

The Rt Hon Nadhim Zahawi  
The Rt Hon Priti Patel  
The Rt Hon Michael Gove

18<sup>th</sup> April 2022

Dear Secretaries of State,

**An open letter about child victims of trafficking in the Nationality and Borders Bill**

We write to you as expert organisations concerned about the protection and wellbeing of children and young people.

During debates on Part 5 of the Nationality and Borders Bill we have become increasingly alarmed at the assertion there should be no special protections for children in the Bill's modern slavery and trafficking proposals.<sup>1</sup> We were pleased to see that children are now protected by the disapplication of Clause 58 of the Bill via a government amendment, and we urge you to go further.

Our view is that the proposals in Part 5 are extremely concerning for all victims but that at the very least children should be exempted from them. Almost half of all victims of modern slavery are children, and the numbers identified are increasing year on year.<sup>2</sup> Most of the children identified are UK nationals and most have been criminally exploited. In the absence of prompt identification, children who are criminally exploited may and often do, find themselves serving custodial sentences for offences committed as a result of their exploitation.

Child victims need more protection, but instead, the impact of the Bill's proposals will be massively detrimental, with more children going unidentified, unprotected, penalised and at further risk from criminals who seek to abuse and exploit them. Trafficked children are already one of the most at risk groups in the UK: almost a third went missing from local authority care in 2020. A lack of long-term sustainable solutions for every trafficked child, based on their best interests, continues to be a major factor in going missing and further exploitation. We are therefore urging you to amend the Bill to protect child victims.

The Russian invasion of Ukraine has led to the displacement of 4.3 million children: many of them are at risk of exploitation and there is widespread unease about trafficking at borders. There is also concern that the UK Homes for Ukraine scheme contains few effective safeguards. What's more, Ukraine is home to large numbers of children in institutional care who will need protection and are already at significant risk of exploitation.

Now is not the time for the UK to reduce identification and protection for child victims of exploitation. Now is not the time to allow an adult-focused agenda to take priority over children's rights and welfare, creating a dangerous and unlawful precedent.

The UK has long been a global leader in refugee protection, child protection and tackling modern slavery, with guiding principles established in law. The Children Act 1989 marked a significant change in how we treat children, with cross-party support under a Conservative administration. We urge you to continue this leadership and fulfil your duties to ensure that all decisions made about children and young people are made with their best interests as the primary consideration. We urge you to

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<sup>1</sup> During report stage in the Commons Parliamentary Under-Secretary of State for Justice and Tackling Illegal Migration, Tom Pursglove [stated](#): 'To create a carve-out for one group of individuals, as amendment 190 seeks to do, would undermine this approach and create a two-tiered system based on the age at which exploitation may have taken place.'

<sup>2</sup> Home Office. (2022). [National Referral Mechanism End of Year Summary 2021](#).

match your words with action – there is still time to put this commitment on the face of the Bill. There is also still time to disapply provisions that reduce identification and disqualify from protection in part 5 to child victims.

The Minister stated that the government “will take account of age and maturity in the guidance on the public order disqualification, as we recognise the specific vulnerabilities of children, and we will do the same for instances of additional recovery periods” and will “continue, as now, to consider the best interests of the child while making decisions”.<sup>3</sup> We welcome this along with the Minister’s willingness for officials to engage on the development of the guidance<sup>4</sup>.

We would welcome the opportunity to meet with you to discuss prioritising the protection of child victims of modern slavery across government.

Yours faithfully,

Mark Russell, CEO, The Children’s Society

Patricia Durr, CEO, ECPAT UK

Louise King, Director, Children’s Rights Alliance for England, Director of Policy and Campaigns, Just for Kids Law

Susannah Drury, Director of Policy and Development, Missing People

Lynn Perry MBE, CEO, Barnardo's

Victoria Marks, Director, Anti Trafficking and Labour Exploitation Unit

Andrew Wallis OBE, CEO, Unseen

Kathy Evans, CEO, Children England

Rita Waters, Group Chief Executive, NYAS (National Youth Advocacy Service)

Sherry Peck, CEO, Safer London

Tim Nelson, CEO, Hope for Justice and Slave Free Alliance

Celia Sands, Director, South London Refugee Association

Andy Sirel, Legal Director, JustRight Scotland

Chris Wrigh, CEO, Catch22

Paddy Kelly, Director, Children’s Law Centre

Sheila Taylor MBE, CEO, National Working Group

Carolyne Willow, Director, Article 39

Jimmy Zachariah, Chief Executive, BACA

Nicole Francis, Chief Executive, Immigration Law Practitioners' Association (ILPA)

Alison Pickup, Director, Asylum Aid

Kamena Dorling, Head of Policy, Helen Bamber Foundation

Philip Ishola, CEO, Love146

Stewart MacLachlan, Senior Legal & Policy Officer, Children’s Project, Coram Children's Legal Centre

Sabir Zazai, CEO, Scottish Refugee Council

SallyAnn Kelly, CEO, Aberlour

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<sup>3</sup> [Lords Consideration of Commons Amendments 4 April 2022](#)

<sup>4</sup> During Report Stage in the Lords, Lord Wolfson of Tredegar [stated](#), “I can confirm that officials would be very pleased to engage on the development of the guidance, to which I have referred on a number of occasions. It will be published over the coming months, but we welcome that engagement.”