

Independent Custody Visiting Association

Briefing for Independent Custody Visitors

Human Trafficking

December 2020

Purpose of briefing

The purpose of this briefing is to provide some basic information on human trafficking for schemes and independent custody visitors (ICVs). ICVs in all areas of the country may visit or see detainees who are showing some of the signs of being victims of human trafficking in their time in the custody suite. This briefing has been produced due to a request from a scheme and ICVs, following a visit whereby a detainee was identified as a possible victim of trafficking. The information below will help to identify potential victims and give ICVs and schemes some information on what to do if they suspect a detainee is a victim.

What is Human Trafficking?

Human trafficking is a form of modern slavery. The United Nations identify human trafficking as having 3 constituent parts:

1. **The Act** (What is done)
Recruitment, transportation, transfer, harbouring or receipt of persons.
2. **The Means** (How it is done)
Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.
3. **The Purpose** (Why it is done)
For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

Put simply, human trafficking is the process of trapping people through the use of violence, deception or coercion and exploiting them for financial or personal gain. In effect, the victim becomes a commodity, 'owned' by the trafficker for profit.

The United Nations definition is an international one, however, people do not *need* to be physically transported across a border for trafficking to take place, it can take place within a single country, or even within a single community.

What types of human trafficking are there?

Human trafficking can take many forms. Some of those include:

- Sexual exploitation.
- Forced labour.
- Begging.
- Crime – such as growing cannabis or dealing drugs.
- Domestic servitude.
- Forced marriage.
- Organ removal.

Human trafficking can affect women, children and men from all cultures, communities, nationalities, and groups.

What are the signs that a detainee could be a victim of human trafficking?

Not all victims of trafficking will display all signs noted below. This is not an exhaustive list of things to look for but should give ICVs and schemes a good overview of potential signs that a detainee could be a victim of human trafficking. ICVs might note these signs from the appearance and behaviours of the detainee, as well as things discussed during the visit.

Signs that indicate a cause for concern include:

- Be fearful of police/authorities.
- Exhibit signs of physical and psychological trauma e.g., anxiety, lack of memory of recent events, bruising, untreated conditions.
- Have limited access to medical care.
- Have no passport or mention that someone else is holding their passport.
- Seem to be in debt to someone.
- Be fearful of telling others about their situation.
- Be fearful of a trafficker, believing their lives or family members' lives are at risk if they escape their situation.
- Be unaware they have been trafficked and believe they are simply in a bad job.
- Have limited freedom of movement.
- Be unpaid or paid very little.
- Be regularly moved to avoid detection.
- Believe they are being controlled by use of witchcraft.

What are the legal responsibilities of the police?

From 1 November 2015, specified public authorities are 'first responders' and have a "duty to notify" the Secretary of State of any individual identified in England and Wales as a suspected victim of slavery or human trafficking.

The "duty to notify" is set out in Section 52 of the Modern Slavery Act 2015. Included in the list of public authorities in England and Wales are:

- (a) a chief officer of police for a police area
- (b) the chief constable of the British Transport Police Force

Home Office staff within UK Visas and Immigration, Border Force and Immigration Enforcement are also required, as a matter of Home Office policy, to make an internal referral to the Modern Slavery Case Management Unit.

Therefore, if a detainee in custody is thought to be a victim of human trafficking, there is a duty upon the force to report their concerns.

What is the national referral mechanism?

The [National Referral Mechanism](#) (NRM) is a process set up by the Government to identify and support victims of trafficking in the UK. It was born out of the Government's obligation to identify victims under the **Council of Europe Convention on Action against Human Trafficking**, which came into force on 1 February 2008. The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support.

Police forces may also wish to make a referral to the NRM for a suspected victim of human trafficking.

What should ICVs do?

If an ICV has concerns that a detainee is the victim of human trafficking, they should record their concern on their report form, noting the reasons for the concern.

ICVs should then report this to the custody staff, ensuring that a record is made of their concern that the detainee may be a victim. ICVs should discuss this with the custody staff to ensure that the 'duty to notify' arrangements are in place and that the custody staff will discuss an NRM with the detainee.