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*Research Notes*

# Discourses on Human Trafficking in the UK: An Analysis of the Joint- Committee on Human Rights 2005-06

Kimiko Kuga

**Abstract**

The purpose of this article is to clarify significant changes concerning the issue of human trafficking in the JCHR 2005-06 debates in the UK. It contributes to contemporary discourses on human trafficking which concentrate not only on trafficking of women and children but also human trafficking as a human rights abuse.

In October 2005, the JCHR determined that it would hold a series of debates on human trafficking. The aim of these debates was to discuss and recommend whether or not the Government should sign and ratify the European Convention of 2005. As the European Convention has been established to ensure the human rights of all trafficked persons regardless of age or sex, the JCHR 2005-06 was the first opportunity in the UK to discuss human trafficking as a human rights issue.

However, two divergent discourses on human trafficking separated the debates in the JCHR: the discourses on protecting human rights of trafficked persons and those by abolitionist feminists. On the one hand, the former represented by the ECPAT UK Coalition, Kalayaan and TUC insisted that it was necessary for the Government to protect trafficked persons' rights because the immigration policies had a harmful influence on them. In particular, the ECPAT Coalition stressed that the Government should lift the reservation of the UN CRC in order to protect trafficked children's rights. On the other hand, abolitionist feminists represented by the Glasgow City Council and the Home Office, relied on the arguments from the Eaves Poppy Project and Chaste UK. Based on the empirical co-operation between those abolitionist feminists' groups and the Home Office, they focused on a demand reduction based approach to combat against trafficking of women and children for sexual exploitation. While the participants admitted that the Government needed the European Convention as an international standard of protecting human rights of trafficked persons, the two

discourses split the debates on how to support the trafficked persons.

Summing up all the arguments by the participants, the JCHR tried to reach consensus on Article 13 and 14, while it also compromised to reconsider the arguments of children's charities and abolitionist feminists. As a result, the JCHR concluded that the Government should ratify the European Convention, but also reviewed removals of the reservation of the UN CRC and abolition of demand in the sex industry.

## I. Introduction

The Joint-Committee on Human Rights (JCHR)<sup>1</sup> 2005-06 provided the first opportunity to discuss Trafficking in Human Beings (human trafficking) as a human rights issue in the United Kingdom (UK). This Parliamentary Committee was established when the Government decided to introduce the European Convention on Human Rights (ECHR) into domestic legislation as *The Human Rights Act* in 1998. With a rapid increase of migrants and asylum seekers since the 1990s, *The Act* introduced the Committee in order to undertake thematic inquiries on human rights issues and to report its recommendations to the Government. To explore the issue of human trafficking, the Committee called for written evidence by relevant authorities and NGOs on 19 October 2005. On this subject, a total of 15 NGOs<sup>2</sup> submitted their evidence respectively, and based on their written evidence, some groups were invited as witnesses for the oral sessions.

The main purpose of the JCHR was to discuss whether or not the Government should sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings (the European Convention) of 2005.<sup>3</sup> While the Government had criminalized human trafficking since 2000,<sup>4</sup> it had never established the regulations for protecting trafficked persons. Although the Government criminalized traffickers, it was also ineffective because they make threats against trafficked persons not to prosecute them. In particular, in dealing with child trafficking, the parents frequently asked traffickers to take their own children for a better life. Thus, criminalizing trafficking alone was not enough to solve the problems. Therefore, it was a great occasion to discuss the issues of human trafficking from human rights perspectives because the Convention was designed to provide comprehensive regulations for protecting human rights of trafficked persons irrespective of age or sex.

Nevertheless, each participant had different motives depending on their own interests in spite of the official aim of the JCHR 2005-06. Although the debates were divided into two divergent issues – protecting human rights of trafficked persons and the abolition of prostitution – the JCHR concluded that they reached consensus on matters of Article 13 and 14 of the European Convention.<sup>5</sup> In addition, the JCHR pressed the Government to remove reservation of the United Nations Convention on the Rights of the Child (UN CRC) and renewed the demand reduction based approach at the same time as ratifying the European Convention.<sup>6</sup> Therefore, the questions arose in which parts in the debates were competitive, and how the JCHR compromised the arguments of the participants.

The NGO groups<sup>7</sup> representing the discourses on protecting human rights were End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK), its Coalition members and Kalayaan. The Trade Union Congress (TUC) also had the same standpoint. In the JCHR debates, while Kalayaan and TUC which work for migrant workers accused the Government of its failure to protect the human rights of trafficked persons for labour exploitation, ECPAT UK and the National Society for the Prevention of Cruelty to Children (NSPCC) stressed more on the importance of protecting trafficked children's rights.<sup>8</sup> ECPAT and NSPCC also asserted that deportation did not solve any problems and it was imperative for the Government to lift the reservation of the UN CRC.

Apart from these groups, the idea based on abolition of prostitution endorsed by abolitionist feminists focused on sex trafficking of women and children. As abolitionist feminists such as Eaves and the Anglican Churches Alert to Sex Trafficking Across Europe (Chaste UK) believed that demand for sex was the major cause of human trafficking, they recommended the Government to curb the demand. Since Liz Kelly and Linda Regan (2000:v), members of the Child and Women Abuse Studies Unit (CWASU)<sup>9</sup> in London Metropolitan University, estimated that a maximum of 1420 trafficked women existed in the UK in 1998, there had been increasing media and policy attention to the discourses on sex trafficking for women and children. After Kelly and Regan were commissioned by the Home Office as a second team of researchers, the Home Office (Nick Davies, 2009) estimated that there were up to 4,000 trafficked women and girls trafficked into the UK in 2003. Since then, the provisions of sex trafficking had been the mainstream of the Home Office (2006). After that, Eaves launched Poppy Project funded by the Home Office, which provides beds for trafficked women for sexual exploitation. Therefore, the discourses on protecting human rights and those on abolitionist feminists were intermingled in the JCHR debates.

Although it was difficult to compromise all arguments of the participants, the JCHR tried to reach agreement on the matter whether the Government should ensure the rights of trafficked persons based on Article 13 and 14 by considering carefully the Home Office's idea. At the same time as reaching consensus on these two Articles, the JCHR also left the arguments by children's charities and abolitionist feminists.

In the existing literature, there are already excellent accounts of discourse on human trafficking in the case of the UK. Paul Knepper (2007) explored anti-trafficking campaigns in the early twentieth century, and successfully revealed the hidden motivation of core campaign groups against "white slavery"<sup>10</sup> in Victorian Britain. While Knepper's finding highlighted the 19<sup>th</sup> century and indicated that the issues of "white slavery" were used as a means of race discrimination and women's suffrage in London, Johanna Kantola and Judith Squires (2002), and Lorinda Norris (2008) demonstrated that the issues of human trafficking were used by abolitionist feminists and children's charities in the 21<sup>st</sup> century. While the discourses on sex trafficking of women and children from foreign countries had been primarily focused by policy makers and the media,<sup>11</sup> paying attention to the JCHR debates

makes it possible to recognize it as a human rights issue. As such, this article is devoted solely to the JCHR 2005-06 debates.

## **II. The JCHR 2005-06**

### **1. The Divergent Discourses on Human Trafficking**

The JCHR hearing had been launched since 22 May 2006 based on written evidence from the participants. Although the main purpose of the Committee was to discuss the signing and ratifying of the European Convention of 2005, the NGOs that attended the hearing were roughly divided into two groups: human rights based groups and abolitionist feminists' groups. The most competitive point between the human rights based and abolitionist feminists' groups was how to treat trafficked persons because each group supposed very different groups of trafficked victims respectively.

The groups which focused on the protection of human rights of trafficked individuals were the ECPAT Coalition, Kalayaan and the TUC. The basic assumption of these NGOs and TUC was that there were trafficked individuals not only for sexual exploitation but also for labour exploitation (JCHR, 2006: Ev6, Ev41, Ev13; Christine Beddoe, 2007:17). Thus, they originally distinguished human trafficking from prostitution. In this respect, for those groups based on protecting human rights of trafficked persons, it would be ineffective if the main provision for combating against trafficking was through a demand reduction based approach. Owen Tudor, representing TUC, made its viewpoint clear in the Session on 29 June:

The main distinction we are talking about here is that very often the people that we are dealing with who are not trafficked for sex trade are being brought here to do something which is entirely legal. That is the critical distinction (JCHR, 2006: Ev41).

In dealing with this point, Kalayaan perceived human trafficking as an exploitation of workers, and noted, "people may think they are coming here legally to work and find that the conditions they are working under amount to slavery" (ibid., Ev41). Kalayaan and TUC acknowledged that the trafficked persons were included in the migrant domestic workers who had been brought into the UK with their employers by using the domestic worker visa. As the trafficked persons whom Kalayaan and TUC supposed were men, women and children trafficked into the UK via legal routes, and they were forced to work which they had never expected, Kalayaan and TUC emphasized that it was necessary for the Government to protect human rights of those people.

For Kalayaan and TUC, the primary issue was that trafficked people who engaged in domestic work were ineligible to change their employers even if they were constantly abused. According to Kate Robert (ibid., Ev41-42), a community support worker in

Kalayaan, those workers who had been trafficked became illegal once they ran away from their employers. Thus, the legal statuses of the migrant domestic workers relied heavily on their employers. In this respect, Kalayaan (*ibid.*, Ev134) pointed out that the protections for migrants did not stretch to include migrant domestic workers who had been employed within diplomatic households. That is, if trafficked people were forced to work in the households, they had to continue their work or became homeless with no rights when they escaped from their employers (*ibid.*). As such, Kalayaan and TUC underscored the importance of protecting trafficked persons for labour exploitation. In particular, they urged the Government to provide trafficked persons with adequate living support, opportunities to renew their visa and relevant information of their status when changing their employers.

In the name of the protection of human rights, the ECPAT Coalition could be in the same circle with Kalayaan and TUC. Christine Beddoe (JCHR, 2006:Ev6; Beddoe, 2007:17), the representative of the ECPAT UK, also claimed that trafficking for labour exploitation was likely to be more common than for sexual exploitation. Yet, their arguments focused more on protecting human rights of trafficked children based on their empirical research.<sup>12</sup> In the Session on 22 May, Nasima Patel (JCHR, 2006:Ev8), the representative of NSPCC, implied that there was a tendency to treat children who had been trafficked as illegal immigrants. Patel (*ibid.*) demonstrated that trafficked children went through the immigration process, and only a few of them could get leave to remain until the age of 18. In particular, Patel and Beddoe (*ibid.*) presented that if the children were orphaned, the chances of them being re-trafficked were enormously high if they were sent back.

Furthermore, under immigration policies, Beddoe (*ibid.*, Ev10) blamed the Government for its failure to balance between the immigration policy and the best possible child protection safeguards. In dealing with this point, Beddoe explained:

One of the things that we hear all the time from practitioners in the fields is confusion around the fact that when a child is seen to be 'illegal' then somehow that makes them go into another system, they are not entitled to the same sorts of services we might see given to another child going through the same sort of distress and situation if they were a British born child (*ibid.*, Ev10-11).

According to Beddoe (*ibid.*, Ev11), this confusion amongst social workers led to misunderstanding on whether a child should be in an asylum seeking process under the current immigration policy which did not automatically consider them as an asylum seeker because trafficking was not a cause of persecution. As social services did not know how to treat those children, Patel (*ibid.*, Ev9) also pointed out that they were put in unsuitable accommodation without any support because there were no special safe house for trafficked children.

In order to find a way out of the present difficulty for trafficked children who faced detention and deportation to their original countries, the feature of their discourses on child



trafficking was to require the Government to lift the reservation of the UN CRC during the ratification of the European Convention. As children's charities had been already lobbying the Government to remove the reservation since 1991, it was not their first opportunity to reveal their requirement. However, the Coalition took notice of Article 12 of the Convention that required each party to provide for "the best interests of the child,"<sup>13</sup> it was the great occasion for ECPAT UK and NSPCC to confess their real purpose. As Article 22 of the UN CRC ensures that a child who is seeking asylum status could receive protection and applicable assistance whether or not they are accompanied or unaccompanied, the Coalition (*ibid.*, Ev8) demonstrated that full ratification of the UN CRC would support trafficked children.

For ECPAT UK, there were some authorities for their insistence in dealing with the UN CRC. Firstly, ECPAT UK (*ibid.*, Ev7) maintained that the lack of identification scheme allowed policy makers to avoid considering protecting children. Due to a lack of statistical data for trafficked children, social services could not provide adequate provisions for those children. Secondly, Beddoe and Patel (*ibid.*, Ev9) claimed that immediate repatriation of children based on immigration policy did not solve the problem of re-trafficking. As there were many cases where their parents had been implicated as selling the child to an agent, the risk of re-trafficking could not be withdrawn if children were repatriated to their home countries. Based on these issues related with child victims, ECPAT UK (*ibid.*, Ev10) accentuated that it was unquestionable to solve these problems if the Government lifted the reservation on Article 22. Other members of the Coalition also agreed with this opinion.<sup>14</sup>

In spite of the fact that the ECPAT Coalition, Kalayaan and TUC deemed that it was imperative for the Government to ensure human rights of trafficked persons in particular for labour exploitation, Ann Hamilton, Principle Officer, Glasgow City Council and Chair, and Vernon Coaker, a member of the House of Commons, Parliamentary Under Secretary of State for Policing, Security and Community Safety, the Home Office, insisted on the discourses for the abolitionist feminists. Thus, they assumed that the victims of trafficking were women and girls for sexual exploitation. Although typical abolitionist feminists' groups such as Chaste UK and Eaves were not invited to be witnesses at the hearing, Hamilton and Coaker reflected their arguments, and linked human trafficking with prostitution.

As the Glasgow City Council worked with the Poppy Project which has been ran by Eaves since 2004, Hamilton, as a witness, relied on abolitionist feminists' standpoint in Session on 22 May.<sup>15</sup> When the Poppy Project operated with joint cooperation between the local authorities and police in order to train them to investigate the demand for sex trafficking, the Glasgow City Council joined the Scotland area (*ibid.*, Ev165). In addition, Poppy Project (Eaves, 2004:14) had kept arguing that closer examination on men who buy sex should take place alongside with services to support women wishing to exit the sex industry, when the Home Office (2004) published the consultation paper on prostitution.<sup>16</sup> In the Session, Hamilton (JCHR, 2006:Ev1, Ev2) maintained that it was crucial to research men who were using such a service because approximately 264,000 purchases of sex by men



spent 6.6 million per year, and that lead to trafficking of women to fulfill the demand. As the answer to the question from Andrew Dismore, the chairman, about what sort of research was indispensable, Hamilton stated as follows:

Certainly we have anecdotal evidence of different brothel owners sharing women and moving women from city to city and we are seeing women moved from Glasgow to Edinburgh and Glasgow to Newcastle. Certainly what is needed is more research on the men who are buying sex and the organization of the sex industry (ibid., Ev2).

Coaker, as a witness of Session 26 June, was also a spokesman for the demand reduction based approach. He suspected the situation that trafficked women gave consent to work in the sex industry. He wondered if “trafficked women, working in a brothel under duress, could really be said to be consenting to sex of her free will” (ibid., Ev27). Based on the idea that all women working as prostitutes are forced to be engaged into the sex industry, Coaker also pointed out that the demand aspect should be investigated. In order to interrogate the sex industry, the Home Office had established Operation Pentameter in 2005, which targeted men who might use massage parlor, saunas and other sorts of brothels.<sup>17</sup>

For the purpose of reducing demand for sex industry and for enhancing the support services, abolitionist feminists groups created the anecdotal stories that huge number of foreign women and children were trafficked into the UK for sexual exploitation. For instance, in the JCHR memorandum, the Poppy Project (ibid., Ev164) estimated that 80 per cent of non-British nationals were working in 33 London brothels, though no one could tell how many trafficked women were exactly included in this figure. The Glasgow City Council also indicated that 6,000 women had been trafficked into the UK (ibid., Ev108). Estimating the number of the trafficked women for sexual exploitation, Poppy tried to expand the scale of its accommodation service (ibid., Ev165).

The stories about foreign women and children who had been trafficked into the UK to supply the demand for prostitution were also endorsed by the media. Interestingly, the number of trafficked women which was used in the memorandum from the Glasgow City Council had been exposed in *The Mirror*, which reported that 6,000 women and children were trafficked on 6 January 2002 while *The Guardian* also used this number in order to demonstrate a large-scale of trafficked children in the 12 July 2002 report (William, 2002; Johnson and Nyra, 2002).

While Kalayaan, TUC and the ECPAT Coalition claimed the importance of providing support for trafficked persons for labour exploitation, abolitionist feminists groups advocated the importance of support for trafficked women for sexual exploitation. As originally those groups represented very different types of victims, the types of treatments for trafficked victims also relied on trafficked persons whom each of the groups supported. Therefore, the JCHR could not have any consensus on how to treat trafficked persons.

## 2. The Consensus in the JCHR

Although the NGOs participants could not reach consensus on how to provide trafficked persons with support services, they reached agreement that the Government should regulate the reflection period and residence permit based on Article 13 and 14 of the European Convention.

In dealing with the issues of the reflection period and residence permit, some of the human rights based groups were supposed to have reached the consensus to some extent below the surface. Almost at the same time as holding the hearing in the JCHR, Anti-Slavery International (Skirivankova, 2006), a member of the ECPAT Coalition, studied trafficking for labour exploitation. In this study, Anti-Slavery International (*ibid.*, 1) interviewed 23 professionals working with migrant workers who might be trafficked persons. Kalayaan also cooperated with this study. While it considered forced labour as the major cause of human trafficking, it underscored the importance of the reflection period and residence permit as a minimum standard of protection (*ibid.*, 11). Based on their arguments related to trafficked persons who were abused as labour in the UK, this report confirmed the essential rights provided by the European Convention (*ibid.*, 13).

While the ECPAT UK and NSPCC (JCHR, 2006: Ev101, Ev139) also acknowledged that the reflection period and residence permit should be guaranteed as minimum standards for safeguarding children, lifting reservation of the UN CRC was likely to be more crucial because it was the earnest wish of the children's charities.<sup>18</sup> In 2006, those children's charities corroborated to introduce "The small steps campaign," asking the Government to take three small steps to protect trafficked children. In the campaign, they urged the Government to remove the reservation on Article 22 when it ratified the European Convention in order to provide safeguards for the children (Norris, 2008: 20).

In addition, the issues of whether or not the Government should provide the reflection period and residence permit were originally not familiar among abolitionist feminists groups because prohibiting prostitution itself is the most prominent position for them. Certainly, Eaves Poppy Project had provided services to trafficked women, but they had never taken the standpoint that trafficked women should be legally protected.

Therefore, it was likely to be difficult for the JCHR members to balance each argument. In order to reach consensus on, at least, the reflection period and residence permit, the JCHR members paid attention to the comment in the Home Office Consultation paper published on 5 January 2006. In this respect, if the Government had to ensure the reflection period and residence permit, the Home Office described its anxiety as follows:

While we support fully [the aim of Convention], we have concerns that some of the provisions, such as automatic granting of reflection periods and residence permits for trafficking victims, may act as "pull factor" for the UK (JCHR, 2006:Ev132).

On 6 January, the Home Office Minister, Paul Poggins also elaborated:

People will claim to be victims of human trafficking when they're not, they'll use it as a way of extending time here... We're been very clear over recent months and years to differentiate between those people who genuinely seek asylum and people who come here for other purposes, we don't want to undermine that (ibid.)

Based on the Home Office's fear and its argument against these rights of trafficked persons, the members of the JCHR asked whether or not these rights would be a "pull factor" to bring more illegal migrants to the UK in all sessions. Except for Coaker in the Session on 26 June, almost all the witnesses replied to the JCHR members that there was no concrete evidence to support the "pull factor" argument. For instance, in Session on 22 May, Beddoe clarified, "I have seen no evidence across our international partners who are working on the issue to support the pull factor argument" (ibid., Ev11). Robert (ibid., Ev49) from Kalayaan also recognized the reflection period and residence permit as invaluable for trafficked persons. For Robert (ibid.), as most of the trafficked persons who might be trafficked for labour exploitation had no money and time to find another place to live if they ran away from their employers, they had no choice but to stay with their employers even if they were abused. Therefore, Robert (ibid., Ev49) presented that the reflection period and residence permit would provide them with time to recover. In this respect, Robert (ibid.) also insisted that these rights would not trigger illegal immigration dramatically because very few domestic workers knew what their rights really were.

In dealing with the reflection period and residence permit, Coaker (ibid., Ev36) based his "pull factor" argument upon what the experiences the other countries had. Indeed, he pointed out that the countries which introduced these guarantees for trafficked persons suffered from the increased number of illegal migrants. In order to retort his argument, Baroness Stern highlighted Italy as a model, and presented that "none of the people we met, including the Ministry of the Interior, were able to say that there were any evidence at all that it was a pull factor" (ibid., Ev37). Dismore also shared Stern's standpoint in Session on 22 May, and stated, "There is certainly nothing in the figures published to suggest that being entitled up to 18 months' legal stay in Italy has acted in any way as a pull factor" (ibid., Ev5). In addition, Dismore (ibid., Ev37) implied that the Home Office was obsessed with the fear that the rights of trafficked persons could encourage people to come without any substance.

While the JCHR members carefully considered the "pull factor" argument in order to reach an agreement on Article 13 and 14 of the Convention, it was supposed to be necessary to compromise with children's charities and abolitionist feminists in some points. That is, lifting reservation of the UN CRC and remaining the demand reduction approach as provision of human trafficking. Despite the main purpose of the debates, the JCHR left these two arguments as a concession.<sup>19</sup> In addition, in view of the sensationalized stories by the me-

dia, the JCHR might not be able to ignore the provisions to combat against child trafficking and sex trafficking of women and children. To sum up all the information, it could be evaluated that the JCHR found a point of agreement on the matter of Article 13 and 14 while there were challenges to balance between cooperation and compromise with arguments of witnesses.

### III. Conclusion

This article highlighted the debates in the JCHR 2005-06 on the issues of human trafficking. By exploring the contents of the debates in detail, it demonstrated where the debates split and how the JCHR led to the consensus on whether or not the Government should ensure human rights of trafficked persons.

The JCHR debates were roughly divided into two groups. On the one hand, the groups based on protecting human rights of trafficked persons represented by the ECPAT Coalition, Kalayaan and TUC, arguing that there must be more trafficked persons for labour exploitation. While Kalayaan, which recognized human trafficking as human rights' abuse for labour, maintained that trafficked persons should be provided with the support such as adequate care and accommodation, the ECPAT Coalition focused more on protecting children's rights. In particular, the ECPAT Coalition insisted on removing reservation of the UN CRC which they had been suggesting since 1991. On the other hand, the groups relied on abolitionist feminists, such as the Glasgow City Council, focused on trafficking for sexual exploitation. Thus, abolition of sex industry itself was the best way to combat against trafficking, and they required the expansion of support services for trafficked women. Therefore, how to treat the issue of human trafficking depended on the standpoint of the participants.

When the Government was confronted with the issue whether or not the Government should sign and ratify the European Convention, the Home Office revealed its anxiety on the matters on Article 13 and 14. Therefore, asking the question whether these Articles would be a "pull factor" for illegal immigration in all sessions, the JCHR members tried to consolidate the consensus on this guarantee. At the same time as achieving the agreement of all participants, they decided to reconsider lifting the reservation on the UN CRC and reduce demand for prostitution based on the arguments by children's charities and abolitionist feminists' groups.

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### Notes

<sup>1</sup> The JCHR Committee had consisted of twelve members until 12 April 2010: Mr Andrew Dismore MP (Labour, Hendon) (Chairman), Lord Bowness (Conservative), Mr Douglas Carswell MP (Conservative, Harwich), Lord Campbell of Alloway (Conservative), Mary Creagh MP

(Labour, Wakefield), Lord Judd (Labour), Nia Griffith MP (Labour, Llanelli), Lord Lester of Herne Hill (Liberal Democrat), Dr Evan Harris MP (Liberal Democrat, Oxford West & Abingdon), Lord Plant of Highfield (Labour), Mr Richard Shepherd MP (Conservative, Albridge-Brownhills), Baroness Stern (Cross-Bencher). After dissolution on 12 April, the Committee was reorganized. See in UK Parliament website.

<sup>2</sup> Once the Committee decides to hold the debates on a particular topic, it is possible for any group to submit written evidence as a memorandum. After written evidence has been received, oral evidence sessions are held. Witnesses for oral sessions are selected on the basis of their written evidence, or of whether or not they are key players in the subject. The NGOs which submitted written evidence are as follows; Amnesty International, Anti-Slavery International, Asylum Aid, Chaste UK, ECPAT UK, Glasgow Inter Agency Trafficking Working Group, ILPA, Justice, Kalayaan, NSPCC, Eaves, The Salvation Army, TUC, Women's Aid Federation Northern Ireland, Oxford Pro Bono Publico<sup>134</sup>.

<sup>3</sup> The European Convention of 2005 is a specific Convention adopted by the Council of Europe in order to protect human rights of trafficked persons while the ECHR was also adopted by the Council of Europe to pursue further realization of ECHR in 1950.

<sup>4</sup> As the Home Office recognized human trafficking as a new form of sexual offences when *The UN Operational Protocol to Prevent, Suppress and Punish Trafficking in Person* (the UN Palermo Protocol) was established, the first legislation was realized as *The Sexual Offences Act 2003*. After this legislation, criminalizing human trafficking for labour exploitation was realized in *The Asylum and Immigration Act 2004*.

<sup>5</sup> UK Parliament Website, (<http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/245/24509.htm#a62>) accessed on 15 March 2010.

<sup>6</sup> Ibid.

<sup>7</sup> The ECPAT Coalition consists of Anti-Slavery International, NSPCC, Save the Children UK, The Body Shop UK, Children's Society, Jubilee Campaign, UNICEF UK, and World Vision UK.

<sup>8</sup> Article 1 of The UN CRC defined a child as every human being below the age of 18 years. The UK signed and ratified the Convention and adopted the definition of the child, but had reserved the right to apply Article 22 until 2008.

<sup>9</sup> CWASU was originally started as The Child Abuse Studies Unit in 1987. In 1988, this started to focus on women's issues.

<sup>10</sup> The narratives of "white slavery" were occupied with the idea that thousands of white women and girls were forced into prostitution. In particular in the Victorian era, it was mentioned that Jewish communities engaged in these brutal works.

<sup>11</sup> Since 1995, the issues on sex tourism in South East Asia had become international issues. As Britons took part in the offenders of sex tourism, the media and NGOs sensationalized the issues, arguing that most of the victims were children who were trafficked in and across the borders.

<sup>12</sup> See Somerset (2001; 2004).

<sup>13</sup> Although the definition of "the best interests of the child" was not firmly fixed in general, the term generally refers to deliberation that the court decides when it concerns in case-by-case what types of care are appropriate for children, and who is the best suited to care of children. For instance, in immigration law in Canada, the division making the immigration decision could designate the representative for both unaccompanied and accompanied children when they claim their refugee status. If a parent is in conflict with the best interest of the child, a parent will not be appointed the designated representative. See Car (2008), p.39.

<sup>14</sup> Anti-Slavery International and NSPCC also explained that the UN CRC was the most comprehensive instrument to ensure the rights of the child. As such, they agreed the idea that the government should withdraw its reservation of the UN CRC. See in the JCHR oral evidence

(2006), Ev89, Ev135.

<sup>15</sup> Session on 22 May was divided into two parts. Hamilton was invited as a witness in the first half.

<sup>16</sup> See The Home Office (2004), *Paying the Price*.

<sup>17</sup> As a result of Pentameter, UK Human Trafficking Center (UKHTC) was established in autumn 2006.

<sup>18</sup> Save the Children and NSPCC also discussed on the requirement in the previous debates in the JCHR. See JCHR Tenth Report of 2002-03.

<sup>19</sup> UK Parliament Website.

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