

### National Rapporteur on Trafficking in Human Beings

Each party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

Article 29.4, Council of Europe Convention on Action against Trafficking in Human Beings

#### No oversight

There is currently no independent institution performing this role in the UK. While the government’s Inter-Departmental Ministerial Group may have been monitoring the performance of the National Referral Mechanism (NRM), the government’s official identification process, this was purely in a managerial and supervisory role.

Attempts by the Anti-Trafficking Monitoring Group to seek information revealed that significant data about various aspects of the treatment of trafficked persons are not recorded systematically by statutory agencies. This refers in particular to the assistance provided to trafficked persons and what happens to them after a reflection period. In the absence of such information it is impossible for the UK authorities or the devolved administrations to assess the impact of their policies on trafficked persons.

#### Lack of knowledge of scope and nature of trafficking in the UK

Since its inception in 2006, the United Kingdom Human Trafficking Centre (UKHTC) was tasked with increasing knowledge and understanding of trafficking in the UK and acting as a multi-agency body coordinating all anti-trafficking efforts across the UK, liaising with the Scottish Crime and Drug Enforcement Agency (SCDEA) in Scotland, and the Police Service of Northern Ireland (PSNI) to achieve this. In May 2009 the UKHTC was criticised by the Home Affairs Select Committee during their investigation into human trafficking for not having made any progress on data collection. By May 2010 an improved picture of the extent



Photo: Dana Popa

The Anti-Trafficking Monitoring Group is a coalition comprising Anti-Slavery International, Amnesty International UK, ECPAT UK, the Helen Bamber Foundation, the Poppy Project, Immigration Law Practitioners’ Association, Kalayaan, TARA Project and UNICEF UK. The coalition was set up in May 2009 to monitor the UK government’s compliance with the *Council of Europe Convention on Action against Trafficking in Human Beings* (‘the Convention’), which the UK ratified in December 2008 and which came into force in the UK on 1 April 2009.

Between September 2009 and April 2010, the Anti-Trafficking Monitoring Group consulted information from public sources, conducted 90 interviews with professionals engaged in anti-trafficking work, and reviewed the cases of 390 trafficked persons. In June 2010 the Group published *Wrong kind of victim? One year on... an analysis of UK measures to protect trafficked persons*.

and nature of trafficking in the UK was still lacking, as was an evaluation of responses.

#### A partial picture

During the year 1 April 2009 – 31 March 2010, the UKHTC published information about cases referred to the NRM. However, the information provided was limited in its scope and only offered a partial picture of those cases where individuals consented to be referred into the system and offered no indication of how the NRM was functioning, or from which country the referral was lodged. Further, much of the information the Anti-Trafficking Monitoring Group requested was only received through the submission of Freedom of Information requests and Parliamentary Questions in Westminster.

Although the Anti-Trafficking Monitoring Group attempted to gather information from every relevant organisation and agency in order to build up a picture of all anti-trafficking processes across the UK and in some respects has performed the role of an independent rapporteur, the fact that it has no statutory power to request information and that its recommendations are not binding limit its effectiveness.

#### Lack of co-ordination

Numerous organisations and agencies have a role to play in protecting or assisting trafficked persons. So far the government has had difficulty in establishing any meaningful form of coordination between these organisations or across the UK’s internal borders (and the NRM does not perform this function).

**The Anti-Trafficking Monitoring Group recommends the UK government appoint an independent anti-trafficking watchdog, based on the model of the Dutch National Rapporteur on Trafficking in Human Beings, with statutory powers to request information from the police, the immigration authorities, social services and NGOs across the UK, and to report to Parliament.**

It is clear that the UK authorities currently have very little understanding of the scale or nature of human trafficking across the UK. If anti-trafficking efforts are to be effective, a greater understanding of the scale; patterns, including emerging trends; root causes and vulnerabilities; barriers; and aggravating factors which facilitate trafficking is needed.

A National Rapporteur would be tasked with collecting data across the UK of instances of trafficking and other forms of exploitation and forced labour which may indicate trafficking. Given the specific and distinct circumstances (geographical, economic, historical and social) in each of the devolved nations, Regional Rapporteurs would also be recommended by the Anti-Trafficking Monitoring Group.

### **Scale**

Information on all cases involving forced labour, servitude, forced criminal activity, exploitation in prostitution and trafficking for all other purposes needs to be centrally collected and collated, even those which do not fall within the NRM. It is important that when collecting this information, consideration is also given to other legal processes involving victims, e.g. civil cases for breach of contract, employment tribunal cases, asylum cases etc. There is also a need to record all prosecutions and convictions related to cases of human trafficking and the above-mentioned forms of exploitation, whatever the charge which results in conviction.

### **Compliance and Effectiveness**

A National Rapporteur would also be well-placed to monitor weaknesses within established systems, ensure the adequacy and appropriateness of services for trafficked persons, and ensure government policy and practice across the UK comply with the articles of the Convention. This would include assessing the extent to which the government's current approach is human-rights centred, child-sensitive, and adequately taking into account and guaranteeing gender equality. Equally there is an urgent need to establish whether all of the UK, including the devolved administrations', current legislation pertaining to human trafficking and associated forms of exploitation is fit for purpose.

### **Structure**

The Rapporteur must be independent and given the authority to access all information required to monitor implementation of the Convention. This body should report to the UK's Parliament and to the Parliaments or Assemblies in Scotland, Wales and Northern Ireland as well as the public. The recommendations made by the Rapporteur to policy makers should be taken as prescriptive. It is essential that this role is performed by an independent body in order to capture data on those individuals who choose not to enter the NRM.

### **Co-operation**

An independent institution with full access to official information could assess the extent to which tensions or even rivalries between existing agencies and organisations are undermining efforts to tackle trafficking and advise on how coordination can be improved.

## **The Dutch Model**

The Netherlands established a National Rapporteur on Trafficking in Human Beings in April 2000. The Bureau consists of the Rapporteur and six members of staff, with a remit to report on the nature and extent of human trafficking in the Netherlands, and on the effects of the country's anti-trafficking policies. The Bureau of the Dutch Rapporteur is independent and reports to the Dutch government, which is in turn obliged to respond. All reports are public. The Bureau maintains regular contact with and gathers information from individuals, organisations and authorities involved in the prevention and combating of human trafficking and those which provide assistance to trafficked persons. The Rapporteur and her staff have access to criminal files held by police and judicial authorities. Because human trafficking often occurs across borders, the Bureau also has many contacts abroad and co-operates with international organisations.

The Dutch model has proved so successful it is frequently cited as a model of best practice, to the extent that the Council of Europe explicitly refers other State Parties to it in its *Explanatory Report on the Convention on Action against Trafficking in Human Beings* (para. 298).