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| **Trafficked Children/Young People**  |  |

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**Definition**

**Definition of Trafficked Children/Young People**

Child trafficking is the movement of children/young people for the purpose of exploitation. Under international law it is accepted that a child/young person cannot consent to their own exploitation and so even if a child/young person agreed to travel from one place to another, this could still be considered human trafficking if there is the intent to exploit them along the way or at the final destination. The movement of a child/young person can occur across international borders or within one country; the latter is often described as ‘internal trafficking’. This means that children/young people who are moved around within the UK, including within Northern Ireland  for the purposes of exploitation, whether they are children/young people from abroad or citizen children/young people, can be considered a victim of trafficking.

**A trafficked child may be a separated child/young person (often referred to as separated, unaccompanied children who may be from EEA or non EEA countries) who**:

1. Is not ordinarily resident in Northern Ireland;
2. Is separated from all persons who;
	1. Have parental responsibility for the child/young person; or
	2. Before the child/young person’s arrival in Northern Ireland were responsible for the child/young person whether by law or custom; and
3. Because of that separation may be at risk of harm.

**A trafficked child may be a child/young person who is ordinarily resident in Northern Ireland** and who is trafficked for the purposes of sexual or labour exploitation, criminal activity etc.

Traffickers may be:

* **Individuals or small groups**
who recruit a small number of children - often from areas they know and live in;
* **Medium-sized groups**
who recruit, move and exploit, often on a small scale;
* **Large criminal networks**
that operate internationally, can deal with high-level corruption, money laundering and large numbers of victims.

*(McRedmond, 2010)*

The offence of Human Trafficking is set out in Section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Child trafficking involves arranging or facilitating the travel of a child/young person with a view to them being exploited.

This may involve recruiting, transporting or transferring the child/young person; harbouring or receiving them; transferring or exchanging control over them. Travel may involve arriving in or entering any country; departing from any country or travelling within any country. It is irrelevant whether the child/young person consents to any element that forms part of the offence, including the exploitation. Internal trafficking also occurs in Northern Ireland when a child/young person is transported from A to B within Northern Ireland.

For the purposes of the human trafficking offence, exploitation can take a number of forms which are set out in Section 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. These cover slavery, servitude, and forced or compulsory labour; sexual exploitation; removal of organs etc.; securing services by force, threats or deception; and securing services from children/young people, having chosen them on the grounds that they are a child/young person and that another person who was not a child would be likely to refuse to be used for that purpose. Such services could include forced begging or criminal activities.

**Risks**

In many cases child victims of trafficking may be coerced, deceived, manipulated or forced into the control of others who seek to profit from their exploitation and suffering. Many children/young people are reluctant to disclose their plight either out of fear of reprisal or due to a misplaced loyalty to their traffickers. In some cases they may not understand, or even be aware that they have been trafficked. In other cases the exploitation may not yet have taken place or the child/young person may hold a belief that their trafficking is a preferable situation to that which they have been trafficked from.

Children/young people are unlikely to disclose they have been trafficked. In many cases they may not have an awareness of what trafficking is or where they are trafficked into or within the country. Sometimes exploitation may not yet have occurred and so the child/young person may be wholly unaware that they are being trafficked.

Children/young people who have been trafficked into or within Northern Ireland are likely to have been coached with a story to tell the authorities and warned not to disclose any detail beyond the story, as this would lead them to being deported.

It is important that all working with child/young person victims and potential victims of trafficking remember that disclosure from a child/young person can take time, especially where the child/young person is within the control of a trafficker or a facilitator and relies on a relationship of trust and safety being established.

Any child/young person who is known or suspected to be a victim of human trafficking is by definition a child in need of protection and should be subject to an investigation under the provisions of Article 66 of the Children (NI) Order 1995. Such investigations must be carried out in compliance with the Regional Child Protection Policy and Procedures and the [**Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland, 2016**](http://www.proceduresonline.com/sbni/files/joint_invest_protocol.pdf).

**Indicators**

The United Nations Office on Drugs and Crime sets out a comprehensive list of human trafficking indicators which can be accessed through [**www.unodc.org**](http://www.unodc.org/).

This list of indicators shows that victims of trafficking can be found in a variety of situations. The list presents general indicators of trafficking as well as specific indicators of child/young person trafficking, labour exploitation, domestic servitude, begging and petty crime.

Possible indicators[1] that a child/young person may have been trafficked and may still be controlled by the traffickers or receiving adults are as follows:

* At the point of entry:
* The child/young person:
* Has entered the country illegally;
* Has no passport or other means of identification;
* Has false documentation;
* Possesses money and goods not accounted for;
* Is malnourished;
* Is unable to confirm the name and address of the person meeting them on arrival;
* Has had their journey or visa arranged by someone other than themselves or their family;
* Is accompanied by an adult who insists on remaining with the child/young person at all times;
* Is withdrawn and refuses to talk or appears afraid to talk to a person in authority;
* Has a prepared story very similar to those that other children/young people have given;
* Exhibits self-assurance, maturity and self-confidence not expected to be seen in a child/young person of such age;
* Does not appear to have money but does have a mobile phone; and / or
* Is unable or reluctant to give details of accommodation or other personal details.

Whilst resident in the UK (in addition to those listed above) the child/young person:

* Receives unexplained unidentified telephone calls whilst in placement;
* Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy;
* Has a history of missing links and unexplained moves;
* Has gone missing from care;
* Is required to earn a minimum amount of money every day;
* Works in various locations;
* Has limited freedom of movement;
* Appears to be missing for periods;
* Is known to beg for money;
* Performs excessive housework chores and rarely leaves the residence;
* Is being cared for by adults who are not their parents and the quality of the relationship between  the child/young person and their adult carers is not good;
* Is one among a number of unrelated children/young people found at one address;
* Has not been registered with or attended a GP practice;
* Has not been enrolled in school;
* Has to pay off an exorbitant debt before having control over own earnings;
* Is permanently deprived of much of their earnings by another person; and / or
* Is excessively afraid of being deported.

[1] Source: London Safeguarding Children Board: London Safeguarding Trafficked Children Guidance, February 2011

**Working Arrangements to Safeguard and Protect**

The Children (NI) Order1995 imposes a general duty on HSC Trusts to safeguard and promote the welfare of children in need in their area and a specific duty to investigate the circumstances of any child/young person if the Trust has reasonable cause to suspect that the child/young person is suffering, or is likely to suffer, significant harm and to take action to safeguard or promote the child/young person’s welfare.

Children/young people who are recovered as part of police operations or come to the attention of a HSC Trust by some other means and are suspected of being victims of trafficking are entitled to support, care and protection under the full provisions of the Children (NI) Order 1995, regardless of their immigration status or nationality.

Where a child/young person is known or suspected to be a victim of trafficking, the relevant Trust must always respond to that child’s circumstances and needs in compliance with the Regional Child Protection Policy and Procedures and the [**Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland**](http://www.proceduresonline.com/sbni/files/joint_invest_protocol.pdf).

Any organisation, agency or staff who has reasonable cause or suspicion to believe that a child/young person is a victim or potential victim of human trafficking should refer the matter immediately to the PSNI and local Trust.

In all cases where children/young people are recovered or identified as potential victims of trafficking and who is not already known to the police, the Trust must immediately notify the PSNI PPU Central Referral Unit and in the case of a child/young person who is a third country national, the UK Visas and Immigration (UKVI).

The Trust and the PSNI will conduct joint inquiries in accordance with the Protocol for Joint Investigation and Achieving Best Evidence.

**Further Information on actions to be taken is set out under** [**Core Procedures**](http://www.proceduresonline.com/sbni/chapters/full_contents.html#core)**.**

Children/young people who are victims or potential victims of human trafficking must always be assessed by the HSC Trust as children in need of protection, their circumstances investigated in compliance with Article 66 of the Children (NI) Order 1995 and all necessary action taken without delay to ensure their immediate protection, including the necessity of the Trust to secure an Emergency Protection Order/Interim Care Order and Parental Responsibility.

When a child/young person is deemed Looked After by a HSC Trust (Children (NI) Order 1995 Article 21/Interim Care Order/Care Order) the full regulatory provisions and guidance in respect of ‘Looked After Children’ will apply. The HSC Trust should provide an appropriate placement taking into account the child/young person’s individual wishes and feelings (depending on their age and level of maturity). The child/young person’s immediate placement will be determined by their need for emergency placement and an initial assessment of any potential risks to the child/young person and others.

Additional steps to be taken include:

* Completion of referral under the National Referral Mechanism (NRM);
* Appointment of an Independent legal representative for the child/young person;
* Appointment of an independent advocate in line with regional protocol on the appointment of an independent advocate for separated/unaccompanied / trafficked children, HSC Trusts / VOYPIC. (This is the current arrangement in Northern Ireland pending the establishment of an Independent Guardian Service in line with Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015);
* Any requirement for an age assessment where there is uncertainty about the age of a child/young person. Where concerns exist that a child/young person may be younger or older than stated, an age assessment should be undertaken as part of the Risk Management Strategy;
* Commencement of a full UNOCINI assessment and due regard must be given to the vulnerability of the child/young person and his/her need for:
	+ Personal safety and risk management;
	+ The protection of the court;
	+ A safe, contained environment, sufficiently compatible, as far as possible, with the child/young person’s culture and ethnicity, to help reduce his/her sense of isolation and where the child can feel sufficiently secure to provide evidence if he/she is willing to do so;
	+ Risk management;
	+ Appointment of an independent visitor;
	+ On-going independent legal advice;
	+ Access to medical and health advice;
	+ Appropriate linguistic, cultural and other support;
	+ Education;
	+ On-going support including post care entitlements under leaving care provisions (Articles 34A – 35D of the Children (NI) Order 1995).

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 came into force which established the following:

* new offences of human trafficking and slavery, servitude and forced or compulsory labour;
* increased the maximum sentence for human trafficking and slavery, servitude and forced or compulsory labour to life imprisonment;
* introduced a minimum two year sentence for these offences, unless there are exceptional circumstances to warrant a lower sentence;
* made it easier to confiscate the assets of exploiters and to force them to pay reparation to victims;
* criminalised the purchase of sexual services;
* introduced a new offence of forced marriage;
* introduced slavery and trafficking prevention orders;
* placed a statutory requirement on the Department of Justice to provide assistance and support to adult potential victims who are referred to the National Referral Mechanism (NRM);
* created a new statutory defence for victims who have been compelled to commit certain other offences;
* created new protections for victims within the criminal justice system in respect of avoiding secondary victimisation in police interviews and ensuring access to special measures in court and;
* introduced independent guardians for trafficked children/young people.

**Further Information**

The following documents provide information and specific practice guidance on human trafficking and the arrangements that are in place to identify and support child/young person victims and potential victims of trafficking.

* Human Trafficking Strategy for Northern Ireland http://www.octf.gov.uk/OCTF/media/OCTF/images/publications/Human%20Trafficking/Final-NI-Human-Trafficking-and-Exploitation-Strategy-2015-16.pdf?ext=.pdf
* Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking, DHSSPS/PSNI, February 2011 (Currently under revision). https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/working-arrangements-welfare-safeguarding-child-human-trafficking.pdf (See [**Documents Library**](http://www.proceduresonline.com/sbni/chapters/docs_library.html));
* Pathway for Safeguarding and Promoting the Welfare of Separated/unaccompanied children arriving in Northern Ireland. Regional Operational Guidance, November 2013. (See [**Documents Library**](http://www.proceduresonline.com/sbni/chapters/docs_library.html)).