



The Refugee Council's response to the Home Office consultation:

"Tackling Human Trafficking- Consultation on Proposals for a UK Action Plan"

April 2006

Introduction

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We not only give help and support to asylum seekers and refugees, but also work with them to ensure their needs and concerns are addressed by decision-makers. We are a membership organisation and our members range from small refugee run organisations to international NGOs such as Christian Aid, Save the Children and Oxfam. Through our direct services we are in contact with children and adults who we suspect or in some cases know to be victims of trafficking.

The Refugee Council believes that people trafficking is a serious human rights violation and that all victims of trafficking in the UK should be supported and protected. We welcome the UK government's commitment to combating trafficking, in particular the action plan proposals aimed at building a more robust evidence base on people trafficking in the UK and enhancing victim support. We urge the UK government to sign and implement the Council of Europe Convention Against Trafficking in Human Beings as an essential component of realising this commitment.

Research

We believe that developing a more robust evidence base on the scale of people trafficking in the UK and the support needs of victims is contingent on the development of a comprehensive victim support programme. At present, victims may be as frightened of the authorities deporting them as they are of the people who have trafficked and abused them. From our own casework we are aware that people are scared to talk about entering the UK illegally, as they are concerned this will adversely affect their asylum claim. Unless victims are sure they will be given support and protection, there is little incentive for them to disclose their experiences, and thus knowledge about the scale of trafficking and the needs of trafficked victims will remain partial at best.

We believe the UK should work with state and NGO partners across Europe to develop standardised confidential monitoring systems, based on the definition of trafficking in the Palermo Protocol and agreed indicators of risk to identify potential as well as known victims.

Further, the Government should undertake in-depth research on the support needs of adult and child victims, including comparative analysis of service models used for victim support in countries outside the UK. We would welcome the opportunity to work with the Government on such studies.

Finally, we believe it is imperative that the Government investigate the impact of border controls on trafficking and on human protection¹. Crucially, it is essential to understand whether tighter immigration controls might in some circumstances increase the market for trafficking, and whether refugees and trafficking victims are able to access protection when they reach our borders. This is particularly relevant to the issue of re-trafficking, as victims turned away at our borders are likely to be returning to their country of origin without any safeguards in place to prevent their being re-trafficked.

¹ The research should also consider the connection between border controls and smuggling.

Victim support

At present, there is no support and protection regime designed to meet the needs of trafficking victims in the UK. The only specialist service for trafficking victims is the Poppy Project, which has limited capacity and works exclusively with sexually exploited trafficked women. It is clear that the vast majority of victims are never identified and are vulnerable to prosecution for immigration offences or removal from the UK. A limited number of trafficking victims are able to make a claim for asylum. Of these, the minority are refugees forced into the hands of traffickers in order to escape persecution in their country of origin, the majority people who may be vulnerable to persecution if returned to their country of origin because of their victim status.

The Refugee Council believes that **all** trafficking victims should be able to access support, not simply those with international protection needs. At a minimum all trafficking victims should benefit from the following:

- Minimum of a three month 'recovery and reflection' period, six months for children
- Access to independent, high quality legal advice and representation
- Access to the asylum system and to a new category of leave for trafficking victims
- Access to redress through the criminal justice system (without conditionality: victims should not be required to testify in exchange for adequate protection)
- Guarantees of no punishment, including the use of detention, or being prosecuted under immigration law
- Support to ensure any planned repatriation is voluntary, safe and sustainable
- Housing
- Counselling and specialist care to enable recovery
- Education, training or access to employment where appropriate

In particular, we feel that reflection periods and residence permits are essential in order to ensure that victims are able to make measured decisions about their future. Traumatized victims need security and support in order to decide whether to participate in the criminal prosecution process, whether it is safe for them to return to their country of origin and, where appropriate, to allow people to plan for a safe and sustainable return.

Border controls

The Refugee Council believes that UK border controls are not currently sensitive to the protection needs of refugees or of trafficking victims.

We are concerned that the imposition of further visa regimes may have a negative impact on refugee protection, as well as on the safety of trafficking victims. Similarly, we feel it is essential that UK immigration officers working in the UK and overseas, as well as all immigration liaison officers and airline liaison officers are trained in human rights and refugee law, to ensure that our borders remain open to those in need of protection.

We urge the Government to monitor the impact of its border controls on access to refugee protection and to protection for trafficking victims, and to institute procedures

and rights based training for staff working at border controls that ensure no one is turned away to face persecution or re-trafficking.

Once again, we welcome the Government's commitment to supporting and protecting trafficking victims and to combating people trafficking in and beyond the UK. We look forward to continuing to work with you to achieve these goals.

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