon Dempsey and Jason Owen Hinton*<sup>157</sup> of 6 July 2012: the gang/organisation run by Chen ran eight brothels throughout Northern Ireland and trafficked young women within the United Kingdom in connection with this “large scale business”. Applying the Matyas Pis guidance, the trafficking of four young women as an adjunct to the large scale commercial brothel business was considered to be an aggravating factor in relation to the human trafficking charges.

276. Persons guilty of human trafficking are liable on conviction on indictment to imprisonment for life. Section 7 of the Act provides a minimum custodial sentence of two years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender, which justify it not doing so.

277. The Act contains two other related offences presented as exploitation offences, namely paying for sexual services of a person (section 15) and forced marriage (section 16). The person guilty under section 15 is liable on summary conviction to imprisonment for a maximum of six months or a fine, and on conviction on indictment to imprisonment for up to one year or a fine, or both. The person guilty under section 16 is liable on summary conviction to imprisonment for up to six months or a fine, or both, and on conviction on indictment to imprisonment for up to seven years.

278. Trafficking prevention orders, but not risk orders, are provided for in section 11 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015.

#### **b. Criminalisation of the use of services of a victim (Article 19)**

279. Pursuant to Article 19 of the Convention, states parties must consider adopting such legislation and other measures as may be necessary to establish as a criminal offence the use of services which are the object of exploitation with the knowledge that the person is a victim of human trafficking. GRETA was informed that the inclusion of this provision of the Convention had been considered during the debates on the Modern Slavery Act 2015 and the Human Trafficking and Exploitation (Scotland) Act 2015. Both acts include provisions on slavery, servitude and forced or compulsory labour which criminalise the commission of these offences in circumstances such that the perpetrator knows or ought to have known that the other person was subjected to them.

280. As noted in paragraph 130, in Northern Ireland the purchase of sexual services has been criminalised pursuant to section 15 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015.

<sup>156</sup> *R v Matyas Pis* [2012] NICC 14.

<sup>157</sup> *R v Rong Chen, Simon Dempsey and Jason Owen Hinton* [2012] NICC 26

### c. Corporate liability (Article 22)

281. The offences of human trafficking, slavery, servitude and forced or compulsory labour in the Modern Slavery Act 2015 can be committed by legal persons provided the usual legal principles of corporate criminal liability apply.<sup>158</sup> According to the Interpretation Act 1978 and the “identification doctrine”, unless the contrary intention appears, reference in legislation to a “person” includes a body of persons corporate or unincorporated.

282. The Human Trafficking and Exploitation (Scotland) Act 2015 contains a provision on corporate liability (section 39). The usual legal principles of corporate criminal liability apply in Northern Ireland under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 as they do under the Modern Slavery Act 2015.

283. There have been no cases involving a legal entity prosecuted yet under the Modern Slavery Act 2015, the Human Trafficking and Exploitation (Scotland) Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland). However, a recent case (decided in February 2016) of conspiracy to traffic for forced labour involved the company director of two bed-making factories where he knew (or ought to have known) that the workers he employed were victims of human trafficking. He was sentenced to 27 months’ imprisonment for human trafficking, which is the first conviction of a company director under the Modern Slavery Act 2015.<sup>159</sup>

### d. Non-punishment of victims of THB (Article 26)

284. GRETA was informed of a number of cases where child victims had been convicted for drug related offences in cannabis growing cases and incarcerated. This hinges on the fact that they were not identified as possible victims by the relevant professionals they were in contact with. It appears for instance that duty solicitors often advise children involved in cannabis cultivation to plead guilty as a way of getting less time in detention. Children are remanded in custody pending trial and by the time the trial has taken place and they are convicted, they have already served their time in detention and are released.

285. In 2013, the Court of Appeal quashed the convictions of three Vietnamese children who had been trafficked to grow cannabis in the UK.<sup>160</sup> It held that it would be an abuse of process to prosecute a child victim of trafficking for actions which were consequent on or integral to the exploitation he or she had suffered. The victims had been subjected to secondary victimisation because they had to serve a term of imprisonment and one of them was reportedly subsequently re-trafficked. There have been other cases with similar material facts which suggest that courts in England and Wales rigidly construe the non-punishment provision, partly due to the manner in which it was defined in the Crown Prosecution Service (CPS) guidance.<sup>161</sup>

---

<sup>158</sup> Decision of the House of Lords of establishing the identification test for corporate responsibility to be engaged in *Tesco Supermarkets Ltd v Nattrass* [1971] UKHL 1: “The person who acts is not speaking or acting for the company. He is acting as the company and his mind which directs his acts is the mind of the company. If it is a guilty mind then that guilt is the guilt of the company.”

<sup>159</sup> *R v "R", "P" & "D"* [2015] EWCA Crim 2079.

<sup>160</sup> *L, HVN, THN and T v R* [2013] EWCA Crim 991.

<sup>161</sup> Jason Haynes, *The Modern Slavery Act (2015): A Legislative Commentary*. Statute Law Review, Volume 27, issue 1, page 9.

286. In February 2014 the CPS issued updated guidance to prosecutors on the non-prosecution of suspects who might be victims of human trafficking. The guidance has been shared with the National Policing Lead on Modern Slavery and the Law Society of England and Wales to ensure that the police and legal professionals benefit from information on the identification of possible victims in order to inform their decision. The CPS has participated in a number of seminars for the judiciary, Bar, Law Society and police to highlight their role in identifying suspects who might be victims of trafficking. Furthermore, reference to the non-punishment principle is made in the recently published College of Police Authorised Police Practice guidance on modern slavery.

287. The Modern Slavery Act 2015 contains a statutory defence that allows adults and children to argue a legal defence if they are charged with offences they were forced to commit (section 45). However, there is a list of more than 100 offences of various degrees of seriousness where the statutory defence cannot be used. GRETA notes that section 45 excludes the possibility of withdrawing prosecution and punishment for this wide list of offences and is concerned that this gives a rather narrow interpretation of the non-punishment principle. At present, there is no case-law to illustrate how this provision is applied in practice. The UK authorities have stated that the defence applies to offences which victims are typically forced to commit, such as cannabis cultivation, and that the defence does not apply to certain serious offences, such as serious sexual or violent offences, to avoid creating a legal loophole allowing serious criminals to escape justice. The authorities have added that where the defence does not apply because the offence is too serious, the CPS is still able to decide not to prosecute if it would not be in the public interest to do so, having regard to their guidance, and the court will also be able to stop an inappropriate prosecution of a victim if the prosecution is found to be an abuse of process. Whilst the statutory defence includes a list of offences for which it does not apply, the CPS guidance on discretion for all offences continues to operate in parallel. This enables the prosecutor to consider all the circumstances of the offence without being offence-specific.

288. According to section 45, adult victims need to show that they were compelled to commit the offence; that compulsion is attributed to slavery or to relevant exploitation; and that a reasonable person in the same situation and having the accused person's characteristics would have no realistic alternative to doing that act. In the case of children, it has to be established that their action was a direct consequence of their exploitation and that a reasonable person in the same circumstances and with the same characteristics would do this act. GRETA notes the "reasonable person" test indirectly introduces an element of compulsion that should not have to be proven in children's cases. In their comments on GRETA's draft report, the UK authorities have argued that the "reasonable person" test is designed to ensure that the person's "relevant characteristics", which include their age, are reflected. Thus the fact that they are children, and that children are particularly vulnerable, can explicitly be taken into account when considering whether the defence should apply.

289. The Northern Ireland Human Trafficking and Exploitation (Justice Service and Support for Victims) Act, which also includes a statutory defence along the same lines as the Modern Slavery Act 2015, does not include the "reasonable person test" for children, providing a clearer protection for those who are forced to commit crimes whilst they are children.

290. There is no provision on statutory defence for victims of trafficking in the Human Trafficking and Exploitation (Scotland) Act 2015. However, section 8 places a duty on the Lord Advocate to prepare and publish instructions for prosecutors about the prosecution of suspected or confirmed victims of human trafficking. These instructions must include factors to be taken into account or steps to be taken when deciding whether to prosecute a person who does an act which constitutes an offence having been compelled to do so and that the compulsion is directly attributable to the person being, or appearing to be, a victim of human trafficking. **GRETA welcomes the appointment of a lead prosecutor on human trafficking in Scotland who monitors cases where accused persons might be victims of trafficking with a view to ensuring the application of the non-punishment provision and the publication by the Lord Advocate of instructions for Prosecutors when considering Prosecution of Victims of Human Trafficking and Exploitation.**<sup>162</sup>

291. **GRETA considers that the UK authorities should:**

- **ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit;**
- **strengthen their efforts to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, including by promoting the existing guidance, and developing such guidance where there is none, amongst police staff, legal professionals, prosecutors and judges;**<sup>163</sup>
- **remove the requirement to apply the “reasonable person” test in the framework of the statutory defence of child victims pursuant to section 45 of the Modern Slavery Act 2015.**

## 4. Investigation, prosecution and procedural law

### a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

292. The law enforcement response to human trafficking is central to the Modern Slavery Strategy and has been made a priority for the National Crime Agency (NCA), which leads, supports and co-ordinates law enforcement action in this field. Regional Organised Crime Units continue to gather and manage the intelligence flow from local police forces to the NCA in addition to supporting and co-ordinating anti-trafficking operations taking place across police force boundaries. The Border Policing Command of the NCA is responsible for leading a multi-agency response to trafficking at the UK border. As said in paragraph 35, the GLA has been moved to the Home Office to strengthen its enforcement and intelligence capabilities and to work closely with the NCA.

293. In practice, each of the 43 police forces of England and Wales operates autonomously. Only some of the police forces have a dedicated modern slavery/human trafficking unit (such as London Metropolitan, Greater Manchester, and West Yorkshire), but they all have a point of contact usually within their organised crime unit.

<sup>162</sup> Available at:

[www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf)

<sup>163</sup> Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team. Available at: [www.osce.org/secretariat/101002?download=true](http://www.osce.org/secretariat/101002?download=true)

294. Taking a sample of modern slavery crimes recorded across a number of police forces in England and Wales, the Independent Anti-Slavery Commissioner has reported inconsistencies in the number of cases that are properly recorded as crimes and then investigated and has made it one of his priorities to drive an improved law enforcement and criminal justice response, one of the goals being that law enforcement officers respond consistently and the criminal activity is recorded and investigated.<sup>164</sup>

295. There are examples of good practice where police forces have taken steps to strengthen their response to trafficking. Thus in 2015 the Greater Manchester Police set up, as part of Programme Challenger aiming to tackle serious crime, the Modern Slavery Co-ordination Unit (MSCU), which brings together the police, local authorities, Home Office Immigration Enforcement and Border Force. This has reportedly resulted in an increase by 300% of the number of recorded crimes of human trafficking from 2014 to 2015. However, the MSCU's sustainability is not guaranteed as its operation has benefited from a grant for police innovative initiatives, which will come to an end in 2016.

296. As noted in paragraph 34, in order to improve the effectiveness of investigations and co-operation between police forces in human trafficking cases, the post of National Policing Lead on Modern Slavery was introduced in 2014. One of the National Policing Lead's tasks is to improve data collection across England as a way to assessing the effectiveness of investigations into modern slavery offences. According to the latest available statistics, the number of recorded human trafficking/modern slavery offences rose from 160 in 2014, to 290 in 2015; 65% of them led to charges of human trafficking by the Crown Prosecution Service (CPS). The National Policing Lead has developed a national action plan to help police forces work together to tackle modern slavery and ensure that effective local partnerships are developed, including effective information sharing with NGOs.

297. The Modern Slavery Threat Group is one of 10 groups set up to ensure a cohesive response to priority national threats. It brings together all of the key law enforcement agencies in order to take joint action to mitigate the threat. The Threat Group has a strategic action plan according to which both the operational and training sub-groups have to improve awareness and investigators' skills.

298. Each of the 13 Regional Crown Prosecution Services of England and Wales has a complex casework unit which will in principle deal with human trafficking offences. Some complex casework units, however, appear to manage only large-scale organised trafficking cases. It appears that in some areas police forces, particularly those with specific experience in trafficking investigations, work closely with CPS casework lawyers, also experienced in trafficking cases, and assist in securing convictions.<sup>165</sup> The CPS has published guidance on prosecuting cases of human trafficking, which were to be revised to reflect the recent legislative changes. On 26 February 2016 the Director of Public Prosecutions for England and Wales, Scotland's Lord Advocate and the Public Prosecutor for Northern Ireland signed an action plan committing their respective organisations to work together in order to react to the changing nature of trafficking around the world.<sup>166</sup>

299. The Public Prosecution Service for Northern Ireland also has a complex casework unit that would normally deal with trafficking cases, and has published guidance on prosecuting cases of human trafficking.

<sup>164</sup> Independent Anti-Slavery Commissioner Strategic Plan 2015-2017.

<sup>165</sup> Anti-Trafficking Monitoring Group (ATMG), "In the Dock: Examining the UK's Criminal Justice Response to Trafficking" (2013), page 72.

<sup>166</sup> Available at:

[www.cps.gov.uk/news/latest\\_news/trafficking\\_prosecutions\\_on\\_the\\_rise\\_as\\_british\\_prosecutors\\_sign\\_up\\_to\\_new\\_anti-trafficking\\_commitments/](http://www.cps.gov.uk/news/latest_news/trafficking_prosecutions_on_the_rise_as_british_prosecutors_sign_up_to_new_anti-trafficking_commitments/)

300. In Scotland, following the setting up of a unified police force (Police Scotland) in April 2013, a human trafficking unit with seven staff has been established, under the public protection department (rather than under organised crime). Further, as noted in paragraph 290, a lead prosecutor on human trafficking has been appointed.

301. As noted in the first evaluation report,<sup>167</sup> investigative techniques are essentially governed by the Regulation of Investigatory Powers Act (RIPA) 2000 and include interception of communication (such as wiretapping), intrusive surveillance (bugging houses/vehicles) and covert human intelligence sources (informers, undercover officers). UKHTC's tactical advisors are experienced in all aspects of anti-trafficking investigative techniques and support investigating bodies accordingly.

302. The NCA Cyber Crime Unit (NCCU) and the Child Exploitation and Online Protection (CEOP) provide support concerning THB offences committed through the internet, including those which involve child sexual exploitation. Law enforcement interlocutors have also indicated that, from an operational point of view, the closing down of websites where suspicious cases were detected is weighed carefully against the fact that they could prove helpful to track down traffickers and detect victims. For websites based beyond the EEA area, rather than obtaining an international request for legal assistance within the framework of mutual legal assistance, which is often a lengthy process, the NCCU have found that finding a breach of the hosting company's own terms and conditions, and highlighting this to them via an NCA Alert, is a far quicker and more successful method. This gives them leverage to suspend the domain, followed up by a preservation request on the content. In Scotland, Police Scotland's Human Trafficking Unit has established good working relationships with a number of websites that provided adverts for persons involved in prostitution. A recent operation involving possible victims of trafficking from Romania resulted in the company agreeing to remove all adverts for women offering sexual services which had been places by an organised crime group.

303. In accordance with the Proceeds of Crime Act 2002, investigative orders (including production orders, search and seizure warrants) and confiscation orders are available to secure and confiscate assets gained through criminal activity from offenders (see paragraph 233). This applies to the offence of human trafficking. Section 7 of the Modern Slavery Act 2015 ensures that traffickers will be subject to the toughest regime in respect of calculating confiscation orders under the 2002 Act: an offender in relation to whom there are reasonable grounds to believe that he is living off crime will be required to account for his assets, and will have them confiscated to the extent that he is unable to account for their lawful origin. Similar provisions to the same effect have been included in the Human Trafficking and Exploitation (Scotland) Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Furthermore, according to the Serious and Organised Crime Strategy, Her Majesty's Revenue and Customs has used tax interventions and other powers to attack the finances of and prosecute criminals involved in human trafficking.

<sup>167</sup>

See GRETA's first evaluation report, paragraph 340.

304. The Modern Slavery Act 2015 has introduced new procedural tools in relation to trafficking. Section 11 enables the court, when a person is convicted on indictment of a human trafficking offence, to order the forfeiture of a vehicle, ship or aircraft used or intended to be used in connection with the offence of which the person is convicted. Furthermore, in response to the threat posed by traffickers operating in UK and adjacent waters, section 35 empowers English and Welsh police or enforcement officers to stop, board, divert and detain ships; search the ship and anyone on the ship as well as obtain information (e.g. production of documents, book and records); and arrest persons and seize items where appropriate. In March 2016 the Home Office published the Code of Practice on maritime enforcement powers.<sup>168</sup> Sections 36 and 37 of the Modern Slavery Act 2015 provide for similar powers respectively for Scotland and Northern Ireland, which entered into force in May 2016. In international waters these powers are restricted to ships from the relevant UK jurisdictions.

305. A number of successful Joint Investigations Teams (JITs) have been set up in recent years with the involvement of the UK. For example, a JIT involving the Police Service of Northern Ireland and their counterparts from Sweden (Operation Burgrave) led in 2013 to the arrest and conviction of two traffickers in Sweden involved in THB for forced prostitution in Belfast with twelve victims being identified and supported. Further, a JIT involving the London Metropolitan Police was concluded between the UK and Hungary and led in 2014 to five traffickers being arrested in Hungary and extradited to the UK where they were sentenced to a total of 36 years' imprisonment for involvement in a UK/Hungarian trafficking organised crime group (see also paragraph 318).

306. When it comes to prosecutions and convictions, in 2014-15 the Crown Prosecution Service flagged 187 prosecutions as involving human trafficking offences; 130 resulted in a conviction. In 2012-2013 and 2013-2014, out of respectively 139 and 226 prosecutions flagged as human trafficking offences, there were, respectively, 99 and 155 convictions (not necessarily for human trafficking). In 2014 there were 39 convictions for slavery and human trafficking as the principal offence. These statistics concern England and Wales.

307. In Scotland, GRETA was informed that a total of eight persons had been convicted of human trafficking (two in 2011; three in 2012; one in 2013, one in 2014 and two in 2015).

308. In Northern Ireland, two persons were convicted of trafficking in human beings in 2012. One was a Hungarian national who was convicted of the offence of trafficking for the purpose of sexual exploitation and sentenced to three years' imprisonment (divided into 18 months custodial and 18 months on licence). The second was a Chinese national who was also convicted of THB for sexual exploitation and sentences to seven years' imprisonment (divided into 42 months custodial and 42 months on licence). Prosecution was commenced for THB against two persons in 2012, one person in 2013 and four persons in 2015.

309. However, GRETA notes that the surge in the number of identified victims has not yet seen a comparable increase in convictions of traffickers.

310. There is no specialisation on trafficking amongst judges and GRETA was informed by civil society that knowledge of human trafficking was uneven amongst judges, leading to judgments where the forced labour irregular migrants were subjected to was weighed against their irregular migration status.

<sup>168</sup> Available at:  
<https://www.gov.uk/government/publications/modern-slavery-act-2015-maritime-enforcement-powers-england-and-wales-code-of-practice>

**311. While welcoming the increased penalties for human trafficking, GRETA considers that the UK authorities should strengthen their efforts to ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the UK authorities should encourage the specialisation of investigators, prosecutors and judges in cases relating to human trafficking.**

**b. Protection of witnesses and victims (Articles 28 and 30)**

312. The Trafficking People for Exploitation Regulations 2013 (England and Wales) provides for measures of protection applicable to possible victims and victims of human trafficking in criminal investigations. Regulation 3 states that, without prejudice to the rights of the accused, and in accordance with an individualised assessment of the personal circumstances of the possible victim or victim, the relevant chief officer of police must ensure that they receive specific treatment aimed at preventing secondary victimisation by avoiding, as far as possible, during an investigation of a human trafficking offence: (a) unnecessary repetition of interviews; (b) visual contact between the possible victim/victim and the accused, using appropriate means including communication technologies; (c) unnecessary questioning concerning the complainant's private life.

313. Regulation 4 of the Trafficking People for Exploitation Regulations 2013 applies to children who are or may be victims of trafficking. The UK authorities have indicated that Regulation 4 is also applied in the asylum process. Without prejudice to the measures listed in Regulation 3 and the rights of the accused, the relevant chief officer of police must ensure that: (a) interviews with the possible victim or victim take place without unjustified delay after the facts have been reported; (b) interviews with the possible victim or victim take place, where necessary, in premises designed or adapted for the purpose; (c) interviews with the possible victim or victim are carried out, where necessary, by or through professionals trained for the purpose; (d) if possible and where appropriate, the same persons conduct all the interviews with the possible victim or victim; (e) the number of interviews with the possible victim or victim is as limited as possible and interviews are carried out only where strictly necessary for the purposes of the investigation; (f) the possible victim or victim may be accompanied by an adult of their choice, unless a reasoned decision has been made to the contrary in respect of that adult.

314. Similar provisions are made in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 under section 23. In Scotland, the relevant provisions are in sections 9A, 9B and 9C of the Victims and Witnesses (Scotland) Act 2014.

315. Section 46 of the Modern Slavery Act 2015 deals with special measures for witnesses in criminal proceedings. It extends certain legislative provisions relating to special measures to victims of human trafficking, such as being automatically treated as eligible for special measures. These measures are included in the Youth Justice and Criminal Evidence Act 1999. Special measures apply to witnesses who are giving evidence in court and include screening the witness from the accused, giving evidence by live link, giving evidence in private, video recorded evidence in chief and video recorded cross-examination or re-examination. Section 24 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and sections 271 to 271M of the Criminal Procedure (Scotland) Act 1995 provide for similar additional protection.

316. The Coroners and Justice Act 2009 makes provision for the possibility of granting anonymity during the pre-trial and trial stages, if the person in respect of whom the order would be made has reasonable grounds to fear intimidation or harm if they were identified as assisting the investigation. Furthermore, the trial judge, in the exercise of his inherent jurisdiction to control the proceedings may permit the withholding of witnesses' names in appropriate cases. Prosecutors can apply for proceedings to be heard in camera. Section 46 of the Youth Justice and Criminal Evidence Act enables courts to make a reporting direction in relation to adult witnesses which prohibits any matter relating to the witness to be included in any publication during the lifetime of the witness if it is likely to lead members of the public to identify the individual as a witness in criminal proceedings.

317. The UK authorities have indicated that pre-trial cross-examination was being piloted in three courts, allowing vulnerable witnesses, including victims of trafficking, to give evidence in advance so that they do not have to do so during the full trial.

318. The police can also take a number of operational measures, based on an individual risk assessment, to protect trafficking victims from intimidation and retaliation, which are similar to those for vulnerable victims such as victims of domestic abuse and rape, through special protection schemes. In Scotland, the police work closely with the NGOs TARA and Migrant Help in order to ensure that victims are provided with safety measures and support. The protection of children is always a multiagency approach, with a Joint Investigative Interview being conducted by an appropriately trained police officer and social worker as per the Scottish Governments "Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland". The service provided by the Scottish Guardianship Scheme also contributes to the effectiveness of safety measures and protection of the welfare of children.

319. The National Crime Agency's UK Protected Persons Service provides protection to member of the public considered to be at risk of serious harm, in particular witnesses, in accordance with the Serious Organised Crime and Police Act 2005. It includes relocation and change of identity. This applies across the UK.

**320. While welcoming the new regulations to prevent secondary victimisation and the available protection measures during criminal proceedings, GRETA considers that the UK authorities should ensure that full use is made of the existing measures to protect victims of human trafficking from intimidation and retaliation during investigations and court proceedings.**

### c. Jurisdiction (Article 31)

321. Section 2(6) of the Modern Slavery Act 2015 makes the human trafficking offence extra-territorial in respect of UK nationals. A UK national will commit an offence under the Act regardless of where in the world the arranging or facilitating takes place and regardless of which country is the country of arrival, entry, travel or departure. In addition, section 2(7) of the Act provides for the extra-territoriality of the human trafficking offence in relation to non-UK nationals where any part of the arranging or facilitating takes place in the UK or if the UK is the country of arrival, entry, travel or departure.

322. Section 2(1) and (2) of the Human Trafficking and Exploitation (Scotland) Act 2015 provides that a UK national, a person who at the time of the offence was habitually resident respectively in Scotland or a body incorporated under the law of a part of the UK, commits an offence of human trafficking regardless of where the relevant action takes place. Section 2(8) of the Human Trafficking and Exploitation (Criminal Justice and Support to Victims) Act (Northern Ireland) 2015 provides for the same criteria in respect of Northern Ireland. The UK authorities have stated that consideration is being given to extending the scope of the Modern Slavery Act's jurisdiction to apply to persons habitually resident in the UK, where the alleged offence takes place outside the UK (as is provided for in Scotland and Northern Ireland), but that no decision is expected in the short term.

323. Furthermore, pursuant to section 2(3) of the Scotland Act, a person commits the offence of human trafficking if any part of the relevant action takes place in the UK, or the relevant action is taken with a view to a person arriving in or entering into, departing from, or travelling within, the UK. Section 2(6) of the Northern Ireland Act provides more broadly that a person commits an offence of human trafficking regardless of where the arranging or facilitating of the travel takes place.

324. GRETA notes that there is no requirement of double criminality in relation to the extra-territorial application of the offences. None of the offences under the Modern Slavery Act 2015 and the Human Trafficking and Exploitation (Scotland) Act 2015 have involved the extra-territorial provisions to date.

325. **GRETA invites the UK authorities to examine whether their reservation to Article 31, paragraph 1(d) and (e), of the Convention is still justified.**

## 5. International co-operation and co-operation with civil society

### a. International co-operation (Article 32)

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

327. The UK authorities have been involved in a number of prevention activities in countries of origin. By way of example, the Department for International Development (DFID) leads the "Work in Freedom" programme, in partnership with the International Labour Organization (ILO), to help girls and women in South Asia to avoid being trafficked to work in the Middle East in the domestic workers and garment manufacturing sectors. This programme runs from 2013 to 2018, with a global budget of GBP 8.3 million.

328. Co-operation efforts have also been made with the Vietnam authorities to prevent trafficking to the UK. The National Crime Agency and Home Office liaison officers are co-operating with Vietnam's Ministry of Public Security to share intelligence and expertise and to help identify, investigate and disrupt the criminal gangs that engage in trafficking, reducing their ability to successfully target the UK. Projects have also been led in Vietnam to address push factors and improve protection for victims: in 2013 Human Trafficking Intervention and Awareness Training was delivered to more than 210 Vietnamese First Responders, and more than 2 000 Vietnamese school children in high risk provinces; training was also organised for more than 100 Vietnamese immigration officers, improving law enforcement capacity to identify, investigate and disrupt the criminal gangs behind trafficking; the opening of a shelter for female and child victims of trafficking and returnees was funded.

329. The Home Office Modern Slavery Unit has developed 10 Modern Slavery Priority Country Plans to develop comprehensive models, including information sharing, with countries such as Poland and Lithuania. The Home Office and National Crime Agency have been working with government, law enforcement agencies and NGOs in Poland on activity to prevent modern slavery, for example through awareness-raising and closer co-operation between organisations, and to provide greater support for victims of modern slavery who return to Poland from the UK. As mentioned in paragraph 305, JITs are also regularly concluded by the police with foreign counterparts, in particular in countries of origin such as Bulgaria, Hungary, Romania and the Slovak Republic.

330. The Independent Anti-Slavery Commissioner has made international co-operation one of the five priorities of his Strategic Plan 2015-2017. In 2015 he visited Nigeria and his findings are helping the UK authorities develop an enhanced programme of work with Nigeria. This builds upon work already underway such as providing support and capability building to the Nigerian National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and helping to establish a Human Trafficking Unit in Lagos Airport, bringing together various Nigerian and UK law enforcement agencies, including NAPTIP, the National Crime Agency, the Risk and Liaison Overseas Network (RALON) and UK Border Force. Further, the Independent Anti-Slavery Commissioner has led a fact-finding mission to Vietnam to start talks on a formal Memorandum of Understanding that would provide the foundation for enhanced co-operation on preventing trafficking. The Independent Anti-Slavery Commissioner is also a partner of the international Santa Marta Group, an initiative of the Catholic Church bringing together senior law enforcement officers from different countries with a view to improving the way human trafficking is tackled. The Group held its second conference in London in December 2014 and met in Madrid in 2015.

331. Co-operation has been developing in the anti-trafficking field between Northern Ireland and the Republic of Ireland. The Police Service of Northern Ireland (PSNI) co-operates with An Garda Síochána (the Irish police force) on a regular basis for operational actions and the two police services operate a joint Cross Border Policing Strategy. Cross Border Organised Crime Threat Assessments are published biannually, and the 2014 Threat Assessment identified human trafficking amongst the main threats. In December 2015, the Northern Ireland Executive and the Irish Government set up a multi-agency taskforce bringing together agencies from both sides, including the PSNI and An Garda Síochána as well as customs agencies and criminal assets bureaus, to tackle cross border crime, human trafficking being one of the priorities. Some officers of the PSNI have also received specialist training through joint training with officers of An Garda Síochána. Further, the GLA concluded a Memorandum of Understanding with the Irish National Employment Rights Authority (NERA) (now incorporated into the Workplace Relations Commission) to better tackle instances of human trafficking for forced labour, where workers live in one country and are exploited in the other. GRETA was informed of cases concerning cross-border trafficking in the agricultural sector (mushroom farming) and the fishing industry. A Cross Border Conference on Forced Labour was held in Newry on 21 January 2015, as a follow-up to a Cross Border Human Trafficking Conference held in October 2013, bringing together 80 people from state agencies, including the GLA and NERA, NGOs and international bodies. The North-South Parliamentary Association held a dedicated session on Human Trafficking in Stormont Castle in June 2015.

332. Civil society actors are also involved in international co-operation activities in countries of origin of victims of trafficking. By way of example, the Child Trafficking Advice Centre operated by the National Society for the Prevention of Cruelty to Children (NSPCC) was involved in the project ICARUS (Improving Co-ordination and Accountability towards Romanian Unaccompanied Minors' Safety), alongside the NGO Terre des Hommes and the Romanian National Agency against Trafficking in Persons, which ran from 2013 to 2015. One of the project's three pillars was prevention of child trafficking from Romania and involved, *inter alia*, awareness raising by CTAC in Roma communities in Romania. CTAC is regularly involved in training in other countries of origin.

333. **GRETA welcomes the efforts made in the area of international co-operation and invites the UK authorities to continue developing international co-operation with a view to preventing human trafficking in countries of origin, prosecuting perpetrators and assisting victims' return to countries of origin in order to avoid re-victimisation and promote reintegration.**

### b. Co-operation with civil society (Article 35)

334. Civil society is very active in the anti-trafficking field across the UK and many NGOs have a focus on human trafficking. Regular awareness raising activities are organised at the local and national levels by NGOs (see paragraphs 78-116 for some examples). Specialised NGOs also run many training activities with the authorities, in particular for the police and local authorities (see, for instance, paragraph 64). The UK authorities have also indicated they were working on the development of new training tools with NGOs (see paragraph 62).

335. NGO advocacy in relation to human trafficking is also developed, with in-depth reports having been published in recent years both on the overall response to human trafficking in the UK and on specific aspects of anti-trafficking action, in particular on protection, assistance and support provided for victims (see, for instance, paragraph 76). For example, the Anti-Trafficking Monitoring Group (ATMG) has published several detailed reports on the UK response to human trafficking, targeted reports (such as "Time to deliver. Considering pregnancy and parenthood in the UK's response to human trafficking" in February 2016), proposals for alternative NRM for adults and children as well as an alternative Modern Slavery Bill.<sup>169</sup> The Human Rights Foundation works closely with the All-Party Parliamentary Group on Modern Slavery and Human Trafficking as well as specialised NGOs, in particular through regular meetings of the Advisory Forum, which is formed of NGOs, experts, civil servants and frontline practitioners from around the UK.<sup>170</sup> The Human Trafficking Foundation, in partnership with service provider NGOs, published the first Trafficking Survivor Care Standards in 2015 (see paragraph 171).

336. The UK authorities have engaged with civil society through different fora over the years, from 2014 to 2016, through the Modern Slavery Stakeholder Group and from 2016 onwards through the Modern Slavery Strategy Implementation Group (see paragraph 39). The Modern Slavery Stakeholder Group composed of specialised NGOs, met on a regular basis with the Minister for Preventing Abuse and Exploitation and representatives of the Home Office and the GLA as well as with the Independent Anti-Slavery Commissioner. Whilst welcoming these regular meetings, some civil society interlocutors were of the opinion that they served essentially for the authorities to inform them of ongoing actions rather than using the NGOs' knowledge and analysis of existing problems to inform future decisions and actions.

337. In Northern Ireland, the Engagement Group was set up to promote joint initiatives between civil society and statutory stakeholders (see paragraph 42), which has been welcomed by NGOs. In Wales, co-operation between NGOs and the authorities has taken place in particular through the Wales Anti-Slavery Leadership Group (see paragraph 43). In Scotland, a wide variety of stakeholders, including NGOs, have been involved in developing the Human Trafficking and Exploitation Strategy. The draft Strategy will be the subject of consultation in autumn 2016 with a view to publication by May 2017 at the latest. The Implementation and Oversight Groups as well as the broader stakeholder forum will continue to play a key role in implementing the Strategy once it is published.

**338. GRETA invites the UK authorities to continue and strengthen their co-operation with specialised NGOs in order to fully benefit from their experience in the anti-trafficking field and to inform future policy and legislative initiatives.**

<sup>169</sup>

Documents available at:

[www.antislavery.org/english/what\\_we\\_do/trafficking/anti\\_trafficking\\_monitoring\\_group/atmg\\_reports\\_briefings.aspx](http://www.antislavery.org/english/what_we_do/trafficking/anti_trafficking_monitoring_group/atmg_reports_briefings.aspx)

<sup>170</sup>

[www.humantraffickingfoundation.org/what-we-do/advisory-forum](http://www.humantraffickingfoundation.org/what-we-do/advisory-forum)

## IV. Conclusions

339. Since the adoption of GRETA's first report on the UK in 2012, the fight against human trafficking has been in the focus of political attention in the UK and the devolved administrations and progress has been made in a number of areas.

340. GRETA welcomes the adoption of dedicated, comprehensive legislation on human trafficking/modern slavery, consolidating and simplifying the offences previously contained in a number of different laws, which was one of the main recommendations made in GRETA's first evaluation report. In addition to increasing the maximum sentence to life imprisonment, the new legislation introduces provisions for slavery and trafficking prevention orders and makes it easier to confiscate the assets of traffickers and use them to compensate victims.

341. The institutional framework for action against trafficking in human beings in the UK has also evolved. The creation of the post of Independent Anti-Slavery Commissioner, whose mandate covers the whole of the UK, aims to encourage good practice in the prevention, investigation and prosecution of human trafficking as well as identification of trafficked victims. GRETA welcomes the efforts to set up co-ordinating and specialised structures for combating human trafficking, the multi-agency approach promoted and the engagement with civil society, including through the Modern Slavery Strategy and Implementation Group.

342. Efforts have also been made to provide training to relevant professionals, to adapt it to new legal developments and to expand the categories of staff targeted.

343. GRETA commends the regular publication of data collected through the National Referral Mechanism (NRM) as a way to inform threat assessment analyses and public policies to combat human trafficking. The research carried out by different stakeholders and covering a wide range of issues relevant to human trafficking is also praiseworthy.

344. Moreover, steps have been taken to raise general awareness of human trafficking in the UK and to support prevention activities in countries of origin of victims. GRETA welcomes the efforts made since the first evaluation to combat trafficking for the purpose of labour exploitation, in particular the extended mandate of the Gangmasters Licensing Authority and the transparency in supply chains provisions of the Modern Slavery Act 2015.

345. Another important development since the first evaluation is the comprehensive review of the NRM and the setting up of multi-agency panels involving NGOs to identify victims of trafficking. Furthermore, GRETA welcomes the practice developed at Heathrow Airport and other airports and ports to detect possible victims of trafficking and the setting up in Greater Manchester of a multi-agency task force, with NGO involvement.

346. To address GRETA's concerns raised in the first evaluation report, new regulations have been adopted to ensure the protection of victims of human trafficking during criminal proceedings and prevent secondary victimisation.

347. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the UK authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.

### **Issues for immediate action**

- GRETA urges the UK authorities and devolved administrations to make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection (paragraph 186).
- Recalling the recommendations made in its first report, GRETA once again urges the UK authorities to take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular 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;
  - improve the exchange of information on missing unaccompanied children between police forces and local authorities;
  - ensure that child victims who may be at risk of re-trafficking can be accommodated in another local authority area, to ensure effective protection from such risk;
  - train all professionals working with child victims of trafficking to recognise and respond appropriately to their individual needs and the best interests of the child;
  - ensure that possible victims of trafficking are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);
  - ensure full compliance with Article 10(3) of the Convention concerning age assessment and provision of special protection measures (paragraph 210).
- GRETA urges the UK authorities to:
  - enshrine in the law applicable in England and Wales, Scotland and Northern Ireland the right to a recovery and reflection period as defined in Article 13 of the Convention;
  - ensure that all possible victims of trafficking, including children, are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period (paragraph 222).
- GRETA urges the UK authorities to adopt measures and to facilitate and guarantee access to compensation for victims of THB, and in particular to:
  - ensure that victims of trafficking are systematically informed in a language they understand of the available avenues to seek compensation and the procedures to be followed;
  - enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
  - secure criminal assets as early as possible in trafficking investigations to make confiscation orders effective;
  - instruct prosecutors to request reparation orders to the greatest possible extent, including in cases where the defendant has limited earning capacity and no assets;

- ensure that all victims of human trafficking are eligible for compensation from the Criminal Injuries Compensation Authority, regardless of the nature of the means used, and that the amount of compensation from the Northern Ireland Criminal Injuries Compensation Authority is not made dependent on the victim's co-operation with the authorities or prior convictions;
- remove the fee to initiate employment proceedings for victims of trafficking as well as the requirement to enter into mediation before initiating employment proceedings for victims of trafficking;
- ensure that victims of trafficking who are irregular migrants are not prevented from seeking unpaid salaries before employment tribunals by reason of their immigration status (paragraph 245).
- GRETA urges the UK authorities to ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return; such assessments should also ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return (Article 16 (5) of the Convention) (paragraph 254).

Further conclusions:

- GRETA considers that the UK authorities should examine the possibility of establishing an independent National Rapporteur or designating another independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 31).
- GRETA welcomes measures taken to train relevant staff, to adapt training to new legal developments and to adopt a multi-agency approach to training. GRETA considers that the UK authorities should continue their efforts in order to ensure that comprehensive training programmes are organised in a systematic and harmonised way across the UK for all relevant officials, in particular law enforcement officials, lawyers (including duty solicitors), prosecutors, magistrates, judges, social workers, child specialists and medical professionals. The relevance, effectiveness and reach of these programmes should be evaluated at regular intervals (paragraph 67).
- GRETA welcomes the regular publication of data from the NRM as a way to inform public policies to combat human trafficking and invites the UK authorities to also publish information on NRM decisions (both reasonable grounds and conclusive grounds decision) disaggregated by country of origin, type of modern slavery and decision maker (paragraph 68).
- GRETA considers that the UK authorities should continue and strengthen their efforts to develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of THB cases, including by entrusting this task to an independent entity (paragraph 74).
- GRETA welcomes the research carried out by different stakeholders in the UK and covering a wide range of issues relevant to human trafficking and invites the UK authorities to continue providing funding and support for research projects on THB (paragraph 77).
- GRETA welcomes the awareness-raising efforts on human trafficking made across the UK and the support provided to countries of origin, and invites the authorities to systematically assess the impact of these efforts and to plan future information and awareness-raising campaigns on the basis of previous research and impact assessment (paragraph 88)

- GRETA welcomes the efforts made since the first evaluation to prevent trafficking for the purpose of labour exploitation and in particular the extended mandate and increased resources of the GLA/GLAA as well as the transparency in supply chains provisions of the Modern Slavery Act 2015. However, GRETA considers that the UK authorities should take further measures to:
  - strengthen the capacity and remit of the relevant inspectorates (Employment Agency Standards Inspectorate, Employment Agency Inspectorate in Northern Ireland, GLA/GLAA, Her Majesty's Revenue and Customs (HMRC) National Minimum Wage, Health and Safety Executive);
  - ensure that ongoing training is provided to all inspectorate staff to enable proactive identification and referral of human trafficking cases for labour exploitation;
  - ensure that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of THB;
  - implement the recommendations of the Ewins Review, including the reform of the overseas domestic workers visa system to allow for change of employment and, for domestic workers employed in diplomatic households, ensure that work contracts are concluded with Embassy missions rather than individual diplomats (paragraph 106).
- Furthermore, GRETA invites the UK authorities to:
  - continue working closely with the private sector to promote corporate social responsibility, in line with the Guiding Principles on Business and Human Rights;
  - monitor the impact of the statutory requirements on transparency in supply chains, with a view to assessing their effectiveness in combatting human trafficking for the purpose of labour exploitation (paragraph 107).
- GRETA considers that the UK authorities should strengthen their efforts in the area of prevention of child trafficking, including concerning forms of exploitation other than sexual exploitation, and targeting in particular children from vulnerable groups and children in street situations, including those living in residential institutions, through educational, social, economic and other initiatives (paragraph 118).
- GRETA invites the UK authorities to continue their efforts to sensitise medical professionals involved in organ transplantations and other relevant professionals about THB for the purpose of organ removal (paragraph 125)
- GRETA considers that the UK authorities should make further efforts to discourage demand that fosters trafficking for all forms of exploitation, through legislative, educational, social and other measures, in partnership with civil society and the private sector (paragraph 134).
- GRETA invites the UK authorities to pursue their efforts to detect victims of trafficking at border crossings, including at UK checkpoints in France and Belgium (paragraph 140).
- GRETA considers that the UK authorities should closely monitor the implications of the new Immigration Act offence of illegal working, for the identification and protection of victims of trafficking, the application of the non-punishment provision and the prosecution of offenders (paragraph 157).
- GRETA welcomes the recent review of the NRM and the setting up of multi-agency panels to identify victims of trafficking, which corresponds to the requirements of the Convention concerning collaboration with support organisations (Article 10(2) of the Convention). GRETA considers that the UK authorities should allocate sufficient resources to ensure their full effectiveness and sustainability (paragraph 166).
- Further, GRETA considers that the UK authorities should:

- ensure that the NRM and the asylum determination processes are recognised as separate and distinct procedures, in practice, and keep under review the identification of victims of trafficking amongst applicants for international protection, including asylum seekers;
  - improve the identification of victims of trafficking in detention centres and ensure that following a positive reasonable grounds decision, possible victims of trafficking are speedily removed from detention and offered assistance and protection as provided in the Convention;
  - 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, including with the Gangmasters Labour Abuse Authority, by the bodies responsible for regulating employment, health and safety and tax compliance in sectors most at risk;
  - reform the current practice to allow for appeal of a negative NRM decision, in particular where new information is available, and ensure that assistance continues to be provided while an appeal process is ongoing (paragraph 167).
- GRETA invites the UK authorities to promote the relevant guidance and sensitise all relevant staff and NGOs to the need to guarantee the confidentiality of the personal data of victims, especially those not wishing to enter into the NRM, when discharging their duty to notify all possible victims to the law enforcement authorities (paragraph 214).
  - GRETA considers that the UK authorities should:
    - ensure that all victims of human trafficking who have received a positive conclusive grounds decision and whose immigration status requires it are issued a renewable residence permit when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in the UK is required for this purpose, in accordance with Article 14(1) of the Convention;
    - ensure that all child victims are issued such residence permits, in accordance with the best interests of the child, pursuant to Article 14(2) of the Convention;
    - ensure that the right to seek and enjoy asylum or subsidiary/complementary protection is effectively protected for victims of trafficking, including children (Article 14(5) of the Convention) (paragraph 229).
  - GRETA considers that the UK authorities should review the provisions on grounds for withholding or reducing the award of compensation to victims of crime (paragraphs 25-27 of the Criminal Injuries Compensation Scheme 2012) so as to ensure that the right to compensation for victims of trafficking is respected (paragraph 246).
  - GRETA once again invites the UK authorities to introduce a system for registration of compensation claims and awards to victims of trafficking regarding all forms of compensation, as a way of assessing the operation of the existing provisions and informing future improvements (paragraph 247).
  - GRETA considers that the UK authorities should take steps to:
    - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of *non-refoulement*. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people;
    - develop international co-operation in order to ensure comprehensive risk assessment and safe return, as well as effective reintegration and protection of victims of THB;

- keep under review return and repatriation policies in order to ensure compliance in law and practice with Article 16 of the Convention (paragraph 255).
- GRETA considers that the UK authorities should:
  - ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit;
  - strengthen their efforts to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, including by promoting the existing guidance, and developing such guidance where there is none, amongst police staff, legal professionals, prosecutors and judges;
  - remove the requirement to apply the “reasonable person” test in the framework of the statutory defence of child victims pursuant to section 45 of the Modern Slavery Act 2015 (paragraph 291)
- While welcoming the increased penalties for human trafficking, GRETA considers that the UK authorities should strengthen their efforts to ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the UK authorities should encourage the specialisation of investigators, prosecutors and judges in cases relating to human trafficking (paragraph 311).
- While welcoming the new regulations to prevent secondary victimisation and the available protection measures during criminal proceedings, GRETA considers that the UK authorities should ensure that full use is made of the existing measures to protect victims of human trafficking from intimidation and retaliation during investigations and court proceedings (paragraph 320).
- GRETA invites the UK authorities to examine whether their reservation to Article 31, paragraph 1(d) and (e), of the Convention is still justified (paragraph 325).
- GRETA welcomes the efforts made in the area of international co-operation and invites the UK authorities to continue developing international co-operation with a view to preventing human trafficking in countries of origin, prosecuting perpetrators and assisting victims’ return to countries of origin in order to avoid re-victimisation and promote reintegration (paragraph 333).
- GRETA invites the UK authorities to continue and strengthen their co-operation with specialised NGOs in order to fully benefit from their experience in the anti-trafficking field and to inform future policy and legislative initiatives (paragraph 338).

## **Appendix**

### **List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations**

#### **Public bodies**

- Minister for Preventing Abuse, Exploitation and Crime, Ms Karen Bradley
- Home Office
  - Modern Slavery Unit
  - National Policing Lead for Modern Slavery
  - Child Trafficking Lead
  - National Crime Agency (NCA)
  - Gangmasters Licensing Authority (GLA)
  - Her Majesty's Revenue and Customs (HMRC)
  - United Kingdom Visa and Immigration (UKVI)
  - Border Force (BF)
  - Criminal Injuries Compensation Authority (CICA)
- Crown Prosecution Service (CPS)
- Metropolitan Police Service
- Greater Manchester Police, Modern Slavery Co-ordination Unit
- Department for Education
- Independent Anti-Slavery Commissioner
- All Party Parliamentary Group on Human Trafficking and Modern Slavery
- Office of the Children's Commissioner for England

#### **Northern Ireland**

- Minister of Justice, Mr David Ford
- Department of Justice
- Police Service Northern Ireland (PSNI)
- Public Prosecutions Service (PPS)
- Gangmasters Licensing Authority (GLA)
- Employment Agency Inspectorate (EAI)
- Department of Health, Social Services and Public Safety
- Social Care Board
- Northern Ireland Commission for Children and Young People (NICCY)
- Northern Ireland Human Rights Commission (NIHRC)

#### **Scotland**

- Scottish Government
  - Human Trafficking Team
  - Child Protection Team

### Looked After Children Team

- Crown Office and Procurator Fiscal Service (COPFS)
- Police Scotland
- Convention of Scottish Local Authorities (COSLA)
- Scottish Guardianship Service
- Glasgow City Council
- Scottish Parliament Cross Party Group on Human Trafficking
- Scottish Human Rights Commission

### Wales

- Welsh Government's Anti-Slavery Co-ordinator
- Wales Anti-Slavery Leadership Group
- Wales Anti-Slavery Operational Delivery Group
- Regional Anti-Slavery Groups
- Crown Prosecution Service Wales
- Wales Operational Policing Lead for Modern Slavery
- Office of Wales Children's Commissioner

### **Intergovernmental organisations**

- UNICEF UK

### **NGOs and other civil society organisations**

- AFRUCA
- Anti-Slavery International
- Anti-Trafficking Monitoring Group (ATMG)
- Barnardo's
- BAWSO
- ECPAT UK
- Focus on Labour Exploitation (FLEX)
- Helen Bamber Foundation
- Hestia
- Human Trafficking Engagement Group – Northern Ireland
- Human Trafficking Foundation
- Kalayaan
- Law Centre Northern Ireland
- Migrant Help
- Medaille Trust
- Poppy Project
- The Salvation Army
- TARA

- Trade Union Confederation (TUC)
- Women's Aid
- Barristers and Solicitors specialised in THB cases

## **Government's Comments**

### **The following comments do not form part of GRETA's analysis concerning the situation in the United Kingdom**

GRETA engaged in a dialogue with the UK authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the UK authorities on 5 August 2016 and invited them to submit any final comments. The comments of the UK authorities, submitted on 20 September 2016, are reproduced hereafter.



Home Office

Sarah Newton MP  
Minister for Vulnerability, Safeguarding  
and Countering Extremism

2 Marsham Street  
London SW1P 4DF  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Nicolas Le Coz  
President of GRETA  
The Council of Europe Convention on Action against Trafficking in Human Beings  
Council of Europe  
67075 Strasbourg, Cedex  
France

20<sup>th</sup> September 2016

Dear Nicolas,

**GRETA evaluation of the UK's implementation of the Council of Europe  
Convention on Action against Trafficking in Human Beings**

Thank you for the work that GRETA is doing to support action by the UK and by other Governments to tackle this crime. I am pleased to enclose the UK's response to the GRETA inspection for the second evaluation round of the Convention. There has been considerable work to tackle modern slavery across the UK.

The Modern Slavery Act 2015 gives law enforcement agencies new ways to tackle modern slavery, including maximum life sentences for perpetrators and civil orders to protect vulnerable people from those who would exploit them. The Act and our wider strategy also brought in stronger protections and support for victims. Little more than a year after commencement it is having a real impact: we are seeing record numbers of prosecutions, convictions and victims being rescued and given support to re-build their lives.

Modern slavery remains a key priority for the Government. The Prime Minister recently announced that she will chair a modern slavery taskforce at the heart of Government to accelerate progress and pledged £33.5m funding to prevent slavery in countries whose nationals are being trafficked to the UK. We still have much to do and I am grateful to GRETA for the work you are doing with us and other countries to take this forward.

Yours sincerely

**Sarah Newton MP  
Minister for Vulnerability, Safeguarding and Countering Extremism**

## RECOMMENDATIONS

### Issues for immediate action

1. GRETA urges the UK authorities and devolved administrations to make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection (paragraph 186).

#### England and Wales

*All adult potential victims of modern slavery in England and Wales have access to the Government-funded support service, delivered by The Salvation Army.*

*Potential victims of modern slavery receive specialist support and assistance tailored to their needs. Victims receive support for a minimum of 45 days (which is extendable), going further than the 30 day requirement of the Council of Europe Convention on trafficking.*

*We are piloting the recommendations of the 2014 Review of the National Referral Mechanism and will consider next steps following completion and evaluation. The review was clear that the support system for identifying and supporting victims of trafficking should be overhauled.*

*It is vital that any proposed model is tested – we are determined to get this right and ensure victims are at the heart of any new approach. That is why we are working closely with civil society and operational delivery partners to pilot the recommendations of the review in the South West and West Yorkshire. The Government will consider what action needs to be taken once the pilot has been delivered and fully evaluated.*

#### Northern Ireland

*As noted in the body of the report, Flourish NI provides support to adult victims post NRM and, in particular, to individuals who choose not to enter the NRM.*

*Flourish NI will continue to provide this support over the next year and a draft 2016/17 NI Human Trafficking and Modern Slavery Strategy includes the following action for Flourish NI: “Tailored long term support for both post and non-NRM adult survivors. Case-workers assigned to assist with all aspects of daily life; promoting independence and reducing the risk of further exploitation.”*

*“Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery” [2016] will specify that all child victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection.*

*Under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, the assistance and support that is provided to adult potential victims is to be provided beyond the 45 day period until a conclusive determination has been reached. In addition the Act provides discretionary powers to extend support on a case by case basis for such a period as the Department considers necessary. This is generally intended to ensure that individuals who have progressed through the NRM have been able to access appropriate provision under the wider welfare system before the DOJ-funded support is withdrawn.*

## Scotland

*Section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015 places a duty on Scottish Ministers to secure support and assistance for adult victims of human trafficking. It also allows them to determine the relevant period during which that support and assistance should be provided through regulations and to provide support and assistance before and after that period.*

*This section has still to be commenced and the Scottish Government will be consulting on the issues in autumn 2016.*

**2. Recalling the recommendations made in its first report, GRETA once again urges the UK authorities to take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular 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

*Foster carers already provide homes and families for children who may have been trafficked and are best placed to do so. Foster carers are trained, skilled and experienced in dealing with children with a huge range of needs. Fostering can be an extremely challenging role, and the children with the most complex needs will usually need the most experienced and skilled foster carers. There is no statutory requirement for foster carers to be specially trained to care for child victims of trafficking.*

*The UK Government have also made a commitment to review current practice concerning trafficked children and consider how capacity could be strengthened, including through ensuring that there is sufficient safe accommodation and specialist support for foster placements for children at risk of trafficking.*

*With regards to care provisions for trafficked children, social workers are aware of the extra precautions they must take when dealing with this specific category of children. They have a duty to pick up on any psychological or emotional effects resulting from a child's past experiences and take these into account when evaluating the child's need for mental health support. Those specialising in foster or residential care are advised to be aware of the high risk that trafficked children may return to their traffickers and therefore make provisions to mitigate this risk. If an interpreter is required, they are to be appropriately trained to comprehend the issues a trafficked child may have. When planning for a child's transfer to permanent accommodation, social workers are also instructed to consider the risk of isolation due to cultural/language differences.*

*The evaluation of the trial of the independent child trafficking advocates has now been completed. The results of the independent child trafficking advocate trial were equivocal. Aspects of the model trialled showed promise but did not deliver on some key outcomes such as stopping children going missing. In a number of key areas there was limited evidence of impact or an improvement in the outcomes for children. As the independent evaluation identified, we need more time in order to see some of the potential benefits for trafficked children. Thus, we are commencing a trial of independent child trafficking advocates in three pilot areas.*

*In July 2014 the Department of Education revised statutory guidance for local authorities on the care of unaccompanied and trafficked children. (Care of unaccompanied and trafficked children 2014) <https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children>. The guidance is clear about placement decisions, which "should take particular account of protecting the child from any continued risk from traffickers, and from a heightened risk of going missing. Specialist accommodation or foster placements could help in keeping trafficked children safe. There is, however, little evidence from the sector about their use or effect.*

DfE is contracting with a training provider to train foster carers and support workers caring for UASC in how to care for UASC who may have been trafficked or who are at risk of going missing due to onward trafficking.

DfE is also commissioning a research review of accommodation and support available for unaccompanied migrant trafficked children in the care of local authorities.

### Northern Ireland

Northern Ireland uses a bespoke residential facility to house victims and suspected victims of trafficking. Victims and potential victims are assigned a social worker, independent legal representation where necessary and we are in process of establishing an Independent Guardian service.

The body of the report distinguishes between the differential levels of progress made in England and in the UK's devolved assembly government areas. However, the report's recommendations fail to draw this distinction.

The report affords specific recognition to the steps taken to improve the identification and protection of child victims of trafficking in Northern Ireland, including collation of information and the provision of tailored accommodation and support services.

The report highlights the problem of children going missing from local authority care but makes specific reference to the steps taken to reduce this problem in Northern Ireland and affords appropriate acknowledgement that no child / young person admitted to the dedicated residential unit has subsequently gone missing from it.

### Scotland

Foster Carers undergo a full assessment, police checks and pre-approval training before they are registered with a foster care agency.

The Foster Care Review (2013) included a recommendation on learning and development opportunities for foster carers. A new National Standard was developed by SSSC to help ensure foster carers are equipped with the necessary skills to support the young people they care for. This is currently out to public consultation (between May and August 2016) and covers building positive relationships, effective communication, child protection and safeguarding, managing challenging behaviour and managing conflict and crises.

In Scotland there is also the Scottish Guardianship Service which works alongside the social worker to ensure that the child is supported in the welfare and wellbeing as they integrate into society.

The Scottish Government is currently working with Police Scotland and local authorities including: social work; child protection; and criminal justice teams, along with many other relevant parties from the third sector and academia to develop a Missing Persons Strategy that will provide a framework to prevent and reduce harm related to people going missing. Part of this work includes pilots to develop best practice and this includes a pilot for looked after and accommodated children who go missing. The pilot is testing how a co-ordinated multiagency approach and response to missing children and young people, can help assess risk, inform a proportionate response and reduce harm and repeat incidents of missing people through planning, sharing of information and support. The outcomes from this pilot will help inform the process of working together to prevent and reduce harm for looked after and accommodated children and young people in local authorities across the country.

The Scottish Government has also made statutory the service of the Guardian to eligible children via section 11 of the Human Trafficking and Exploitation (Scotland) Act 2015. The Guardian will work with the unaccompanied child and the social worker to ensure that the best interests of the child are protected. This includes provision of suitable accommodation, safeguarding against going missing, the

*necessary sharing of information between services, the training and employment of suitably qualified professionals to work with these vulnerable children.*

*When commenced, Section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 will place age assessment on a statutory footing. It provides that where a “relevant authority” (defined as a local authority or health board) has reasonable grounds to believe that a person may be a victim of human trafficking and the authority is not certain of the person’s age but has reasonable grounds to believe that the person may be a child, the authority must assume that the person is a child for the purposes of exercising its functions under the relevant enactments until an assessment of the person’s age is carried out by a local authority, or the person’s age is otherwise determined.*

- **improve the exchange of information on missing unaccompanied children between police forces and local authorities;**

#### England and Wales

*Local authorities are aware of the need to consider the risk of a child being re-trafficked when planning for a permanent placement. DfE statutory guidance on the ‘Care of unaccompanied and trafficked children’, issued in 2014, recognises that placement decisions should take particular account of protecting the child from any continued risk from traffickers. It is agreed that an out of area placement might in some cases be appropriate to put distance between the child and where the traffickers expect them to be. Specialist accommodation should also be considered, for example, in settings which specialise in dealing with victims of trafficking. The Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review, June 2015; also make clear that out-of-area placements may be necessary to ensure that looked after children are appropriately safeguarded.*

*The Missing Children and Adults strategy, published in 2011, is currently being refreshed. Her Majesty’s Inspectorate of Constabulary (HMIC) has undertaken a review of Police forces use of the terms ‘missing and absent’ when recording the whereabouts of children. The findings from this will help inform the strategy refresh, with an action orientated implementation plan being attached to the strategy. DfE statutory guidance on children missing from care (2014) is being revised to ensure greater clarity around the exchange of information on missing children.*

#### Northern Ireland

*In Northern Ireland victims are accommodated in secure bespoke facilities. The body of the report acknowledges the significant efforts made by HSCB/HSCTs/PSNI to reduce the incidence of unaccompanied children going missing, to ensure improved exchange of information on missing unaccompanied children and to ensure continued follow up and information exchange in respect of unaccompanied children who remain missing.*

- **ensure that child victims who may be at risk of re-trafficking can be accommodated in another local authority area, to ensure effective protection from such risk;**

#### England and Wales

As above

#### Northern Ireland

*Body of the report acknowledges the significant efforts made by HSCB/HSCTs/PSNI to reduce the incidence of unaccompanied children going missing, to ensure improved exchange of information on missing unaccompanied children and to ensure continued follow up and information exchange in respect of unaccompanied children who remain missing.*

### Scotland

*Unaccompanied children are looked after children under Section 25 of the Children (Scotland) Act 1995, this entitles a child or young person to the highest level of care and safeguarding to ensure that their best interests are met. In Scotland there is also the Scottish Guardianship Service which works alongside the social worker to ensure that the child is supported in the welfare and wellbeing as they integrate into society. Due to these two mechanisms there is a low incidence rate of trafficked children going missing and possibly being re-trafficked.*

- **train all professionals working with child victims of trafficking to recognise and respond appropriately to their individual needs and the best interests of the child;**

### England and Wales

*Training on trafficking is included within national police recruit training and products are available to Forces to deliver to existing staff including, an e-learning package on modern slavery, learning outcomes for modern slavery contained within the national policing curriculum and supporting resources. The training is aligned to Authorised Professional Practice for modern slavery*  
<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/modern-slavery/>

*Guidance on child friendly setting is contained within the MOJ Achieving Best Evidence advice. The College use this guidance as a basis for all APP and training in this area. Advice with regards to child friendly settings is contained within our new training product for modern slavery and the APP.*

*The College develops training products and provides a licence to forces to deliver locally. We do not mandate what forces must deliver, we just set the standards. The requirement for training within Force is driven by the National Policing leads through their action plans. There are some programmes which are mandated and include the Professionalising Investigation Programme where Achieving Best Evidence (ABE) covers appropriate interviewing of children.*

*The e-learning includes identification factors and recommends specialist interview (normally visually recorded) of children in accordance with ABE.*

*The best local authorities already provide tailored support. This includes taking steps, as soon as trafficked children come into care, to protect them from the risk of going missing and returning to their traffickers. Those involved in planning and providing for the care of trafficked children should receive specialist training so that they are aware of the risks and issues faced by those children, and of how to respond to them.*

*As part of the new assessment and accreditation of child and family social workers they will be required to be prepared to answer questions on how to support child victims of trafficking.*

### Northern Ireland

*Training has been provided to member organisations of the Northern Ireland Regional Practice Network to recognise and respond appropriately to individual needs and best interests of child victims/potential child victims of Human Trafficking and Modern Slavery.*

*Bespoke training has been provided to Social Workers and social care staff working with child victims/potential child victims of human trafficking and training will continue to be delivered on an on-going basis and in response to newly emerging issues relevant to separated, trafficked and UASC and young people.*

### Scotland

*The National Guidance for Child Protection in Scotland, refreshed in 2014, states that local areas should have protocols for child trafficking and take steps to make staff aware of these protocols so that they*

have a clear understanding of the processes and procedures to follow when they identify a child who may have been, or is at risk of being trafficked. In addition, Training and Awareness Raising will be a key feature of the Scottish Government's Human Trafficking and Exploitation Strategy, currently in development. Scotland already has a national action plan to tackle Child Sexual Exploitation which has explicit links to improving support for victims of child trafficking. As part of this action, Barnardo's Scotland has been commissioned to deliver community awareness raising and training for professionals.

- ensure that possible victims of trafficking are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);

#### England and Wales

England and Wales are already compliant because the wider child protection system means they already have a corporate parent. Further to the visit of GRETA in October 2015, the evaluation of the trial of the independent child trafficking advocates has now been completed. The results of the independent child trafficking advocate trial were equivocal. Aspects of the model trialled showed promise but did not deliver on some key outcomes such as stopping children going missing. In a number of key areas there was limited evidence of impact or an improvement in the outcomes for children. As the independent evaluation identified, we need more time in order to see some of the potential benefits for trafficked children.

On 28 June 2016, the Government announced that it would commence section 48 of the Modern Slavery Act 2015 and committed to the full national roll out of ICTAs across England and Wales. This is part of a wider package of measures to better support child victims of modern slavery, including a new Child Trafficking Protection Fund, statutory guidance on identification and support of potential victims and a review of accommodation and support for potential victims.

To support the national roll out of ICTAs, the Home Office is introducing independent child trafficking advocates in three early-adopter sites (Greater Manchester, Hampshire and nationally in Wales). The competition for the provider/s of these sites is currently being undertaken.

We are training our Social workers and other partners who deal with children on the identification of child victims.

#### Northern Ireland

In Northern Ireland, Victims and potential victims are assigned a social worker, independent legal representation where necessary and we are in process of establishing an Independent Guardian service. Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the appointment of an Independent Guardian to every separated child that comes to the attention of the statutory authorities.

The report acknowledges that Regulations are being progressed through the Northern Ireland Assembly Health Committee to enable the appointment of Independent Guardians for all separated children and young people.

The intention is that the services of an Independent Guardian will be available to all separated children and young people.

#### Scotland

Unaccompanied children are looked after children under Section 25 of the Children (Scotland) Act 1995, this entitles a child or young person to the highest level of care and safeguarding to ensure that their best interests are met. In Scotland there is also the Scottish Guardianship Service which works alongside the social worker to ensure that the child is supported in the welfare and wellbeing as they

integrate into society. Due to these two mechanisms there is a low incidence rate of trafficked children going missing and possibly being re-trafficked.

- ensure full compliance with Article 10(3) of the Convention concerning age assessment and provision of special protection measures (paragraph 210).

### England and Wales

*Age Assessment: The UK is fully compliant with Article 10(3), and in particular, on 15 October 2015, the ‘presumption of age’ of child victims of trafficking in England and Wales clause within the Modern Slavery Act 2015 was commenced. All vulnerable children in the UK are afforded care and protection by local councils who have a statutory duty to provide such care.*

*An extract from the guidance for child first responders published in March 2016 sets out the current NRM policy position. In some cases a person referred to the NRM may claim to be a child but it is suspected that they are an adult.*

*It is sometimes difficult to establish the age of a potential child trafficking or modern slavery victim where there is a dispute over age. In such cases the competent authority and other agencies within the NRM will continue to treat the individual as a child until age is established. The referral to the NRM should not be delayed where the victim is believed to be a child. The child’s welfare is the most important factor and should always take precedence.*

*However, whether an individual is a child or an adult must be established before the competent authority reaches its conclusive grounds decision. The first responder should commission an age assessment where appropriate.*

*On 15 October 2015, the government commenced the ‘Presumption about Age’ provision (section 51) in the Modern Slavery Act 2015 for child victims of trafficking in England and Wales, putting the existing practice onto a statutory footing.*

*This provision ensures that in cases where there is uncertainty over the age of a victim, but whom authorities believe to be under 18, that authorities should assume that the victim is under 18 until an age assessment has been completed by the local authority.*

*Where an age assessment has been conducted by the local authority and has determined that the potential victim is an adult, the competent authority must seek consent from the potential victim to remain in the NRM before the case is progressed any further.*

*It may be the case that the potential victim challenges the outcome of an age assessment. The competent authority must accept the determination of the local authority until such time as any challenge is concluded.*

### Northern Ireland

*Guidance has been issued to all HSCTs by HSCB detailing the requirements concerning age assessment and provision of special protection measures.*

### Scotland

*The Human Trafficking and Exploitation (Scotland) Act 2015 strengthens criminal law by introducing a new single human trafficking offence for the purpose of criminalising all forms of exploitation of adults and children, and increasing the maximum penalty for perpetrators to life imprisonment. The Act makes provision for independent guardians for trafficked and unaccompanied children who have no-one in the UK with parental rights and responsibilities for them. Section 12 of the Act relates to presumption of age, and when brought into effect will ensure that where a victim's age is uncertain but where there are reasonable grounds to believe that the person may be a child, the person will be presumed to be a child for the purpose of receiving immediate age-appropriate support and services. The Scottish Government*

*will consider how child victims of trafficking can be further supported through the development of Scotland's first Trafficking and Exploitation Strategy by May 2017. Supporting guidance will provide information on the roles and functions of the guardianship service and revised guidance on conducting age assessment to support the application of the presumption of age provision being introduced through the Human Trafficking and Exploitation (Scotland) Act 2015.*

**3. GRETA urges the UK authorities to:**

- enshrine in the law applicable in England and Wales, Scotland and Northern Ireland the right to a recovery and reflection period as defined in Article 13 of the Convention;**

*The UK is already compliant with Articles 12 and 13 of the Convention through the use of the administrative National Referral Mechanism (NRM) scheme whose policies are set out in published guidance. Whilst noting that GRETA would like to see the right to a recovery and reflection period enshrined in UK domestic law the fact that this is not currently the case does allow for a flexible approach to be taken if appropriate for example when recommendations are made regarding how to improve the process, such as those in the 2014 NRM review, or indeed from GRETA. The Home Office already offers a recovery and reflection period and has done so since the National Referral Mechanism was introduced in April 2009.*

*Statutory guidance published by DfE (Care of unaccompanied and trafficked children 2014) makes clear that the assessment conducted as the first step in the care planning process must be made with reference to the child's needs as an unaccompanied or trafficked child – because of their experiences in their country of origin, their journey to the UK, abuse or exploitation experienced at the hands of traffickers. The assessment should also cover the child's needs in relation to their health, disability, education, religion, race, cultural and linguistic background*

*The Office for Standards in Education, Children's Services and Skills (Ofsted) is responsible for inspecting and regulating children's social care services, making sure they comply with regulations and statutory guidance to ensure that services are suitable for children and meet their needs.*

**Northern Ireland**

*The right to a recovery and reflection period is on a statutory footing in Northern Ireland, under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.*

*The Children (Northern Ireland) Order 1995 provides comprehensive provision for all children, including victims and potential victims of trafficking.*

*As noted in the body of the report, Section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 placed a statutory duty on the DOJ to provide assistance and support to adult potential victims of human trafficking, during a 45 day "recovery and reflection" period, pending determination of their status as victims by a Competent Authority.*

*The legislation does not specifically reference Article 13, however, the purpose of this legislation is to provide potential victims with a period of time to allow them to recover and escape the influence of traffickers and to take an informed decision on co-operation with the authorities.*

*As such DOJ considers that the right to a recovery and reflection period is enshrined in domestic legislation.*

**Scotland**

*The Human Trafficking and Exploitation (Scotland) Act 2015 sets out the right to a recovery and reflection period for adult victims of trafficking and places a duty on Scottish Ministers to secure support and assistance for the victim during the relevant period. It also sets out that Scottish Ministers may*

---

*secure the provision of support and assistance to adult victims of trafficking before and beyond the relevant period.*

- **ensure that all possible victims of trafficking, including children, are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period (paragraph 222).**

#### UK

*The UK is already compliant with Articles 12 and 13 of the Convention through the use of the administrative National Referral Mechanism (NRM) scheme whose policies are set out in published guidance. Whilst noting that GRETA would like to see the right to a recovery and reflection period enshrined in UK domestic law the fact that this is not currently the case does allow for a flexible approach to be taken if appropriate for example when recommendations are made regarding how to improve the process, such as those in the 2014 NRM review, or indeed from GRETA. The Home Office already offers a recovery and reflection period and has done so since the National Referral Mechanism was introduced in April 2009.*

#### Northern Ireland

*The right to a recovery and reflection period is on a statutory footing in Northern Ireland, under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.*

*The Children (Northern Ireland) Order 1995 provides comprehensive provision for all children, including victims and potential victims of trafficking.*

*Section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 places a statutory duty on the department of Justice to provide assistance and support to adult potential victims of human trafficking. Subsection 7 makes provision in respect of the types of assistance and support that should be provided under the section, according to assessed need, and sets out a non-exhaustive list which includes:*

- appropriate and safe accommodation;
- material assistance;
- assistance in obtaining healthcare services;
- appropriate information;
- translation and interpretation services;
- assistance in obtaining legal advice or representation; and
- assistance with repatriation.

*Revised Guidance will require that all child victims/potential child victims of Human Trafficking and Modern Slavery are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period.*

#### Scotland

*Section 9 of the Human Trafficking and Exploitation (Scotland) Act places a duty on Scottish Ministers to secure support and assistance for adult victims of human trafficking. It also allows them to determine the relevant period during which that support and assistance should be provided through regulations and to provide support and assistance before and after that period.*

*This section is still to be commenced and the Scottish Government will be consulting on the issues in autumn 2016.*

*Unaccompanied and potentially trafficked children are deemed to be looked after children in Scotland and as such are eligible for all measures of protection and assistance to aid their safeguarding and recovery.*

**4. GRETA urges the UK authorities to adopt measures and to facilitate and guarantee access to compensation for victims of THB, and in particular to:**

- ensure that victims of trafficking are systematically informed in a language they understand of the available avenues to seek compensation and the procedures to be followed;

*England and Wales*

*Information on compensation under the CICS is set out in the Victims Code. If an individual is a victim of crime then they would be able to receive information on the Victims' Code.*

*The Legal Aid Sentencing and Punishment of Offenders Act 2012 sets out the matters for which civil legal services may be provided. Victims of human trafficking, slavery, servitude or forced or compulsory labour can apply for legal aid in relation to:*

- applications for leave to enter or to remain in the UK;
- a claim under employment law; or
- a claim for damages in relation to their exploitation.

*In cases relating to applications for leave to enter or to remain in the UK, legal aid is only available if a competent authority has determined that the individual is a victim of trafficking or modern slavery or there are reasonable grounds to believe that the applicant is such a victim and there has not been a conclusive determination that the individual is not such a victim. In practice this means the person needs a positive reasonable or conclusive grounds decision in the National Referral Mechanism.*

*For an individual to qualify for these and other civil legal aid services, they must satisfy statutory means and merits tests. The specific tests applicable depend on the nature of the application for legal aid.*

*The Ministry of Justice and the Legal Aid Agency recently conducted a review to assess the demand for legal aid in respect of trafficking and modern slavery compensation claims and what, if any, barriers exist to its provision. The results of the review will be published in due course.*

*Northern Ireland*

*All victims of trafficking in Northern Ireland are able to apply for compensation. Guidance is available in several languages to facilitate this and can be accessed either in hardcopy or on the Department of Justice and NI Direct websites.*

*In addition, the Department of Justice provides funding to Victim Support NI (VSNI) which is an independent organisation operating as a charity and supporting people affected by crime. VSNI offers a free and confidential service, whether or not a crime has been reported and regardless of how long ago the event took place. VSNI can access interpreter services should they be required and their information leaflet is available in several languages.*

*Scotland*

*Section 3C of the Victims and Witnesses (Scotland) Act 2014 obliges Police Scotland to direct victims of crime towards the Victims' Code for Scotland. The code has information about compensation and is available in a number of languages.*

*In addition, third sector victim support organisations – including those funded by the Scottish Government – routinely assist victims in understanding what may be available.*

- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to compensation;

#### Northern Ireland

*The Northern Ireland Criminal Injuries Compensation Scheme does not require an applicant to have legal advice or representation in order to apply for compensation. If applicants decide to engage legal or other advice to help them make their application, they must do so at their own expense.*

*As noted, DOJ specifically funds Victim Support NI to assist victims, free of charge, with the compensation process. At the initial stage VSNI will offer assistance to applicants in completing the application and will be able to advise applicants on the likely outcome of the process, including an estimate of how long that process should take before a decision on the award, is known.*

*At the review and appeals stages, VSNI will offer the assistance of specially trained advisors, who, it is intended, will be able to guide the applicants through these stages, should they feel the need for such assistance.*

- secure criminal assets as early as possible in trafficking investigations to make confiscation orders effective;

#### Northern Ireland

*Section 8 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 amended the Proceeds of Crime Act 2002 insofar as it relates to Northern Ireland to specify human trafficking and slavery-like offences as “criminal lifestyle offences”.*

*The securing of assets as early as possible is considered in every trafficking investigation as and when there is sufficient information and grounds are present to do so.*

*The draft NI Human Trafficking and Modern Slavery Strategy for 2016/17 includes an action for the Public Prosecution Service (PPS) to continue to apply for restraint and confiscation of criminal assets in appropriate cases.*

- instruct prosecutors to request reparation orders to the greatest possible extent, including in cases where the defendant has limited earning capacity and no assets;

#### Northern Ireland

*All cases involving Human Trafficking are now dealt with by Senior Public Prosecutors within the PPS Serious Crime Unit. All prosecutors within the Unit have received training on prosecuting cases of Human Trafficking including the Ancillary Orders (which include Compensation Orders) that may be applied for.*

*The PPS Policy for Prosecuting Cases which was issued in 2013 also contains guidance for Prosecutors on Ancillary Orders. Prosecutors have been instructed to apply for orders in appropriate cases.*

#### Scotland

*Section 249 of the Criminal Procedure (Scotland) Act 1995 allows the court to make an order that a person who has been convicted of an offence pay compensation to the victim of that offence.*

- ensure that all victims of human trafficking are eligible for compensation from the Criminal Injuries Compensation Authority, regardless of the nature of the means used, and that the amount of compensation from the Northern Ireland Criminal Injuries Compensation Authority is not made dependent on the victim's co-operation with the authorities or prior convictions;

### Northern Ireland

*Compensation is not 'dependent' on the victim's co-operation with the authorities or prior convictions. The Criminal Injuries Compensation Scheme 2009 includes provision to withhold or reduce an award where Compensation Services considers that the applicant failed to co-operate with the police or other authority in attempting to bring the assailant to justice.*

*Compensation Services assesses each claim for compensation on its own merits and considers the full circumstances of how the criminal injury was sustained and the applicant's behaviours and character before, during and after the incident which led to the injury.*

- remove the fee to initiate employment proceedings for victims of trafficking as well as the requirement to enter into mediation before initiating employment proceedings for victims of trafficking;

### Scotland

*The Scotland Act 2016 allows for the powers relating to the management and operation of Employment Tribunals to transfer to Scotland. The Scottish Government has committed to abolish fees for employment tribunals, when it is clear on how the transfer of powers and responsibilities will work. It will consult on the shape of services that can best support people's access to employment justice as part of the transfer of the powers for Employment Tribunals to Scotland.*

### Northern Ireland

*No fees have been introduced either to access or proceed through employment tribunals in Northern Ireland. This differs from the position in Great Britain. See below in relation to "mediation".*

- ensure that victims of trafficking who are irregular migrants are not prevented from seeking unpaid salaries before employment tribunals by reason of their immigration status;

*The UK Government is carrying out a post-implementation review of the introduction of fees in the Employment Tribunal. The review will report in due course and we will consult on any changes made to the fees or remissions scheme.*

*Northern Ireland tribunals will take cognisance of any ruling of the UK Supreme Court (see page 60 of GRETA report). Changes in legislation connected to migration status are, however, outwith the devolved sphere.*

- remove the requirement to enter into mediation before initiating employment proceedings for victims of trafficking (paragraph 245).

### Northern Ireland

*If this refers to early conciliation, then the system is not yet operative in Northern Ireland. When it is operative (probably 2017), the requirement will not be to 'enter into' conciliation; rather, it will be to advise the Labour Relations Agency (LRA) of a dispute, in response to which the LRA will offer its services. Whether the prospective claimant chooses to engage with conciliation is a matter for them. Potential claimants are free not to engage, and in that case must simply meet the notification requirement.*

**5. GRETA urges the UK authorities to ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return; such assessments should also ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return (Article 16 (5) of the Convention) (paragraph 254).**

**UK**

*All returns of victims are conducted in accordance with these principles and our international obligations.*

**Northern Ireland**

*In respect of children in Northern Ireland, under the Children (Northern Ireland) Order 1995, the best interests of the child are the paramount consideration in all proceedings. Revised Guidance "Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery" [2016] will assist to ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, working with relevant partners in countries of return.*

*Assessments in advance of a separated child's repatriation should also ensure receipt by the family or appropriate care structures and education in countries of return.*

**Scotland**

*One of the functions of the independent Guardian is to work with those young adults who have been declined asylum by the Home Office and are deemed fit to return home, in terms of preparation and to ensure that the voice of that young adult is heard by the authorities where decisions about their future are being made.*

**Further conclusions:**

**1. GRETA considers that the UK authorities should examine the possibility of establishing an independent National Rapporteur or designating another independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 31).**

*The creation of the Independent Anti-Slavery Commissioner provides additional support working with law enforcement agencies, local authorities and third sector organisations encouraging good practice in the identification of victims and the prevention, detection, investigation and prosecution of modern slavery crimes.*

*The Modern Slavery Inter-Departmental Ministerial Group, formerly known as the Inter-Departmental Ministerial Group on human trafficking, is responsible for the coordination and oversight of modern slavery activity across the UK.*

*The group's reports and statements of activity provide an update on the government's approach to stopping modern slavery. The reports provide an assessment of trends as well as the UK's response to a range of reports on efforts to counter the heinous crime of modern slavery.*

*The IDMG is the UK's national rapporteur equivalent mechanism, under the EU Directive on Trafficking in Human Beings.*

2. GRETA welcomes measures taken to train relevant staff, to adapt training to new legal developments and to adopt a multi-agency approach to training. GRETA considers that the UK authorities should continue their efforts in order to ensure that comprehensive training programmes are organised in a systematic and harmonised way across the UK for all relevant officials, in particular law enforcement officials, lawyers (including duty solicitors), prosecutors, magistrates, judges, social workers, child specialists and medical professionals. The relevance, effectiveness and reach of these programmes should be evaluated at regular intervals (paragraph 67).

#### England and Wales

*As noted in the body of the text, the Home Office e-learning on modern slavery and the NRM, aimed at UK Border Force (UKBF), UK Visas and Immigration (UKVI) and Immigration Enforcement (IE) staff, was updated and re-launched in March 2016, with revised text relating to modern slavery and other relevant policy changes. It comprises three courses: (i) an NRM e-learning course for all previously mentioned agencies; (ii) a specific modern slavery e-learning course for UKBF; and (iii) a separate modern slavery e-learning course for UKVI and IE. The training is mandatory for all staff working in these areas in the UK.*

*The courses provide a general insight into modern slavery, indicators to look out for and some more detailed information about specific types of exploitation, such as sexual exploitation, forced labour and domestic servitude. Staff are trained to refer cases into the NRM and to use the duty to notify mechanism (see paragraph 69), which means that the Home Office receives an anonymised notification if a possible adult victim does not want to be referred into the NRM.*

*Since March 2016, a total of 2,924 Home Office staff (from UKVI, IE and UKBF) have passed the NRM e-learning. Since March 2016 2,995 Home Office staff have passed the Modern Slavery course for UKVI and IE officials (2 995 since March 2016) and 2092 Home Office staff have passed the Modern Slavery course for UKBF since March 2016. The snapshot of figures for these e-learning courses was taken on 19 May 2016*

*In total, 65 956 police officers and staff have completed training on modern slavery.*

*The Crown Prosecution Service (CPS) has submitted a paper to the Director's Board to recommend further training be carried out on human trafficking/slavery to prosecutors in complex case units (CCU) and designated prosecutors who are not in CCUs to provide greater resilience and capacity. It is anticipated that this will commence at end of calendar year (2016).*

#### Northern Ireland

*Agreed. Training is already in place, as noted in the report. In addition, DOJNI is represented on a national working group (led by the CPS) on anti-slavery/human trafficking training.*

*This group aims to establish national standards for training (recognising that there cannot be a one-size fits all approach) to ensure that training is accurate, appropriate and fit for purpose. The group is also intending to do a quality assurance exercise on existing training materials.*

#### Scotland

*Scotland is also represented on the group mentioned above.*

*As an example of multiagency working and training, Police Scotland are leading a piece of work on behalf of the Strategy Implementation Group to seek to streamline the interviewing of witnesses, so that each agency is able to have access to the necessary information without the witness having to tell their story multiple times.*

*The Strategy Implementation Group is also looking to develop a resource for use within Scotland so that all agencies impart the same key messages, with each providing more detailed training according to the requirements of that agency.*

**3. GRETA welcomes the regular publication of data from the NRM as a way to inform public policies to combat human trafficking and invites the UK authorities to also publish information on NRM decisions (both reasonable grounds and conclusive grounds decision) disaggregated by country of origin, type of modern slavery and decision maker (paragraph 68).**

**4. GRETA considers that the UK authorities should continue and strengthen their efforts to develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of THB cases, including by entrusting this task to an independent entity (paragraph 74).**

#### England and Wales

*Under the Powers of Criminal Courts (Sentencing) Act 2000, s130, the court must consider making a compensation order in any criminal case where personal injury, loss or damage has resulted from the offence. Section 45 of the Modern Slavery Act 2015 provides for a statutory defence for victims of modern slavery who are compelled to commit a criminal offence as a result of their exploitation. The Act places limitations on the use of this defence and it will not apply to certain serious offences, mainly serious sexual or violent offences. Most immigration offences are excluded from the ambit of the offence. Therefore, where a person has been compelled to commit certain immigration offences, if the compulsion is attributable to slavery or relevant exploitation and a reasonable person in the same situation would have no realistic alternative to committing the immigration offence, the statutory defence will apply.*

*The CPS case management system can provide data to confirm prosecutions and convictions; it does not maintain data on individual victims in cases. Therefore it would not be possible for the CPS alone to develop such arrangements on existing systems. There would also be a need to determine why such data would be required and how it would be used.*

#### Northern Ireland

*An objective of the draft Northern Ireland Human Trafficking and Modern Slavery Strategy for 2016/17 is an improved understanding of human trafficking and modern slavery. A number of actions have been identified to realise this, such as:*

- *The development of cyber capabilities to assist in the identification and scale of human trafficking;*
- *Effective use of Europol for information sharing to increase understanding of human trafficking activity across the EU; and*
- *Implementation of “duty to notify” provisions under Section 13 of Human Trafficking and Exploitation (etc) Act 2015 (not yet in place).*

#### Scotland

*As part of work to develop Scotland’s first Trafficking and Exploitation Strategy, the Scottish Government is exploring how data collection can be improved to facilitate improved services and processes.*

**5. GRETA welcomes the research carried out by different stakeholders in the UK and covering a wide range of issues relevant to human trafficking and invites the UK authorities to continue providing funding and support for research projects on THB (paragraph 77).**

#### Scotland

*Funding via the Scottish Funding Council supports research based on its quality – and wherever that is found in our universities. Researchers interested in developing studies into the impact on the health and*

*social care of the people of Scotland from human trafficking would be free to seek funding through Chief Scientist's Office's usual processes which include ethical and peer review.*

**6. GRETA welcomes the awareness-raising efforts on human trafficking made across the UK and the support provided to countries of origin, and invites the authorities to systematically assess the impact of these efforts and to plan future information and awareness-raising campaigns on the basis of previous research and impact assessment (paragraph 88)**

#### Northern Ireland

*As noted, DOJNI plans to baseline public awareness by including questions on human trafficking and modern slavery in the Omnibus Crime Survey. We believe this will provide us with valuable information that will help to shape (and evaluate) future awareness raising campaigns*

#### Scotland

*Awareness raising is being considered as part of work to develop Scotland's Trafficking and Exploitation Strategy which will be issued for consultation in 2016 and the Scottish Government intends to assess the impact of any initiatives undertaken on an ongoing basis.*

**7. GRETA welcomes the efforts made since the first evaluation to prevent trafficking for the purpose of labour exploitation and in particular the extended mandate and increased resources of the GLA/GLAA as well as the transparency in supply chains provisions of the Modern Slavery Act 2015. However, GRETA considers that the UK authorities should take further measures to:**

- strengthen the capacity and remit of the relevant inspectorates (Employment Agency Standards Inspectorate, GLA/GLAA, Her Majesty's Revenue and Customs (HMRC) National Minimum Wage, Health and Safety Executive);
- ensure that ongoing training is provided to all inspectorate staff to enable proactive identification and referral of human trafficking cases for labour exploitation;
- ensure that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of THB;
- implement the recommendations of the Ewins Review, including the reform of the overseas domestic workers visa system to allow for change of employment and, for domestic workers employed in diplomatic households, ensure that work contracts are concluded with Embassy missions rather than individual diplomats (paragraph 106).

*The UK Government amended the Immigration Rules in April 2016 to provide those admitted as overseas domestic workers with right to change employers during the 6-month period for which they are admitted, and will legislate to ensure that overseas domestic workers who are the subject of a positive reasonable grounds decision under the National Referral Mechanism can continue to work while their case is considered. The Government has also undertaken to implement James Ewins QC's recommendations concerning the introduction of information, advice and support meetings for those admitted as overseas domestic workers. The Government has also stated that it will introduce a requirement for those who bring overseas domestic workers to the UK to be registered for that purpose, and is considering whether it should be a condition of such registration that an employer will provide access to workplace checks. The Government has considered whether it should require that private servants of diplomats should be contracted directly to the Embassy rather than individual diplomats but has not so far been persuaded that this would make a material difference to its ability to respond to individual instances of abuse.*

*In the Immigration Act 2016 the UK Government introduced reforms to broaden the GLA's remit and strengthen its powers, renaming it the Gangmasters and Labour Abuse Authority (GLAA) to reflect its broader functions. The 2016 Act created the role of designated labour abuse prevention officers (LAPOs) within the GLAA and introduces provisions to give these officers police-style powers under the Police and Criminal Evidence (PACE) Act in England and Wales in relation to labour market offences. The 2016 Act gives the labour abuse prevention officers a wider investigative remit enabling them to consider offences covered by the National Minimum Wage Act 1998, the Employment Agencies Act 1973, and the*

*Modern Slavery Act 2015, when connected to labour market exploitation. The GLA have received additional financial resource in 2016-17 from the Home Office in response to their widening remit.*

### Northern Ireland

*PSNI provided an awareness session to the DEL (now Department for the Economy) Employment Agency Inspectors and GLA inspectors on 14 October 2015.*

*Working with the Irish Government, DOJ also co-hosted a cross border seminar on forced labour in June 2016. This seminar brought together inspectorates, private sector representatives and recruitment agencies to highlight issues, raise awareness and tackle labour exploitation.*

*DfE Employment Agency Inspectors may at all reasonable times enter and inspect any relevant business premises which are used, or have been used for, or in connection with the carrying on of an employment agency or business. This can include premises where records are kept in relation to the agency or business. This would include a private household. However, it would be for the purposes of inspecting the agency and not the workers placements. It is unlikely that we would come across situations of domestic workers unless they are placed through an agency and records are kept. Signs and indicators of all forms of modern slavery are always considered at inspections.*

**8. Furthermore, GRETA invites the UK authorities to:**

- **continue working closely with the private sector to promote corporate social responsibility, in line with the Guiding Principles on Business and Human Rights;**
- **monitor the impact of the statutory requirements on transparency in supply chains, with a view to assessing their effectiveness in combatting human trafficking for the purpose of labour exploitation (paragraph 107).**

### England and Wales

*Section 54 of the Modern Slavery Act 2015 requires that any commercial organisation in any sector, which supplies goods or services and carries on a business or part of a business in the UK, and has a turnover of above £36m, is required to produce a slavery and human trafficking statement for each financial year of the organisation.*

*The statement must set out what steps the organisation has taken to ensure that slavery and human trafficking is not taking place in its business and supply chains. This provision came into force on 29 October 2015. On the same day HMG published associated statutory guidance on 29 October 2015.*

*The UK Government included a transitional provision so the first organisations required to produce a statement will be those with a financial year end on or after 31 March 2016. This was to ensure that all organisations have time to consider the guidance before producing their first statement.*

*HMG is working with industry, NGO's and other stakeholders to identify ways to raise awareness of these requirements and to guide and support those organisations subject to them. In addition we are sharing our work on transparency in supply chains with international partners to support best practice globally.*

### Northern Ireland

*DOJNI and the Department for Employment and Learning (now the Department for Economy) held a seminar in January 2016 which was targeted at agencies and employers in sectors not covered by the GLA.*

*In June 2016, DOJNI and the Department of Justice and Equality in Dublin hosted a cross-border event on modern slavery and trafficking for labour exploitation to raise awareness amongst employers of responsibilities, risk and of the requirements under the new 'Transparency in Supply Chain' regulations that came into force in October 2015. The event also highlighted the issue of having traffic and exploitation-free supply chains.*

DOJ will continue to take forward work to tackle trafficking for labour exploitation to work in tandem with the TISC provisions. DOJ considers that any review of the effectiveness of TISC is best conducted centrally.

### Scotland

The Scottish Government continues to support the UK wide TISC requirements. As part of the development of the Trafficking and Exploitation Strategy, the Scottish Government will also consider developing guidance for businesses in Scotland around trafficking and exploitation and other human rights issues.

9. GRETA considers that the UK authorities should strengthen their efforts in the area of prevention of child trafficking, including concerning forms of exploitation other than sexual exploitation, and targeting in particular children from vulnerable groups and children in street situations, including those living in residential institutions, through educational, social, economic and other initiatives (paragraph 118).

### England and Wales

*The best local authorities already provide tailored support. This includes taking steps, as soon as trafficked children come into care, to protect them from the risk of going missing and returning to their traffickers. Those involved in planning and providing for the care of trafficked children should receive specialist training so that they are aware of the risks and issues faced by those children, and of how to respond to them.*

*Local authorities have well-established child support arrangements and a statutory duty under the Children Act 1989 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 all their needs be they in relation to education, accommodation, psychological or health. Local authorities' co-ordinate the arrangements for each looked after child to ensure they are safeguarded and have their welfare promoted.*

*The guidance is intended to clarify the steps local authorities should take in providing appropriate support.*

*Schools may choose to cover issues related to human trafficking, including child trafficking as part of their wider school curriculum or as part of personal, social, health and economic (PSHE) education. The government believes that teachers are best placed to understand the needs of their pupils and do not need additional central prescription in this area.*

### Northern Ireland

*In Northern Ireland, the Health and Social Care Board has co-ordinated a Regional Practice Network. There is a pathway for children and young people who may have been trafficked. There is also a bespoke residential provision for suspected victims and there has been a range of training provision.*

**Revised Guidance “Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery” [2016]** will promote consideration of all forms of exploitation of child victims/potential child victims of Human Trafficking and Modern Slavery.

*A range of personal social services and supports, commensurate with assessed needs, will be afforded to child victims/potential child victims of Human Trafficking and Modern Slavery.*

## Scotland

*The Scottish Government remains fully committed to the tackling child poverty agenda. We recognise that there is still a long way to go, and it will remain a top priority. In consultation with our Ministerial Advisory Group on Child Poverty, our Independent Poverty Advisor and other stakeholders we will continue to develop a Scottish approach to tackling Child Poverty, including how we measure and report our efforts - reflecting the importance we continue to place on this challenge and our desire to effect real change and not just ignore the problem by changing the goalposts. The Scottish Government is currently undertaking a consultation on a proposed Child Poverty Bill for Scotland.*

*The Scottish Government takes a preventative approach to help ensure Scotland is the best place for children and young people to grow up. Improved life chances for children, young people and families at risk is identified as a national outcome and a range of policies and programmes are in place which support this.*

*Our work on prevention of child trafficking does cover forms of exploitation other than sexual exploitation, as highlighted by the GRETA report and also includes helping ensure there are appropriate and timely interventions to support children at risk. This is part of our approach through universal services such as education and health and more targeted interventions based on risk and the needs of the child.*

*Where young people are victims of crime, including trafficking, there is a need to ensure that a child centred, wellbeing approach is taken to their needs. It is also important to identify and assess the circumstances impacting on the child. A child who is involved in some offending behaviour, for example, may be a victim themselves. The Youth Justice Strategy 'Preventing Offending – Getting it right for children and young people' highlights a clear set of forward priorities to respond to young people involved in offending or on the cusp of offending. The strategy promotes a child centred, preventative approach ensuring communities are safe from crime and the life chances of young people are improved. The Whole System Approach (WSA) to young people who offend has been rolled out across Scotland since 2011. This partnership approach has a shared ambition of what we want to do to prevent, divert, manage and change offending behaviour by children and young people involving police, local authorities, Scottish Children's Reporter Administration, Crown Office and Procurator Fiscal Service and others including third sector organisations.*

*Scotland has a unique care and justice system for children and young people called the Children's Hearings System. It aims to ensure the safety and wellbeing of vulnerable children and young people through a decision making lay tribunal called the Children's Panel.*

*Children and young people, who face serious problems in their lives, including risk of exploitation, may be asked to go to a children's hearing. The Children's Panel makes decisions at a hearing about the help and guidance necessary to support the child or young person. Decisions are made in the best interests of the child or young person to help and protect them. A number of different agencies work together within the Children's Hearings System to deliver care, protection and support services to the children and young people involved. These include social work, police, education, the Scottish Children's Reporter Administration (SCRA) and Children's Hearings Scotland (CHS). One of the fundamental principles of the Children's Hearings System is that children and young people who commit offences, and children and young people who need care and protection, are dealt with in the same system – as they are often the same children and young people.*

*In addition, the objective of the Divert strand of Scotland's Serious Organised Crime Strategy is "to divert people from becoming involved in Serious Organised Crime and using its products". The strategy recognises the risk of children and young people being drawn into serious organised crime and under the strategy a range of initiatives and activities is being taken forward to prevent children and young people being drawn into serious organised crime, including drug trafficking.*

*The most targeted of these initiatives is a diversionary service in Glasgow which works with and supports young people aged 12 to 18 who have been or are at risk of involvement in organised crime, with the aim of ending that involvement. It provides mentoring and support programmes to identify positive role*

---

*models and activities and work within the young person's local community, with their families and with others who might be pressuring the young person to become involved in criminal activities to convince them and the young person that they deserve the chance of a better future. It is part-funded by Scottish Government.*

*In addition the Strategy also recognises the role of more generic/broad-based initiatives in diverting children and young people away from involvement in organised crime and drug trafficking and from using the products of organised crime, particularly drugs. This includes offering positive recreational training and employment opportunities to young people. A large number of projects and programmes of this sort are funded by the Scottish Government through our unique CashBack for Communities Programme under which monies recovered under the proceeds of crime legislation have been reinvested into communities with a particular focus on supporting young people. Since 2008 we have committed £75 million to CashBack, delivering over 1.8 million free, positive and healthy opportunities and activities for young people. Projects range from diversionary work to more long-term potentially life-changing intervention projects, which aim to turn an individual's life around and provide them the opportunity of a positive destination such as employment, education, or volunteering.*

*In respect of children living in residential care, the Scottish Government is bringing in a vocational qualification for residential child care workers which aim to better prepare the workforce for the increasingly complex conditions and experiences that young people present with when they are moved to residential child care. The Scottish Credit and Qualifications Framework Level 9 qualification will be rolled out to the workforce from October 2017 with the aim of having the workforce qualified by 2027. Scotland already has in place National Care Standards for residential child care which has a focus on ensuring accommodated children and young people are able to live free from exploitation and abuse. Residential care services in Scotland are subject to scrutiny by the Care Inspectorate.*

**10. GRETA invites the UK authorities to continue their efforts to sensitise medical professionals involved in organ transplantations and other relevant professionals about THB for the purpose of organ removal (paragraph 125)**

**Northern Ireland**

*Recommendation noted. In Northern Ireland we are committed to continuing our efforts to raise awareness of all forms of THB to relevant frontline staff across all sectors, including health and social care professionals.*

**11. GRETA considers that the UK authorities should make further efforts to discourage demand that fosters trafficking for all forms of exploitation, through legislative, educational, social and other measures, in partnership with civil society and the private sector (paragraph 134).**

*Modern Slavery Strategy 2014 states, as noted in the body of the report, that the UK Government is clear that we can only achieve reduction in demand and prevalence of modern slavery in the UK by working with all partners through coordinated and strategic manner. This includes a determined and focused law enforcement response, greater awareness among frontline professionals, greater awareness among frontline professionals, coordinated international activity, close working with the private sector and support for communities. The UK Government is also clear that we must build on developing partnership working with civil society and faith groups across our entire strategic response.*

**Northern Ireland**

*Agreed. One of the projected outcomes of the draft NI Human Trafficking and Modern Slavery Strategy for 2016/17 is a reduction in demand for services of trafficked and exploited victims.*

## Scotland

*One of the proposed themes of Scotland's Trafficking and Exploitation Strategy, which will be issued for consultation in 2016, is to address the conditions that foster trafficking. The involvement of stakeholders will be a key to this.*

**12. GRETA invites the UK authorities to pursue their efforts to detect victims of trafficking at border crossings, including at UK checkpoints in France and Belgium (paragraph 140).**

*Specialist SAT teams in all regions of Border Force are continuing their efforts to detect victims of trafficking at border crossings, including at UK controls in France and Belgium.*

**13. GRETA considers that the UK authorities should closely monitor the implications of the new Immigration Act offence of illegal working, for the identification and protection of victims of trafficking, the application of the non-punishment provision and the prosecution of offenders (paragraph 157).**

**14. GRETA welcomes the recent review of the NRM and the setting up of multi-agency panels to identify victims of trafficking, which corresponds to the requirements of the Convention concerning collaboration with support organisations (Article 10(2) of the Convention). GRETA considers that the UK authorities should allocate sufficient resources to ensure their full effectiveness and sustainability (paragraph 166).**

**15. Further, GRETA considers that the UK authorities should:**

- ensure that the NRM and the asylum determination processes are recognised as separate and distinct, and keep under review the identification of victims of trafficking amongst applicants for international protection, including asylum seekers;
- improve the identification of victims of trafficking in detention centres and ensure that following a positive reasonable grounds decision, possible victims of trafficking are speedily removed from detention and offered assistance and protection as provided in the Convention;
- 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, including with the Gangmasters Labour Abuse Authority, by the bodies responsible for regulating employment, health and safety and tax compliance in sectors most at risk;
- reform the current practice to allow for appeal of a negative NRM decision, in particular where new information is available, and ensure that assistance continues to be provided while an appeal process is ongoing (paragraph 167).

*The Home Office considers that it has always been proactive in the identification of victims of modern slavery amongst applicants for international protection, including asylum seekers.*

*The NRM decision-making and asylum decision-making are already separate and distinct.*

*Many victims of human trafficking or modern slavery also make asylum claims.*

*Asylum processes short of taking an asylum decision such as asylum interview will continue whilst a person is in the NRM, so that once a decision has been taken on whether the person is a victim of modern slavery, any outstanding claim for asylum can be decided. The Home Office can make a positive decision on an asylum claim before a decision is made under the NRM process although it is not obliged to do so. But it will not make negative decision on an asylum claim during that period.*

*The outcome of the NRM decision does not automatically result in asylum being granted or refused. This is because the criteria used to grant asylum are not the same as the criteria used to assess whether a person is a victim of modern slavery.*

*Every asylum claim must be considered on its merits and in line with existing guidance.*

*Home Office staff in Immigration Removal Centres undertake training to make referrals to the National Referral Mechanism (NRM) for potential victims of modern slavery.*

*Home Office staff in detention must follow the published guidance on modern slavery on identification and referral of potential victims of modern slavery. E-learning on the NRM and modern slavery including how to make referrals to the NRM is mandatory for Home Office staff working in detention.*

*Where a positive reasonable grounds decision is made and an adult potential victim of trafficking/slavery is in immigration detention they will normally need to be released and granted 45 days for recovery and reflection unless in the particular circumstances, their detention can be justified on grounds of public order. This is clearly set out in published guidance.*

*There is already a clear process set out in published guidance on the reconsideration of NRM decisions.*

*The UK Government is committed to a renewed focus to protect workers from exploitation by linking together labour market enforcement agencies for the first time. We are appointing a new Director of Labour Market Enforcement who will have a broad role in aligning the work of Her Majesty's Revenue and Customs' National Minimum Wage functions, the Employment Agency Standards Inspectorate and the Gangmasters Licensing Authority (GLA) and building a multi-agency response to tackling labour market exploitation. The Director for Labour Market Enforcement will publish an annual labour market enforcement strategy outlining how enforcement agencies can protect workers by tackling exploitation across various sectors in the UK. This strategy will ensure a targeted approach which addresses problems and best helps victims. The Director's remit will stretch across the whole of the labour market – including direct employment as well as labour providers – and the whole of the spectrum of non-compliance, from accidental infringement to serious criminality. This will drive increased co-ordination and joint working between the enforcement bodies, which will enable them to be more effective.*

#### Northern Ireland

*We will want to review the results of the multi-agency pilots in due course to inform if and how the NRM identification process for victims from Northern Ireland should change.*

**16. GRETA invites the UK authorities to promote the relevant guidance and sensitise all relevant staff and NGOs to the need to guarantee the confidentiality of the personal data of victims, especially those not wishing to enter into the NRM, when discharging their duty to notify all possible victims to the law enforcement authorities (paragraph 214).**

*The UK Government will ensure that the Statutory Guidance for Victim Identification and Support promotes the confidentiality of personal data as outlined above.*

#### Northern Ireland

*PSNI has asked NGOs working with victims to enter into an MOU with them on information sharing. Date protection policies are in place under DOJ's contracted support provision for victims. In Northern Ireland the section 13 duty to notify provision has not yet been implemented.*

#### Scotland

*The Scottish Government is currently working closely with stakeholders, including the Information Commissioner, to develop regulations that will deliver the duty to notify and provide information about victims as set out in s.38 of the Human Trafficking and Exploitation (Scotland) Act 2015. The Scottish Government is aware of the need to deal sensitively with the personal data of victims.*

**17. GRETA considers that the UK authorities should:**

- ensure that all victims of human trafficking who have received a positive conclusive grounds decision and whose immigration status requires it are issued a renewable residence permit when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in the UK is required for this purpose, in accordance with Article 14(1) of the Convention;

*A person who is accepted as a victim of trafficking by any Competent Authority in the UK will not be granted leave solely as a direct result of that decision unless they meet the relevant criteria.*

*The UK's current policy is to consider whether a grant of leave to remain is appropriate in the particular circumstances of the individual case. There must be compelling reasons based on the victim's individual circumstances to justify a grant of discretionary leave to remain where they do not qualify for leave on any other basis, such as asylum or humanitarian protection.*

*A grant of discretionary leave will be considered in respect of victims of trafficking where a confirmed victim has particularly compelling personal circumstances, needs to stay in the UK in order to pursue a claim for compensation against their traffickers or needs to stay in the UK to assist with police enquiries. Each case must be considered on its individual merits and in full compliance with the UK's obligations under EU Directive 2011/36 on preventing and combating trafficking and the Council of Europe Convention on Action against Trafficking in Human Beings. Where they continue to meet the relevant criteria under the policy further leave may be granted. Where someone is granted an initial period of discretionary leave this does not necessarily mean they are entitled to further leave or settlement.*

- ensure that all child victims are issued such residence permits, in accordance with the best interests of the child, pursuant to Article 14 (2) of the Convention;

*If a child is found to be a victim of trafficking/slavery applies for any leave to remain the issue of children's best interests must be considered before deciding whether to grant leave.*

*Children who have received a positive conclusive grounds decision (i.e. that they are a victim of trafficking) have a number of different pathways: they can be considered for a grant of discretionary leave to remain or if they have made a claim for asylum this will be processed at an appropriate time.*

*A child who is accepted as a victim of trafficking by any Competent Authority will not be granted leave solely as a direct result of that decision unless they meet the relevant criteria.*

*The UK's current policy is to consider whether a grant of leave to remain is appropriate in the particular circumstances of the individual case. There must be compelling reasons based on the victim's individual circumstances to justify a grant of discretionary leave to remain where they do not qualify for leave on any other basis, such as asylum or humanitarian protection.*

*A grant of discretionary leave will be considered in respect of victims of trafficking where a confirmed victim has particularly compelling personal circumstances, needs to stay in the UK in order to pursue a claim for compensation against their traffickers or needs to stay in the UK to assist with police enquiries. Each case must be considered on its individual merits and in full compliance with the UK's obligations under EU Directive 2011/36 on preventing and combating trafficking and the Council of Europe Convention on Action against Trafficking in Human Beings. Where they continue to meet the relevant criteria under the policy further leave may be granted. Where someone is granted an initial period of discretionary leave this does not necessarily mean they are entitled to further leave or settlement.*

### Northern Ireland

*There are responsibilities for HSCT Social Workers, Independent Guardians and the appointed legal representative to pursue/ensure that asylum and immigration issues are resolved as expeditiously as possible, including the issuing of such residence permits to child victims/potential child victims of Human Trafficking and Modern Slavery. (Referenced in guidance).*

- **ensure that the right to seek and enjoy asylum or subsidiary/complementary protection is effectively protected for victims of trafficking, including children (Article 14(5) of the Convention) (paragraph 229).**

*At present, children are afforded the same considerations as adults as per the guidance policy. Therefore, the Home Office will issue a renewable residence permit when an individual's personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in the UK is required for this purpose.*

*To note that the Home Office follows this procedure already and has done since the National Referral Mechanism was introduced in April 2009.*

**18. GRETA considers that the UK authorities should review the provisions on grounds for withholding or reducing the award of compensation to victims of crime (paragraphs 25-27 of the Criminal Injuries Compensation Scheme 2012) so as to ensure that the right to compensation for victims of trafficking is respected (paragraph 246).**

*The purpose of the Criminal Injuries Compensation Scheme 2012 (the Scheme) is to compensate victims who have suffered serious physical or mental injury as the direct result of a violent crime in Great Britain. The rules of the tariff for awards paid under the Scheme are approved by Parliament, and the Criminal Injuries Compensation Authority (CICA) administers the Scheme and decides all claims independently of ministers and Parliament. The stringent eligibility criteria exist to ensure that the Scheme remains sustainable in order to help the victims most in need as well as to protect the tax payer.*

*The Criminal Injuries Compensation Scheme was reformed following a full public consultation "Getting it right for victims and witnesses" in 2012. The reasons for the reforms were set out in the Government response and Parliament approved the reforms. There are no plans to review the Scheme.*

### Northern Ireland

*In Northern Ireland, instructions have been issued to caseworkers to deal with cases where the crime has a causal link to the circumstances of the victim.*

*In other words, penalties will not be imposed on a victim of human trafficking who has been compelled to commit crime as a direct consequence of being trafficked (e.g. coercion by their captors) the conviction will not attract any penalty points and therefore no reduction will be made to their compensation.*

**19. GRETA once again invites the UK authorities to introduce a system for registration of compensation claims and awards to victims of trafficking regarding all forms of compensation, as a way of assessing the operation of the existing provisions and informing future improvements (paragraph 247).**

### Northern Ireland

*Compensation Services already has a system in place whereby individual victims of human trafficking are identified and flagged on the case management system.*

*As part of the Review of the Criminal Injuries Scheme, these cases have been reviewed to ensure that the compensation process does not unintentionally disadvantage these victims due to their unique circumstances.*

**20. GRETA considers that the UK authorities should take steps to:**

- ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of non-refoulement. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people;

*Where a conclusive grounds decision is made (whether positive or negative) and the person is not eligible for a grant of leave they should be offered assistance in making a voluntary return.*

*Victims who do not have a right to remain in the UK are expected to return home. The Home Office will however give consideration to Article 16(2) of the Council of Europe Convention on Action against Trafficking in Human Beings which states:*

*'When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.'*

*If a trafficking victim claims asylum, any asylum claim will be considered in line with published guidance.*

- develop international co-operation in order to ensure comprehensive risk assessment and safe return, as well as effective reintegration and protection of victims of THB;
- keep under review return and repatriation policies in order to ensure compliance in law and practice with Article 16 of the Convention (paragraph 255).

*Where a conclusive grounds decision is made (whether positive or negative) and the person is not eligible for a grant of leave they should be offered assistance in making a voluntary return. Victims who do not have a right to remain in the UK are expected to return home. The Home Office will however give consideration to Article 16(2) of the Council of Europe Convention on Action against Trafficking in Human Beings which states: 'When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.'*

#### Northern Ireland

*PSNI conduct a risk assessment for each person being returned to their country of origin.*

*The NI Human Trafficking and Exploitation Strategy for 2016/17 contains an action for PSNI to implement a Repatriation Risk Assessment for each potential victims returning to their country of origin.*

*All requests for repatriation are initiated from the potential victims of trafficking (PVoTs) who have expressed a wish to be repatriated, such requests are made via the service provider who is contracted to deliver the support services for PVoTs in Northern Ireland (NI).*

*The Department of Justice NI (DoJ) will facilitate a repatriation request back to the individual's country of origin. When a request has been received via the service provider, DoJ will liaise with the Police Service of Northern Ireland (PSNI) to undertake a comprehensive risk assessment. All such requests are assessed to ensure that a repatriation is in the best interests of the individual. However once a victim leaves NI, law enforcement in NI have no control over the risk management or personal safety of the victim in another jurisdiction. It cannot be ruled out that a victim is re-trafficked upon his return to the country of repatriation.*

*PSNI ask that on every occasion it is explained to a victim in their own language to make immediate contact with Law enforcement authorities upon their return to their country of origin and to inform the authorities that they are a victim in a Human Trafficking investigation. It is requested the Victim should also explain to law enforcement authorities what has happened to them and secondly to request the services of a Police Crime Prevention Officer to review the current personal and home security arrangements where the Victim will be residing. This is facilitated by the service providers that are contracted to provide the support service in NI.*

*The service providers in NI take cognisance of the PSNI assessment and would source support for the individual with other NGOs in the receiving country to ensure that the appropriate support package can be in place in readiness for the clients return. Individuals are escorted to the airport either by support service staff or PSNI depending on identified risk(s) and can be met having arrived at their destination to best ensure safety and to reduce any identified risks once in country of origin. However, it needs to be noted that the level of support available varies across Europe depending on provision(s) available in any given country or geographical area within the country. Every step is taken to ensure that any support provision is tailored to best suit with the clients need and to assist with reintegration and the reduction of the potential for re-trafficking. Any reintegration package is with the full cooperation of the client and it is explained to them what provision is in place along with the relevant contact details of the NGO and how they will make contact, this can vary from a meet and greet from the aircraft or other transport mode, to making contact post arrival if the client has suitable accommodation to return to, the support can also consist of onward travel assistance to their home town having arrived in the country.*

**21. GRETA considers that the UK authorities should:**

- ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit;

**Scotland**

*The Crown Office and Procurator Fiscal Service (COPFS) has comprehensive guidance to prosecutors in how to ensure compliance with the Lord Advocate's Guidelines. All cases where the Instructions apply require to be reported to a dedicated lead prosecutor. This lead prosecutor makes all decisions in cases where the Instructions apply, thus ensuring consistency of approach and ensuring that all enquiries that should be carried out are indeed carried out. The Lord Advocate's Instructions are capable of being applied to all offences that victims of human trafficking can be compelled to commit.*

**Northern Ireland**

*The defence only applies to offences which attract a maximum sentence of less than five years, as well as to a small number of additional specified offences which are particularly linked with trafficking and exploitation. The aim is to balance the needs of victims of slavery and trafficking against wider public interest.*

*However, outwith the statutory defence Public Prosecution Service can nonetheless exercise prosecutorial discretion not to prosecute where it considers that is not in the public interest.*

- strengthen their efforts to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, including by promoting the existing guidance, and developing such guidance where there is none, amongst police staff, legal professionals, prosecutors and judges;
- remove the requirement to apply the "reasonable person" test in the framework of the statutory defence of child victims pursuant to section 45 of the Modern Slavery Act (paragraph 291)

### Northern Ireland

*As noted in the body of the report, in Northern Ireland, a child would not need to show that a “reasonable person” in the same situation would have had no realistic alternative to doing the same criminal act.*

**22. While welcoming the increased penalties for human trafficking, GRETA considers that the UK authorities should strengthen their efforts to ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the UK authorities should encourage the specialisation of investigators, prosecutors and judges in cases relating to human trafficking (paragraph 311).**

*National policing has embedded across the UK policing landscape an action plan focussed on driving the approach to modern slavery. Within this plan are clear objectives focussed on improving the investigative response. Supporting this has been the development of bespoke guidance for MS investigations, and a suite of training products; these tools remain under review to ensure that they are as productive as possible.*

*To encourage proactive investigations national crime recording guidance has been amended to ensure that cases of modern slavery are routinely recorded as crimes, which acts as a catalyst to ensure that investigations are commenced.*

*Across the policing landscape a network of Modern Slavery Champions has been established. These individuals act as specialists across all UK police forces to help advise investigators on operational and investigative practice.*

*National policing is working with the Crown Prosecution service to identify improved processes to ensure that police investigators can obtain specialist prosecutorial advice at the earliest opportunity to help inform investigation strategies.*

*The request to the CPS Board for further training for prosecutors to provide greater resilience and capacity should lead to greater specialisation. However, it is not intended to develop units of prosecutors who only specialise in trafficking / slavery cases.*

### Northern Ireland

*Dedicated Human Trafficking Unit in PSNI since 1 April 2015. PPS continues to provide prosecutorial advice to PSNI when requested. This is considered for every investigation.*

*All cases involving Human Trafficking are now dealt with by Senior Public Prosecutors within the PPS Serious Crime Unit. This Unit is staffed by 10 experienced Senior Prosecutors and headed by an Assistant Director. All prosecutors within the Unit have received training on prosecuting cases of Human Trafficking.*

### Scotland

*As above, COPFS has a lead prosecutor for human trafficking, as well as dedicated regional specialist prosecutors who can provide operational advice to colleagues. Further, a dedicated policy lead on human trafficking is available to provide specialist advice.*

**23. While welcoming the new regulations to prevent secondary victimisation and the available protection measures during criminal proceedings, GRETA considers that the UK authorities should ensure that full use is made of the existing measures to protect victims of human trafficking from intimidation and retaliation during investigations and court proceedings (paragraph 320).**

**(add to para 315)**

*In cases where intimidation and retaliation is used against victims and witnesses, relevant action will be taken by investigators and prosecutors which include the use of criminal action against the perpetrators. Criminal offences of witness intimidation, perverting the course of justice, threats to kill and malicious communications can be considered, depending on the evidence. Further, where threats / intimidation are against the victim's family who may be in another jurisdiction, investigators can cooperate with authorities in that country to ensure relevant protection. Witness protection measures will also be considered for the victim / witness.*

#### Northern Ireland

*An ongoing action in the NI Human Trafficking and Exploitation Strategy for 2016/17 is to ensure that measures are in place to avoid secondary victimisation – these measures are set in Northern Ireland statute.*

#### Scotland

*Additionally, provisions to protect and support victims and witnesses when giving evidence are made in the Criminal Procedure (Scotland) Act 1995 sections 271 – 271M*

**24. GRETA invites the UK authorities to examine whether their reservation to Article 31, paragraph 1(d) and (e), of the Convention is still justified (paragraph 325).**

*As noted in the body of the report, extra territorial offences are already provided for under Modern Slavery Act 2016. The human trafficking offence in section 2 provides for extra territorial jurisdiction over UK nationals who commit trafficking offences overseas. Section 2 (6) provides that a person who is UK national commits an offence of human trafficking regardless where the arranging or facilitation took place. Section 2(7) provides that a person who is not a UK national commits an offence under the section if any part of the arranging, travelling or facilitation takes place in the United Kingdom or the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.*

#### Northern Ireland

*As noted in the body of the report, extra territorial offences are already provided for under Northern Ireland legislation. Section 2(6) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 provides that a person commits an offence of human trafficking regardless of where the arranging or facilitating took place. Section 2 (8) provides that a UK national, a person who at the time of the offence was habitually resident respectively in Northern Ireland or a body incorporated under the law of a part of the UK, commits an offence of human trafficking regardless of where the relevant action takes place.*

#### Scotland

*A UK national or person habitually resident in Scotland commits the offence of human trafficking under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 irrespective of where the conduct constituting the offence occurred (section 2(1) and (2)).*

**25. GRETA welcomes the efforts made in the area of international co-operation and invites the UK authorities to continue developing international co-operation with a view to preventing human trafficking in countries of origin, prosecuting perpetrators and assisting victims' return to countries of origin in order to avoid re-victimisation and promote reintegration (paragraph 333).**

**26. GRETA invites the UK authorities to continue and strengthen their co-operation with specialised NGOs in order to fully benefit from their experience in the anti-trafficking field and to inform future policy and legislative initiatives (paragraph 338).**

### England and Wales

We are stepping up our engagement with countries of origin to try to prevent individuals from becoming victims in the first place. To support this, the Prime Minister announced in July £33.5m over 5 years from the aid budget would be dedicated to International Modern Slavery. Through this fund we will support targeted projects in high risk countries and test innovative projects to tackle this crime.

We continue to demonstrate leadership in tackling modern slavery across the globe. The UK helped to secure Sustainable Development Target 8.7, which sets out the commitment that states will: take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. We are exploring how to build on this commitment to harness global efforts to tackle this issue.

The UK continues to work through international organisations to highlight the issue of modern slavery and create a global consensus to strengthen the international coalition responding to this target.

Further to this, the UK continues to work bi-laterally with key source and partner countries to turn the table on perpetrators. We have forged strong relationships with government, law enforcement agencies and NGOs in our key partner countries, supporting activities to prevent modern slavery, for example through promoting a partnership approach to tackle modern slavery and victims support.

### Northern Ireland

A cross border, multi-agency approach is essential for the effective investigation. Ongoing cooperation with other international Law Enforcements will continue to play a key part in tackling Human Trafficking in NI.

In Northern Ireland a cross-jurisdictional Joint Agency Task Force has been established under the Fresh Start Agreement to tackle cross-border organised crime, including human trafficking.

### Scotland

The National Human Trafficking Unit of Police Scotland has now participated in three Joint Investigation Teams (JITs) with Poland, Romania, Slovakia and the Metropolitan Police Service, London. This has allowed the sharing of intelligence and evidence quickly and saw officers and prosecution staff from Romania participate in a day of action during an Operation within Glasgow. This positive action was highlighted as good practice by the Independent Anti-Slavery Commissioner Kevin Hyland.

The Santa Marta group has also been supported by Police Scotland's participation at recent events in Spain and the Republic of Ireland. This has highlighted Police Scotland's commitment to international liaison.

Police Scotland currently has two officers on secondment from Poland, based at the Scottish Crime Campus with a proposal for officers from Romania to be appointed on a short term basis.

**27. GRETA invites the UK authorities to continue and strengthen their co-operation with specialised NGOs in order to fully benefit from their experience in the anti-trafficking field and to inform future policy and legislative initiatives. (para 338)**

The UK Government is committed to doing all it can to tackle modern slavery. Working collaboratively is key to this, to ensure knowledge and expertise is shared so that best practice can be developed in this work in the UK and internationally.

The government works with a number of stakeholders from across all sectors and engages with a range of non government organisations that represent and/or are campaigning for those who have been affected by modern slavery.

*The Modern Slavery Strategy and Implementation Group (MSSIG) supports the implementation of the Government's modern slavery agenda through collaboration between the government, and NGOs and to provide strategic advice. Core members bring strategic leadership on modern slavery issues and/ or first-hand experience of working with survivors. Associate members will have an interest in modern slavery issues and a good understanding of service delivery.*

#### Northern Ireland

*Ongoing cooperation with NGOs working in the field will continue through the DOJ Human Trafficking Engagement Group. The Engagement Group enables civil society groups to inform the development of human trafficking policy and programmes.*

#### Scotland

*In Scotland, a wide variety of stakeholders, including NGOs, have been involved in developing the Trafficking and Exploitation Strategy. The draft Strategy will be consulted on in autumn 2016 with a view to publication by May 2017 at the latest. The Implementation and Oversight Groups as well as the broader stakeholder forum will continue to play a key role in implementing the Strategy once it is published.*