

Inquiry into Human Trafficking in Scotland

Follow on Report

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Foreword – Baroness Helena Kennedy QC

In November 2011, the EHRC published the report of their formal Inquiry into Human Trafficking in Scotland, for which I was the Investigating Commissioner.

The Inquiry aimed to identify the nature and estimate the extent of human trafficking, understand its underlying influences and causes, as well as learn how and where policy and practice needed to improve.

Specifically, the Inquiry considered the situation in Scotland by drawing on the core international anti-trafficking obligations that require action in the following areas:

- Preventing human trafficking
- Criminalising the many acts in the definition of human trafficking
- Investigating and prosecuting human traffickers
- Protecting and facilitating the recovery of trafficking victims
- Co-operation between States and agencies against trafficking
- Monitoring the trends and patterns relating to human trafficking

Evidence uncovered in the course of the Inquiry was harrowing. Many victims were exploited in the sex industry, in fruit picking farms or the hospitality industry, or forced to live in brutal conditions as domestic servants.

As a result, the report made ten vital recommendations based on the corresponding findings, designed to help develop and inform a response which was both strategic and comprehensive.

Broadly, the Inquiry recommended that the Scottish Government take a lead in working alongside the UK Government and its agencies, law enforcement and prosecution services, victim support organisations, local authorities and the private sector to tackle the scourge of human trafficking.

One year on from the Inquiry, this report looks at how far and how effectively those bodies covered by the recommendations have paid regard to them and how, if at all, the trafficking landscape in Scotland has changed.

We know that the Inquiry set in motion a series of discussions, meetings and actions to address the crime of human trafficking. This report looks in more detail at how far we have come and how much work still needs to be done.



Baroness Helena Kennedy, QC

Introduction – Kaliani Lyle, Scotland Commissioner, EHRC Scotland

Human trafficking lives and breathes under a shroud of subterfuge and deception.

When we undertook our Inquiry in 2011, we knew that we would find evidence of human trafficking in Scotland. What we were not prepared for, however, was the inhumane and tortuous experiences that victims often suffered at the hands of their traffickers.

One of the main aims of the Inquiry was to place human trafficking firmly on the political agenda and in the public eye. The Inquiry achieved this.

This one year on review builds on the Inquiry Report, updating the evidence which shows that, while work still needs to be done, agencies across the country are working more closely in an effort to eliminate human trafficking in Scotland. It also provides a framework and suggests the next steps required to rid Scotland of those who enslave others for commercial exploitation.

In putting together this report, the EHRC in Scotland worked with a range of people and agencies, and we would like to thank them for their co-operation and for giving their time to help evidence and take forward this work.



Kaliani Lyle, Commissioner, EHRC Scotland

1. Introduction

“I am hoping that Scotland will pioneer a zero-tolerance approach to human trafficking, leading the way with new strategies, legislation, and the kinds of multi-agency co-operation that enables both the punishment of the traffickers and the identification and recovery of the victims; all underpinned by a comprehensive public awareness campaign about the true nature of this egregious human rights abuse”.

Baroness Helena Kennedy QC, Investigating Commissioner, EHRC ‘Inquiry into Human Trafficking in Scotland’

The Equality and Human Rights Commission Scotland carried out an Inquiry into Human Trafficking in Scotland in 2011, led by Baroness Helena Kennedy. A Report of the Inquiry was published on 28th November 2011¹. An overview of the Inquiry Report and its recommendations are contained in Section 2 below.

This update report was commissioned one year on from the publication of the Inquiry Report. It is an assessment of the progress made on the journey to achieving the kind of Scotland set out by Baroness Kennedy.

It is clear that the Inquiry has had an impact. Many of the stakeholders interviewed for this update report talked about a renewed impetus for action on human trafficking as a result of the Inquiry. There was also recognition that the Inquiry had raised the profile of human trafficking not just in Scotland but at a UK level.

However, at the same time, trafficking remains a growing problem. The European Union Human Trafficking Strategy, published in June 2012, notes that estimates of the number of victims of forced labour of 20.9 million (including forced sexual exploitation, and an estimated 5.5 million children), are believed to be conservative².

At the UK level, the report of the Inter Departmental Ministerial Group (IDMG) notes that there have been increases in trafficking for the purposes of both labour and criminal exploitation, with a growth in the number of children forced into street begging. Sexual exploitation remains the most prevalent type of trafficking³.

This picture underlines the need for urgent action to be taken at local, national and international levels to stop trafficking in human beings.

This report looks at what has been done in relation to each of the Inquiry recommendations in Scotland in the last year.

¹ Equality and Human Rights Commission Scotland, *Inquiry into Human Trafficking in Scotland (November 2011)*

² European Commission, *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 (June 2012)*

³ The Home Office, *First Annual report of the Inter-Departmental Ministerial Group on Human Trafficking (October 2012)*

It sets out positive developments, highlighting where there has been significant progress, but also where more needs to be done to meet the original recommendations. In particular, it identifies a range of primary issues requiring action if more progress is to be made.

Overall, this update report recognises the range of activity in Scotland since the report of the Inquiry. It is also intended to contribute to the obvious momentum and increasing awareness of the need to tackle trafficking in human beings.

2. Background

The Inquiry into Human Trafficking in Scotland aimed to identify the nature and estimate the extent of human trafficking in Scotland, understand its underlying influences and causes, and learn how and where policy and practice needs to improve.

The Inquiry considered the situation in Scotland within the context of the core international anti-trafficking obligations that require action in the following areas:

- Preventing human trafficking
- Criminalising the many acts in the definition of human trafficking
- Investigating and prosecuting human traffickers
- Protecting and facilitating the recovery of trafficking victims
- Co-operation between states and agencies against trafficking
- Monitoring the trends and patterns relating to human trafficking

While the Inquiry's main focus was on trafficking into commercial sexual exploitation, it also paid due attention to other trafficking purposes, such as forced labour, domestic servitude, and cases where victims suffered multiple forms of exploitation.

The Inquiry was particularly interested in policy and practice in the areas of asylum, law, investigation and enforcement, prosecution, and in services and accommodation for the victims of human trafficking.

The Inquiry took evidence from a range of parties including victims, organisations with responsibilities relating to human trafficking in Scotland, and from a range of bodies in the public and private sectors, as well as from civil society.

The Inquiry report contained 10 findings and recommendations. To measure progress against these recommendations, semi-structured interviews were held for this update report with:

- Glasgow Community and Safety Services – TARA Project
- Migrant Help
- Scottish Crime and Drug Enforcement Agency (SCDEA)
- The Home Office
- The Crown Office and Procurator Fiscals Office (COPFS)
- Convention of Scottish Local Authorities (CoSLA)
- The United Kingdom Human Trafficking Centre (UKHTC)

- The Scottish Government (who provided a written response to questions)

A number of these organisations also submitted additional written information and the report was supplemented by desk research.

3. Human Trafficking Summit and Anti-Trafficking Progress Group

In March 2012, the Cabinet Secretary for Justice Kenny MacAskill said, in response to the Inquiry into Human Trafficking in Scotland:

“We are always prepared to consider suggestions from others and we therefore plan to host a summit to bring together a range of stakeholders in the coming months to refresh the strategic direction for trafficking in human beings policy and delivery.”⁴

The first Summit was held on 18th October 2012 and was chaired by the Cabinet Secretary.

Those attending were:

- Scottish Government
- Scottish Chambers of Commerce
- Scottish Trades Union Congress
- Scotland’s Commissioner for Children and Young People
- Police Service of Scotland
- Crown Office and Procurator Fiscal Service
- Migrant Help
- Trafficking Awareness Raising Alliance (TARA)
- Convention of Scottish Local Authorities
- Equality and Human Rights Commission
- Northern Ireland Executive
- Irish Government
- The United Kingdom Human Trafficking Centre
- UK Government

Eleven action points (**see appendix A**) were agreed under four key themes:

1. Awareness Raising and Training Frontline Professionals.
2. Data Collection and Analysis of Trends.
3. Victim Care and Support.
4. Legislation/Enforcement/Prosecution.

⁴ Scottish Government, *Response to the EHRC Inquiry into Human Trafficking in Scotland*. (March 2012)

It was also agreed that an Anti-Trafficking Progress Group (ATPG) would be established to take forward work on the action points. The ATPG consists of those organisations represented at the Summit and will meet on three occasions over an 18 month period with sub-groups established to progress specific action points.

Lead organisations have been identified and they will work with others and report back to the ATPG before a final progress report is made to a reconvened Summit at the end of the 18 month period.

4. Update on progress on recommendations

This section looks at the original findings and recommendations from the Inquiry and goes on to provide an update on progress in relation to these based upon responses from responsible agencies.

Finding and Recommendation 1

Finding – The need for a strategic plan

Scotland needs to have a comprehensive strategy to prevent and tackle human trafficking. While the Scottish Government has taken important steps in recent years in anti-trafficking, there remains room for improvement.

Responsibility for human trafficking in the Scottish Government sits with the victims and witnesses portfolio. Given the myriad of issues implicated in human trafficking, this may not be the best approach, and a specialist thematic team with links to justice, health, local government, and other policy areas should be established.

Recommendation

The Scottish Government should build on its work on research, guidance, funding, and legislation and develop a strategic plan to tackle human trafficking. It should demonstrate leadership in devolved areas and proactively seek co-operation on issues within the competence of the UK Government and international and trans-national agencies.

Update on progress since November 2011

The response to this recommendation from the Scottish Government has been generally positive. In his response to Baroness Kennedy in March 2012, the Cabinet Secretary for Justice Kenny MacAskill stated:

“The Scottish Government accepts this recommendation in principle and agrees that Scotland has an important role to play in the development of the UK and international trafficking policy.”⁵

a) Developing a strategic plan and demonstrating leadership

In February 2012, the Cabinet Secretary for Justice told the Scottish Parliament that:

“I plan to bring together a wide range of stakeholders in the coming months to help to map out a new strategic direction for how we can work together to tackle trafficking in Scotland. That will help refresh and reinvigorate our approach and help us to put in place actions to address the various recommendations for improvement that have been made.”⁶

⁵ Scottish Government (May 2012) *op. cit.*

⁶ Scottish Parliament, *Official report of debate on Human Trafficking (February 2012)* - <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=7300>

In his response to the Inquiry, the Cabinet Secretary accepted that more needed to be done. In order to do this, he confirmed that the Scottish Government would host a Summit, which then took place in October 2012 (see Section 3), with stakeholders, to "... refresh the strategic direction" of policy regarding the trafficking of human beings. Stakeholders generally welcomed the Summit which they felt could contribute to the strategic co-ordination required.

There was a strong view from several interviewees that a key output from the Summit, and in particular the work of the ATPG, should be a Scotland-specific strategic plan.

In addition, despite the time-limited nature of the work of the ATPG, which is planned to culminate in a second summit, 18 months after the first, it was also hoped that a longer-term, multi-agency, strategic co-ordinating group would emerge from this process.

It is encouraging that the Scottish Government is of the view that work beyond the Summit will continue. In its response to this report it said:

*"The first meeting of (the ATPG) was held on 7 December 2012 and lead organisations were identified to take forward the progress of each action. It will be a matter for the group as to how the actions identified at the summit will be taken forward. It is anticipated that in progressing these actions further, **work streams may be identified to be taken forward in the future.**"*

It should also be noted that there was a view that the ATPG should have a wider membership than at present. It appears that this is under discussion following the first meeting.

b) Co-operation with UK Government and international and trans-national agencies

In response to the Inquiry, the Cabinet Secretary highlighted the cross-border nature of human trafficking and committed to continuing to work closely with the UK Government and others.

He pointed out that human trafficking was one of the subjects discussed at the recent tri-lateral meeting with Ministers from the Northern Ireland Assembly Government and the Irish Government.

In relation to this meeting, and a separate meeting with the Northern Ireland Minister for Justice on the security of sea crossings, he told the Scottish Parliament in the debate on human trafficking:

“... [This work] shows that we are seeking to co-operate with agencies not only within Scotland and the UK but across a variety of countries, because we know that this trade is international.”⁷

The Northern Ireland Executive and the Irish Government are represented in the ATPG.

In relation to reserved issues, the Cabinet Secretary stated he *“... looked to the UK Government to play a constructive role in our approach to tackling it.”*

The Scottish Government is represented on a number of groups at the UK level.

At the highest level, the Cabinet Secretary sits on the Inter Departmental Ministerial Group (IDMG). The group comprises of ministers from across the UK. The Scottish Government see this as a commitment to tackling trafficking co-operatively. In its response to questions for this report it stated:

“The Scottish Government is clear that the fight against those who seek to exploit others is one that must be tackled locally, nationally and internationally. As no one country acting on its own would be able to realise this, the cross government engagement through the IDMG is helping in our efforts to combat the crime.”

Some Scottish Government officials are members of the Home Office-led Human Trafficking Strategy Board which provides a forum for UK Government officials to co-ordinate anti-human trafficking policy at a national and international level. This Board provides advice and support to the IDMG on trafficking issues.

The IDMG produced its first annual report on the 18th October 2012, the contents of which were agreed by all parties⁸.

The IDMG report provides an initial assessment and analysis of trends in human trafficking, using National Referral Mechanism (NRM) data as a basis, as well as setting out joint efforts to combat trafficking in the UK⁹.

The Scottish Government is also represented on the NRM Oversight Group which looks at the operation of the NRM both strategically and operationally.

⁷ *Ibid*

⁸ The Home Office, (October 2012) *op. cit.*

⁹ The National Referral Mechanism is a framework for identifying victims of human trafficking and ensuring they receive the appropriate care. Authorised agencies, such as the Police, UK Border Agency (UKBA), social services and certain Non-Governmental Organisations (NGOs), who encounter a potential victim of human trafficking, can refer them to the Competent Authority (CA). The initial referrer is known as the ‘First Responder’ (see ft. 12). The UK’s Competent Authorities are the Serious Organised Crime Agency (SOCA) through its UK Human Trafficking Centre, and the UKBA.

The British-Irish Parliamentary Assembly¹⁰, a forum for parliamentarians from Westminster, Dublin and the devolved legislatures to discuss topics of mutual interest, is also undertaking an Inquiry into human trafficking.

The Inquiry aims to look particularly at its cross-border nature and how the various jurisdictions can best co-operate and share best practice. The Scottish Parliament is represented on this forum and a report is due in the autumn of 2013.

Assessment of progress

The intention behind this recommendation was that the Scottish Government and partner agencies make Scotland a hostile environment for traffickers through developing and implementing a strategic plan that uses all relevant policy levers and legislation.

The action points from the Summit and the planned work of the ATPG are clearly sound starting points in developing a longer-term strategic plan as set out in the recommendation.

Stakeholders were clear that the work developed from the Summit represented a real opportunity to produce such a strategic plan. There was also a view that the summit was an opportunity to establish a multi-agency strategic co-ordinating group, led by the Scottish Government, with responsibility for overseeing the implementation of the plan. There was some concern over the limited 18 month lifespan of the ATPG, but it is hoped that this can be addressed by a long-term plan emerging from the work.

There are, as yet, no indications that there will be any restructuring of where human trafficking sits within the Scottish Government, although given the wide ranging remit of the ATPG, it would seem there could be an opportunity to address this as work progresses.

The Scottish Government appears to have invested time in engaging with the UK Government at the highest level through the IDMG and the supporting Trafficking Strategy Board. They are also involved in the NRM Oversight Group. Ministers support the first report of the IDMG and are signed up to the UK Strategy¹¹. There should, then, be an opportunity to influence those reserved areas which impact on Scotland, and ensure that any Scottish strategic plan integrates with the UK plan.

Given the public and political interest in the issue, it will also be important that the Scottish Government publishes information on the work of the Summit and the ATPG.

¹⁰ See <http://www.britishirish.org/committee-d-environment-and-social/>

¹¹ Home Office, *Human Trafficking: The Government's Strategy (2011)*

Meeting Recommendation 1 – Progress Required

- The work of the ATPG should recognise the long term strategic nature of the problem of human trafficking. It should articulate clear and measurable improvements and activities and lead to the production of a Scotland-specific strategic plan.
- A longer-term, multi-agency, strategic co-ordinating group should be established at the end of the ATPG process to oversee further work in this area.
- Information on the work of the Summit and ATPG should be published by the Scottish Government.

Finding and Recommendation 2

Finding – Awareness of Human Trafficking

There is little public or professional awareness in Scotland of human trafficking or its indicators.

There has been an absence of any co-ordinated effort to increase public awareness of human trafficking in Scotland.

While there had been some positive initiatives to raise awareness of human trafficking and its indicators across front-line agencies, these were the exception, meaning that most of the professionals who may have come into contact with trafficking would have been unlikely to identify it.

Recommendation

The Scottish Government should: (a) run an anti-trafficking campaign to raise awareness with the public in Scotland; (b) organise accredited anti-trafficking training for all First Responders¹² and relevant front-line professionals; and (c) encourage front-line agencies to develop their own guidance on human trafficking, particularly on trafficking indicators.

Update on progress since November 2011

a) Scottish Government public-facing awareness raising campaign

At the October Summit, awareness-raising was identified as one of the four key areas for developing anti-trafficking work. The specific action points in relation to this are set out in appendix A. In its response to this report, the Scottish Government points to this work as being the main way to progress the recommendation:

“Public awareness [of human trafficking] was an action point from the summit which will be taken forward by the anti-trafficking progress group. A report on progress will be made to a reconvened summit in 2014.”

The Scottish Government states that it has been involved as participant or adviser with awareness raising campaigns carried out by the SCDEA, the UKHTC and Non-Governmental Organisations (NGOs). It anticipates that this will continue to be its role in the future.

¹² First Responders are bodies authorised to make initial referrals of persons presumed to be trafficked into the NRM for decisions to be made by the relevant Competent Authority on individuals' trafficking status.

Public awareness raising activity remains limited in Scotland. Scotland Crimestoppers, with the co-operation of Strathclyde Police, did run a public facing campaign in April 2012, highlighting the issue of human trafficking, linking it to organised crime, describing its indicators and giving the Crimestoppers phone number.

The campaign was designed to raise the profile of trafficking, encourage people to report suspicions and help build police intelligence. This was, however, limited in terms of reach and time.

In January 2013, Crimestoppers, working alongside the UKHTC and supported by the Association of Chief Police Officers (ACPO), launched a UK-wide campaign to raise awareness of human trafficking for the purposes of forced labour and domestic servitude. The campaign encourages the public to pass on any information they might have about those committing this crime. Central to the campaign is a YouTube video¹³ described as:

“A hard-hitting video, where viewers experience the harrowing story of one young victim as she is thrust into a world completely different from the one she and many other trafficked individuals, are promised.”¹⁴

The video is interactive and viewers are presented with clickable choices throughout as to whether they decide to help her by passing on information anonymously to Crimestoppers.

TARA points to Stop the Traffik’s ‘*Taxis Against Trafficking*’¹⁵ campaign as a simple and cost effective way of raising public awareness of trafficking. This involves stickers and posters in taxis and in taxi offices to raise awareness among drivers and passengers. There is, they believe, little cost involved in this campaign beyond the time required to convince local authorities to adopt it. In Scotland, only Glasgow City Council has been approached/agreed to run a pilot. A meeting with Strathclyde Police, the Glasgow Violence Against Women Partnership (VAW) and Stop the Traffik will take place in order to ensure a partnership approach to the campaign. There was a feeling that this is a model that could be considered for use more widely in Scotland.

The Blue Blindfold campaign was launched in 2007 and designed by the UKHTC¹⁶. It aimed to raise awareness of trafficking with the theme of ‘*Open your eyes to trafficking*’. Campaign information included a website and printed material setting out the signs of human trafficking, a Q&A and a range of victims’ stories. There was also information on who to contact if people had concerns that trafficking was occurring.

¹³ See https://www.youtube.com/watch?v=bR78_D3dR5E

¹⁴ ACPO, *Press release (January 2013)* - <http://www.acpo.presscentre.com/Press-Releases/Crimestoppers-join-fight-against-human-trafficking-by-tackling-forced-labour-exploitation-1e4.aspx>

¹⁵ <http://www.stopthetraffik.org/united-kingdom/campaign/27>

¹⁶ <http://www.blueblindfold.co.uk/index.php>

However, according to evidence provided, the Blue Blindfold campaign was not consistently used in Scotland, and there was a general lack of clarity over the aims of the campaign.

UKHTC say that there was limited take up of the campaign and no evaluation of effectiveness in Scotland. UKHTC stated:

“As a product we are looking to move on from Blue Blindfold and update and develop wider campaigns along with other agencies and NGO's to better raise awareness of all forms of THB.”¹⁷

The Crimestoppers campaign set out above is a part of this work.

There is anecdotal evidence of local awareness raising campaigns. CoSLA noted that some local authorities, such as Falkirk and Dundee, had taken it upon themselves to highlight the issue of trafficking to the public, and suggested that if materials were produced more centrally and made widely available, more local authorities would follow suit.

It is clear that this is work that will be taken forward by the ATPG, but it appears unlikely there will be a public awareness campaign before the group reports in 2014. In the meantime, there are a number of areas where work could be taken forward:

- An evaluation of the effectiveness of existing and previous public awareness activity
- Scottish Government and CoSLA support for a wider roll out of the Taxis Against Trafficking Campaign
- The development of a national information resource that can be used by stakeholders

b) Accredited training

While the Inquiry report suggested that the Scottish Government should organise accredited anti-trafficking training for First Responders and other frontline staff, its official response to the Inquiry indicated that it felt this was an area best left for individual agencies:

“Training and guidance are matters for the agencies involved who are familiar with their own role in tackling the crime and/or supporting victims.”¹⁸

The Scottish Government did, however, go on to point out that, in the context of partnership working, its role was to:

¹⁷ Written response to Cambium Advocacy for this report (January 2013)

¹⁸ Scottish Government (*May 2012*) *op. cit.*

“Encourage the agencies to look at their individual guidance and training in conjunction with each other to ensure that there is effective co-ordination in tackling crime and supporting victims.”

This approach is evident in the action point to be taken forward by the ATPG which is focused on:

“... encouraging organisations to share training and awareness raising resources on human trafficking for front line staff.”¹⁹

Since the Inquiry, training has been developed and rolled out by a number of agencies. SCDEA have developed a computer-based learning package for frontline officers which guides them through indicators and how to deal with suspected cases.

The Crown Office and Procurator Fiscal Service (COPFS) stated that it provides ongoing training to its Federation Human Trafficking specialists and all staff dealing with sexual offences. In an interview for this update report COPFS stated:

“The Human Trafficking Leads have a wide range of expertise, including the prosecution of human trafficking cases, policy work in the area of human trafficking and all of the leads work closely with the National Sexual Crimes Unit, which is headed by the COPFS lead for Human Trafficking.”

In addition it reported:

“All staff dealing with cases involving sexual offences are required to attend a two day course on sexual offences. This course contains a human trafficking module. As staff rotate and move into sexual offence teams, more staff will go through this training. Any new issues arising will be brought to the attention of staff through internal guidance. The Federation leads for Human Trafficking have all attended the Sexual Offences Training.”

In general terms COPFS stated:

“Where opportunities arise, staff will attend external courses, training days and conferences on human trafficking. These opportunities will be available, not only to the Federation Leads, but to any other staff who are likely to have dealings with Human Trafficking offences.”

Prior to the Inquiry, COPFS had also been involved in police training, both as a participant and as a trainer, and have delivered training to partners in social work and child protection.

¹⁹ See appendix A

CoSLA noted that feedback from an awareness raising conference held in June 2012 included information that local authority officers were keen on training and would find it helpful, and called for a national training resource on human trafficking, its indicators, the range of relevant stakeholders and advised responses. In particular, CoSLA felt it would be useful to have a multi-agency resource pack which comprised of:

- a training for trainers pack, and
- a standard presentation pack

CoSLA felt that this resource was needed after attending local events where there were sometimes misunderstandings and inaccuracies in the information presented on issues such as the role of local authorities as First Responders (where they have responsibility in relation to adults rather than children), what human trafficking is, what the relevant legislation is and where the powers of different agencies lie. CoSLA was of the view that this needed to be co-ordinated and resourced by the Scottish Government.

Therefore, while there has been some progress on developing training, there still appears to be a pressing need for a national resource that can be shared and which takes the form of a rolling and continuously updated programme ensuring that no frontline professionals miss out. It is hoped that this can be taken forward by the ATPG.

In January 2013, the Home Office announced that training will be delivered by five charities that have been given grant funding to work with the professionals most likely to encounter victims in their daily work²⁰. As part of this, formal training programmes and workshops will be integrated into professional development modules and delivered in a variety of cities across England and Wales.

Crucially, however, this training will not be carried out in Scotland. It would seem rational that the Scottish Government is urged to look at this type of training for Scotland.

c) The Scottish Government should encourage front-line agencies to develop their own guidance on human trafficking, particularly on indicators

As noted above, the Scottish Government agrees it has a role in encouraging agencies to look at their individual guidance, and notes NHS Scotland's Gender-Based Violence programme which produced comprehensive guidance in 2012²¹.

²⁰ The Home Office, *Press release (January 2013)* - <http://www.homeoffice.gov.uk/media-centre/news/training-human-trafficking>

²¹ NHS Scotland, *Human Trafficking: what health workers need to know about human trafficking (2012)*

Good Practice Example²²

In July 2012 Greater Glasgow and Clyde Health Board produced guidance aimed at supporting NHSGGC health workers to identify and respond to patients who are victims of human trafficking and who are aged 18 and over. The guidance:

- Sets out the factors indicating that a person may have been trafficked, such as sexual abuse, injuries from assault or injuries indicating poor workplace conditions
- Provides a step-by-step guide on action to be taken if a person is suspected of being trafficked
- Gives an outline of a trafficking response pathway such as what to do about interpreting services, permission for referral and how to question about injury
- Gives information about where and to who referrals can be made

In relation to those working with children and young people, the Scottish Government stated:

“The National Guidance for Child Protection (NGCP) in Scotland²³ provides a clear definition of child trafficking, setting out what is expected of those working with children and young people in identifying and acting on any associated concerns. We are working with a variety of key stakeholders, including the SCCYP, as part of our refresh of the National Guidance with a view to identify any potential gaps in the existing guidance and where this may be strengthened.”

From December 2012 to 31 March 2013, the Scottish Government is consulting on the refresh of that guidance.

SCDEA reports that it has developed standard operating procedures for the Scottish Police service for what to do when trafficking is suspected.

CoSLA reports that a number of local authorities have developed their own protocols on human trafficking. A full list of these is available in **Appendix B**. They do point out that this is not an exhaustive list of activities in local authorities and that some are at different stages of development. They are also aware of work in VAW Partnerships on human trafficking.

²² NHS Greater Glasgow and Clyde, *Guidance on human trafficking (July 2012)*

²³ Scottish Government, *National Guidance for Child Protection in Scotland (December 2010)*

COPFS reports that, as part of developing a greater specialism in the area of human trafficking, it published detailed guidance in October 2010 (see Recommendation 5).

In terms of awareness-raising among relevant professionals, several other initiatives are of note including:

- SCDEA held a seminar in June 2012 which was aimed at raising awareness of trafficking, its indicators and the role of the NRM, which was attended by around 200 officers and frontline staff
- SCDEA have produced an aide memoir for all front-line police officers. *'Reading the Signs'* gives information on what trafficking is, the general and specific indicators of trafficking, the Do's and Don'ts in investigating trafficking, the law on trafficking and useful contacts
- CoSLA, in partnership with the Human Trafficking Foundation, held an awareness raising conference in August 2012 attended by local authority officers and NGOs. In addition, the conference provided an opportunity to explore the role local authorities can play in counteracting human trafficking

Assessment of progress

The intention of this recommendation was to increase awareness amongst the general public and front-line professionals regarding the nature, extent and indicators of human trafficking in Scotland. Front-line professionals would be able to identify the indicators of trafficking and act accordingly. As a result, the true extent of trafficking in Scotland should become clearer.

The consequences of a lack of awareness among professionals for service provision are set out in research carried out for the Scottish Government on the care and support of adult victims of trafficking:

"Frustration was expressed [by victims' agencies] at the obstacles that the wider system can place on the provision of care and support for victims. Improvements in awareness-raising by the police and other agencies were noted as significant and likely to have a wider impact."²⁴

It is encouraging, therefore, that awareness raising is a key area of future work for the ATPG. Crimestoppers and Blue Blindfold represent a national approach to raising awareness of human trafficking. However, in the case of Blue Blindfold there is an acknowledgement that take up in Scotland was very limited.

²⁴ Scottish Government, *Care And Support for Adult Victims of Trafficking in Human Beings: A Review (October 2012)*

The most recent Crimestoppers campaign is available online and could be a useful tool in raising public awareness and encouraging the public to take action where trafficking is suspected. While there is, as yet, no sustained national Scottish public awareness campaign, there will be lessons to be learned from both Crimestoppers and Blue Blindfold. As such, a useful output from the work of the ATPG could be an evaluation of the effectiveness of previous awareness raising work as a first step in developing a national campaign. Such an evaluation could pave the way for a more co-ordinated approach to raising awareness that includes an anti-trafficking campaign.

The ATPG could also scope what other areas of good practice in awareness-raising exist in the UK and internationally.

The recommendation also called for front-line professionals to be able to identify the indicators of trafficking and act accordingly. There is evidence that some agencies, most notably the Police, NHS Scotland and NHS GGC, and several local authorities, have taken the initiative in aspects of training, guidance and/or awareness-raising. COPFS has also published guidance for prosecutors.

The Inquiry recommendation called upon the Scottish Government to take the lead in developing accredited training and in encouraging agencies to develop guidance. This recommendation requires more attention and it is hoped that this is taken forward through the work of the ATPG.

In terms of guidance, developments so far should be recognised, although there is clearly scope for further and more co-ordinated work.

Less progress has been made on accredited training. It is hoped that, when this issue is considered by the ATPG, the development of a national resource, capable of being used by a wide range of agencies, is prioritised.

Meeting Recommendation 2 – Progress Required

- The ATPG could commission an evaluation of the effectiveness of previous public awareness raising work, both in the UK and internationally, as a first step in developing a national campaign for Scotland.
- More consideration should be given to how agencies develop guidance on human trafficking.
- The ATPG should prioritise the development of a national resource for accredited training and guidance.

Finding and Recommendation 3

Finding – Piecemeal and inconsistent legislation

Human trafficking legislation in Scotland and in the UK has developed in a piecemeal fashion and is not based on a thorough consideration of how legislation should best deal with the problem.

This has left human trafficking legislation in Scotland and the UK inconsistent, both internally and in comparison with international law, and this has served to limit its scope and impact. Human trafficking legislation has been attached to other legislation, such as sexual offences, asylum or immigration law, rather than flowing from a dedicated analysis of how the law should deal with the crime of human trafficking. The two main criminal offences related to human trafficking in Scotland have different definitions for fundamentally the same act²⁵. This is wrong in principle, undermines legal clarity and certainty, and is problematic in practice.

Recommendation

The Scottish Government should consider introducing a comprehensive Human Trafficking Bill based upon a review of all its legislation relating to human trafficking. This review should involve close liaison with the UK Government and, in particular, ensure new human trafficking legislation supports any new strategy, while complying with the EU Trafficking Directive and positive human rights duties on human trafficking.

Update on progress since November 2011

Consideration of introducing a comprehensive Human Trafficking Bill

The Cabinet Secretary for Justice told the Scottish Parliament on the 29th February 2012:

“I do not rule out the idea of bringing together all aspects of human trafficking legislation under one umbrella, but we need to be aware that parliamentary time is precious and that that proposal will have to be considered alongside a wide range of other potential priorities for legislation.”²⁶

Similarly, in its official response to the Inquiry, the Scottish Government stated that it was sympathetic to the motivation behind the recommendation and did not rule out the possibility of bringing together all aspects of human trafficking legislation into one Act; but again, this would need to be considered within the context of wider demands on the legislative timetable²⁷.

²⁵ The two main criminal offences related to human trafficking in Scotland are for prostitution and trafficking for exploitation.

²⁶ Scottish Parliament, (*February 2012*) *op. cit.*

²⁷ Scottish Government, (*May 2012*) *op. cit.*

A review of all legislation related to human trafficking

The Inquiry report found human trafficking legislation in Scotland and the UK to be inconsistent, both internally and in comparison with international law, and this has served to limit its scope and impact.

In its written response for this report, the Scottish Government pointed to the work of the ATPG as being central to progressing this recommendation:

“A review of the wider legislative framework is an action that will be taken forward by the anti-trafficking progress group.”

The UK Government carried out a review of human trafficking legislation which was published in May 2012. It concluded that:

“In consultation with the Crown Prosecution Service, the Attorney General’s Office, the Police, and the Devolved Administrations, the UK Government does not believe that whole scale change to legislation is required, given the changes already being made to domestic legislation to comply with the EU Directive on trafficking in human beings.”²⁸

The Scottish Government noted in its response to this report that:

“The review report sets out the current legislative framework in the UK for human trafficking offences and identified three areas where legislation in England and Wales and Northern Ireland could be strengthened. These are extra-territorial jurisdiction, internal trafficking and the unduly lenient sentence regime. The review has no implications for Scotland as, detailed within the review report; Scotland already has legislation in place to cover these areas.”

In September 2012, this finding of the Inquiry was supported by the Group of Experts on Action against Trafficking in Human Beings (GRETA). GRETA’s first evaluation report concerning the UK’s implementation of the Council of Europe Convention on Action against Trafficking in Human Beings stated:

“GRETA considers that the competent authorities should address the consequences of having numerous pieces of legislation on Trafficking in Human Beings (THB) and ensure that all types of THB are included and applied in full conformity with the Council of Europe Convention. In this context, GRETA considers that a dedicated legislation on human trafficking would provide legal status to victims of trafficking, including the right to a recovery and reflection period, as well as other provisions of

²⁸ The Home Office, *Report on the Internal Review of Human Trafficking Legislation (May 2012)*

*the Convention which reflect the human rights-based approach to action against trafficking.*²⁹

In its response to GRETA the Scottish Government re-iterated its view that:

*“There is no evidence that current human trafficking legislation is inadequate in Scotland. While the Scottish Government is sympathetic to the motivation behind this proposal and does not rule out the possibility of bringing together all aspects of human trafficking legislation into one Act, any such proposal would have to be considered alongside a wide range of other potential priorities for legislation.”*³⁰

Statutory aggravation

In its response to the initial Inquiry, the Scottish Government stated that a statutory human trafficking criminal aggravation offence could potentially be an “... important tool in improving the number of convictions for trafficking in Scotland”.

This position was re-iterated in the Scottish Government’s response to GRETA, and in its response to this update report, which stated:

“The suggestion was made by the Lord Advocate to the EHRC inquiry that it would be beneficial to prosecutors if a statutory human trafficking aggravation for offences were available. This would be used where there is evidence indicative of human trafficking but insufficient evidence to prove an offence under existing human trafficking legislation. Scottish Government officials have already instructed for these provisions and they will be taken forward at the first available legislative opportunity. As discussed at the summit, these provisions are likely to be contained within a wider Justice Bill, and an announcement as to which Bill will be made in due course.”

COPFS stated that it has been given the policy instructions from the Scottish Government to offer advice from a prosecutor’s point of view. They support the introduction of a statutory aggravation and point out:

*“A statutory aggravation is not a panacea but one more tool in the toolbox. It will allow us to introduce evidence for trafficking offences without the need for corroborating evidence. It won’t make trafficking easier to prove but it will make it easier to prosecute.”*³¹

It was clear that a statutory aggravation for human trafficking was widely welcomed by all stakeholders. There was a hope that it is the first step in overhauling the law in Scotland on human trafficking.

²⁹ Group of Experts on Action against Trafficking in Human Beings (GRETA), *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom (September 2012)*

³⁰ *Ibid.* pg. 94

³¹ Interview with COPFS

EU and International Law

The Scottish Government maintains that it is broadly compliant with the new EU Directive following changes introduced in the Criminal Justice and Licensing (Scotland) Act 2010³². In the update for this report it stated:

“Following changes introduced by the Criminal Justice and Licensing (Scotland) Act 2010, the Scottish Government’s assessment is that we are broadly compliant with the EU Directive on preventing and combating trafficking in human beings and protecting victims. We continue to assess, in conjunction with the UK Government, whether any further legislative measures are required to transpose the Directive into domestic law to ensure compliance by April 2013.”

In relation to positive human rights duties, the GRETA report notes that the scope of trafficking for the purpose of sexual exploitation in Scotland is narrower than that in England, Wales and Northern Ireland. It also notes that, according to the Scottish Government, all types of sexual exploitation would be covered by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, sections 4 and 5 of which cover any exploitative behaviour. Nevertheless, it recommends that:

“The Scottish authorities should expand the scope of trafficking for the purpose of sexual exploitation to cover all the activities included in the Sexual Offences (Scotland) 2009 Act.”³³

In response to this, the Scottish Government contends that:

“... while trafficking for exploitation by way of prostitution or the involvement of the victim in the making or production of obscene or indecent material are the only forms of sexual exploitation that are covered by section 22 of the Criminal Justice (Scotland) Act 2003, sections 4 and 5 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 contains no provisions to exclude any form of sexual exploitation. Section 4(4)(c) and (d) of the 2004 Act is very wide ranging. Where a trafficked victim is subjected to any type of exploitative behaviour, it could be said that they are providing a service or benefit for or to whoever is exploiting them. The provision of services or benefits or the acquisition of benefits of any kind would cover forms of sexual exploitation too. As such, it is our view that other forms of sexual exploitation would be covered by the 2004 Act.”³⁴

The European Commission’s Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) was published in June 2012³⁵.

³² Section 47 Criminal Justice and Licensing (Scotland) Act 2010

³³ GRETA, (September 2012) *op. cit.* pg.26

³⁴ *Ibid.* pg. 94

³⁵ European Commission, (June 2012) *op. cit.*

Forty new measures were adopted to be implemented over the next five years, including the establishment of national law enforcement units specialised in human trafficking, and the creation of joint European investigation teams to prosecute cross-border trafficking cases. The strategy is designed to focus on measures that will support Member States in the transposition and implementation of the EU Directive on Trafficking in Human beings. In relation to the strategy and in response to this report, the Scottish Government state:

“We welcome the EU strategy as it promotes greater co-operation between Member States and encourages increased engagement with others in the field. We will continue to work with UK Government, as the Member State, in implementing the measures contained within the strategy.”

There is an opportunity, as part of the review of the wider legislative framework through the ATPG, to assess how measures in the strategy could be implemented in Scotland.

Assessment of progress

The intention behind this recommendation was that Scotland would have dedicated legislation on human trafficking that is consistent in definition, is clear on what trafficked exploitation looks like, and which enables the effective prosecution and disruption of traffickers.

While it is encouraging that the Scottish Government has not ruled out bringing human trafficking legislation under one umbrella, its commitment to meeting this recommendation could be stronger. It is hoped, then, that the work of the ATPG in reviewing the wider legislative framework, should be the first step towards a Human Trafficking Bill.

The ATPG will review the current legislative framework for potential gaps. It is hoped that the review will be comprehensive, taking into account all of the current legislation related to trafficking and making a full assessment of its effectiveness. In addition, it would seem sensible that the review should address the Inquiry’s finding on the inconsistent nature of legislation in Scotland, the *general* GRETA recommendation on the consequences of having numerous pieces of legislation on the trafficking of human beings, and the *specific* recommendation aimed at Scotland on expanding the scope of trafficking for the purposes of sexual exploitation.

A significant development since the Inquiry has been the confirmation that a specific human trafficking statutory aggravation will be introduced at the first legislative opportunity, as recommended in the Inquiry report. It is likely that this will be part of a wider Justice Bill. A statutory aggravation will allow evidence for trafficking offences to be introduced without the need for corroborating evidence. COPFS acknowledge that this will make trafficking easier to prosecute.

As well as considering the GRETA recommendations, the review of the wider legislative framework should also be an opportunity for wider stakeholders to be involved in an assessment of compliance with the new EU Directive and consideration of how the new EU Strategy can be implemented in Scotland.

With a review of this nature underway, the first part of this recommendation has been met. It is to be hoped that this is the first step to meeting the other elements of the recommendation.

Meeting Recommendation 3 – Progress Required

- The work of the ATPG should be focused on ensuring that a statutory aggravation is the first step in overhauling the law on human trafficking in Scotland.
- The work of the ATPG, in reviewing the wider legislative framework, will be a valuable exercise and should be the next step towards a Human Trafficking Bill.
- The work of the ATPG should be an opportunity to ensure that wider stakeholders are involved in an assessment of compliance with the new EU Directive and consideration of how the new EU Strategy can be implemented in Scotland.

Finding and Recommendation 4

Finding – Lack of intelligence on human trafficking

Scotland's police service has a significant intelligence gap on human trafficking.

Scotland's police service acknowledged a lack of intelligence on human trafficking. This is partly due to a need to improve the levels of trust and co-operation between victim support services and Scotland's law enforcement community.

Such co-operation is vital for many reasons, including ensuring early identification and seamless support for victims, and enabling the intelligence sharing that leads to prompt investigation and disruption of traffickers.

Recommendation

A multi-agency group dedicated to strategic, operational, and formalised intelligence sharing, analysis, and enforcement action against traffickers should be part of the recommended strategic approach to human trafficking. The group should include law enforcement agencies engaged in anti-trafficking in Scotland and have formal links through protocols to those identifying and those supporting victims.

Update on progress since November 2011

Strategic, operational approach

In early 2012, ACPOS set up a multi-agency Strategic Leads Group chaired by SCDEA, and comprised of senior representatives from across Scottish Police, SOCA, UKHTC, UKBA and COPFS.

This group meets twice each year and its stated role is to:

- Co-ordinate the Scottish Police's response to human trafficking
- Facilitate discussion and joint working between Scottish Police and law enforcement partners
- Oversee and direct the work of the Trafficking in Human Beings (THB) Tactical leads group

The Strategic Leads group met in February and September 2012 and established the Tactical Leads Group as well as identifying priorities for that group to work on.

The Tactical Leads Group, set up in March 2012, is also led by SCDEA, and has representatives from the 8 police forces, the GLA and "... other law enforcement agencies".

The activities of this group so far have included:

- Organising the June 2012 conference aimed at raising awareness for front-line staff and officers
- Developing the computer-based learning package for front-line officers and staff
- Producing an aide memoir for officers
- Developing standard operating procedures
- Working with Crimestoppers
- Developing training programmes and sharing best practice
- Working on a single intelligence system with one header on human trafficking, and breaking that down into relevant categories such as forced labour, domestic servitude and sexual exploitation - making it easier for officers to input data into intelligence databases

In April 2013, all eight Scottish police forces will be merged into the Police Service of Scotland. This will mean that neither SCDEA nor the Scottish Intelligence Co-ordination Unit (SICU) will exist. In relation to where human trafficking will sit in the new Police Service, SCDEA points to the fact that the Chief Constable of the new service attended the Summit. In an update interview for this report, SCDEA noted:

*“There will be a human trafficking function within the new service. The size and shape of it is still subject to debate. In some of the plans I have seen there is a human trafficking function there. I would certainly like to see the skills and expertise and links with UKHTC and NGOs continue. **It is then likely that there will be a Specialist Crime Directorate where human trafficking will sit.**”*

Formalised intelligence sharing

SCDEA reported a range of relevant activities in relation to gathering and sharing intelligence, some of which have been developed since the Inquiry.

This includes maintaining the SICU and developing better mapping of Serious Organised Crime Groups (SOCG). As part of having a more co-ordinated response to Organised Crime Groups (OCGs), they highlight their involvement in the Scottish Tactical Tasking and Co-ordinating Group (STTCG). This group is operationally focused, with all eight Scottish police forces involved. SCDEA also noted that:

“If sufficient evidence is available (to the STTCG) to trigger a human trafficking response then SCDEA will co-ordinate that response.”

SCDEA added that it was about to produce a version of the latest (2nd) Scottish Assessment of Trafficking in Human Beings, detailing an updated picture of trafficking. This assessment will be a combination of disaggregated Scottish statistics from the NRM and intelligence gathered by SCDEA in recent years.

Mapping of organised crime is highlighted as a priority for SCDEA, which looks at criminality across the four categories (commercial prostitution, criminal exploitation domestic servitude and forced labour). It is easier to uncover certain types of trafficking than others. SCDEA gives this as the key reason for mapping, with a focus on where it is most likely for people who have been trafficked to be found.

SCDEA felt there was a need for a multi-agency approach and improved awareness:

“We can do our bit but we can’t do it in isolation. That is why the multi-agency approach is crucial in terms of raising awareness. Awareness-raising is totally crucial and the single biggest trigger for making sure we tackle trafficking.”

It is clear that there is a need for local authorities, health workers, the postal service, the private sector, employment agencies, the public and others to recognise and report indicators in order to help build intelligence. SCDEA agreed that this also underlines the need for a public awareness campaign.

CoSLA called for local protocols to be developed between local authority officers and the police, and felt that named local and national police contacts would be useful. It is, however, hoped that the work of the ATPG, and in particular the focus on identifying alternative potential sources of data and intelligence, will be a step towards more formalised intelligence sharing and the development of more formalised links through protocols to those identifying and those supporting victims.

Awareness

In addition to raising awareness with frontline officers, SCDEA pointed out that it was involved in plotting the interaction between victims of trafficking and criminal justice partners. The aim here is to ensure that anyone who deals with an individual arrested for an offence potentially linked to trafficking is aware of the indicators of trafficking and takes them into account when dealing with the individual:

“If for example an individual is arrested for cannabis cultivation, we will plot their journey through the system from desk sergeant to custody officers to duty solicitor so that everyone is aware of trafficking and can ask the right questions.”

While this applies equally to adults and minors, the training and awareness-raising surrounding this process has been focused on minors due to limited budgets.

SCDEA states that this is the first stage of developing this process:

“There are a number of layers to this process. The first layer is criminal justice agencies, and then it could be local authorities, then private industry. It’s about thinking who do you need to raise awareness with and where are there likely to be victims of trafficking.”

SCDEA stated that work had started on this and that they had expected a first draft of a ‘tool’ to be ready in early December 2012, with the opportunity for partners to contribute after that.

SCDEA hopes that this mapping raises awareness and leads to an increase in referrals to the NRM:

“The process that is being developed is about targeting awareness-raising at the most relevant agencies, and it is hoped this will result in an increase in NRM referrals. It is also a process that is being considered by the NRM Oversight Group to look at developing nationally.”

Protocols with victims’ agencies

Victims’ agencies have expressed some concern that, while the Strategic and Tactical Leads Groups are welcome, there is a lack of representation from non-statutory organisations. SCDEA felt that it would be difficult to include NGOs as there would be problems deciding who should be on the group:

“Scottish forces are represented on the Tactical Leads Group. We don’t have NGOs there. It was a simple decision as we had to consider who to invite and who not to invite.”

SCDEA highlighted a communications group which involves both the police and NGOs aimed at sharing protocols and improving communications between the two:

“Intelligence can be shared on the communications group if it merits it and there will be a link between this group and the other two groups as law enforcement are involved in the tactical group.”

Migrant Help suggested that NGO representation on the Strategic and Tactical Leads Groups could be limited to the two agencies contracted by the Scottish Government to provide support to victims:

“Migrant Help and TARA are the two main agencies in Scotland whose involvement would be appropriate, particularly at the strategic level. This is something that could be written in to the Scottish Government contract.”

TARA urged caution when talking about multi-agency groups, when in fact what was in place at the moment were “*multi law enforcement groups*”. They did, however, recognise that there would be sensitive information shared at these meetings:

“We understand that there are issues which would be inappropriate for us to hear about, but we could leave the meeting if this arose. The most important thing is that the police do not lose out on our expertise.”

Assessment of progress

The intention of this recommendation was that the police service and its law enforcement partners have robust and effective mechanisms for intelligence gathering and sharing, for co-operation particularly in terms of services for victims, and for joint enforcement action against traffickers who are operating in Scotland.

A key development since the Inquiry has been the establishment of the Strategic and Tactical Leads Groups, co-ordinated by SICU. It is clear that the police have taken this recommendation forward in a proactive way and that positive steps have been taken to improve intelligence sharing. It does appear that some thought has gone into improving intelligence gathering by mapping a victim’s journey through the criminal justice system and raising awareness with those they come into contact with.

Beyond this, the development of a tool for raising awareness with other agencies that may come across trafficking could contribute to increased intelligence, particularly around those areas of trafficking that are more hidden.

However, there is merit in the suggestion that local protocols should be developed between the police and local authorities, and this is something that should be considered as part of the work of the ATPG on data collection.

The production of an annual Scottish Assessment of Trafficking in Human Beings report should also contribute to more effective sharing of information.

At present there is a lack of clarity on the protocols between victim support services, and other agencies not involved in law enforcement, and the Strategic and Tactical Leads Groups. SCDEA points to its communications group as a method for dealing with this. However, it would appear that this has yet to meet. Victims’ agencies have a wide range of expertise that would benefit law enforcement agencies. More thought needs to be given to how this sharing of information can be achieved.

The establishment of the new Police Service of Scotland presents both an opportunity and a challenge to the progress made on human trafficking. It is encouraging that SCDEA believes there will be a human trafficking function within the new service. There are as yet no details on what form this will take, but it will be important that it has a significant role, that trafficking is embedded in its work and that it builds on the momentum already gathered in this area.

Meeting Recommendation 4 – Progress Required

- Local protocols should be developed to ensure robust mechanisms for information and intelligence gathering and sharing between the police and local authorities. This could be considered as part of the work of the ATPG.
- More consideration needs to be given to involving NGOs in how information is shared through the Strategic and Tactical Leads Groups. In particular more clarity on the role of the Communications group is essential.
- The new Police Service of Scotland should have a dedicated focus on human trafficking, and embed the work already achieved by the SCDEA.

Finding and Recommendation 5

Finding – A lack of prosecutions

There have been few prosecutions against suspected traffickers in Scotland for human trafficking offences.

Recommendation

COPFS should continue to proactively develop its specialism in human trafficking in order to improve its performance on successful prosecutions against traffickers for trafficking offences. Particular regard should be given to consideration of how best to get sufficient evidence to convict on trafficking, as well as how to secure adequate sentences against those with trafficking backgrounds but convicted of related criminal offences.

Update on progress since November 2011

Proactively increase specialism and increase prosecutions

COPFS states that its enhancement of this specialism will be assisted by learning lessons from the experience of prosecuting cases involving human trafficking offences. While this in itself is hindered by the limited number of cases coming forward, COPFS states that increasing specialism in this area remains an “*absolute priority*”. COPFS points to the guidance and training available to prosecutors, their links with victim’s agencies and support for victims to be witnesses as key elements in enhancing their specialism and increasing prosecutions.

Operation Factor was a major step in relation to prosecuting traffickers, and COPFS believes it has learned greatly from that³⁶. COPFS also highlighted that it works with partners at a range of levels to try to ensure that it receives better reports from police and prosecutors. Work goes on to help prosecutors advise the police on what additional work needs to be done on particular cases to get them to court.

There has been one further prosecution since the Inquiry, only the second ever in Scotland. In December 2012, three Slovak nationals were found guilty of the exploitation of a young couple from their own country³⁷. COPFS have stated that there are currently 6 ongoing cases involving human trafficking offences which have not yet reached the stage of trial.

³⁶ At the Sheriff Court at Glasgow on 9 September 2011, Stephen Adam Craig and Sarah Ashleigh Beukan pleaded guilty to human trafficking, in a contravention of Section 22(1)(a)(i) of the Criminal Justice (Scotland) Act 2003. Craig was sentenced to 44 months imprisonment and Beukan was sentenced to 18 months imprisonment.

³⁷ On 14 January 2013 at Dundee Sheriff Court, Renata Kulova, Helena Kulova, and Ivan Balog were each sentenced to three years’ imprisonment following their conviction on 12 December 2012 for human trafficking. The offences occurred between 28th June 2012 and 25th July 2012 and involved conduct in Slovakia, Glasgow, Perth and elsewhere in Scotland. All three accused were convicted under S4(2)(a) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

In terms of learning lessons, COPFS felt that it was beginning to see themes emerging from their work on ongoing cases. For example, senior prosecutors have noticed that there is a need to consider all aspects of a case and take into account that it is not just one element, such as the transportation of an individual, that needs to be proven, but also the actual exploitation as well.

The Inquiry report welcomed the COPFS guidance published in 2010. The guidance provides information for prosecutors which assists with the identification of potential victims of human trafficking and clarifies the prosecution policy and approach to dealing with credible victims of human trafficking who commit offences as a direct result of their trafficked situation.

To be effective, this guidance will require to be updated as lessons are learned, policy and legislation develops, and more knowledge is gained of the experience of victims. COPFS stated that it is always looking to update the guidance:

“We will amend guidance in response to recommendations from reports. It is very much a living document and is revised on our intranet. Prosecutors are advised when there are any significant changes and they can alert our policy team to any matters that would require the guidance to be updated.”

Sufficiency of evidence

COPFS noted that the lack of sufficient evidence continues to be a major problem:

“We learned a lot from Operation Factor and we have come a long way from that. However, there are still relatively few cases. The reason we take no proceedings is almost always insufficient admissible evidence.”

They were keen to point out, however, that this is not because of how the police handle cases.

One aspect of sufficiency relates to victims’ evidence. This may relate to the vulnerability of victims who are often terrified of their traffickers, or to some other factor such as victims having mental health problems, learning difficulties or simply the fact that English is not their first language.

To address this, COPFS states that it links with victims’ agencies to “... *better understand the victim side of things*”. They also point out that, while they and the police are aware that they need to work with the specific needs of victims who are vulnerable, they do not always take criminal proceedings:

“We take a careful view of when to prosecute in these cases, whether or not a jury will convict and qualitative issues around the victim, as we are often dealing with exceptionally vulnerable people.”

Decisions to/not to prosecute are taken on best evidence, what is in the public interest and what is in the interests of the victim.

In terms of supporting victims, COPFS felt that the processes in place prior to the Inquiry were adequate, and pointed to the support given to victims during Operation Factor, where lessons were learned about supporting victims through the work of the Victim Information and Advice service (VIA). VIA is part of the Crown Office and Procurator Fiscal Service and provides information on the progress of cases to the victims, and vulnerable and child witnesses.

COPFS stated:

“An essential part of the VIA role within COPFS is to liaise with witnesses who are deemed to be vulnerable, and in consultation with such witnesses, ascertain the nature of their vulnerability and if it is likely to impact on the quality of their evidence in Court to the extent that the evidence is likely to be diminished through distress or anxiety, or through a mental impairment.”

The victims in Factor were drawn largely from categories of witnesses that would be considered vulnerable. COPFS noted:

“All of the 26 witnesses referred to our Victim Information and Advice Service were terrified of the accused and were extremely reluctant to engage with the Crown.”

The support provided to victims in Factor included:

- Witnesses were contacted by letter which also contained a leaflet introducing the VIA service and explaining the Petition Procedure
- Considerable efforts were made to engage with witnesses by telephone to ascertain their vulnerability and to identify any sensitivities
- As court dates were set for the case, VIA issued a detailed letter explaining the nature and purpose of hearings etc.
- Contact with witnesses was maintained during the period mid-May 2011 to early October 2011
- Six witnesses were identified for whom Vulnerable Witness Notices were submitted to the Court. These were seeking the use of Special Measures in Court and these were approved

COPFS have also produced a leaflet providing information for victims of human trafficking on the help, including special measures, they can access³⁸.

³⁸ See <http://www.copfs.gov.uk/Publications/2012/11/Human-Trafficking-Leaflets>

Lord Carloway, as part of his review into criminal law and practice in Scotland, considered changes to testing the sufficiency of evidence in trials and for appeals, but recommended that the test for sufficiency of evidence should remain as it is now³⁹.

The Carloway Review also recommended the removal of the requirement for corroboration for all cases. In a consultation, the Scottish Government indicated they agreed with this recommendation. However, in December 2012, the Scottish Government opened a further consultation on additional safeguards that would follow the removal of the requirement for corroboration⁴⁰. The consultation ends in March 2013.

Criminalisation of victims

Concerns about the criminalisation of the victims of trafficking in the UK were expressed by GRETA:

“GRETA understands that there have been cases of victims of trafficking arrested, prosecuted and convicted in relation to migration and non-migration offences, including child victims of trafficking arrested and convicted for cannabis cultivation.”

and

“GRETA is concerned by reports from NGOs regarding the high number of potential victims of trafficking who are detained.”⁴¹

In addition, research carried out on supporting victims of human trafficking commissioned by the Scottish Government found that:

“Legal respondents in Scotland indicated their concern that potential victims of human trafficking are being prosecuted for crimes they have been compelled to commit.”⁴²

There is also concern from victims' agencies that criminalisation of victims remains an issue. In an interview for this report, TARA stated that there is still a reliance on the victims of trafficking to self-identify as being trafficked, and to disclose their trafficking experience to law-enforcement agencies very quickly within criminal justice timescales:

“In some of these situations, despite there being other, objective, indicators of trafficking, some women who did not disclose or who denied being trafficked, have been charged with offences relating to prostitution or cannabis cultivation.”

³⁹ The Carloway Review, *Report and Recommendations* (November 2011)

⁴⁰ Scottish Government, *Reforming Scots Criminal Law and Practice: Additional Safeguards Following the Removal of the Requirement for Corroboration* (December 2012)
<http://www.scotland.gov.uk/Publications/2012/12/4628/downloads>

⁴¹ GRETA, (September 2012) *op.cit.* pg. 75

⁴² Scottish Government (October 2012) *op. cit.* pg. 32

TARA has supported a small number of women who were identified during or after prosecution and whilst in detention.”

TARA also pointed to cannabis cultivation as being a particular area of concern:

“Frequently the circumstances of their exploitation and the conditions people are held in demonstrate clear trafficking indicators; locked inside premises with no means of 'escape', no passport or identity documents, appalling living conditions, no awareness of where they are, routine movement, no access to health services, threats to family and/or debt bonding and no 'payments'. Despite these clear indicators of concern, often shared by police colleagues with a specialist knowledge of human trafficking, prosecutions have continued.”

However, a recent case, where police colleagues had referred a woman to TARA due to trafficking concerns, resulted in a successful application for bail:

“There had been clear signs of trafficking which resulted in a positive NRM identification as a victim of trafficking. Whilst this was a positive outcome, there was confusion over the individual's status as 'victim or offender' upon release from detention, with different organisations adopting different approaches.”

TARA feels that more needs to be done to address the situation:

“Clearer guidance is required regarding trafficking for criminal exploitation and the appropriate response, with a particular focus on higher tariff offences. A multi-agency risk assessment should take place in these instances to ensure the continued protection and co-operation of such victims of trafficking.”

Migrant Help have received trust funding to make contact with potential victims of trafficking in prisons in England, and have at least three cases where a referral to the NRM is being sought. Migrant Help noted:

“Our work shows that it is certainly an issue, but it is difficult to prove although it can be considered a step forward if there is an acknowledgement that it exists.”

COPFS points out that its guidance states that there is a strong presumption against the prosecution of a credible trafficked victim for crimes which arise as a consequence of their trafficked status. The COPFS guidance contains a list of issues and indicators that prosecutors should be aware of which would identify an individual as being a victim of trafficking. In addition, COPFS states that:

“Our policy is to treat those victims who appear to be caught up as innocent victims sympathetically. However, we are not aware of any cases where a wrong decision has been taken.”

SCDEA noted that it is easier to identify minors as being victims of trafficking:

“We are making progress on this issue. We are not seeing 17 year olds being criminalised and they go straight into the NRM process. That would not have happened 3 years ago. We have a better understanding (of adults being criminalised) but it is more of a grey area. For those under 18, you don’t have to prove they are victims.”

Assessment of progress

The intention behind this recommendation was that Scotland should become a centre of excellence in the prosecution of human trafficking crime through a systematic end-to-end service from COPFS. This would start with early advice to potential reporting agencies on evidential and other matters, through to securing convictions on trafficking offences.

COPFS point to its guidance for prosecutors as an example of developing their specialism on human trafficking, and say that it remains a priority. It is encouraging that it is seeking to learn lessons from Operation Factor and other prosecutions. Since the Inquiry, there has been one further prosecution. This seems to be a fairly low return in the context of improvements in intelligence and policing in the area of trafficking.

It does appear, however, that ensuring there is sufficiency of evidence remains a problem. COPFS points to its work with the VIA and with victim support agencies, and felt this helped it to better understand the needs of victims. It also reports that this understanding stretches from identification through to court proceedings.

It is difficult, however, to make an assessment of developments since the Inquiry and overall there is very little sense that the work with prosecutors, or indeed victims’ agencies, is systematic.

While the learning from Operation Factor has no doubt been useful for prosecutors and in relation to victim support, further enhancement of the specialism will, in part, be reliant on more prosecutions going ahead. However, proactive development of the specialism could be assisted by drawing on experiences at a UK, EU and international level.

Views clearly differ between the police and prosecuting authorities, and agencies supporting victims on whether those coerced into illegal activities are being criminalised. **There would appear to be enough concern and ambiguity to undertake a review of cases where victims of trafficking may well have been prosecuted despite being coerced into illegal activity.**

Meeting Recommendation 5 – Progress Required

- There needs to be a more systematic approach to work between prosecutors and victims' agencies to address the balance between victim protection and sufficiency of evidence.
- Further work is required to fully understand the nature and scale of the issue of criminalisation of victims of trafficking.

Finding and Recommendation 6

Finding – Disruption and Asset Recovery

Law enforcement bodies operating in Scotland have experience in disrupting organised crime through the application of asset recovery powers, but there have been no operations specifically targeting organised human traffickers.

There are ample powers available for asset recovery in Scotland, not least through the Proceeds of Crime Act 2002. These have been used against serious organised crime groups, so may have affected traffickers indirectly through action against crimes such as drug trafficking, tax and benefit fraud, and cannabis cultivation.

However, the disruption of criminal finance and asset recovery does not yet seem to have filtered into law enforcement in terms of operations that specifically target traffickers.

Recommendation

Law enforcement agencies operating in Scotland should collaborate to develop and implement a strategy for the use of disruption and asset recovery powers, specifically targeting organised trafficking groups in Scotland.

Update since November 2011

SCDEA takes the general view that:

“Where we have a serious organised crime group (SOCG) involved in criminality, we should disrupt them for whatever reason and not wait until we can prove exploitation or trafficking. The aim is to disrupt activity even where there is insufficient evidence to convict.”

In its response to the Inquiry in June 2012, SCDEA noted a number of activities it was undertaking under the auspices of the Serious Organised Crime Taskforce. Notably, these include:

- ACPOS to review liaison arrangements with COPFS to ensure early engagement between Senior Intelligence Officers (SIOs) / local investigators to maximise investigative opportunities
- The production and launch of a Proceeds of Crime Action Plan⁴³

COPFS states that it works together with SCDEA and others to recover the proceeds of crime, but there was no indication that there had been a formal review of liaison arrangements for Proceeds of Crime interventions in respect of human trafficking offences between the two agencies.

⁴³ ACPOS, *Response to EHRC Inquiry into Human Trafficking in Scotland (June 2012)*

However, future liaison arrangements will be reviewed between COPFS and the soon to be established Police Service of Scotland.

With regards to a Proceeds of Crime Action Plan, this is overseen by the multi-agency Scottish Asset Recovery Group. The Action Plan focuses on enhancing strategic partnerships, identifying best practice and improving processes, enhancing training and awareness of POCA legislation and powers, and developing capacity and capability. As part of the overall Scottish Serious Organised Crime Strategy, the consideration and use of asset recovery powers remains a key feature of the disruption strategy as part of any serious organised crime investigation, including those linked to trafficking in human beings.

SCDEA did, however, point out in its official response to the Inquiry that it continues to prioritise asset recovery and disruption, and that tactical guidance and advice continue to be provided through SCDEA, UKHTC, the Senior Investigative Officers (SIO) toolkit and the National Interventions Manual.

Additionally, collaboration of law enforcement agencies through the Strategic and Tactical Leads Groups covered in Recommendation 4, has clearly focussed on increasing intelligence and sharing it in order to better identify SOCGs, and facilitate disruption and asset recovery.

COPFS highlighted how the Proceeds of Crime Act was used in relation to Stephen Craig, who was convicted of human trafficking following Operation Factor:

“On 10 July 2012 at Glasgow Sheriff Court, a Confiscation Order⁴⁴ for £45,000 was made against Stephen Craig. By virtue of his conviction, Stephen Craig was deemed to have committed a lifestyle offence under the Proceeds of Crime Act. This meant COPFS could ask forensic accountants to look at all of his income during the six years leading up to his arrest, who calculated he benefited to the sum of £236,651 in that period.”

The Confiscation Order for £45,000 represented the full amount available to COPFS at the time from Stephen Craig.

Assessment of progress

The intention behind this recommendation was that Scotland becomes a high-risk and low-return proposition for organised criminals engaged in human trafficking due to the systematic and effective disruption of organised crime through the tracing, seizure, and confiscation of assets.

SCDEA and COPFS outlined their commitment to disruption and recovering the proceeds of crime.

⁴⁴ A Confiscation Order is an order made by the court following criminal conviction, to pay a fixed sum of money from the proceeds of crime. An application for confiscation is one of the tools at the disposal of the Crown under the Proceeds of Crime Act 2002 and Proceeds of Crime (Scotland) Act 1995.

Nevertheless, the recommendation was clear that there should be collaboration to develop a strategy specifically targeting organised trafficking groups in Scotland. While there is evidence of collaboration between agencies and a range of guidance available on disruption, there is no evidence that a strategy has been developed as part of this collaboration.

Given the involvement of law enforcement agencies in the Strategic and Tactical Leads groups established by SCDEA, it is likely that there will be a strategic *view* of the approach to disruption activity. This should be an opportunity to develop a strategy. There does, then, need to be a focus in the future on developing a strategy as recommended in the Inquiry report.

Meeting Recommendation 6 – Progress Required

- There continues to be a need for a longer term strategic approach on the use of disruption and asset recovery powers specifically targeting organised trafficking groups in Scotland.

Finding and Recommendation 7

Finding – Regulation

There is a need for the Scottish and UK Governments to encourage and assist those organisations responsible for inspecting employment agencies/standards, environmental health/health and safety at work, regulating domestic work, or making licensing decisions, to embed anti-trafficking into their regulatory frameworks and practices.

The need for anti-trafficking regulation is most acute in sectors associated with poor employment protection, low wages, and poor health and safety records.

The promotion of anti-trafficking in regulatory bodies is a sufficiently important policy goal to merit practical leadership from the Scottish and UK Governments as part of their respective strategic approaches to human trafficking.

Recommendation

The Scottish and UK Governments should encourage, assist, and give practical leadership to those with responsibilities to regulate, such as:

- **employment standards in sectors with significant numbers of migrant workers**
- **employment agencies**
- **environmental health standards**
- **health and safety at work**
- **licensing practices, and**
- **the treatment of domestic workers**

This would help to ensure that they embed anti-trafficking into their policy and operational activities, seek First Responder status in the NRM and learn from the regulatory model and practices of the Gangmasters Licensing Authority on labour exploitation, forced labour, and human trafficking.

Update since November 2011

Encouragement, assistance and practical leadership

In its response to the Inquiry, the Scottish Government stated that it would work with the UK Government in reserved areas. In addition, it stated that, for those areas within devolved responsibilities, the human trafficking Summit would:

“... present an opportunity for us to explore possibilities with the appropriate organisations and authorities.”

The agreed eleven action points from the Summit, which are to be taken forward by the ATPG, are not specific on the issue of regulation. However, there is representation on the ATPG from the Chamber of Commerce and the Scottish Trade Union Congress, where there could be an opportunity to make progress on regulating the employment sector.

At a UK level, the Home Office states that the Minister for Immigration convened a roundtable with representatives of the hotel industry in October 2012, to help them develop best practice. Ministers see this as a first step and intend to develop this work across the wider private sector. Beyond this encouragement of best practice, there was no evidence that, at a UK level, moves were underway to engage with the regulatory agencies listed to embed anti-trafficking in their work or to encourage them to seek First Responder status. In addition, the Home Office stated in its response to this update that:

“Ministers want to avoid placing additional burdens on business. There are no plans to introduce any new legislation or regulation at this time.”

At a local level in Scotland, CoSLA have spoken to a number of local authorities and report that there is a general view that powers are lacking, and there may be a need for legislative change:

“We have not yet drilled down into what that would be, but one of the things we asked for at the Summit was a commitment from the Scottish Government to have a dialogue on how local authority powers could be enhanced. The Cabinet Secretary said he would have that dialogue.”

CoSLA believes that there should be an opportunity to explore trafficking as part of a broader licensing agenda and to look, in particular, at sexual entertainment licensing introduced in England.

CoSLA plans to submit a paper on issues around trafficking and regulation to a Regulatory Forum comprising of senior representatives from key regulatory and licensing bodies, and chaired by a representative of the Society of Local Authority Chief Executives (SOLACE)⁴⁵. It was also identified that there are good links with the Society of Chief Officers of Environmental Health in Scotland (SCOEHS). The society provides a forum for senior officials responsible for environmental health from all Scottish local authorities. The Chair of SCOEHS sits on the UKBA ‘Enforcing Compliance with our Laws’ group and can feed back any issues raised in relation to trafficking at the UKBA group.

⁴⁵ For more details on Regulatory Forum see <http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/regulatoryforum>

Assessment of progress

The intention behind this recommendation was that legitimate sectors and labour markets in Scotland are no-go areas for traffickers due to nationally consistent, systematic, and evidence-based regulation, which links as appropriate to services identifying and supporting victims, as well as passing intelligence to law enforcement.

The key element of the recommendation was for the Scottish and UK Governments to show leadership and provide assistance.

There should be an opportunity through the work of the ATPG to consider what more can be done to ensure that anti-trafficking is embedded into the policies and operational structures of those organisations with responsibility for regulating.

It is encouraging that CoSLA has been given a commitment from the Cabinet Secretary that there will be a dialogue on enhancing the powers of local authorities. The work of the ATPG should be an opportunity to review what more regulatory powers are required, and for regulatory authorities to explore the possibility of seeking First Responder status in the NRM.

It is regrettable that the UK Government has ruled out any new regulation. To meet this recommendation, there is a need for a co-ordinated regulatory response. Therefore, the ATPG could look at producing an action plan, with detailed concrete proposals, aimed at ensuring relevant organisations embed anti-trafficking into their policy and operational activities.

While there are clearly future opportunities for change, to date there has been very limited progress towards meeting this recommendation.

Meeting Recommendation 7 - Progress Required

- The ATPG should consider what more can be done to ensure that anti-trafficking is embedded into the policies and operational structures of those organisations with responsibility for regulating. This could include producing a detailed action plan based on concrete actions on how relevant organisations can embed anti-trafficking into their policy and operational activities.
- The work of the ATPG should be an opportunity to review what additional regulatory powers are required, and for regulatory authorities to explore the possibility of seeking First Responder status in the NRM.
- The ATPG should examine how a co-ordinated regulatory response to trafficking can be developed.

Finding and Recommendation 8

Finding – The role of the private sector

Traffickers use commercial products, services, and premises to organise and facilitate the exploitation of victims, including through mobile phones, websites, credit and debit payment facilities, and privately rented or owned accommodation. Victims reported how bogus websites enticed them to the UK, while stakeholders gave evidence of mobile phones being important tools used for the control of victims of sex trafficking and to arrange meetings with users.

There was little evidence of anti-trafficking knowledge or activity in Scotland's private sector, but its involvement now is a pre-requisite to a strategic approach to anti-trafficking in Scotland.

Recommendation

The Scottish Government, as part of a strategic approach to anti-trafficking, should involve relevant parts of Scotland's private sector, and encourage them to raise awareness of human trafficking and include anti-trafficking in their product development and monitoring, and Corporate Social Responsibility practice. They should also be encouraged to take steps to ensure they are not unwittingly enabling the crime of trafficking.

Update on progress since November 2011

In response to the Inquiry, the Scottish Government agreed in principle with the recommendation. It pointed to the Summit as being the opportunity to "... explore possibilities with the appropriate organisations and authorities." (see Section 5). There are ATPG action points aimed at promoting a trafficking-free approach across businesses and making use of existing networks (such as private business) to spread awareness of human trafficking and its indicators. A further action point is aimed at identifying alternative potential sources of data and intelligence which includes estate agents and utility companies.

It was encouraging to note that the Scottish Chamber of Commerce attended the Summit.

The UK Strategy to which the Scottish Government is signed up states that:

*"Businesses have an important role to play in raising the risks to traffickers and making it more difficult for them to exploit victims. We will therefore work with the private sector to strengthen our overall approach to tackling trafficking to ensure business remains aware of its social duty in reporting suspected incidences of trafficking."*⁴⁶

⁴⁶ Home Office, *Human Trafficking: The Government's Strategy (2011)*

Assessment of progress

The intention behind this recommendation was that the private sector in Scotland would become a world leader amongst peers in contributing to the prevention and tackling of human trafficking.

Progress will only be measurable once the work of the ATPG is underway. It is encouraging that the Scottish Chamber of Commerce attended the Summit, and that there are specific action points aimed at the private sector. These are, in particular, collecting intelligence from estate agents letting properties where trafficking might be taking place, and utility companies. These action points also partly align with the recommendation in relation to raising awareness of trafficking.

At this stage, there is less clarity on what work will be done on that part of the recommendation related to the possibility of businesses including anti-trafficking in their product development and monitoring, and their Corporate Social Responsibility practice.

The UK Strategy does highlight the “*social responsibility*” of businesses in relation to human trafficking. It would appear that there is a key role here for the Scottish Government in considering how they can encourage businesses to meet this responsibility. Moreover, there is an opportunity for the Scottish Government to engage with businesses directly, as well as using their sphere of influence with the wide range of businesses and business representatives that they work with.

It will be important that the ATPG, the relevant short-life working groups, and the Scottish Government in its co-ordination role, are clear about the challenge of this recommendation.

Meeting Recommendation 8 - Progress Required

- There will be a need for clarity around what is expected of the private sector and in particular how representatives involved in the ATPG, and with the Scottish Government more generally, can influence the wider private sector.

Finding and Recommendation 9

Finding – Trafficking status and human rights

The current arrangements for identifying victims and deciding trafficked status are too centralised, lack accountability, create a conflict of interest in decision making, and do not lead to the tracking of outcomes for victims or to an analysis that identifies patterns and trends in human trafficking.

The UK Border Agency (UKBA) and the Serious Organised Crime Agency (SOCA) have sole responsibility for making decisions on whether someone is, or has been, a victim of human trafficking. They do this alongside discharging their respective primary functions of border control and tackling serious organised crime. There is no formal role in the decision-making process for other key bodies, such as police, designated victim agencies, or local authorities. There is no formal right of appeal available on trafficking status. This means that UKBA and SOCA are unaccountable for decisions that could have significant consequences for those who claim to be, or are regarded by others to be, victims of human trafficking.

Recommendation

The Home Office should lead a new review of the approach and structures for the identification of trafficked persons. This should consider, in particular, whether the present arrangements are sufficiently independent, are overly centralised, lack accountability, have conflicts of interest in decision making, should provide a formal appeal process, and include the systematic analysis of NRM data which is then shared to enhance anti-trafficking practice across partner agencies.

Update on progress since November 2011

There has been no standalone review of the approach and structures for identification and referral of victims since the Inquiry. GRETA also recommended that the British Authorities should undertake an independent review of the NRM⁴⁷.

The Home Office points to the NRM Oversight Group as the key mechanism to review and oversee the NRM.

The NRM Oversight Group was originally the Strategic Monitoring Group. This was changed as part of UK Government governance changes on human trafficking. The first meeting of the Oversight Group was held on 23 November 2011.

The Oversight Group includes the Home Office and UKHTC as well as a range of other agencies. Scottish representation includes Scottish Government Officials and a senior police officer from SCDEA, along with the two designated victims' agencies operating in Scotland, TARA and Migrant Help. It meets bi-monthly to provide oversight and to discuss a range of strategic and operational issues regarding the NRM.

⁴⁷ GRETA (September 2012) *op. cit.* p55 para. 234

In its report to GRETA, the Home Office stated that the role of the oversight group was to:

- Monitor the performance of the NRM and the Competent Authorities against published guidance
- Evaluate available trafficking data, provide input for the improvement of decision-making in the NRM, and serve as a forum for discussion, feedback, support and advice

The Home Office believes that:

“... a flexible response has been evident in considering proposals from the Scottish Government at the Oversight Group, for example the addition of SCDEA to Oversight Group participants in early 2012 to ensure police representation from Scotland.”⁴⁸

Current arrangements: lack of independence, over-centralisation and lack of accountability

The view of the Home Office is that the existing review process as set out above ensures that there is sufficient scrutiny and independence of how the NRM is working. In addition, it maintains that the scope of the NRM Oversight Group includes a range of strategic and operational issues. The group feeds into a wider structure of human trafficking governance which includes the recently established Human Trafficking Strategy Board, where several NGOs are represented. This group reports to the IDMG in which ministers from the Scottish Government and other devolved administrations participate.

Implicit in the Home Office view is that issues of over-centralisation and a lack of accountability in decision making are dealt with through these structures. This is largely because of multi-agency involvement in the Oversight Group and Strategy Board. Other stakeholders have, however, noted that these groups, while useful, are largely strategic and removed from the operational aspects of the NRM.

There are also concerns about the independence of the IDMG. Article 29 of the CoE Convention states:

“Each Party shall consider appointing the National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.”⁴⁹

Meanwhile, Article 19 of the EU Directive requires EU Member States to establish national rapporteurs or *equivalent mechanisms*⁵⁰.

⁴⁸ Written response for this update report

⁴⁹ Article 29: Council of Europe *Convention on Action Against Trafficking*

⁵⁰ Article 19 : EU *Trafficking Directive*

The UK Government considers that the IDMG is a sufficient equivalent mechanism and fulfils the role of a national rapporteur. TARA, a member of the Anti-Trafficking Monitoring Group, expressed some concern that the IDMG is made up entirely of Government ministers and officials. While it does assist in co-ordinating and implementing Government policy on human trafficking, TARA is concerned that the group would find it difficult to objectively monitor and analyse the Government's anti-trafficking work.

The IDMG has also been criticised for meeting infrequently, being poorly attended and not having the same level of independence as a National Rapporteur. In a Parliamentary debate on the IDMG report, Conservative MP Peter Bone said:

*"The group did not start as a great success. In the first 18 months, it met twice, and two thirds of the Ministers gave their apologies. I know the Minister will say that that has been dealt with, the group has published its annual report and it is doing its best, but I still do not see how a group of Ministers can independently scrutinise what the Government are doing. That is also the view of the all-party parliamentary group. Of course, we will wait to see whether the interdepartmental ministerial group is successful, but we have a big question mark over that."*⁵¹

Current arrangements: conflicts of interest in decision making, formal appeal process

The Home Office was keen to point out that the NRM Oversight Group had established an ad hoc group to consider a selection of cases referred to the NRM. This group examines the decision making process on those selected cases to ensure that the process is effective and consistent. This is a group of around 10 people from a range of organisations including NGOs.

However, victims' agencies were clear that, in order to avoid a conflict of interest in the decision making process, and thereby potentially improving outcomes for victims, there must be multi-agency involvement in the process. TARA noted:

"It is difficult for organisations that support victims to have an equal footing. There is a concern that it is little more than a vetting process where decisions are made on trafficking status on paper."

A further general concern of agencies supporting victims was that there continued to be a conflict of interest with UKBA staff seconded to UKHTC, which led to the decision making process having "... more of a focus on immigration than was necessary or useful". As far as a multi-agency approach to decision making through the NRM process is concerned, the Home Office view was that:

⁵¹ Hansard, Westminster Hall debate on IDMG report (December 2012) - <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/halltext/121220h0001.htm#12122053000001>

- A multi-agency approach was reflected in the fact that a range of agencies will be involved in the initial referral
- Information will be shared with these agencies on an ongoing basis as a case progresses
- Agencies are free to provide more information as it comes to light on a particular case

It is worth re-stating the original concern in the Inquiry that there was a conflict of interest in charging UKBA and SOCA with making decisions on whether someone is, or has been, a victim of trafficking, alongside discharging their respective primary functions of border control and tackling serious organised crime. There has been little uncovered by this update which would allay such concern.

In addition, the Inquiry report pointed to the Organisation for Security and Co-operation in Europe (OSCE) recommendation that NRMs should comprise formal multi-agency co-operation across state and civil society and that this is especially important in identifying persons presumed to be trafficked, in referring victims to services in order to facilitate recovery, and in making decisions on trafficking status.

TARA believes that the final decision on trafficking status should be a multi-agency one. In its response for this report, the Home Office stated that it was neither desirable nor workable to have a multi-agency group look at cases referred to the NRM and be involved in each individual decision:

“To have effective decision making (especially against a background of increased referrals) there needed to be a single decision maker who based their decision on multi-agency information.”

The Inquiry report was clear that, as trafficking is a violation of a person’s right to dignity, and decisions on status may have profound consequences for the victim’s safety and life, a formal right of appeal is appropriate.

According to the Home Office, there are currently no plans to have a formal appeals process. It is officials’ opinion that a formal appeals process would be time consuming and overly bureaucratic. However, after a decision has been made and more information comes to light, this information can be submitted and the Competent Authority will consider it⁵². The Home Office stated this has led to decisions being changed. GRETA was told by the UK Government that:

⁵² The UK’s Competent Authorities are the Serious Organised Crime Agency (SOCA) through its UK Human Trafficking Centre and the UK Border Agency (UKBA). SOCA deals with referrals from the police, local authorities and NGOs. UKBA deals with cases where trafficking is raised as part of an asylum claim or is in the context of another immigration process.

“If the (new) information is substantive and persuasive, a new decision can be issued. This has reportedly happened on a number of occasions. As a last resort, both reasonable grounds and conclusive decisions can be challenged by judicial review. According to information provided by the British authorities, 17 cases have reached the application stage of judicial review; of those that were granted permission by the court, two decisions were overturned following a full hearing.”⁵³

However, in noting the lack of a formal appeals process GRETA questioned the adequacy of leaving this to judicial review:

“The possibility for judicial review is not a replacement of or an alternative to appeal because, unlike appeal, judicial review cannot re-examine the facts of the case and take a new decision.”⁵⁴

Systematic analysis and sharing of NRM data

UKHTC admits that there are limitations to the NRM, particularly in relation to analysis. It pointed out that, in terms of the data collection function, the NRM is basically a spreadsheet. It was the UKHTC view that the analysis of data is limited by a lack of functionality and by the fact that manpower is required to do such an analysis.

The UKHTC also points out that, due to the vulnerability of victims, it is often the case that the data entered into the NRM is at times patchy and limited. There are also cases where some victims do not consent to enter the NRM. Nevertheless, where a particular case is the subject of an ongoing investigation, the NRM will be updated as progress is made. UKHTC states that it is constantly reviewing the operation of the NRM.

Due to the NRM’s limitations, the UKHTC noted that it has been working with the Ministry of Justice and the Home Office to seek to establish a database that can be more easily analysed. UKHTC has been working on this for the past two years and feel that progress is being made, and although there are as yet no timescales, they are hopeful that funding could be made available soon.

The Home Office recognised that there was an issue with the central mechanism of the NRM being a spreadsheet file, but were keen to point out that it was not the only way of recording. The Salvation Army (which has First Responder status in England and Wales) is developing its own database, while the UKBA has its own system.

The UKHTC has, since October 2011, produced quarterly NRM statistics⁵⁵ disaggregated to a Scottish level which cover:

⁵³ GRETA (September 2012) *op. cit.* Para 214

⁵⁴ GRETA (September 2012) *op. cit.* para 227

⁵⁵ Information on disaggregated statistics can be found here <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics>

- Country of origin
- Reasonable grounds decision
- Conclusive decision
- Age
- Exploitation type
- Gender
- First Responder

UKHTC also points to its Assessment of Human Trafficking in the UK as a good source of data. This was published in 2011 and will be redone and published again, probably early in 2013.

The NRM referral form now has a section where individuals can give consent to be referred to support services.

SCDEA reports that it is getting a better quality of product from the NRM:

“ It feels the NRM is improving because officers on the ground are more aware and better briefed on what to do and are now thinking more about trafficking when they go into a specific situation, so rather than thinking this is a health and safety issue more thought is given as to whether slavery is involved.”

It plans to use NRM data and intelligence data collected over the year to produce a Scottish Assessment of Human Trafficking⁵⁶, and points out that, regardless of the decision made from an NRM referral, they are always looking to ‘get behind’ the decision and see what they can learn.

A Scottish NRM and Competent Authority?

While not a specific recommendation, there is a view that a Competent Authority based in Scotland working with a Scottish NRM would be an opportunity to build on the current NRM and develop it in a way that was closer to the 10 Principles contained in the Office for Security and Co-operation in Europe (OSCE) handbook⁵⁷.

Victims’ agencies were generally supportive of this and felt it would contribute positively to victim care and support, and be an opportunity for more effective data collection, analysis and information sharing. The Home Office, UKHTC and SCDEA were not in favour of a specifically Scottish NRM and Competent Authority.

⁵⁶ This assessment will go to the Strategic leads group with a ‘sanitised’ version available to wider stakeholders

⁵⁷ OSCE, *National Referral Mechanism: Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook* (2004)

This was an issue that was discussed at the human trafficking Summit and there is a specific action for the ATPG to take forward on reviewing the existing sources of data and analysis about trafficking in Scotland.

Assessment of progress

The intention of this recommendation was that Scotland and the UK have an independent and transparent identification system which recognises that human trafficking is invasive of the dignity and rights of its victims. The system should be dedicated to the identification and onward referral of victims, to the making of decisions on trafficking status, and ultimately to victims' recovery.

Following the Inquiry, the Home Office established the NRM Oversight Group which it says provides an ongoing review of the NRM.

The NRM Oversight Group is also cited by the Home Office as evidence of a multi-agency approach to decision making. While there is no doubt that a range of organisations are represented at the strategic level, there is less evidence of progress at the operational level in relation to the decision making process following identification of a victim, their journey through the NRM, or how the final decision on trafficking status is made.

A specific concern of the Inquiry was that there was no opportunity for an independent review of a decision which deems someone not to be a victim of trafficking. While there does appear to have been some ad hoc scrutiny of decisions made through the NRM, this would appear to be largely retrospective. Although this would appear to be a useful exercise, it is not the same as a consistent multi-agency approach to decision making on 'live' cases.

It would also appear that the need for an appeal process has been ruled out by the Home Office because, it argues, it would be time consuming and delay decision making. However, more information can be submitted by agencies and it has been noted that decisions can and have been changed. Nevertheless, this falls short of the Inquiry view that, in circumstances where decisions will have profound consequences for a victim, a formal right of appeal is essential.

Progress has been made on the sharing of data from the NRM, with disaggregated statistics for Scotland now produced quarterly. SCDEA are looking to combine these statistics with their own intelligence to produce an assessment of trafficking in Scotland.

SCDEA admits that, in relation to intelligence, data collection, sharing and analysis, more needs to be done. This was also recognised at the Summit. The ATPG will review the existing sources of data and analysis about trafficking in Scotland as part of its work. At the Summit, the idea of a specifically Scottish NRM was not ruled out. There is the opportunity to explore this issue through the work of the ATPG.

Views on a Scottish Competent Authority and NRM vary, with agencies involved with victims being generally supportive of the idea, and the UK Government, UKBA, UKHTC and SCDEA being resistant.

Meeting Recommendation 9 – Progress Required

- As part of the review of the existing sources of data and analysis about trafficking in Scotland, the ATPG should consider the possibility of a Scottish NRM. This would allow for more effective data collection, analysis and information sharing.
- A formal right of appeal is crucial to reflect the significance of the decision on trafficking status and the impact this will have on an individual's life.

Finding and Recommendation 10

Finding – The need for end-to-end services for victims

Scotland does not yet have comprehensive, end-to-end services for victims of human trafficking. The two agencies operating in Scotland to support victims of human trafficking are TARA and Migrant Help, both of whom have demonstrable expertise in supporting victims. However, neither seems to be enabled to provide victims of trafficking with practical access to an end-to-end recovery service throughout Scotland.

These agencies should be enabled to deliver services for victims through an appropriate mix of their own and other professionals' expertise. These services should all be in accordance with a nationally defined Trafficking Care Standard.

Recommendation

The Scottish Government should develop a Trafficking Care Standard and introduce an end-to-end service for trafficking victims. This should include arrangements for systematically tracking the progress and outcomes for each victim.

Update on progress since November 2011

Trafficking Care Standard

In response to the Inquiry's recommendation, the Cabinet Secretary for Justice outlined the Scottish Government's support and pointed to the continued funding of TARA and Migrant Help. The response also referred to research commissioned by the Scottish Government to "... help inform our consideration of future care standards". In addition there was a commitment to "... reviewing the approach to commissioning support services to ensure that the recommendation was progressed".

The research commissioned by the Scottish Government was published in October 2012 and is a review of evidence and practice which was intended to:

- Examine the care and support needs of victims of human trafficking and what works to meet those needs
- Provide an overview of the identified care and support needs of victims of different forms of human trafficking exploitation
- Consider good practice in recent adult victim care by identifying different models of care and support in a range of jurisdictions
- Consider the extent to which existing evidence is able to provide an indication of what works to meet the needs of different victims

- Consider how effectively the needs of different adult victims of trafficking are met in Scotland, on the basis of review of international evidence; and to highlight any existing gaps in services and support provision

The report makes a series of recommendations for best practice which highlight the need for adequately resourced individualised care. It also recommends strategic oversight of co-ordination among service providers and the development and operation of collaborative practice to ensure services are working together effectively. It recommends that this should be supported by strategic funding that is longer term.

While there is no specific recommendation on establishing a Trafficking Care Standard, the research does set out what would seem to be the basis for such a standard:

“Ultimately good practice for victims requires a human rights based approach underpinning all aspects of provision. Given the proportionately high number of women trafficked for sexual exploitation there is a need for appropriate interventions by organisations experienced in working with victims of gendered violence.”⁵⁸

Moreover, the report goes on to identify best practice for all victims which should include:

- Safe and secure accommodation
- Legal assistance
- Medical intervention
- Trauma counselling and mental health services
- Practical support and other needs as they are identified

TARA has been working with the Human Trafficking Foundation and a wide range of organisations to develop a minimum care standard.

End-to-end service for victims

The inquiry’s finding in relation to end-to-end services focussed on the lack of a comprehensive Scotland-wide holistic service package for victims. TARA acknowledges that there are issues about providing a consistent response across Scotland due to a small staff team covering a large geographical area. However, they have undertaken work with key VAW Partnerships to negotiate local crisis support (if safe) on behalf of TARA until the team can contact the woman. While formal MoUs/Protocols are still being agreed, TARA has been able to refer women to local services on an ad hoc basis with an excellent response from NGOs and local authorities.

⁵⁸ Scottish Government, (October 2012) *op. cit.*

In addition, as mentioned under Recommendation 2, TARA is working with local authorities to examine how they can have a role in supporting women in the early stages following identification.

TARA is currently in negotiation with Glasgow Housing Association with a view to accessing dedicated accommodation.

The ATPG will work on an action point which will:

- Ensure a culture amongst agencies that focuses on the care and protection of the victims of trafficking
- Map out all the organisations currently involved in providing support and assistance to the victims of trafficking to ensure an “end-to-end” approach to services
- Identify and share Scottish and international examples of what works in terms of providing support and assistance to the victims of human trafficking

It is also worth reiterating that the Scottish Government-commissioned research on supporting victims recommends a more co-ordinated strategic approach to service delivery supported by longer-term funding.

Systematic tracking of the progress and outcomes for victims

The Inquiry noted the need for the systematic tracking of the progress and outcomes for victims as part of a Trafficking Care Standard. The Scottish Government-commissioned research highlights that problems with the identification of victims, and the decision making process once victims are referred to the NRM, act as obstacles to providing effective care and support to victims. The issues on tracking the progress and outcomes for victims – and the potential need for a Scottish NRM – are set out under recommendation nine.

The Scottish Government points to the work of the ATPG as being the way ahead for considering this issue.

TARA reports that it now provides the Scottish Government with more detailed information on all women who have been trafficked against a list of indicators:

- The number of potential victims supported
- The nationality of each potential victim
- The number who required access to emergency medical treatment and/or psychological services
- The number who required translation and interpretation services/legal counselling and information

- The number of potential victims referred into the NRM
- Which competent authority the referral was made to
- The number of potential victims not referred to the NRM and the reason for this
- The time taken by the Competent Authority for decisions to be made on reasonable grounds/ conclusive grounds
- The outcome for each victim; and the number of victims repatriated and details of the costs involved

In addition, TARA says it gathers positive outcomes for women on a monthly basis which include education and employment, health, community integration and in some cases criminal injuries compensation. Nevertheless, according to TARA, there are issues with the current database and a real need for a shared multi-agency database.

Migrant Help reports to the Scottish Government quarterly and meet with officials three or four times a year. At the summit, they raised the issue of developing a best practice model of care, looking at the outcomes for victims and working backwards to see how that outcome was arrived at.

There has, however, been no evaluation of the effectiveness of current services. TARA has stated that it would welcome an evaluation of their service but have never had the funding to do this. The Scottish Government-commissioned research also highlighted the need for longer-term research:

“Much more in-depth research needs to be conducted in order to be able to identify and address the gaps in services and support for victims of trafficking. Only an in-depth qualitative research project, preferably with a longer-term scope, would be able to answer the question of how effectively the needs of different victims are met in Scotland.”⁵⁹

Assessment of progress

The intended outcome of this recommendation was that Scotland would become a centre for excellence in providing high quality services for victims of human trafficking, from their identification through to their physical, psychological and social recovery.

The results of the Scottish Government-commissioned research are encouraging in that they could clearly form the basis of a Trafficking Care Standard. The research points to the need for a multi-agency, co-ordinated service with longer-term funding.

⁵⁹ Scottish Government, (October 2012) *op. cit.*

There is also evidence that a similar approach is being developed in England and Wales around minimum care standards, and victims' agencies based in Scotland have been involved in this.

It is also encouraging that victim care and support is a priority for the ATPG. Specific actions around creating a culture amongst agencies that focuses on care and protection for victims, mapping those involved in providing support, and sharing examples of what works for victims would all contribute to improving the care and support for victims.

There is an opportunity to take this work forward by drawing on the Scottish Government research and moving towards the development of a Trafficking Care Standard. There is also merit in the ATPG looking to commission the longer-term research called for in the Scottish Government-commissioned research.

While there is evidence of an end-to-end approach, it is probable that the establishment of a Trafficking Care Standard would pave the way for more intensive development of comprehensive end-to-end services for victims of trafficking.

A positive development is that the Scottish Government now requires more detailed reporting on the progress and outcomes for victims from TARA, although this is less clear in relation to Migrant Help. However, to improve the outcomes for victims, it would be helpful to carry out a formal, independent evaluation of support agencies. This has not been carried out since they were established. This will be particularly important as the work of the ATPG progresses.

Meeting Recommendation 10 – Progress Required

- The ATPG should focus on clear and measurable improvements in the care of victims set against best practice guidance.
- Longer-term research is required on what works in the care and support of victims.

5. Conclusion

The Inquiry into Human Trafficking gave a comprehensive picture of human trafficking in Scotland and what needs to be done to tackle it. It uncovered evidence of people being beaten, physically and psychologically abused, coerced, kept against their will and exploited. It is these stories, the stories of the victims of human trafficking, which should give a sense of urgency to the work of all agencies involved in attempts to tackle it in Scotland.

It is that sense of urgency that is the motivation behind this update report on the Inquiry's recommendations. It may seem that a year is not a long time when the recommendations in the report were aimed at changing such a range of systems and processes.

Nevertheless, it is clear that there have been positive developments since the Inquiry report was published in November 2011. There have been tangible improvements in intelligence gathering and an improved and co-ordinated approach from law enforcement agencies. While this has not, as yet, resulted in a rise in prosecutions, it is hoped that this, and the commitment to introduce a human trafficking statutory aggravation, will begin to do so.

It is, however, the Anti-Trafficking Progress Group, established to take forward the action points agreed at the Human Trafficking Summit, which will have the central role in developing a coherent and co-ordinated response to trafficking in Scotland. There are opportunities for this group to work to fully address the recommendations of the Inquiry. In particular, there is a real need to prioritise the development of a strategic plan and a multi-agency co-ordinating group, and to press ahead with the review of legislation that, to meet the recommendation, should lead to a Human Trafficking Bill.

Raising awareness of human trafficking and training front-line professionals needs a co-ordinated national approach, and the Commission hopes that this is what emerges from the work of the ATPG.

It is the Commission's view that the ATPG should look to address those recommendations from the Inquiry report where there has been very limited progress. There continue to be concerns that the issues identified in relation to the NRM remain, and it would appear that, at an operational level, little has been done to address this. It has been suggested that a specifically Scottish NRM could address these issues, although views differ on this approach. Nevertheless it should be considered as part of the work of the ATPG.

There is also little evidence of progress on regulation in relation to human trafficking. This is a crucial aspect of the response to trafficking, particularly in addressing the hidden nature of exploitation.

As such, the ATPG need to use the opportunity of having UK and Scottish Government input to look at the devolved and reserved aspects of regulation and changes that could be made to improve the regulatory regime.

On disruption, it is clear that there is evidence that disruption activity has been considered. Nevertheless, the recommendation from the Inquiry was clear on the need for a strategy in relation to disruption. This has not yet materialised.

The input of private sector representatives to the work of the ATPG is fundamental. The role of the wider private sector, and the myriad of areas within which traffickers operate, remains a very live and important issue.

A vital aspect of the work of the ATPG will be to ensure that the care and support that victims receive is comprehensive. The key to achieving this will be the establishment of a Trafficking Care Standard. Many of the recommendations in the review of care and support for victims of trafficking point towards the need for this.

There remains concern that victims of trafficking are being criminalised for taking part in activities which they were forced into. It is clear that there are differing views with victims' agencies reporting instances of this occurring, while police and prosecutors do not see it as an issue. Although not part of the work of the ATPG, there is a strong case for a review of where criminalisation of victims may have occurred.

The months leading up to the next human trafficking summit in 2014 will be crucial in shaping human trafficking approaches in Scotland, with the work of the ATPG progressing, the probable introduction of a statutory aggravation and the new Police Service being established. It is therefore important that all potential levers are utilised to ensure that Scotland is a high-risk low-return proposition for traffickers.

Appendix A

Agreed Action at Trafficking in Human Beings Summit

All organisations to demonstrate leadership by taking forward a multi-agency approach to ensure that Scotland is a hostile environment for human traffickers.

Awareness Raising and Training of Frontline Professionals

1. Promote a “trafficking free” approach across businesses and the public sector in Scotland.
2. Encourage organisations to share training and awareness-raising resources on human trafficking for front-line staff.
3. Make use of existing networks, for example through Trades Union and private sector employer representatives and the public sector, to spread awareness of human trafficking and the signs of potential trafficking.
4. Identify alternative potential sources of data and intelligence, for example Registrars identifying sham marriages, licensing officials and estate agents letting properties where trafficking might be taking place and utility companies. (Also an action under data collection.)

Data Collection and Analysis of Trends

5. Review jointly the existing sources of data and analysis about trafficking in Scotland, such as the NRM including how it could be made more child-friendly in line with the principles of *Getting it right for every child*, and strengthen the quality of information about the scale of this issue.
6. Identify alternative potential sources of data and intelligence, for example Registrars identifying sham marriages, licensing officials and estate agents letting properties where trafficking might be taking place and utility companies. (Also an action under awareness-raising and training.)
7. Acknowledge the specific needs of children at risk of trafficking including, for example, children who go missing from care.

Victim Care and Support

8. Ensure a culture amongst agencies that focuses on the care and protection of the victims of trafficking.
9. Map out all the organisations currently involved in providing support and assistance to the victims of trafficking to ensure an “end-to-end” approach to services.
10. Identify and share Scottish and international examples of what works in terms of providing support and assistance to the victims of human trafficking.

Legislation /Enforcement/Prosecution

11. Scottish Government will find an early legislative opportunity to introduce a specific statutory human trafficking aggravation.
12. Agencies will review together the wider legislative framework for tackling human trafficking and any potential gaps.

Appendix B

Local Authority	Protocol/Guidance
Aberdeen City	<ul style="list-style-type: none"> • Licensing board with Grampian Police re adult entertainment • Child Protection Guidelines: The North East of Scotland Protection Committee includes a section on child trafficking. This guidance covers Aberdeen City Council, Moray Council, Aberdeenshire Council
Aberdeenshire	Child Protection Guidelines: The North East of Scotland Protection Committee includes a section on child trafficking. This guidance covers Aberdeen City Council, Moray Council, Aberdeenshire Council
Angus	The main thrust of tackling violence against women in Angus has been led by the Angus Violence Against Women Partnership (AVAWP). AVAWP is a multi-agency partnership, with representation from NHS Tayside, Barnados, Women's Aid, and various Angus Council departments. AVAWP co-ordinates and supports professionals from these agencies in tackling a range of issues, including domestic abuse, prostitution, human trafficking and rape and sexual assault in the Angus area.
Argyll and Bute	Child Trafficking: http://www.argyll-bute.gov.uk/node/32473
Clackmannanshire	<ul style="list-style-type: none"> • Forth Valley Protocol on Human Trafficking • Forth Valley Human Trafficking event
Dumfries and Galloway	Multi-agency guidance for child trafficking
Dundee City	<ul style="list-style-type: none"> • Protecting and Supporting Adults at Risk in Tayside: Multi Agency Adult Support and Protection (includes victims of human trafficking although uncertainty around whether this has been signed off). • Dundee Violence Against Women Partnership (DVAWP) conducting work in this area. • Also, DVAWP was a member of the Scottish Government Human Trafficking Stakeholder Group.
East Ayrshire	<ul style="list-style-type: none"> • Human Trafficking seminar (March 2012) • Human Trafficking leaflet containing key messages for practitioners re child and adult human trafficking and guidance for East Ayrshire, input from adult and child protection committees, and East Ayrshire Violence Against Women Partnership (uncertainty around whether this has been signed off).

East Dunbartonshire	Local Child Trafficking protocol implemented and training
East Lothian	Edinburgh Human Trafficking Victim Support Protocol
East Renfrewshire	Protocol on the trafficking of young people. Protocol includes East Renfrewshire, North and South Lanarkshire and North Ayrshire.
Edinburgh, City of	Edinburgh Human Trafficking Victim Support Protocol
Falkirk	<ul style="list-style-type: none"> • Forth Valley Protocol on Human Trafficking • Forth Valley Human Trafficking event (Nov 12)
Fife	Fife Child Protection Committee: Child Protection Interagency Guidance 2011 covers child trafficking
Glasgow City	<ul style="list-style-type: none"> • Glasgow Child Trafficking Protocol • TARA
Highland	Highland Child Protection Committee - child trafficking guidance
Inverclyde	Inverclyde Child Protection Committee: Inter-agency Guidance for Child Trafficking
Moray	Child Protection Guidelines: The North East of Scotland Protection Committee includes a section on child trafficking. This guidance covers Aberdeen City Council, Moray Council, Aberdeenshire Council
North Ayrshire	Protocol on the trafficking of young people. Protocol includes East Renfrewshire, North and South Lanarkshire and North Ayrshire.
North Lanarkshire	Protocol on the trafficking of young people. Protocol includes East Renfrewshire, North and South Lanarkshire and North Ayrshire.
Perth and Kinross	<ul style="list-style-type: none"> • Perth and Kinross Child Protection Committee inter-agency policy and practice approach to child trafficking across Perth and Kinross • Human trafficking Protocol in Perth and Kinross Violence Against Women Partnership business plan (uncertainty around finalisation).
Scottish Borders	Scottish Borders Child Protection Procedures: Child Trafficking Guidance http://www.online-procedures.co.uk/scottishborders/contents/specific-

	guidance/child-trafficking/
South Lanarkshire	Protocol on the trafficking of young people. Protocol includes East Renfrewshire, North and South Lanarkshire and North Ayrshire.
Stirling	<ul style="list-style-type: none"> • Forth Valley Protocol on Human Trafficking • Forth Valley Human Trafficking event (Nov 12)
West Dunbartonshire	Child protection training on child trafficking
West Lothian	West Lothian Human Trafficking Protocol

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