Human Trafficking Foundation

Modern Day Slavery in London - Your Duty to Identify and Protect Victims



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The Human Trafficking Foundation

Our Chair, Anthony Steen CBE, was formerly the Home Secretary's Special Envoy on Human Trafficking during the passage of the Modern Slavery Bill. Our Trustees include Vernon Coaker MP, Helen Grant MP and Baroness Butler Sloss.

The Foundation has worked closely with statutory authorities for several years and understands the challenges local authorities face The Human Trafficking Foundation is the secretariat for the APPG on human trafficking.

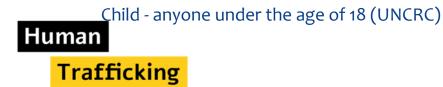
We also lead a national **Human Trafficking Forum**, which convenes in London, with 500 members, including NGOs, police and local authorities. We meet quarterly with approximately 90 stakeholders in attendance at each event.

We have also set up a **London Working Group** with 100 members, including NGOs, NHS, the Met Police's SCO7 anti-trafficking unit, UKBA and expert lawyers.

What is Modern Slavery?

Modern Slavery: encompasses slavery, human trafficking, servitude, forced or compulsory labour. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

The UN defined **human trafficking** in the 'Palermo Protocol' as the 'recruitment, transportation, transfer, harbouring or receipt of persons by means of threat, or use of force, coercion or deception... to achieve the consent of a person having control over another person, for the purpose of exploitation' (UN, 2000, Art. 3). According to this definition, trafficking includes sexual exploitation, forced and bonded labour, domestic servitude, any form of slavery and removal of organs.





What is Human Trafficking?

Human Trafficking = Act + Means + Purpose

These three elements all form part of trafficking:

- * The act: recruiting, transportation, transfer, harbouring or receipt of persons
- * The means: force, fraud, coercion, deception, abuse of power or vulnerability (for..)
- * The purpose: sexual exploitation, forced labour or domestic servitude etc..

All 3 components must be present in an adult trafficking case. However, in a child trafficking case (a child is any person under 18) the 'means' component is not required as they are not able to give informed consent this section can focus on children only



Additional notes

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Consent is irrelevant to exploitation

- * The Home Office circular guidance states that: "An individual's consent to the conduct alleged to amount to slavery, servitude or forced or compulsory labour does not prevent the offence being committed."
- * As confirmed by the Palermo Protocol, the consent of a person to any intended exploitation is irrelevant where any of the means set out within the protocol have been used
- * S.1(5) and s.2(2) MSA 2015

Purpose over exploitation

* The Home Office frontline staff <u>guidance</u> states that: "Under the Convention, a person is a 'victim' even if they haven't been exploited yet, for example because a police raid takes place before the exploitation happens... So, it is the purpose which is key, rather than whether or not exploitation has actually occurred.

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Smuggling is not trafficking

* Frontline staff must avoid confusing human trafficking with human smuggling. In smuggling cases, asylum seekers and immigrants pay people to help them enter the country irregularly. This is a crime against the state rather than a crime against an individual. Smugglers are providing an (illegal) service rather than treating a person as a commodity. It is also short-term rather long-term with a one-off payment rather than ongoing appropriation.

The crime of slavery or trafficking overrides any irregular immigration or other minor offences

- * Karen Bradley, former Minister with the Slavery Portfolio: "The intent of the offence of illegal working is clear; it is not aimed at the victims of modern slavery. Anyone who is a victim of modern slavery can at any time report their captors..."
- * https://iasservices.org.uk/governments-immigration-bill-criticised-by-anti-slaverycampaigners/

'Means' - Types of coercion and control

The threat or use of force (physical restraint, beating, rape, abuse against them or family members etc.)

Withholding travel or immigration documentation

Ritual oaths or use of fear based on a belief system (for example - use of Juju).

Fraud –control of a victim's accounts or finances, attaching their name to debts, cars, illegal activity etc.

Abduction

Blackmail or intimidation

The abuse of power or of a position of vulnerability (whether physical, psychological, emotional, family-related, social or economic. E.g. Illegality of the PV's immigration status, economic dependence or fragile health.) A situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

Debt bondage or peonage and depriving the individual of money- creating artificially high debts for travel or forcing someone to pay an excessive amount of money for substandard accommodation or making significant deductions from an individual's 'salary'.

Deception e.g. employer provided false/inaccurate information about the employment, wages or working conditions etc.

'Stockholm syndrome' – where, due to unequal power, victims develop a false emotional or psychological attachment to their controller or may identify with the perpetrator as a survival or coping mechanism.

Grooming – where vulnerable individuals are enticed over time to take part in activity in which they may not be entirely willing participants (e.g. the 'lover boy' method is common in sexual exploitation).

Physical confinement or restriction of movement. Or confinement through threats/control. Unable to leave with no money, nowhere to go and no one to turn to. Also fear of consequences.

Threat or the perceived threat to the victim's relationships with other family members or peer group.

Social stigma (for example, using shame towards someone for working as a sex worker, or shaming them for losing control/failing to find suitable work.)

What types of exploitation exist?

- **Sexual exploitation** e.g. child sexual abuse child abuse images
- **Domestic servitude** e.g. undertaking domestic chores looking after young children
- Labour exploitation e.g. building sites; cleaning ; Sweatshop and restaurant work,
- **Enforced criminality**: drug dealing and credit card fraud; Begging or pickpocketing; Drug mules or decoys for adult drug traffickers; cannabis cultivation
- Forced Benefit fraud
- **Forced marriage** (there were 240 reported cases in the UK 2000-2, in 15% of cases the unwilling partner was male);
- Forced marriage /sham marriage
- Baby trafficking
- Organs harvesting

How big is Modern Slavery in UK/London?

 Total of 3466 potential victims referred into National Referral Mechanism in 2015 nationally
 Government estimates up to 13000 victims in UK
 Labour & Sexual exploitation seen most – London domestic servitude
 Largest groups from Albania, Nigeria, Vietnam, Romania, Slovakia & UK

New Statutory Responsibilities

The Foundation is leading a project to engage statutory authorities in London with the plight of victims of human trafficking, in light of the new Modern Slavery Act and Care Act, both of which have given local authorities new statutory responsibilities in this area.

Councils are struggling with the new responsibilities under these Acts and already a number of expensive judicial reviews against councils are underway.



NRM and Modern Slaver Act – useful toolbox

- * The creation of a new statutory defence for slavery or trafficking victims compelled to commit criminal offences
- * The provision of child trafficking advocates
- * The introduction of two new civil orders to enable the courts to place restrictions on those convicted of <u>modern</u> <u>slavery</u> offences, or those involved in such offences but not yet convicted
- The provision of mechanisms for seizing traffickers' assets and channelling some of that money towards victims for compensation payments
- * Legal aid access
- * Life sentences for traffickers
- * Support/housing under the NRM as an adult

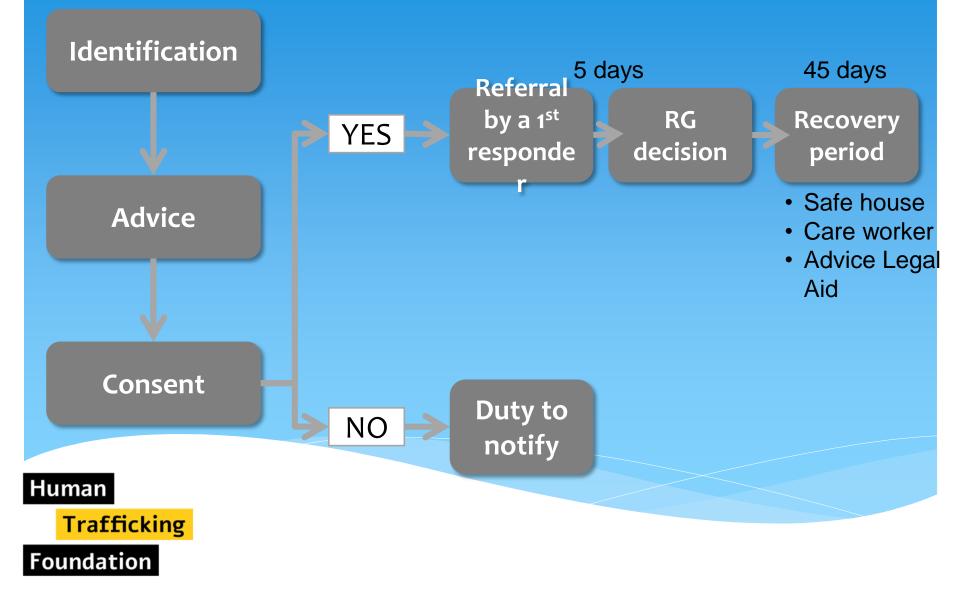


What is the NRM?

The National Referral Mechanism (NRM) Provides a national framework where public bodies such as the police, UKBA, local authorities and NGO's work together to identify potential victims of trafficking to provide appropriate support and protection.

- Accommodation and material assistance
- Medical treatment and care
- Counselling and emotional support
- Advice on immigration and legal rights and services
- Advice on the criminal justice system
- Guidance on education, training, and employment
- 45-day reflection period when you cannot be removed
- Non-EU possible one year permit to remain case by case

National Referral Mechanism (NRM)



Problem 1 – Identification:

There is considerable evidence that London is a hub for human trafficking and slavery in the UK and yet many staff in statutory authorities, from social workers to housing officers, struggle to identify many cases, even though there is now a statutory duty to notify the Home Office about potential victims. Hence large numbers of cases in London, from slavery in brothels, homes and hotels, to cases similar to the Rochdale case of trafficked children, or the Connors case of trafficked homeless men, carry on under the authorities' jurisdiction, in places such as children's homes and licensed businesses.



Cross overs with other crime types and vulnerabilities

CSE, ASB, multiple occupancy, **Planning breaches** missing persons, Gangs/drugs/stealing/county lines, youth offending, benefit fraud, sham marriage domestic violence, **Illegal adoption** homelessness...

NCA Data Not always what you expect

"All victims are migrants..."

* The 3,805 victims rescued by our authorities arrived from **108 countries**.

But ...

 In 2016 the third largest victim group came from the UK

"All victims are hidden ... "

* "One leading anti-trafficking NGO told me you could find girls who had run away from home being exploited in areas of London, and gave an example of a specific park ... where this took place." Shadow City

"All victims are women "

- * Of the 3,805 victims found last year, 51% female and 49% male.
- * 15% of victims were referred for domestic servitude; and there are now more victims were exploited for labour trafficked than those who had been trafficked for sex.



Work

- Wearing unsuitable clothing i.e. flip flops in winter; no helmet on a construction site Is required to earn a minimum amount of money every day
- Poor health & safety equipment, no health & safety notices and unhygienic, unsafe working conditions
- Excessive working hours, no days off and little spare time to get lunch etc.
- (Perception of) debt bondage
- No or limited access to earnings or labour contract

Excessive wage reductions or financial penalties Movement of individuals between sites or working in alternate locations

Freedom of movement

- Is accompanied by a person who insists on remaining with them at all times
- Limited freedom of movement
- Limited or no social interaction and poorly integrated into the community
- Dependence on employer for a number of services - for example work, transport and accommodation
- Limited contact with family
- Never leaving the house without permission from an employer
- Only leaving the house as a group

Employer

- Employer reports them as a missing person
- Employer accuses person of theft or other crimes related to their escape
- Employer speaking on their behalf
- •Employer unable to produce documents required when employing migrant labour
- Difficult to establish/prove relationship between adult and child(ren)
- •Single adult is contact for a large number of children/families/workers

- Health
- Shows signs of physical or sexual abuse and/or has contracted STIs or has an unwanted pregnancy
- Has not been registered with or attended a GP practice
- Appears to services (doctor/council) only in the final months of a pregnancy
- Bruises, cigarette burns and untreated injuries
- Broken bones that haven't healed properly
- Malnourished
- Learning difficulties or drug/alcohol dependent
- Dental problems and poor hygiene
- Work related injuries often through poor health and safety measures
- Signs of mental health issue e.g. trauma, PTSD, panic attacks etc.

- Accommodation
- Workers are required to pay for food or accommodation via deductions from pay
- Home delivery meal packaging
- Crammed/rough sleeping conditions inc. 'beds in sheds'
- Cars or minibuses picking up at unusual times
- Not eating with the rest of the family and no private sleeping place or sleeping in a shared space
- Frequent visitors to residential premises
- Lack of family photos and personal belongings,
- Post stacked up and discarded envelopes on floor
- A script by a telephone on making benefits claims
- Unable to show any autonomy over accommodation e.g. no tenancy, bills, or other paper trail including bank account in their own name

Behaviour/appearance

- Appears to be missing for periods
- Is known to beg for money
- Having tattoos /marks indicating 'ownership'
- Fearful, anxious and withdrawn
- Unable to speak local language
- •Refuses or reluctant to talk to a person in authority or provide personal details
- Talle their staries with shringer
- Tells their stories with obvious errors
- •Has a prepared story, very similar to those that other adults have given
- •Is unable or unwilling to give the name and address of the employer

Potential Drivers

• Poverty or lack of economic opportunity	Religious and cultural beliefs
Inequality and discrimination	Substance misuse issues
• Emotional or familial or romantic relationships	 Language barriers and lack of knowledge or access to rights
Homelessness	 Fleeing domestic violence or other abuse
Illness and disability	 Lack of legal/immigration status
 Mental health or learning disabilities 	 Gender-related issues – escaping FGM, forced marriage etc.

Potential drivers

The following are factors that can make a young person more vulnerable to exploitation:

Poverty	Dysfunctional families
Cultural attitudes	Having a physical or learning disability
Lack of education/awareness	dependent on drugs and alcohol
Grooming	Recent bereavement or loss
now or in the past (e.g. domestic violence or parental substance misuse, mental health issues or criminality)	being in care (particularly those in residential care and those with interrupted care histories)
Inadequate legal regulation and local law	social isolation or social difficulties
having a prior experience of neglect, physical and/or sexual abuse	absence of a safe environment to explore sexuality
Economic vulnerability	lack of a safe/stable home environment
missing from home or care	gang association
Political conflict and economic push/pull factors	family members or other connections involved in adult sex work;
connections with other children and young people who are being sexually exploited	homelessness or insecure accommodation status
Migrant/refugee to the UK	young people who are lesbian, gay, bisexual, transgender

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- Language
- * Concept of slavery
- * Taboo
- * Mental health issues
- Fear- of traffickers and of authorities
- Focus on immediate needs- food shelter

- * Threats
- * No long term options
- Chose exploitation and sending a little money home above earning nothing
- Don't understand what NRM is for
- * Fear of authorities

Case example

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- Rose' was from West Africa. She described how she was tricked and trafficked to the UK for forced prostitution. She was frequently drugged and beaten by her trafficker to make her easier to control.
- When as a result of her abuse Rose became too ill to work her trafficker called the police to report Rose as an 'illegal' immigrant. Rose ended up in a detention centre prior to removal from the UK.
- Rose was only identified as a victim of trafficking once in detention by the former Poppy Project. There is a risk that many others are not identified.

Modern Slavery: The Underground Story of London

Slavery in London is not a new phenomenon. Since the 17th century slaves were taken across the Atlantic and sold to plantation owners in America and the Caribbean for sugar, tobacco, rum, rice, cotton and tea, all of which were shipped back to London. London was at the heart of the 'trade triangle' that fueled slavery. The Virginia Company of London had the first documented 'mail-order bride' trade where women were exchanged for tobacco (Eaves, 2009).

The Head of the Metropolitan Police's Anti-Slavery unit, DCI Phil Brewer, has said that the number of suspected victims in London is expected to increase by 60% to as many as 1,600 in 2017 (Guardian, 2017). On this basis we estimate that the average Londoner is never more than 1,000 sq mt away from someone who has been ensiaved.

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Geographical analysis

In 2016 Hestia supported victims in all London boroughs except the City of London.

The map below shows the areas from which victims entered our services. These areas are not necessarily where they were enslaved but show the victim's location at the time they came to Hestia for support.



Barking & Degennem	34	Groonwich	24	RAG	/	Sutton	3
Barnet	17	Hackney	21	Kingston	5	Tower Hamlets	8
Baxley	7	H&F	5	Lambeth	19	Waltham Forest	19
Bront	19	Haringey	17	Lowisham	41	Wandsworth	4
Bromley	3	Harrow	4	Merton	7	Westminster	18
Camdon	11	Havering	8	Newham	46	Homeless	19
Croydon	61	Hillingdon	29	Redbridge	31	Out of London	14
Ealing	23	Hounslow	8	Richmond	3	-	1.1.004
Enfield	22	Islington	13	Southwark	54	Total: 624	

Borough breakdown by gender and form of slavery

	Domestic Servitude	Sexual	Forced	Domestic Servitude	Sexual	Forced Labour	Sexual
Barking & Dagenham	4	24	0	0	0	6	
Barnet	3	11	0	0	1	2	
Baxley	3	2	1	0	0	1	
Bront	8	9	0	0	0	1	1
Bromley	1	2	0	0	0	0	
Camden	3	3	1	0	0	4	
Croydon	5	51	2	0	1	2	
Ealing	6	7	2	2	0	6	
Enfield	3	18	0	0	0	1	
Greenwich	6	15	0	0	0	3	
Hackney	1	13	0	1	0	6	
H&F	1	2	1	0	0	1	
Haringey	3	12	1	0	0	1	
Harrow	2	2	0	0	0	0	
Havering	1	6	0	0	0	1	
Hillingdon	4	16	1	0	0	9	
Hounslow	2	2	2	0	0	2	
Islington	4	8	0	0	0	1	
K&C	2	2	1	0	0	1	1
Kingston	3	2	0	0	0	0	
Lambeth	7	6	2	0	1	3	
Lowisham	7	24	2	2	1	5	
Merton	2	4	0	0	0	1	
Newham	13	27	2	2	1	1	
Redbridge	4	23	0	0	0	4	
Richmond	0	3	0	0	0	0	
Southwark	7	39	2	0	1	5	
Sutton	1	2	0	0	0	0	
Tower Hamlets	3	4	0	0	0	1	
Waltham Forest	3	14	0	0	0	2	
Wandsworth	0	4	0	0	0	0	
Westminster	4	8	0	1	0	2	3
Homeless	0	0	0	1	0	17	
Out of London	3	3	0	0	0	8	
Totals	119	368	20	9	6	97	5
	507 Women			112 Men			5 Trans

There are high concentration areas such as Southwark, Croydon, Lewisham, Newham and Barking & Dagenham. This is largely because these boroughs have National Asylum Support Service (NASS) accommodation and many victims have been identified as trafficked whilst claiming asylum. However the majority of London local authorities lack specific guidelines, a single point of contact and procedures or policies to assess the needs of victims of modern slavery (Human Trafficking Foundation, 2015). The lack of ID documents and confirmed immigration status can make it difficult to access support at a local level.

What do I do? What to know

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- Emergency: In an emergency call police on 999
- Advice: If you are uncertain, call the Modern Slavery Helpline 0800 0121700

Frontline safeguarding staff are expected to:

Be able to identify a victim of trafficking or slavery

Know that

- * If the person has trafficking indicators they need to either refer them into the NRM, or fill out an MS1 form (+safeguarding duties). Note the threshold to suspect is LOW.
- * Know that victims of slavery rarely self-identify as victims of trafficking/slavery or easily reveal their experiences. Recognition of the crime by the victim is not required.
- * Any child that you suspect is a victim of human trafficking or modern slavery should be referred into the NRM. Note the threshold to suspect is LOW.
- * You do not require the <u>consent of the child or parent</u> to refer a child into the NRM

Know how to complete a referral form into the NRM

Know that statutory protection and safeguarding responses should also be applied.

Approach



Communication – explaining what is happening, that they are safe, monitor own language, manage expectation, give timescales and work at their pace

Assessment and Planning- Multiagency risk assessment and safety planning. Consider risks post 18; review assessment as risks etc. will change

Approach - Agency– give them choices, relationship building, what you can offer, give tools for future risk, and education around exploitation, Trauma informed/contextual; Prioritise vulnerability over criminality

Safe and appropriate accommodation and environment - Trained foster carers, Create support network and new circles

Risk - Understand risk and triggers; Understanding high risk of going missing within 72hrs; Balancing risks and rights (avoid repeating traffickers behavior, timecales, technology **)**

Intel gathering Make sure you are sharing information with stakeholders and gathering info:

who, what, where, when and how

Missing episodes - treat missing as high risk, return interview, risk assessment, info sharing Strategy meeting,

Problem 2 – Lack of support when exiting Government safe houses :

After adult victims of trafficking finish receiving the Government provided statutory "45 days" of care, there is very little or often nothing in place in local authorities to provide any specialist support for victims of trafficking, even when they have recourse to public funds, and so many get lost in a tragic and repetitive cycle of exploitation.



What happens to victims after the NRM?

- Living with friends/ family/ partner- 274
- Asylum Support Accommodation- 272
- Private Accommodation- 104
- Private Accommodation (EEA country- not UK)-79
- No information- 54
- Reported as missing person- 45
- Supported accommodation 33
- Homeless Services 30
- Supported accommodation local authority 12
- Supported accommodation NGO in UK 10
- Mainstream accommodation local authority 4



Quotes from Beyond the Safehouse Report

http://www.humantraffickingfoundation.org/sites/default/files/Life%20Beyond%20the%20Safe%20House_0.pdf

"My experience with clients who have been through the 45 days [Recovery and Reflection] period is that they end up on the streets again and they are so incredibly vulnerable because their wounds have been opened up, they have only had 45 days to deal with those wounds, and it's not fair, but after 45 days they're out... then in a blink of an eye it's gone" Homeless NGO service provider

"When I moved out of the [Safe] house I went to a bed and breakfast and I got harassed by men, so another abuse again. I moved to North London, Hammersmith and Wembley, so I stayed in three bed and breakfast places. I was in that place for 6 months. The first one in North London, which had guys there, I was in for one month. The second one I stayed in for two days because the traffickers had taken me to that place before, and a girl who saw me, called me by my name, and I thought it was not safe for me so I asked to be moved. Now they moved me to West London in a temporary accommodation. I have been there for seven months." A human trafficking victim

R (AK) v Bristol City Council3 CO/1574/2015

- The claimant was a victim of trafficking. As a non-working EEA national awaiting a leave to remain decision, she was not eligible for housing or welfare support and could provide for her most basic needs only by engaging in prostitution.
- She claimed that her situation was inhuman, degrading and contrary to the UK's duties under Directive 2011/36/ EU (Anti-Trafficking Directive) art 11 and Council of Europe Convention on Action against Trafficking in Human Beings art 12, as well as ECHR art 3 or art 4.
- * She applied to the council for accommodation. They refused to provide her with accommodation or with subsistence level financial support.
- In April 2015, on a claim for judicial review, she was granted an interim injunction requiring the council to pay her £50 a week and accommodate her pending trial. On the eve of that trial, the council accepted that, until the claimant could find her own accommodation, it was responsible for providing her with support and assistance.

Problem 3 – Inadequate services for child victims of trafficking :

While adult victims of trafficking receive specialist trafficking support for a minimum 45 days, children who are accommodated and looked after under the Children's Act (2004) usually receive no specialist services.

As a result, many vulnerable children may go into inappropriate care placements or accommodation. This can result in them being at risk of exploitation, in for example criminal activities. There is also increasing evidence that children are continuing to go missing, with inadequate monitoring structures in place.

But good practice exists. For example, a "'Talk Don't Walk' project in Cheshire which "interviewed children and young adults who had run away from home led to a reduction in the numbers going missing between 2004 and 2007 by 72% and saved approximately £3.2m."



Why they go missing

- Don't feel believed (age assessments etc.)
- Uncertain future
 (immigration status)
- Unconvinced by what you are offering (Met too many different individuals – failed to build trust etc.)

- Trafficker provides love/security
- Provides material benefits
- Debt bondage
- Juju
- Threats
- Use of images



The story of Quan

When Quan was found he told officials he was 15, but they did not believe him, marking his age down as 19 instead. That meant Quan was sent directly to an adult immigration centre. There, charity workers noted the man seemed far too young to be in the centre. They called in lawyers who argued he should have a proper age assessment by social services, which should take place outside the repressive confines of the detention centre.

But Quan was afraid. He told his lawyers he was terrified that if he was released his traffickers would get to him. So they scrambled to find secure accommodation and begged immigration officials not to release him until they had.

But quietly, late on a Friday evening, Quan was released with just the address of a community centre in south London written a slip of paper. Workers there say he arrived but disappeared soon afterwards. He has not been heard of since. It took the police a month to collect CCTV footage, and only then did they see Quan boarding a train, possibly with someone else. It is feared that he, like so many other Vietnamese young people, has been picked up by traffickers.

What can local authorities do to tackle modern slavery?

- Spotting the signs identifying and referring potential victims of modern slavery
- 2. Supporting child and adult victims of modern slavery
- 3. Disrupting criminal activity
- Ethical procurement slavery free supply chains

What next?

- Setting up a task and finish group on slavery with representatives from children's and adults services and safeguarding teams, housing, licensing, custody, health etc.
- * Map what is taking place in your borough
- * Develop a local referral pathway and protocol for staff working with potentially trafficked young people
- Ensure all frontline staff are trained so they know all the indicators of human trafficking, know best practice and have a trauma-informed approach understanding survivors' rights and entitlements and how to fill in the NRM form
- * Create Champions/Single points of contact
- * Is there a way to record this crime in your systems?
- * Is this crime flagged up in your MASH and MARAC systems?
- * Can you add 'trafficking' as an agenda item to other sub-groups/meetings such as MASE and Missing teams?
- * Need to map local specialist services available to potential victims

Key contacts - children

ECPAT (girls support group)	training@ecpat.org.uk or call 020 7607 2136
Love146	<u>tamara@love146.org.uk +44 (0)845 6802</u> <u>146</u>
Children's Society	0300 303 7000 james.simmonds- read@childrenssociety.org.uk
Shpresa (Albanian NGO)	<u>shpresaprogramme@yahoo.co.uk</u> 020 7511 1586
MiCLU Migrant and Refugee Children's Legal Unit	020 7288 7668 Email: miclu@islingtonlaw.org.uk
Coram Children's Legal Centre	Phone: 0207 636 8505 (Monday to Friday 10am to 5pm) Email mcp@coramclc.org.uk
AFRUCA	020 7704 2261
Refugee Council	0207 346 1134
CTAC: NSPCC Child Trafficking Advice and Information Centre	0800 107 7057
Barnardo's ICTA	0800 043 4303

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CONTACT DETAILS

Tamara Barnett

Tamara@humantraffickingfoundation.org

020 3773 2040 http://www.humantraffickingfoundation.org/

