

# Protecting **Children**Everywhere



# On the Safe Side

Principles for the safe accommodation of child victims of trafficking



ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) is a leading UK children's rights organisation campaigning since 1994 to protect children from commercial sexual exploitation.

ECPAT UK works at the highest levels of government but also reaches out to practitioners and those working directly with children through research, training and capacity building.

ECPAT UK works with child protection agencies, communities and government, UK and international police, and NGOs to identify strategies to combat the exploitation of children in tourism, increase prosecutions of offenders and improve protection for child victims of trafficking.

ECPAT UK is the national representative of ECPAT International, a global movement in over 70 countries.

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ECPAT UK Grosvenor Gardens House 35-37 Grosvenor Gardens London SW1W OBS T: 0207 233 9887 F: 0207 233 9869 info@ecpat.org.uk www.ecpat.org.uk ECPAT UK provides specialist training in working with children who may have been trafficked. The ECPAT UK National Training Centre in central London offers a comprehensive training programme that supports and develops good practice in safeguarding children. For more information, visit

www.ecpat.org.uk/training or contact training@ecpat.org.uk.



# Principles for the safe accommodation of child victims of trafficking

# Principle 1

The best interests of the child should be at the centre of all decisions regarding the provision of safe accommodation and related support

### Principle 2

Children should be asked about what makes them feel safe

## Principle 3

Children should be given sufficient information to help them make informed decisions about their accommodation and care

# Principle 4

Safety measures should be implemented to reduce a child's risk of going missing, especially within 24 to 72 hours after first contact with the child

# Principle 5

Safe accommodation should be understood as multi-faceted, involving physical and psychological elements, with particular recognition of the impact of trauma on a child's perceptions and behaviour

# Principle 6

A child's accommodation and safety needs will change over time and should be regularly assessed

### Principle 7

A child should not feel punished or overly restricted by measures taken to help keep them safe in accommodation

# Principle 8

A child should be given access to a range of psychological, educational, health, social, legal, economic and language support that 'brings safety to the child' and helps them recover

# Principle 9

Everyone working with child victims of trafficking should be trained to recognise and respond appropriately to their needs

# Principle 10

Efforts to keep children safe should involve the wider community in ways that help create an environment that is difficult for traffickers to operate in

### Background and aims

ECPAT UK has identified that there are no commonly agreed safety and protection standards across the UK for the placement of children who are suspected or known to be trafficked. This inconsistency has allowed safeguarding issues to be side-lined and, in some instances, cast aside, leading to further harm to the child.

In 2009, the Home Affairs Select Committee report on human trafficking raised concerns about suspected child victims in local authority care who go missing and are never found. The Committee was particularly alarmed by accounts that traffickers may be using the "care home system for vulnerable children as holding pens for their victims until they are ready to pick them up".

In the same year, the then Prime Minister, Gordon Brown, described the situation of potential child victims of trafficking going missing as "completely unacceptable". Recent research conducted by the Child Exploitation & Online Protection centre (CEOP) has also confirmed that the number of child victims of trafficking who go missing from local authority care is significant.

<sup>&</sup>lt;sup>1</sup>The Trade in Human Beings: Human Trafficking in the UK, Home Affairs Select Committee, May 2009 http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/2302.htm

<sup>&</sup>lt;sup>2</sup>Hansard, 13 May 2009, Column 853. http://www.publications.parliament. uk/pacm200809/cmhansrd/cm090513/debtext/90513-0003.htm

<sup>&</sup>lt;sup>3</sup>The Child Exploitation & Online Protection centre's (CEOP) *Strategic Threat*Assessment, Child Trafficking in the UK, published in December 2010, focused on data collected from 1 March 2009 to 28 February 2010. During this time, CEOP identified 287 potential child victims of trafficking in the UK. Many of these children went

In August 2009, in the light of these findings and to help support efforts to find safe accommodation options for child victims of trafficking, ECPAT UK relaunched its *Three Small Steps* campaign to protect child victims of trafficking. The campaign calls on the government and local authorities to ensure that these children are provided with safe and supported accommodation, preferably in the form of foster carers who have been trained in caring for child victims of trafficking.

As part of this campaign, ECPAT UK explored the issues around what makes accommodation safe for child victims of trafficking by undertaking structured face-to-face interviews and a roundtable discussion with a range of professionals, including local authority children's services, the police, NGOs and organisations accommodating child victims of trafficking, as well as ascertaining the views of the young people themselves.

This led to the formulation of 10 child-centred principles concerning the provision of safe accommodation for child victims and/or suspected child victims of trafficking.

missing from local authority care: 42 children were still recorded as missing by the end of the study. CEOP found that "[the] number of potential victims of trafficking who go missing from local authority provided care continues to be a major theme. Sixty-seven per cent (28) were Vietnamese nationals and 17% (7) were Chinese [the remaining children were from other countries]. A number of Vietnamese children who went missing were rediscovered in cannabis factories. Local authority provided care is sometimes failing to prevent victims returning to exploitation, although there are cases where supportive care has prevented this." Executive Summary, page 6

In 2004, ECPAT UK published *Cause for Concern*<sup>4</sup>, which found that a considerable number of London boroughs had concerns about child trafficking and encountered significant problems tackling child trafficking, including inconsistent standards of care and accommodation for child victims of trafficking. The response to this report from across the United Kingdom indicated that child trafficking was also on the increase in locations that had smaller regional ports. This resulted in ECPAT UK's 2007 report *Missing Out: A Study of Child Trafficking in the North–West, North–East and West Midlands*<sup>5</sup>. This report revealed that a large percentage of child victims of trafficking accommodated by the local authority, under the Children Act 1989, had gone missing, never to be found again.

Since 2007, there have been important changes in the legislation and guidance that impact directly upon the question of safe accommodation for child victims of trafficking. The most significant of these are:

■ Withdrawal of the reservation to the United Nations Convention on the Rights of the Child 1989 (UNCRC). When the UNCRC was ratified by the United Kingdom in 1991 the UK entered a general reservation to the convention as regards the entry, stay in and departure from the UK, of those children subject to immigration control, and the acquisition and possession of citizenship. This was withdrawn, meaning that the UNCRC applies to all children in the United Kingdom, irrespective of their immigration status. The UNCRC provides the child with a right to suitable accommodation.

<sup>&</sup>lt;sup>4</sup>ECPAT UK Cause for Concern, 2004:

http://www.ecpat.org.uk/sites/default/files/cause\_for\_concern\_2004.pdf

ECPAT UK Missing Out: A Study of Child Trafficking in the

North-West, North-East and West Midlands, 2007:

http://www.ecpat.org.uk/sites/default/files/missing\_out\_2007.pdf

- The Council of Europe Convention on Action against
  Trafficking 2005 (CoE Convention). This was signed by the
  UK Government in March 2007 and ratified on 17 December
  2008. The CoE Convention applies to victims of trafficking
  irrespective of their immigration status and contains
  important provisions relating to safe accommodation.
- ➤ Safeguarding children who may have been trafficked <sup>6</sup> 2007 guidance published by the UK Government, which provides a framework of how individuals and organisations collaborate in order to safeguard and promote the welfare of child victims of trafficking.

<sup>&</sup>lt;sup>6</sup>HM Government 2007 Safeguarding children who may have been trafficked

- ➤ Safeguarding Children and Young People from Sexual Exploitation<sup>7</sup> 2009 guidance published by the UK Government. The majority of this applies to England only with Wales and Scotland having separate documents.
- ► Further supplementary guidance and a safeguarding trafficked children toolkit® was developed and piloted by the London Safeguarding Children Board during 2009/10 and published in February 2011. The guidance and toolkit should be used in conjunction with statutory child protection procedures.
- In addition, the UK has now committed to opt in to the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims<sup>9</sup>. The Directive, among others, requires the UK Government to provide child victims with assistance, support and protection, and that in providing these requirements "the child's best interests shall be a primary consideration"¹⁰. Moreover, the Directive requires the Government to assist and support "the physical and psychosocial recovery" of child victims of trafficking, based on the special, individual circumstances of each child victim and by taking into account the child's views, needs and concerns with

<sup>&</sup>lt;sup>7</sup> HM Government 2009 Safeguarding Children and Young People from Sexual Exploitation

<sup>&</sup>lt;sup>8</sup> London Safeguarding Children Board 2011 Safeguarding Trafficked Children Guidance and Toolkit

<sup>&</sup>lt;sup>9</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. The Directive will enter into force in April 2013

<sup>&</sup>lt;sup>10</sup> Directive 2011/36/EU, Article 13

a view to finding a durable solution for the child<sup>11</sup>. The Directive also introduces the requirement that in certain circumstances a guardian or representative for a child victim of trafficking must be appointed from the moment the child is identified by the authorities to ensure the child's best interests are met.<sup>12</sup>

Furthermore, the EU Proposal on a Directive on Combating the sexual abuse, sexual exploitation of children and child pornography<sup>13</sup> sets out further measures to assist, support and protect child victims of sexual abuse and sexual exploitation. This proposal was agreed by the EU Council in June 2011 with the next stage being for the EU Parliament and the Council to vote to formally adopt this.

While the above are welcomed and a step in the right direction, ECPAT UK remains seriously concerned that child victims of trafficking, and/or suspected child victims of trafficking, are not receiving the protection of safe accommodation that their complex psychological, emotional and physical needs demand. One grave consequence of this has shown to be that these children disappear without any trace and little chance of being found again.

<sup>&</sup>lt;sup>11</sup>Directive 2011/36/EU, Article 14

<sup>&</sup>lt;sup>12</sup>Directive 2011/36/EU, Article 15

<sup>&</sup>lt;sup>13</sup>Directive 2010/0064 EU of the European Parliament and of the Council 29 March 2010 on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

ECPAT UK continues to resolutely believe that safe accommodation encompasses more than the mere provision of adequate placements; it also includes, within that response, consideration of the child's physical, psychological, legal, language and security needs. Importantly, it must include the child's own perception of safety.

The 10 principles are intended to be used together as a complete set rather than individually or randomly. Selecting only one or two principles and using them in isolation will not provide the same quality of care. ECPAT UK recognises that local authorities have a duty of care and the legal responsibility to look after separated children. Caution should be used when engaging with agencies or organisations using any of these principles in isolation and promoting it as their safe accommodation model.



"When you are trafficked, you need to be moved as far as possible from where you're living before, that would be the first step to safety. The second is to make sure the place is safe so that there's no way that people can just walk in and out, or put you with a foster carer who doesn't really care much about your safety. Safety [has] to be taken seriously. I think it should be the main priority [as], there's no future when you're not safe" – Young person, ECPAT UK Youth Group

# Principles for the safe accommodation of child victims of trafficking



# Principle 1: The best interests of the child should be at the centre of all decisions regarding the provision of accommodation and related support

"I think one needs to have a variety of approaches and assess what is best for that human being" – Local Authority

#### **Background**

Article 3 of the UN Convention on the Rights of the Child (UNCRC) states that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies<sup>14</sup>.

# Key issues15

There is no 'one-size-fits-all' accommodation for children who have been trafficked. The benefits of any particular form of accommodation depend on a child's personal needs and circumstances, including their relationship to their trafficker/s and level of risk; the type of exploitation they were subjected to and how traumatised they are; their culture, age, sex and personality; their sense of personal autonomy and ability to live independently; and their sense of safety and ideas on what will make them feel safe.

For example, for some children, fostering is a 'culturally bound concept' that is difficult to relate to because of their personal experiences of being exploited. Some children who are used to living more independently can reject the idea of 'having a substitute

<sup>&</sup>lt;sup>14</sup>UN Convention on the Rights of the Child, Article 3(1)

<sup>&</sup>lt;sup>15</sup>This is a summary of responses from ECPAT UK's face-to-face interviews during 2010/11 and a roundtable held on 29 March 2011

family', while others feel pressured to bond with their foster family at the cost of 'betraying their birth families'. Some young people feel more comfortable living in a group setting, which may feel less intimate, with a staff group providing care, access to peers (some with similar experiences) and group activities including therapy.

Professionals often have different opinions about what determines a child's best interests. Challenges include working with agencies that are 'resource-led' and have different work cultures and priorities, and working with needs assessments that are not properly completed or sufficiently focused on trafficking. Face-to-face meetings as soon as possible after first contact with a child can help professionals come to a shared determination of a child's best interests. Assumptions by professionals about a child's needs, such as finding a 'cultural match' in a foster family, can lead to unsuitable placements.

Acting in a child's best interests involves striking a balance in information-sharing between the need to keep a child safe and their need for confidentiality and privacy. Young people have felt distressed at being 'gossiped' about by foster carers and having details of their story known by everyone in their placement, including other children. Information-sharing should be undertaken very sensitively on a 'need-to-know basis'.

ECPAT UK believes that placing the best interests of the child at the centre of all decisions regarding the provision of accommodation and related support to child victims of trafficking is fundamental to keeping the child safe.

#### **Good practice**

- ✓ Professionals should meet face to face as soon as possible after first contact with a child to: (a) help reach a shared understanding of the child's best interests; (b) seek and include the child's own views on what makes them feel safe and (c) establish how the child prioritises their own needs
- ✓ Keep the child's needs at the forefront of decision making regarding their accommodation and support to reduce the risk of making resource-led decisions that do not meet the child's needs
- ✓ Information sharing about a child's case should be on a 'need to know' basis

# Principle 2: Children should be asked about what makes them feel safe

"We routinely [ask children about what makes them safe]. We have to get them on board right from the start, listen to their fears and observe their behaviour and demeanour. We use interpreters and try to place the kids in environments where there will be other young people with whom they could feel comfortable in terms of ethnicity and religion. We do what we can to listen and [...] record the child's views so we can check that we are not making any assumptions about what we think young people are saying" - Local Authority

# Background

The UN Convention on the Rights of the Child enshrines the right for children to participate in decision-making processes that affect their lives and to influence decisions taken on their behalf. This reflects the belief that children are people who have the right to express their views about situations that affect them and to have those views taken into account. While this does not mean that a child's views will automatically be acted upon, it provides for a process during which the child can gain an understanding of why certain decisions are being made.

# Key issues

Children do not always have a well-developed understanding of safety. Some children have never felt safe and lack an understanding of the concept. Some children do not view themselves as trafficked, exploited or at risk, or believe they have a right to protection or even to a childhood. Their views may be influenced by their traffickers (e.g. being told not to trust authority figures) or by cultural views about 'the

<sup>&</sup>lt;sup>16</sup>UN Convention on the Rights of the Child, Article 12

family' where a child is seen as a commodity or an asset, not an individual with human rights. Children trafficked from abroad may feel a very strong need to comply with family expectations to stay with the people they were sent to in the UK. They may also minimise their own needs out of fear of reprisals from traffickers to themselves, their family or friends.

Where children arrive together it is important to recognise that one of them may be a chaperone for the other and may be influencing the other child's responses. Additionally, it is important to recognise how trafficking creates both actual and perceived risks to the child – both need to be addressed. Children face very real risks from traffickers, but traumatised children can also have a much higher level of fear and perceived risk that a professional may feel does not match the assessment of actual risk to the child. However, creating a supportive accommodation environment that addresses the child's perceptions of risk is just as critical to promoting a child's recovery as addressing risk from traffickers. Professionals should also be alert to the possibility that a child has experienced trauma prior to being trafficked, e.g. sexual abuse that is impacting on their perception of safety.

Children may not recognise their needs or feel comfortable speaking openly about them. Children may also need time to develop the concepts and language to be able to say what makes them feel safe – this may not happen until they have been in care for several months. The lack of continuity in children's care, with numerous people coming in and out of their lives, can also make it difficult for a child to build enough trust to begin to share their feelings.

They do not always feel comfortable with interpreters, which affects their ability to communicate. They can worry about the actual or perceived closeness of the interpreter to their cultural community, and potentially to their traffickers, and therefore about the

confidentiality of their story. Sometimes they are not able to understand the interpreter's dialect and are too inhibited to say so.

ECPAT UK believes that child victims of trafficking should be fully involved in discussions that impact upon their lives. Asking a child about what would make them feel safe and involving them in decisions around their accommodation and support can help them regain a sense of control in their lives. It may also help reduce their risk of going missing and potentially being re-trafficked.

#### Good practice

- ✓ Ask the child about what emotional, physical, environmental and other factors would help them to feel safe but with an understanding that the child may not know. Feed this information into the ongoing trafficking assessment process and care planning
- ✓ Give the child information about what has helped other children feel safe
- ✓ Speak with the child regularly about their placement and in an environment where they feel able to speak freely, e.g. away from foster carers. Consider using an independent advocate
- ✓ Ask the child questions in a sensitive way that does not 'assume a right to go and question children' or that could further traumatise them
- ✓ Be sensitive to the child's level of comfort with their interpreter and ability to understand them
- ✓ Recognise that across cultures many different views exist on the definition and concept of a family. In some cultures children are not viewed as individuals with human rights but as 'assets' and this will influence how children perceive themselves

- ✓ Have a consistent adult in the child's life (e.g. key worker, social worker, teacher) to build a relationship over time that helps the child begin to trust and start talking about their experiences and what makes them feel safe
- ✓ Keep a record of what the child says and check its accuracy with the child

# Principle 3: Children should be given sufficient information to help them make informed decisions about their accommodation and care

#### **Background**

This is a core principle that should underscore any effort to involve children in discussions about their care, including asking about what makes them feel safe (Principle 2) and designing appropriate support (Principle 7). Children do not always see themselves as victims of trafficking or understand the risks facing them, especially if they return to their traffickers. They also face enormous challenges in navigating the highly complex bureaucracy involved in the welfare and immigration process, as well as, for some, the criminal justice system.

# Key issues

Children should have access to documents that are written about them but they should be explained in language and using concepts that they understand (e.g. age and culture appropriate), and at a pace they can handle. Often, children do not always understand professional relationships, such as the relationship between their foster carer and social worker, and need these to be explained.

Care pathways/plans should be regularly updated by the members of the professional network, including the child and his/her independent advocate to ensure their wishes and feelings are taken into account. They should also detail how the child will progress towards independent living, i.e. stages of accommodation, the support that will be offered to develop their life skills and contingency plans to respond appropriately to a child's needs.

Young people need to understand their statutory entitlements and accommodation options to be able to make informed choices about their preferences and needs. Young people – especially those trafficked from abroad – can find it difficult to visualise what 'independent living' or 'a shared flat' is, or know that living independently can be lonely and expensive while living in a group will require extra compromise and responsibilities. They often need support to think through in detail how they will manage their security and day-to-day activities such as finances and shopping.

Where young people have the option of staying in foster care beyond the age of 16, they need to be informed that this is an option and be supported towards independent living.

ECPAT UK believes that for children to engage meaningfully in decisions about their own accommodation and care, they need to be kept informed about their current circumstances, their care and placement plans, the immigration process, any ongoing criminal investigations with respect to their traffickers, and their human rights and entitlements. While all professionals should strive to implement this principle, an independent guardian or advocate for the child can be especially useful in this regard. Children should also be given information in their own language with access to trained interpreters, using concepts that are appropriate to their age and culture, and at a pace that is sensitive to their level of trauma and ability to understand.

#### Good practice

- ✓ Wherever possible, give the child access to documents that are written about them (e.g. their care plans). Use language and concepts the child understands and provide access to interpreters
- ✓ Explain to the child about what may have happened to them (i.e. the trafficking process) and the risks they face if they go missing or return to their traffickers
- ✓ Explain to the child how various accommodation options will impact on their day-to-day life, especially the differences between shared and independent living
- ✓ Help the child understand their statutory entitlements and rights
- ✓ Let the child know they are entitled to change their mind, express their feelings and ask for more support or a different placement
- ✓ Update, share and explain care plans/pathways to young people that map out what accommodation and support will be provided to assist them towards independent living
- ✓ Explain professional relationships to the child such as the relationship between their foster carer and social worker

# Principle 4: Safety measures should be implemented to reduce a child's risk of going missing, especially within 24 to 72 hours after first contact with the child

"When you are trafficked, you need to be moved as far as possible from where you're living before, that would be the first step to safety. The second is to make sure the place is safe so that there's no way that people can just walk in and out, or put you with a foster carer who doesn't really care much about your safety. Safety has to be taken seriously. I think it should be the main priority [as] there's no future when you're not safe" – Young person, ECPAT UK Youth Group

### Background

Child victims of trafficking can face incredible pressure to return to their traffickers. When their situation is interrupted by a referral to the police, local authority or other agency, they and their families can face serious reprisals from their traffickers. The first 24 hours after first contact with a child is therefore a critical time to give a child information about the risks facing them and to implement safety measures to help protect a child from their traffickers and prevent them going missing. This period of time is sometimes referred to as the 'golden hour' or 'golden day'.

Many professionals have reported using specific safety measures, and increasingly they are incorporating them into protocols, safety plans and good practice guides. However, debate exists as to how to strike the right balance between care and control in trying to maximise a child's safety and minimise their risk, and how to best work with children to help them understand why certain actions are being taken to try and keep them safe.

### Key issues

It is important to give children information as soon as possible on the dangers they face, how to seek help and where to return to if they run away, as many children go missing within 48 hours. Particular profiles of child trafficking are documented by law enforcement agencies such as CEOP, with an emphasis on particular children who are known to go missing. These groups of children should always be treated on first contact as having a high risk of being trafficked.

Some children show signs that they are at risk of going missing or planning to do so, such as becoming withdrawn or trying to borrow a mobile phone. Local authorities and accommodation providers can build up knowledge of these signs through careful and sensitive observation and become increasingly able to act early to protect children at risk. Local good practice guides or protocols can be useful in setting out how and when to implement safety measures, especially in the first 24 to 72 hours.

Safety measures implemented in isolation can be limited and ineffective. A '24/7 safety plan' is an effective tool that embeds safety measures into an integrated plan that manages risks around the child and reduces their risk of going missing. It addresses issues such as visitors to the placement; adults and children living in the placement; access to technology including mobile or house phones and the internet; use of cameras/video equipment; daily routines; and supervision outside the placement.

It is important to identify any weaknesses or loopholes in the safety plan and to involve all relevant parties in its design.

UK law is framed around an assumption that young people should generally have contact with family members. Some professionals

find this a difficult issue to manage as children who may have been trafficked can be at increased risk of going missing through contact with sponsors and others known to them, including family members.

Young people may not view themselves as exploited or at risk and may interpret the use of safety measures as punitive. It is important to explain to them the context around safety and risk, and to address any needs that arise as result of the safety measures. Children who arrive together and who are associated with the same trafficking network should not be placed together, unless they are related. Where two young people are referred together, particularly when one seems older (but may be a minor), the elder may be linked to the traffickers and be acting as a chaperone for the younger, trafficked child.

Multi-agency working needs to incorporate education for all agencies on the legal framework in which local authorities work to safeguard young people, to counter expectations that local authorities will 'lock up' children to keep them safe.

Most professionals agree that it is important to act early to gather identification material (e.g. a photo) from a child to facilitate a rapid response if they go missing. However, opinion varies on what should be collected, and whether it is necessary for every child in every circumstance. Methods include following the 'paramountcy principle', which involves only collecting information on a case-by-case basis, based on risk assessment.<sup>17</sup> Others favour storing identification material centrally for every child but using case-by-case risk assessment and investigative strategies to decide when to use it. Whatever level of safety plan is in place

<sup>&</sup>lt;sup>17</sup>The paramountcy principle states that the welfare of children is at all times paramount and overrides all other considerations (Children Act 1989)

it should always ensure that robust identification measures are in place as this is critical to the child's right to protection.

Standard missing person's procedures are less effective when a trafficker is intent on getting a child back as they are not tailored to the specific risks involved in child exploitation and ongoing danger to the child. Some procedures may also be inappropriate in certain circumstances, such as putting a missing child's photo in the newspaper, which may increase their visibility to the trafficker and place them at increased risk of harm. Some accommodation providers are developing their own procedures, including developing maps of the routes missing children have taken and specialist missing person forms that include photos and flag up trafficking to the police.

Types of engagement with the police that can make a placement safer include informing them that the placement contains a child at high risk; building a relationship with a named police officer; asking for additional police patrols in the local area; and giving residential carers and foster carers police advice on measures to keep the child more safe, e.g. varying their daily routine and using panic alarms.

It is important that computer systems that hold data on missing children clearly identify the fact that they may have been trafficked. In the short-term, this can help facilitate a tailored, rapid response to the child's missing status and, in the long-term, help to, identify the scale of the problem and to develop targeted services.

# Placing the trafficked child outside of the area of exploitation

"We are unanimous in thinking that all the stages of the care plan must isolate the child from their environment and give them time – a sterile area – to win their trust and confidence and to start to build a relationship – this seems to be the right way to do things" – Police Officer

The decision to accommodate a child outside of the area where they were exploited can be an important step in attempting to reduce the chance of the child being re-trafficked and/or going missing.

Placing children away from the area where they were exploited can interrupt the relationship between the child and their trafficker/ trafficking network, making it more difficult for traffickers to find them. It can also help the child feel safer. The distance needs to be carefully considered as part of a risk assessment; currently some children are only being placed a few miles from their traffickers.

When placing a child from a minority ethnic or cultural background into a family or area of the same culture, it is important to consider whether traffickers have links into that cultural community.

Some local authorities are interested in the idea of developing reciprocal placement arrangements (an agreement between two or more local authorities that would allow a child to be accommodated outside the borough where they were exploited) to help embed the provision of out-of-borough accommodation for children at risk. In larger counties children can be placed at some distance from their traffickers without needing to take them outside of the county border, which can reduce placement costs.

ECPAT UK believes that safety measures to keep child victims of trafficking safe must be part of a robust and integrated plan that manages risks around the child and reduces their risk of going missing. These must be implemented immediately on first contact with a child and the child must be involved in discussions about the measures taken to keep them safe. Crucially, children must be informed of the risks they face if they go missing. However, this must be done sensitively, with an appreciation of the pressure that the children might be facing to return to their traffickers or to simply run away from what they perceive to be an unsuitable environment.

It is also imperative that children are removed as far as possible from the area where they were found to be exploited. In this sense, ECPAT UK would like to see the development of reciprocal placement arrangements between local authorities.

# Good practice

- ✓ Where possible, use safe and secure accommodation out of the area where the child was exploited
- ✓ Keep the location of the child's placement confidential (other than to the police)
- ✓ Give the child information in the first 24 hours about risks of going missing and how to come back (e.g. laminated contact cards with an emergency telephone number)
- ✓ Ask the child what helps make them feel safe and explain to the child why and how safety measures are being used

- ✓ Take immediate practical steps to establish the child's identity on first contact and to keep the child safe (i.e. photograph child, CCTV, escorted movement, removal of mobile phone/SIM cards)
- ✓ Develop a local practice guide based on the most effective safety actions to take in the first 24-48 hours after first contact with a child, and update it regularly
- ✓ Develop an individualised 24/7 safety plan for each child. Consider inclusion of voluntary 'opt-in' elements for the child (e.g. agreeing not to use their mobile phone). Involve the foster carer, schools and other service providers, where relevant
- ✓ Consider which rooms would be safest for child victims, e.g. rooms on upper floors, away from main entry/exit doors
- ✓ Train foster carers/staff to watch out for risk in areas surrounding the placement, e.g. loitering persons or cars continuously driving and down the road. Foster carers should be aware of people approaching or making contact with the child and report any concerns
- ✓ Observe and act on early warning signs that the child might go missing. Build knowledge of early warning indicators and feed these into the development of safety plans and 'golden hour' safety measures
- ✓ Consider the risks to the child posed by the behaviour and possessions of other children in placements, e.g. the lending of phones. When two children are referred together, consider that one may be a chaperone or in contact with the trafficker

Principle 5: Safe accommodation should be understood as multi-faceted, involving physical and psychological elements, with particular recognition of the impact of trauma on a child's perceptions and behaviour

### **Background**

Child victims of trafficking have been through multiple abusive experiences that can impact on their sense of safety and their subsequent behaviour. The psychological impact of trafficking and exploitation on victims of trafficking is well documented , and can include the development of post-traumatic stress disorder (PTSD) and a wide range of physical and mental health problems. These factors all impact on the child's medical, emotional and psychological health needs and their perceptions of safety. This in turn can impact on carers and other professionals who might struggle to understand and respond appropriately. An understanding of trauma is essential in undertaking an accurate risk and needs assessment when accommodating a child safely, including creating an environment where a child can begin to recover from trauma and rebuild a sense of safety and control.

# Key issues

Traumatised young people can exhibit extreme manifestations of anger and challenging behaviour that even highly trained professionals and carers can struggle to cope with. Accommodation providers, including foster carers, and social workers need to be able to access professionals who have training on complex trauma and its effect on children. Foster carers in particular should have the option of

<sup>&</sup>lt;sup>18</sup>C. Zimmerman et al (2006), Stolen smiles: The physical and psychological health consequences of women and adolescents trafficked in Europe, London School of Hygiene and Tropical Medicine

24-hour access to expert advice and support. Professionals working closely with these children may encounter 'secondary trauma' whereby they experience stress resulting from helping or wanting to help a victim and may be in need of support themselves.

ECPAT UK believes that safe accommodation for children must address the complex inter-relationship between a child's need for physical security and any psychological issues that impact on their behaviour and perceptions of safety. Trauma in particular can make a child feel extremely unsafe, even when the actual risk from their traffickers is reduced. Children need to be accommodated in a placement that reflects their individual needs, with a care plan that is appropriate to the level of risk they have been exposed to from their experiences of being trafficked.

### Good practice

- ✓ Be sensitive when discussing a child's circumstances (e.g. discussion between foster carers and social worker on home visit)
- ✓ Consider a child's needs, wishes and feelings when selecting a placement. Avoid assumptions about culture, religion and gender – children may have other needs that are a higher priority
- ✓ Give the child access to independent representation, e.g. independent guardian or advocate who has specific knowledge of the child's history
- $\checkmark$  Be sensitive and understanding to the child's needs, wishes and feelings

# Principle 6: A child's accommodation and safety needs will change over time and should be regularly assessed

"Within the children's care structure, moving looked-after children...
is problematic, any more than three moves in a year is viewed to
be unstable and that affects the local authority's key performance
indicators" – Local Authority

### Background

Every child who has been trafficked is an individual with a unique history, set of circumstances, experience of harm, grief and trauma, and hopes for the future. They have their own understanding of trafficking and exploitation, feelings about being a victim and perceptions of risk and safety. Risks to the child or their family from traffickers can also develop unpredictably at any point of a child's care, such as when a child is a witness at their trafficker's trial. These factors all create a unique set of needs and level of risk for each child that must be regularly assessed to ensure that the most appropriate accommodation and support package is being provided to a child at any point in time.

# Key issues

A child's accommodation needs can change over time as a child feels and becomes safer. Having a range of accommodation options can help a provider find the accommodation type that meets the best interests of the child at the time of assessment or review. Assessments can be enhanced by the use of additional specific trafficking assessment tools such as those in the London Safeguarding Trafficked Children Toolkit 2011. 19

London Safeguarding Children Board, http://www.londonscb.gov.uk/trafficking

All types of accommodation have features that can be strengths or weaknesses for a particular child. For example, residential accommodation staffed around the clock can provide a high level of physical security, including: a regulated entry system and CCTV; the capacity to develop in-house programmes; tailored 24/7 support for children (including accompanying them on outings); and opportunities for young people to live with peers who have been through similar experiences. Some professionals feel it is easier to assess a child in a residential environment and to focus on trafficking-related issues such as trauma management. It can also give children the opportunity to build the level of trust and safety over time that they need to stabilise and start disclosing their experiences.

However, fixed accommodation can also become a 'magnet' for traffickers. Foster care can provide a more 'intimate' level of care and monitoring than residential care, but there can be a higher risk of a child going missing. The strengths and weaknesses of any accommodation option should be matched to the child's needs at the time of assessment or review.

Placements can become compromised and unsafe for the child at any time; being prepared for this possibility by having a contingency plan is essential in order to move a child more quickly to another placement. But local authorities that move at risk children to safer placements face the challenge that moving a child multiple times goes against government standards of what is considered 'stable' for a child and can also replicate the behaviour of the trafficker.

A child's need for independence can increase over time, whether or not the threat to their safety from traffickers has decreased. Having a 'reducing safety net' built into a child's care plan can help professionals to regularly assess ongoing

risk and respond with reduced restrictions on the child's movement and communications, where appropriate.

Foster carers with long-term care of a child can significantly contribute to an overall needs assessment over a period of time. Some professionals consider foster carers to be in the best position to look holistically at the young person's needs and their ability to function within a family.

Arrangements for accommodating children after hours are often placing children at risk and may be exploited by traffickers. Emergency Duty Teams (EDTs), who deal with out-of-hours referrals, have to find a child a bed immediately and do not normally have trafficking training or a quick way to identify that they have a potential child victim of trafficking in their care. Where local authority computer systems lack a mechanism to flag up trafficking, social workers who later pick up the case may not realise that the child has been trafficked. Some professionals suspect that traffickers are deliberately timing the arrival of children at weekends so that the children are placed in less secure emergency accommodation, leaving them vulnerable to being tracked and taken by their traffickers.

Many young people face difficulty and risk when making the transition from being looked after to living a more independent adult life. This is especially true for children who have been trafficked. The continued risks they face are not always well understood or managed by After Care services, which can later significantly limit their access to adult services. For example, the transition from adolescent (e.g. Child and Adolescent Mental Health Services) to adult mental health care services is not guaranteed and victims can find it difficult to meet the thresholds required to access care.

ECPAT UK believes it is imperative that children transitioning from childhood to adulthood at 18 continue to be appropriately supported within a multi-agency safeguarding framework. This needs to identify the current and future level of risk, alongside their individual needs as a victim of trafficking and how these are going to be addressed.

### Good practice

- ✓ Regularly review the placement with input from the child, carer, social worker and where relevant the police
- ✓ Question children away from their carer in a place where they feel able to speak freely
- ✓ Assess whether the placement has or could become compromised. Assess whether the placement is working, any new risks to the child, whether there has been any contact with traffickers or other people known to the child and the child's use of technology (e.g. mobile phone, internet)
- ✓ Change the placement if the placement becomes compromised or if the child needs to change it. Have a rapid-response contingency plan in place for such circumstances
- ✓ Build a 'reducing safety net' into the care plan that responds to a reduction in risk and any increase in a child's desire for more autonomy and independence
- ✓ Engage adult services sufficiently early in the child's care plan to ensure a child's needs are met when making the transition from being looked after to living as an independent adult
- ✓ Train EDT staff to identify trafficking indicators and be able to link suspected child victims into specialist professional support and police investigation

# Principle 7: A child should not feel punished or overly restricted by measures taken to help keep them safe in accommodation

"If carers are not familiar with trafficking issues, are not able to form a good relationship and are quite punitive with the young people by being very strict and so on, that will reinforce the message that the traffickers give to young about them feeling that they have actually been 'arrested'" – Local Authority

### **Background**

Trafficking is a form of child abuse that often takes away a child's sense of control over their life and greatly restricts their freedom of movement. Some child victims of trafficking have developed a limited sense of their own identity and many have not been able to make their own decisions or choices. It is important, therefore, that efforts to keep children safe do not mirror a child's experience of being controlled in any way that replicates their trafficking experience, e.g. overly restricted by the implementation of safety measures.

# Key issues

When safety measures are imposed on a child, they can feel punished and imprisoned especially if they do not see themselves as having been exploited or at risk. Some professionals have observed that carers who are overly anxious about a child's safety and keen to use highly restrictive safety measures can come across to the young person as being punitive.

It is important that the use of safety measures does not further traumatise children by mimicking the methods used by traffickers to control them. One way to reduce this risk is to involve children in the development of their safety plan as much as possible. A

child should be given an opportunity to express their wishes and feelings, and given information on how and why safety measures are being used and when restrictions will be lifted.

Children may have underlying needs that still have to be met once safety measures have been implemented. For example, professionals may need to help a child stay in touch with their family of origin and friends if their mobile phone has been removed. While a balance must clearly be found between control and freedom, care providers must be mindful not to replicate the child's experience of being trafficked.

ECPAT UK believes that an individual safety plan that reflects the needs and level of risk unique to that child at that point in time is essential. Where possible, a child's plan should be developed in consultation with the child. This can help professionals to understand what the child's needs and perceptions of risk are at that point in time, including how certain measures could potentially impact on the trauma experienced by the child. It can also help the child understand how and why certain safety measures are being implemented, and for what period of time, and give them the option to opt-in to certain measures, for example, the non-use of mobile phones<sup>20</sup>.

<sup>&</sup>lt;sup>20</sup>The link between the trafficker and a child victim of trafficking is often maintained via mobile phone, internet or agency contact. This risk is well established. Indeed, as CEOP found in its *Strategic Threat Assessment, Child Trafficking in the UK, 2010:* "It has been demonstrated that monitoring the child's use of phone and internet communication and not allowing unsupervised visits from strangers will decrease the likelihood of children running away since communication with the trafficker is broken."

- ✓ Ask the child regularly about how safe they feel and what would help them feel safer
- ✓ Give the child a detailed explanation of why and how safety measures are being used and for how long
- ✓ Regularly review the use of safety measures as part of a 'reducing safety net' built into a child's safety plan that responds to a reduction in risk and any increase in a child's desire for more autonomy and independence
- ✓ Give the child their own room where possible, with a door that locks from the inside
- ✓ Find ways to help the child stay in contact with their friends and family of origin where it is safe to do so, particularly where the care plan involves removing the child's mobile phone
- ✓ Consider the inclusion of voluntary 'opt-in' elements in the child's safety plan (e.g. supervised or restricted access to their mobile phone and supervised outings)

8

Principle 8: A child should be given access to a range of psychological, educational, health, social, legal, financial and language support that 'brings safety to the child' and helps them recover

"There are a whole range of different levels of support depending on the need. And that need changes, it's not set in stone. Is it enough? Is it safe? How long is a piece of string? I think we could always do more and could always do better... We try to prepare them as much as possible to live in the community" - Local Authority

#### **Background**

Children who have been trafficked need a range of integrated support provided by local authorities and specialist agencies that address their psychological, educational, health, social, legal, financial, language, cultural and religious needs among others. These are essential to a child's recovery and longer term healthy development; many are also basic human rights. In order to be able to recover from the abuse of trafficking, children need stability, consistency and access to a range of services that meet their developmental needs and address the impact of abuse. A multi-agency approach can be a particularly effective way of 'bringing safety to the child', minimising the chance of overlooking a child's needs and the related risks to their safety.

It is also imperative that professionals working with children who have been trafficked have an understanding of the trauma that these children may be experiencing and ensure that this understanding is used to shape implementation of the support being provided.

## Key issues

Young people need independent legal advice to help them navigate the complex systems involved in their care as a looked after child and/or young parents, and in the regulation of their immigration status. A child often needs access to legal advisors for welfare, immigration and criminal advice. This is particularly relevant for young people involved in the criminal justice system as witnesses or offenders, especially in respect of appropriate responses to children under the Crown Prosecution Service guidance around the treatment of the child as a victim rather than an offender. Equally, it is also important that all children are advised and assisted to claim compensation as victims of trafficking.

Representation through an independent advocate or guardian is important for all children to ensure decisions are made in their best interests and that they are asked for their wishes and feelings in respect of this process. It is imperative that each child has an independent adult with whom they begin to build a trusting and healthy relationship to support them throughout their recovery and moving forward into adult life.

Support is crucial to help a child understand the language and concepts used by people involved in their care and to help them express their needs and fears. However, when using interpreters the confidentiality of information shared and potential links between interpreters and traffickers must be considered in relation to the level of risk to a child's safety.

Being in education is a protective factor that can also help a child become a child again. This benefits their recovery in several ways: it builds self esteem, a sense of stability and purpose, and provides a daily routine, access to social opportunities, peer group relationships, healthy relationships with adults, and the opportunity to play. However, schools must be included in safety planning to reduce the risk of traffickers accessing children while at school.

Children in care need access to sexual health education and services to meet their own health needs. Opportunities to socialise, attend places of worship and learn everyday living skills, such as shopping, are crucial to a young person's recovery. These should be included as part of a child's individual care plan. Giving a child access to some money of their own can help them rebuild a sense of control over their own life and the ability to make choices.

ECPAT UK believes that the best interests of a child who has been trafficked can only be served if they are provided with a range of services which meet their varied and complex needs and which contribute to their recovery process. A multiagency approach is essential to ensure that attempts to 'bring safety to the child' are comprehensive and integrated. A child's safety plan should also risk-assess all service provision outside the placement, including all vulnerable points of access that a potential trafficker could have to the child.

ECPAT UK also believes strongly that children who have been trafficked should be provided with a guardian. A guardian would have parental responsibility to represent a child's best interests over the long term, advocate on their behalf and ensure that they receive the educational, medical, practical and legal support they need to help rebuild their lives. ECPAT UK is leading the campaign for a system of guardianship to be introduced, and in May 2011 handed a petition to the government. With more than 735,000 signatures, it is one of the largest petitions ever submitted in the UK. For more information, visit www.ecpat.org.uk/campaigns/quardianship.

- ✓ A child's safety plan should risk assess all service provision outside the placement, including all vulnerable points of access that a trafficker could have to the child
- ✓ Provide accommodation which can also meet the child's needs, with access to education and appropriate health care necessary for the health and well-being of the child who has experienced trauma and violence, such as specialist counselling
- ✓ Provide long-term (i.e. permanent) carers who are available 24 hours a day as this can provide the child with the opportunity of developing trusting relationships
- ✓ Provide young people with independent legal advice concerning their welfare and immigration matters

9

# Principle 9: Everyone working with child victims of trafficking should be trained to recognise and respond appropriately to their needs

"It's [becomes] like a story to be told everywhere. I think that's not right"

- Young person, ECPAT UK Youth Group

#### Background

To accommodate children safely, professionals need knowledge about trafficking indicators, the trafficking process and the impact of exploitation and trauma on a child's development, behaviour and sense of safety. They need to be able to undertake ongoing risk assessments prior to and during a placement; identify a child's needs and know how to respond to them; develop individualised safety plans to minimise the risk of children going missing; and work with other agencies in the child's best interests to bring safety to the child.

#### Key issues

Major police investigations rely on effective information-sharing – this requires regular multi-agency training to help people think through the meaning of information (e.g. the relationship between information and evidence) and how to share information with each other in an appropriate format.

Some local authorities are overly reliant on specialist voluntary sector advice (e.g. from ECPAT UK and NSPCC) on trafficking cases due to a lack of knowledge among professionals. More training on conducting trafficking-focused needs and risk assessments and developing safety plans would be especially beneficial.

All carers and other staff in residential care accommodation and foster care should be trained to identify and respond to the specific issues and needs around trafficking, e.g. safety, risk and trauma. Carers in particular require ongoing support, especially foster carers who have 24-hour responsibility for a child. Carers need to have a robust network of support including dedicated access to an informed professional outside working hours.

Training should address the management of information disclosed by a child. Some children in care have felt upset that 'everyone seems to know' their story, including the other children in the placement. Foster carers need to know when and how to share information, and what to do if they feel at risk; professionals need to be able to consider a child's best interests and their right to privacy and protection when deciding what information to share with carers and others.

Training should include a focus on complex trauma and its impact on child development so professionals can better understand and respond to a child's behaviour and needs. Foster carers need to be trained on a range of issues to become 'trafficking aware' in a way that helps the young person feel protected, secure and comfortable.

Foster families need specific training to be able to meet the demands of caring for a child who has been trafficked, including the high level of monitoring and supervision required as part of the safety plan. Training is particularly vital for foster carers who are accustomed to caring for UK-born young people and may be unfamiliar with issues around trafficking and separated children.

Most professionals found multi-agency training to be highly effective in helping them to understand other agencies' perspectives, and start to identify and address areas of joint working that need improvement. Local Children Safeguarding Boards are integral to this process. Some professionals felt that more focus is needed on who does the training, and that it is best conducted by a range of people.

ECPAT UK believes that specialist training is essential for all those people who work with or may come into contact with child victims of trafficking. They should be trained on a range of issues, including identification and good safeguarding practice, which would contribute to helping children feel protected, secure and comfortable. The quality of this training is also very important as it may have a significant impact on the development of healthy relationships between the children and their carers. This is fundamental to the children's sense of feeling safe, secure, supported and understood.

- ✓ Conduct multi-agency training of all staff who are involved in identification, assessment and accommodation provision, including care staff
- ✓ Inform the police that the placement is accommodating a high-risk child and ask them what additional measures could be put in place to make it a safe placement
- ✓ Train carers to understand and meet the specific needs of child victims of trafficking, e.g. awareness and sensitivity, confidentiality and privacy, fairness, support and the child's need for autonomy and freedom
- ✓ Safe accommodation should be a regular item on the agenda of training or trafficking sub-groups of Local Safeguarding Children Boards

ECPAT UK provides specialist training in working with children who may have been trafficked. The ECPAT UK National Training Centre in central London offers a comprehensive training programme that supports and develops good practice in safeguarding children. For more information, visit www.ecpat.org.uk/training or contact training@ecpat.org.uk.

Principle 10: Efforts to keep children safe should involve the wider community in ways that help create an environment that is difficult for traffickers to operate in

"For children who have been trafficked, it is vital that all agencies work together to safeguard and promote their welfare. Traffickers need to be disrupted and ultimately stopped" – Local Authority social worker

#### **Background**

A number of local authorities, through their Local Safeguarding Children Boards, have formed 'trafficking sub-groups' to develop a multi-agency approach to capacity building, sharing resources and policy development that involves wider community networks and sources of community 'intelligence'. Sharing relevant information about the risks to child victims of trafficking across the local community can increase crime reports and establish new networks for information-gathering. It can also break down the culture of disbelief that can prevent vulnerable children from being identified, getting access to appropriate support and safe accommodation.

## Key issues

Some local authorities feel the risk from traffickers is so high that a singular focus on safety measures is ineffective and it is the wrong message to give the young person the 'illusion' that they are secure in any way. Some local authorities prefer to take a broader 'whole county' (or 'whole-of-borough') approach to trafficking safety that aims to deter traffickers from operating in the area.

The training of community groups to be aware of the risks to children is very important. However, this training must be undertaken with awareness that some groups may have links to traffickers or may be threatened by traffickers.

ECPAT UK believes that raising awareness about trafficking and the risks posed to children within communities is essential to create an environment that is hostile to traffickers. Only by involving all levels of a community in anti-trafficking efforts can vulnerable children be kept safer and more secure.

- ✓ Local Safeguarding Children Boards should ensure they have a child trafficking sub-group or a lead professional that allows relevant information to be shared with and from the community networks on trafficking
- ✓ Local contacts the child is making should be risk assessed in a sensitive way that does not draw attention to the child or label them as being trafficked
- $\checkmark$  Awareness should be raised in communities by training community groups (e.g. religious organisations) to understand the risks posed to children from trafficking

# **Definition of Key Terms**

#### Child

The UK ratified the UN Convention on the Rights of the Child (CRC) on 16 December 1991. On November 18 2008, the general reservation entered into by the UK as regards the entry, stay in and departure from the UK of those children subject to immigration controland the acquisition and possession of citizenship was lifted. The CRC defines a child as any human being below the age of 18 or a country's legal age of majority (Article 1).

#### **Trafficking**

The definition of what constitutes trafficking is derived from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime, commonly referred to as the Palermo Protocol. The Protocol entered into force on the 25 December 2003 and was ratified by the UK on the 9 February 2006.

#### Article 3 of the Protocol states:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under 18 years of age.

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**NSPCC** 

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Barnardo's Fostering Services (London East and South East)

Action for Children

London Borough of Harrow

University of Bedfordshire







# Protecting **Children**Everywhere

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