

## Fact Sheet 18: Trafficking of Children

The [directive 2011/36/EU](#) of the European Parliament and of the Council (5<sup>th</sup> April 2011) defines trafficking as “***the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.***”

A child in the context of trafficking is considered as any person under the age of **18 years**, and children **cannot** consent to any part of the trafficking process, they are victims. Children are trafficked from all over the world, boys and girls of all ages. Most are trafficked for financial gain and the most common forms of exploitation are: sexual, forced labour, domestic servitude, cannabis cultivation, benefit fraud, begging and illegal adoption. The relationship between country of origin, age, gender and primary type of exploitation is unclear due to the limited available data, although one of the functions of the [NRM](#) (National Referral Mechanism) is to collect intelligence on trafficking to improve prevention and prosecution of traffickers.

### Identification:

- Practitioners in all agencies should refer to Trafficking [Indicators](#) to aid identification of possible victims. However indicators do not replace holistic assessments or determine the level of risk to a child.
- Social Work, Police, SCRA, COPFS, solicitors and the Courts must consider trafficking indicators when dealing with children charged with an offence. The directive states that victims should not be penalised for their involvement in unlawful activities if their involvement has been compelled. Regardless of the stage of criminal prosecution suspicion of trafficking must be **immediately** highlighted to all professionals involved with the child.
- The trafficking of children is **Child Abuse** and professionals must follow child protection procedures including contacting local authority children’s services and police ([First Responders](#)), when there is concern that a child may be a victim of trafficking.
- The immediate safety and protection of victims must be assessed quickly as both accompanied and unaccompanied children are at risk of going missing. Accommodation and support are available to children under [s25](#) of the Children (Scotland) Act 1995. Other options include a Child Protection, Child Assessment [Order](#) or referral to the Children’s Reporter if compulsory measure of care may be necessary (Grounds (e) or (h)).
- Professional interpreters should be used when the child’s first language is not English. Adults claiming to be a guardian or relative of the child should not be involved in this process.
- Victims may not admit to their circumstances, change their story or know that they have been trafficked. Many believe their family will be harmed if they seek help, fear for their own safety or are fearful of deportation or prosecution for offences they have committed (having false documentation, theft, prostitution). Most will not understand UK laws and the role of Child Protection and other support agencies, therefore building a trusting relationship and explaining the process will be crucial to supporting the child and enabling detailed disclosure.
- Protecting and safeguarding the child is the priority above immigration issues and age related services/issues. The directive advocates accepting a child’s age as stated until additional information can be gathered.
- If an NRM [referral](#) is appropriate, the lead professional, most likely social work, will gather as much detail as possible (through interviews, background and documentation checks) and forward this to the Competent Authority (UK Human Trafficking Centre or UK Border Agency). An **initial** decision is made based on **reasonable grounds to believe** the child has been trafficked and a **conclusive** grounds decision is based on the **balance of probability**. The first decision should be made within **5** days of the referral. If this is positive a **45** day reflection period will be granted for further investigation. No removal action should be taken against the child during this period.
- Following a negative grounds decision the child may still have safeguarding needs especially if they are an unaccompanied asylum seeking child and this decision does not override the statutory duties placed on local authorities to meet the needs of children in their area.