

# LSI Platform:

## Non- punishment provision

- RACE in Europe Project
- Research case studies
- UK Court of Criminal Appeal Judgment
  - [2013] EWCA Criminal 991
- UK 7-stage Intervention model for identifying victims of trafficking who may be criminalised

# RACE In Europe Project

- European Commission funded
- 2-year project
- EU Directive (2011/36) includes wider definition of trafficking

- *Article 2 (3)*

Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

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# RACE in Europe Project

- **Project partners**

- Anti-Slavery International
- ECPAT UK
- Specialist Policing Consultancy Ltd.
- Vietnamese Mental Health Service
- Migrant Rights Centre Ireland
- La Strada Czech Republic
- Multicultural Centre Prague
- Police Academy of the Netherlands

- **Project activities**

- Research, 3 Training sessions

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# Research findings

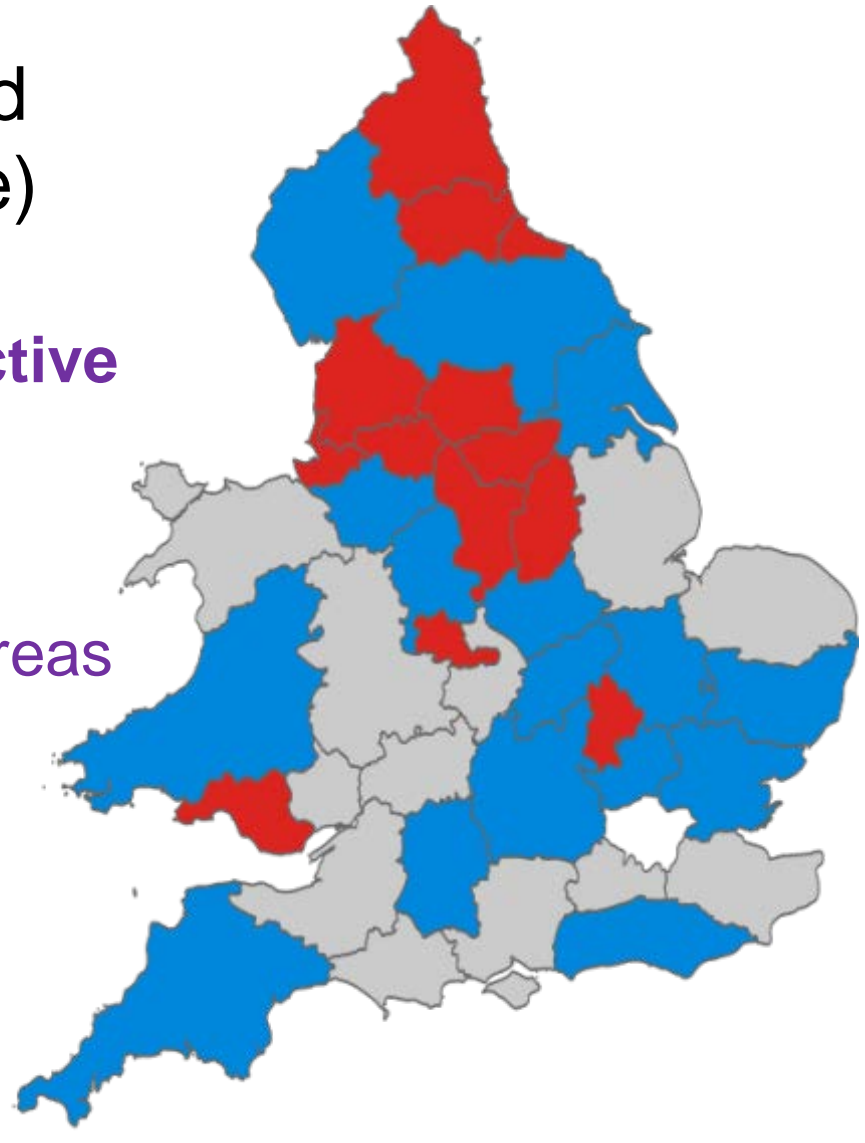
- **Identified all across Europe**
- **Criminal activities & begging**  
Theft, pick-pocketing, cannabis cultivation, forced sham marriage, illegal charity bag collection, benefit fraud, metal theft & others.
- **Multiple exploitation common**
- **Traffickers' profile: OCN or family members**
- **Victim identification difficulties**

# Operation Golf

(JIT between Met Police and  
Romanian National Police)

**168 Europa juvenile victims active  
in the UK**

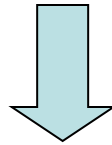
- 2,000 UK criminal convictions
- Active in 41 UK police force areas
- 350 child associates
- 450 addresses across the UK
- 260 addresses in London



# Case Study- Andrei

(Provided by ADPARE, Romania)

- Andrei was sold to a family, without his biological mother's consent
- Illegally transported to Spain
- As a baby, Andrei was used to assist in **begging**
- As a toddler, forced to beg and **pickpocket**
- Subjected to inhumane treatment: **food deprivation, physical punishment, emotional abuse**
- **Attempted escape multiple times** but the police always returned to him to the family
- Eventually arrested for theft and family deported



Only then could he escape his exploitation

# RACE Research: Non-punishment?

## UK

**Media Search:** Vietnamese nationals convicted for cannabis cultivation between 2011-2013

- Trafficking indicators present?
- Over **130 cases** where defendants were potential victims of trafficking

## Ireland

Since 2011, Chinese & Vietnamese nationals (who noted exploitation) make up **75%** of those convicted for cannabis cultivation

## Czech Republic

June 2012- “Bricked in” Vietnamese gardener

- Forced labour indicators present
- Abuse of a position of vulnerability

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# UK Court of Criminal Appeal

- *L, HVN, THN and T v R*
- Judgment [2013] EWCA Crim 991  
<http://www.bailii.org/ew/cases/EWCA/Crim/2013/991.html>
- **3 minors prosecuted for cannabis cultivation**
- **1 Female adult prosecuted for possessing a false instrument**

## Judgment

- Court's role is to protect the rights of victims of trafficking and stay a prosecution if it is an 'abuse of process'
- Requires consideration of whether individual was a victim of trafficking and forced to commit crime in question by their traffickers or compelled to commit crime as a result of their trafficking
- Court recognised that the UK is bound by Article 8 of the EU Trafficking Directive (2011/36)



# **Recommendations: Non-punishment**

- **Guidance for front-line professionals who may encounter trafficking victims**
  - Training to increase awareness
  - Removal of culture of disbelief
- **Implementation of non-punishment legislation**
  - EU Directive/CoE Trafficking Convention provisions
  - Through legislation rather than policy

# **CPS Model**

***‘Seven Stages of Intervention  
for a Victim of Trafficking  
who may be Criminalised’***



**today's fight for tomorrow's freedom**