

Trafficking in children for sexual purposes

Update Country report

United Kingdom

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Introduction

Since 2001, the level of awareness about trafficking in people has risen considerably. In line with this, more information on the phenomenon is available, more cases have been found and the Government has started to respond to the problem. One of the most noticeable developments has been the increase in the number of African children from various countries coming into the care of social services, and particularly an increase in girls. Additionally, 2002 and 2003 saw the first three court cases involving trafficked minors from Romania, Moldova and Thailand. .

Since 2001 ECPAT UK continued to work on the issue of child trafficking after the Trafficking I project finished. This work included the continual gathering of information from various sources. As was the case in 2001, few authorities prioritise the issue of child trafficking, but more are starting to investigate and gather intelligence. The following update is a summary of the information gained over the last two years, from Immigration, Police, voluntary organisations, and Social Services. Additionally, the author of the update, Carron Somerset, has also carried out research on behalf of UNICEF UK¹, and some of the findings from this research appear in this update.

Legislation regarding trafficking and prostitution of minors

One major step forward in the UK since 2001 is the introduction of national legislation. In February 2002, the Nationality, Immigration and Asylum Act 2002 was introduced, which included in Part 7, under Offences, Section 145, an offence of 'Traffic in prostitution'. The Section reads:

'(1) A person commits an offence if he arranges or facilitates the arrival in the United Kingdom of an individual (the "passenger") and –
(a) he intends to exercise control over prostitution by the passenger in the United Kingdom or elsewhere, or
(b) he believes that another person is likely to exercise control over prostitution by the passenger in the United Kingdom or elsewhere.'

The section has another two parts that make it an offence to arrange or facilitate travel within the UK, or departure from the UK. The offence in subsection 4 states that:

'(4) For the purposes of (1) to (3) a person exercises control over prostitution by another if for the purposes of gain he exercises control, direction or influence over the prostitute's movements in a way which shows that he is aiding, abetting or compelling the prostitution.'

A person found guilty of the offence could face a maximum sentence of 14 years.

Although these amendments make trafficking a criminal offence, the law relates only to prostitution, and makes no distinction between the trafficking of a minor for prostitution and the trafficking of adults. Furthermore, the section includes the phrase 'purposes of gain', which was identified in the earlier research as an evidential requirement that made it harder to prove the offence. However, when the law was introduced it was stated that it would only be a temporary measure, until more substantial legislation could be introduced.

¹ UNICEF UK (2003) 'Stop the Traffic!'

This substantial legislation has been granted royal assent and will come into force in early 2004. Offences relating to trafficking are included in the 'Sexual Offences Bill', in sections 58 – 60. Section 58, Trafficking into the UK for Sexual Exploitation, states that:

'(1) A person (A) commits an offence if he intentionally arranges or facilitates the arrival in the United Kingdom of another person (B) and either –

- (a) he intends to do anything to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence, or
- (b) he intends to facilitate the doing of anything to or in respect of B, after B's arrival but in any part of the world, which if done as he intends it to be done or believes that it will be done will involve the commission of a relevant offence.'

Sections 59 and 60 make it an offence to traffic within the UK, and out of the UK. In each section it refers to 'the commission of a relevant offence'. The 'relevant offence' is any offence that is included in the Sexual Offences Bill. Most relevant to children and trafficking are:

Section 49 – Paying for sexual services of a child

Section 50 – Causing or inciting child prostitution or pornography

Section 51 – Controlling a child prostitute or a child involved in pornography

Section 52 – Arranging or facilitating child prostitution or pornography

A person found guilty on summary prosecution (in a Magistrate's Court) could receive a term not exceeding 6 months or a fine, or both. If a person is found guilty on indictment (in a Crown Court), a term of imprisonment may be imposed, not exceeding 14 years.

The above offences are clearly stating that the prostitution of a minor is a criminal offence; the offences also carry higher sentences than the equivalent offences relating to adults. There are age differentiations within each section: for example the sentence is higher for someone paying for sex with a child below 16, than for someone paying for sex with a child below 18. Overall, the offence does recognise a child as someone below the age of 18 years, and not 16 years as previously contained in the Sexual Offences Act of 1956. Additionally, the maximum sentence has been raised to 14 years, as opposed to the earlier average of two years. Furthermore, the earlier drafts of the Bill had contained the stipulation that, for the offence to be committed, person (A) had to act '*for or in the expectation of gain for himself or another*'. After considerable lobbying by ECPAT UK and others, this stipulation has now been removed. It must be noted that the Bill is still in its draft stage, and any of the above provisions could still be changed before it becomes law.

Law Enforcement regarding trafficking and prostitution of minors

A significant development in the law enforcement area relates to three recent trials involving minors that had been trafficked. Due to the fact that the charges were brought before any trafficking legislation came into force, in neither case were the defendants charged with trafficking. In the first case, an Albanian man, Mustapha Kadiu, was sentenced to ten years in prison for rape, sexual assault and living off immoral earnings, of a Romanian 15 year old girl. Kadiu had bought the girl 'Natasha' in Italy, after she had been trafficked there through multiple countries and prostituted on the way. Kadiu had promised Natasha that she would never have to work in prostitution again, but broke his promise as soon as they arrived in London.

In the second case, two Thai sisters, and one of their husbands², were found guilty of controlling prostitution at various addresses in London and the south east of England. They received sentences ranging from five to two years imprisonment. The police believe that the group, which also included three other people, had been trafficking large numbers of Thai women for years. After an investigation, the police searched the premises used by all those under surveillance, as well as 20 brothels that had been used by them³. The police found 30 Thai women, all of who said they wanted to go home. Of the 30, one was a minor, 17 years old, who agreed to testify. She returned to Thailand prior to the trial and was provided with shelter by an NGO. Later, after testifying in the UK, she returned back to the NGO.

In the third case, in December 2003, an Albanian man was found guilty and sentenced to 10 years on charges of kidnapping, living off prostitution, procuring a girl for unlawful sex, incitement to rape and facilitating the illegal entry of migrants. Seven women testified against Luan Plakici. The women, from Romania and Moldova, had been promised jobs as waitresses and barmaids in London, but were forced into prostitution on their arrival. At least two of the girls were minors when they had been trafficked, and one of these, a 16 year old, had married Plakici.

Existing (and new) prevention and rehabilitation programmes

No prevention or rehabilitation programmes have been set up in the UK, and the only safe house for trafficked girls closed in October 2003. This safe house was run by West Sussex Social Services, for 16 and 17 year old trafficked girls. The house was able to keep safe approximately half of those girls identified as being possible trafficked victims. However, the number of trafficked children arriving at Gatwick, and being referred to West Sussex services, has dropped considerably, and it was felt that there is no longer a need for a safe house. West Sussex services are now intending to train foster carers and hostel workers on the issues related to the trafficking of children.

Although not directly a prevention programme, a child protection police officer is now based at Heathrow Airport. This is the first police officer based at an airport to look specifically into child protection issues. The officer's role is wide ranging, and has included taking passengers off flights after information about them has been discovered, and following up cases where there are concerns regarding child trafficking. In one case, a man from central Africa was stopped whilst bringing in a child. The child protection officer felt that there was something strange about their relationship and the two were questioned and checks were made. It was discovered that the man had been found guilty of child sexual abuse, but had been allowed to travel before being sentenced. During this time he had travelled to central Africa and returned with the girl, who was a friend's daughter, and was accompanying him for a 'holiday'. Had the child protection officer not been based at the airport, the young girl would have come into the country without anyone knowing she was here, and would possibly be at risk of harm. In relation to the outcome, the girl's family was contacted at home, and she was returned on the next flight.

A further development has been the setting up of the Counter Trafficking Steering Group. This group was initiated by the National Missing Persons Helpline in early 2002, and brings together police, immigration, Government (Home Office), voluntary organisations and the social services. The group is chaired by a senior police officer, and meets once a month. It provides an excellent forum for

² Bupha Savada (the principal organiser), Monporn Hughes (her sister) and Pathirange Ranasinghe.

³ Based on briefing from CO14 (Clubs and Vice) on the investigation known as Operation Horsley.

discussing the practicalities of working on the issue of trafficking, and enables close working relationships between all the agencies. Within the Steering Group there are three sub-groups: one for the police, one for the Home Office and one for voluntary organisations and the social services. This latter group, the 'Counter Trafficking Victim Support' group, looks particularly at issues regarding victim support and protection. The sub-groups feed into the Steering Group through the various chairpersons. Overall the Counter Trafficking Steering Group has raised the profile of trafficking up the Government agenda, and has been very effective in lobbying the Government on many aspects relative to trafficking, but particularly in the area of victim support.

Furthermore, the UK Home Office has designed a web-based toolkit on trafficking, for use by various authorities, such as Immigration, Police and Social Services, to learn more about trafficking, and their respective roles and responsibilities. The toolkit can be found at: www.crimereduction.gov.uk/toolkits.

Public awareness and attention to the issues

The issue of child trafficking in recent years has grabbed the media's attention, although the number of press reports does not adequately reflect this interest. In the main, this is due to journalists wanting to interview victims and no victims being willing to be interviewed. Without a 'victim', many of the investigations do not result in printed or aired media stories. In July 2003, the level of publicity increased when UNICEF UK launched its 'Stop the Traffic!' report. The Report gained additional coverage due to the 'Adam' case. This is the case of a young boy, whose torso was found in the River Thames. After extensive police investigation it was deduced that he was trafficked to the UK for a ritual killing. The parents of 'Adam' have never been found, but a number of people have been arrested in connection with his murder.

Public awareness was also raised through the screening of the film 'Lilya 4-Ever', which tells the story of a girl from the former Soviet Union being trafficked to Sweden. The film was shown in various cinemas throughout the UK, and was also the subject of a number of panel discussions.

However, the level of general awareness on trafficking still appears to be low. There are continual negative debates regarding asylum seekers and smuggling, and trafficking often becomes confused with these problems.

Policy changes (also regarding asylum procedures)

Recent changes in the asylum process could lead to more children being vulnerable to exploitation and trafficking. New legislation and guidelines mean that asylum seekers must make their claim at the soonest possible time to be eligible for benefits, such as accommodation and financial support. Consequently, applications made after entering the UK, i.e. not at the port of entry, are far less likely to receive benefits. There are grave concerns regarding children who have made these 'in-country' applications, had their age disputed by immigration, and are consequently treated as adults, as they are left destitute and vulnerable to exploitation.

Although not yet resulting in a policy change, it is becoming evident from research that children are being 'used' to claim extra benefits by those with varying asylum status. Reports from a large number of Social Service departments show that children are regularly brought to the Social Services by an

adult 'stranger'. The usual story is that the adult found the child wandering the streets, or at the airport and had taken pity on them. However, they don't have enough money to financially support the child, and ask Social Services for extra benefits for the child. Although this phenomenon is not trafficking in itself, it is not known who these 'strangers' are, or whether the situation has been pre-arranged. In many of the cases the children may come to no harm, but as these children are placed with adults, there should be adequate checks by Social Services to ensure their safety.

In July 2003 the London Child Protection Committee published 'London Child Protection Procedures', which came into force in November 2003. This includes a section in the 'Additional Procedures' on 'Child Trafficking and Exploitation' that includes guidance on the role of the immigration officer and what social workers and child protection units should do if they identify a child at risk of being trafficked. However, the manual states that 'This section on child trafficking and exploitation requires further development for edition 3'.

Update of information and profiles

As documented in the Trafficking I report, most of the information on children being trafficked into, and through, the UK, was provided by the West Sussex Social Services. The information was obtained by West Sussex Social Services because of its proximity to Gatwick Airport. It related to children, the majority of whom were girls, of predominantly Nigerian nationality, being trafficked through the UK to Italy for prostitution. In 1999 and 2000 West Sussex "lost" over 20 children a year to traffickers. However, this figure has dropped dramatically, with no cases of identified trafficked children going missing in 2003. Additionally, high numbers of unaccompanied children are no longer arriving at West Sussex Social Services.

There are a number of possible reasons for the dramatic decline. The first is that flights from Nigeria were re-routed to Heathrow airport, which meant the children were no longer arriving directly into Gatwick. The second is that, due to the development of the safe house in the local authority, the traffickers no longer wanted the children to be taken into care. If the children were taken into the safe house, the traffickers risked losing contact, or that the children would tell the social workers about the traffickers. Therefore, the traffickers no longer sent the children through Gatwick airport, or trafficked them on documents that identified the children as older than 18 years instead.

As well as this pattern change over the last few years, cases of child trafficking have started to appear in other local authorities in the north of England. Cases have been documented by the Social Services in Nottingham and Newcastle, creating concerns that new areas are being targeted that may not be aware of trafficking. However, evidence indicates that the children are still coming into the UK through London airports, and are then travelling to a certain area and making themselves known to the Social Services. There are concerns that the children are at risk of being prostituted in these new areas, rather than going missing for prostitution elsewhere.

Despite the new information, it is still extremely difficult to give clear statistics on the number of children trafficked to the UK. Based on reported cases, it is estimated that in the last five years, at least 250 children have been trafficked into the UK⁴. The actual number is likely to be much higher, given that trafficking is largely an unreported crime. In 2002, ECPAT UK set up a reporting system for those

⁴ This figure was first used in the 'Stop the Traffic!', UNICEF UK Report, 2003.

coming into contact with trafficked children, or children at risk of being trafficked. However, the forms are rarely filled in, even by those who have informally reported that they have cases. Thirty cases of minors being trafficked were reported, the majority of whom were from African countries. However, there are still concerns regarding Eastern European children. The high number of Eastern European women in the sex industry in the UK indicates that there may also be minors. Unlike African children that have been reported because they are in the care of the Social Services, cases of trafficked Eastern European minors are only known after police have carried out raids in brothels, or the girls have escaped and alerted the police. Because of the use of girlfriend/ boyfriend relationships in the trafficking of Eastern European girls, the girls are kept close to their traffickers and rarely come to the attention of the authorities. Additionally, because the age of these minors tends to be 15 years and above, they often tell the authorities or those who wish to provide services to them, that they are over 18. In one case, a 16 year old Albanian trafficked girl was deported from the UK because the authorities believed her documented age of 18.

In relation to all nationalities, there is still little evidence that male children are being trafficked in any large numbers, although there have been a few documented cases. In one case a 14 year old boy from the Horn of Africa was trafficked to the UK by an African man, to be sexually exploited by a British man. He stayed with the man for two months, but managed to escape and find help⁵.

Profiles:

‘Martha’ (not her real name), is 17 years old and from Uganda. She witnessed the murder of her parents and three siblings, but was able to escape with her younger brother. They were helped for a while by a friend of her father, but he eventually brought her to the UK, without her brother. In the UK Martha was kept in a house for a number of weeks, and men visiting the house continually tried to have sex with her. She had to fight them off, and after one particular assault she was thrown out and told ‘she wasn’t any good for them’. For a while Martha lived on the streets of London, selling sex in return for money and food. She eventually found her way to the Social Services, but required a more intensive level of support than they could provide. An NGO stepped in and provided various services to Martha. She now has a child, but doesn’t know who the father is, and she mistrusts everyone, particularly men.

‘Gladys’ (not her real name), is 17 years old and from Cameroon. She chose to come to the UK to escape a forced marriage, and was promised work in her trafficker’s restaurant. Instead, Gladys was placed in a house in London and forced into prostitution. She managed to escape after she was given money by a client and an address in the north of England. She travelled to the destination, but instead of contacting the client, Gladys was able to make contact with the Social Services.

Information on demand side

There is still a lack of information pertaining to the demand side of the issue, and no work appears to be underway to look at this. One organisation has started to discuss the demand side, and it will be interesting to see whether this vital part of the trafficking phenomenon begins to be addressed.

⁵ From UNICEF UK (2003) ‘Stop the Traffic!’.

Constraints

More work needs to be carried out on raising awareness, capacity building, and training. In relation to all three areas, there are still great concerns that immigration officials are not fully aware or trained in the various aspects of trafficking, and are therefore not identifying potentially trafficked children as they enter the UK. Furthermore, these three areas also relate to the police in general and the Social Services. Outside of the vice police units, or Social Services that have dealt with trafficked minors, there is still a lack of awareness regarding the problem, and little guidance on how to deal with potentially trafficked minors.

A further major constraint is the lack of appropriate support services for trafficked children. In March 2003 the UK Home Office started funding a pilot project that provides support and protection to adult female victims of sex trafficking. However, the equivalent is not available to minors. Whilst there are Social Services to look after children, the level of protection and support is not necessarily appropriate to children who are fleeing traffickers and abusers. Additionally, there is no national guidance available to Social Services on what kinds of services they should provide, what level of support is required and what kind of accommodation is adequate for such vulnerable children. The result is children being provided different standards of care throughout the country, some of which is inadequate.

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