**TRAFFICKING AND EXPLOITATION STRATEGY – CONSULTATION REPORT**

**EXECUTIVE SUMMARY AND BACKGROUND**

1. In October 2015 the Scottish Parliament passed the Human Trafficking and Exploitation (Scotland) Act 2015,the first dedicated Scottish legislation on this issue. The Act created the offences of human trafficking and of slavery, servitude and forced or compulsory labour, with a maximum life sentence possible for those convicted of committing these crimes.

2. **Human trafficking** is the illegal trade of human beings, both adults and children, for exploitation. Exploitation can take many forms. For example, cannabis cultivation, work in the hospitality and other industries for little or no pay and in poor conditions, being forced to commit benefit fraud for others’ gain, domestic servitude,commercial sexual exploitation, sham marriage and organ removal. These are only examples and there are many others that could be listed.

3. **Slavery, servitude and forced or compulsory labour** are defined in terms of Article 4 of the European Convention on Human Rights. Although no exchange of control over the individual takes place, the victims are still treated as the property of another, obliged to provide services through the use of coercion. The term covers all work or service which is exacted from any person under the threat of any penalty.

4. These offences happen in Scotland, within the UK and internationally and affect people from a range of nationalities and ethnic backgrounds.

5. **The Trafficking and Exploitation Strategy** is a direct result of the2015 Act, which requires Scottish Ministers to prepare such a Strategy. The Act requires that the Strategy sets out such actions, arrangements and outcomes that Ministers consider appropriate in relation to conduct which constitutes an offence under the Act.

6. The Strategy will seek to bring together and build onall of the valuable work already undertaken by the Scottish Government and its partners in the public, private and third sectors, to provide coherent and effective support for victims and take action against perpetrators.

7. It will set out the approach that the Scottish Government and its partners, working with others in the UK and internationally, will take to address human trafficking and slavery, servitude and forced or compulsory labour.

8. The draft Strategy was developed in partnership with stakeholders between December 2015 and October 2016.

9. Stakeholders were engaged in the development of the draft Strategy through the Human Trafficking and Exploitation Strategic Oversight Group, the Strategy Implementation Group, the Child Trafficking Strategy Group[[1]](#footnote-1) and the Stakeholder Forum.

10. The shared vision set out in the draft Strategy is a straightforward (although not simple) one – **to eliminate human trafficking and exploitation**. The vision reflects the fact that, although the main focus and influence of this Strategy is within Scotland, it seeks to contribute to the effort to tackle human trafficking and exploitation across the UK and beyond. The actions set out in the Strategy will help us to move towards fulfilment of that vision.

11. A consultation on a draft Strategy ran from 12 October 2016 to 7 December 2016. 58 written responses were received, 19 from individuals and 39 from organisations.

12. In addition to the opportunity to submit written comments, ten consultation events were held between 2 November and 17 November 2017 across Scotland. Two consultation events specifically on the Strategy were held with adult victims of trafficking and exploitation – separate events for male and female victims. A third consultation event hosted by the Scottish Guardianship service was held with children and young people, although this event did not specifically focus on the Strategy, rather on the experiences of unaccompanied young people.

13. In order to assist those responding to the consultation, the Scottish Government produced a guide to the Human Trafficking and Exploitation (Scotland) Act 2015 and a set of case studies, which were published alongside the draft Strategy for reference.

14. The key findings from the analysis are briefly outlined below and presented in more detail in the main body of the report.

15. The vast majority of respondents were supportive of the draft Strategy and the approach taken therein.

Suggestions for improvements included:

* Take better account of the different experiences of women and men when they are trafficked and exploited in Scotland and the different purposes of the trafficking and exploitation for the different genders.
* Partnership working and the role of local authorities could be more effectively highlighted.
* It would be helpful to highlight where the interactions are with other policies, such as *Equally Safe*, the *National Child Sexual* *Exploitation Working Group* and the *Serious Organised Crime Strategy* and ensure harmonisation.
* Concerns were expressed about the National Referral Mechanism and its effectiveness.
* There was concern that Scotland does not have clear identification and support processes for victims of slavery, servitude and forced or compulsory labour and a call that this should be rectified.
* A number of responses called for the criminalisation of the purchase of sex in order to tackle demand for trafficking of women in particular.

16. With regard to children where there were concerns raised, this was generally in relation to the need for more funding, better strategic planning (particularly in relation to tackling perpetrators) and more support for recovery to be in place. As with the wider Strategy, there was specific concern that there was insufficient gendered analysis and acknowledgement of the different ways in which girls and boys will experience trafficking and exploitation. The current National Referral Mechanism (NRM) system was also raised as an issue for children.

**Next steps**

17. The findings of this consultation have been used to redraft the Strategy. The final version of the Strategy will be published by the end of May 2017.

**MAIN REPORT**

**OVERVIEW**

1. Respondents were asked their views on the overall vision of the Strategy and each of the Action Areas that taken together will address the issue of human trafficking in Scotland.

The overall Visionof the Strategy is to eliminate human trafficking and exploitation.

The Strategy sets out **three Action Areas** that will help us to achieve this vision.

These are:

* Identify victims and support them to safety and recovery.
* Identify perpetrators and disrupt their activity.
* Address the conditions, both local and global, that foster trafficking and exploitation.

Respondents were also asked their views on the actions to be taken specifically in relation to the trafficking and exploitation of children.

In addition, views were sought on the proposed measures of progress and how the Strategy should be implemented once it is finalised.

**Number and nature of respondents**

2. The following organisations submitted responses electronically

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| Anti-Trafficking Monitoring Group |
| Barnardo's Scotland |
| British Transport Police |
| CARE for Scotland |
| Care Inspectorate |
| Catholic Parliamentary OfficeChildren in Scotland |
| Clackmannanshire and Stirling Child Protection Committee and Adult Protection Committee |
| Community Safety Glasgow - The TARA Service |
| COSLA |
| East Ayrshire Child Protection Committee |
| Edinburgh City Council Officers |
| Engender  |
| Equality Now |
| Falkirk Public Protection Chief Officers Group |
| Highland Violence Against Women Partnership |
| Human Trafficking Foundation  |
| International Justice Mission  |
| Law Society of Scotland |
| National Adult Protection CoordinatorNHS Grampian Sexual Health  |
| Nordic Model Now! |
| Perth and Kinross Child Protection Committee (CPC)Renfrewshire Council |
| Petrol Retailers AssociationRape Crisis Scotland |
| Scottish Borders |
| Scottish Churches Anti-human Trafficking Group |
| Scottish Women's Aid |
| Scottish Women's Convention |
| Social Work Scotland |
| Stirling Gender Based Violence Partnership |
| The Salvation Army |
| UNICEF |
| University of Edinburgh |
| Victim Support Scotland |
| West Dunbartonshire Child Protection Committee |
| Women's Support Project |
| Zero Tolerance |

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3. Where the respondents have given permission for their responses to be made public, these are available on the Citizen Space website. All respondents were given the choice to submit their entries anonymously and for their responses to be made anonymous in reporting. All responses were moderated for any potentially defamatory, explicit or offensive material before being approved for publication.

4. In addition to the opportunity to submit written comments, ten consultation events were held between 2 November and 17 November 2017 across Scotland. Events were held in Aberdeen, Dumfries, Edinburgh, Glasgow and Inverness. Two events were held at each location: one event during the day aimed at professionals and one in the early evening aimed at the general public. Most events included an external speaker who brought their experience and expertise to the discussion. These included Police Scotland, Border Force, Action on Churches Together Scotland (ACTS), the Independent Anti Slavery Commissioner, COSLA, Glasgow City Council, TARA (Trafficking Awareness Raising Alliance) and Edinburgh City Council.

5. The Scottish Government speakers presented the background to the Strategy and gave input on the ongoing implementation of the Human Trafficking and Exploitation (Scotland) Act 2015.

The discussions were structured around the three key themes of the Strategy as set out in paragraph 1.

6. This report also reflects the comments made at these events. In addition, three consultation events were held with victims of trafficking and exploitation – one with children and young people and two with adult victims – separate events for male and female victims. The reports of these events are published as responses to the consultation. Again, comments are reflected in this report, along with some direct quotes from responses – these are in text boxes throughout the report.

**Additional documents published alongside the draft Strategy**

7. In order to assist those responding to the consultation, the Scottish Government produced a guide to the Human Trafficking and Exploitation (Scotland) Act 2015, which was published alongside the draft Strategy for reference.

8. In addition, stakeholders provided some case studies, which help to illustrate some aspects of trafficking and exploitation as it manifests itself in Scotland today.

**Format of responses**

9. Almost all respondents answered all of the questions, particularly those where a Yes/No option was offered, and the majority also offered further comments or expanded on their view.

**Structure of Report**

10. This report sets out

* General comments
* Comments on the content of the Strategy – the vision and Action Areas 1-3 as set out in paragraph 1 above.
* Comments on whether the particular actions listed in Section 4 of the Strategy will improve support for children in Scotland.
* Comments on whether the measures set out in the draft Strategy will be effective in measuring progress.
* Comments on implementation.

**General comments on the Strategy and implementation**

11. Some respondents commented that the vision of eliminating trafficking and exploitation was aiming too high and could only be achieved in an ideal world. None disagreed however with the SG view that the vision should not be anything less, as no level of trafficking or exploitation is acceptable.

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| *We support the Scottish Government’s vision of working to eliminate human trafficking and exploitation in all its forms. Whilst acknowledging the enormous scale of the task, it is important to aim high.*  |

12. Some respondents reflected that the Strategy must be long term and there needs to be a recognition that changes may take a long time to happen.

13. Respondents were of the view that the Strategy needs to be a national framework with local application, particularly around the types of exploitation that are relevant to a particular area. There was also agreement that we should to make use of the systems, processes and models that already exist, rather than inventing something new. Local networks to share information and resources would be useful and data and intelligence are vital.

14. The vast majority of respondents were supportive of the draft Strategy and the approach taken therein.

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| ***Comments from those who have experienced trafficking first hand – report from the discussions arranged by TARA and Migrant Help and facilitated by Wise Women***[*Participants] hope that by sharing their lived experiences of being trafficked and exploited that their voices will be heard by policy makers, support providers and law enforcement agencies and that they can contribute to achieving Scotland’s vision to eliminate human trafficking and exploitation.* |

**Content of the strategy**

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| Extract from consultation paper*The overall* ***Vision*** *of the Strategy is to eliminate human trafficking and exploitation. The Strategy sets out* ***three Action Areas*** *that will help us to achieve this vision. These are* * *Identify victims and support them to safety and recovery*
* *Identify perpetrators and disrupt their activity*
* *Address the conditions, both local and global, that foster trafficking and exploitation*

***Q1. Do you agree that the Action Areas taken together will help to achieve the vision?***  |

15. Almost all respondents who answered the question agreed with this (93%).

Of those who did not most were of the view that the Action Areas and associated actions did not take sufficient account of the different experiences of women and men when they are trafficked and exploited in Scotland and the different purposes of the trafficking and exploitation for the different genders. One response wanted a clearer link to the historical child abuse inquiry, as some of these children were victims of trafficking.

***Comments made in response to this question***

16. The draft Strategy is clear about the vital importance of partnership in delivery of the Strategy. One response suggested that partnership could be included as a fourth Action Area, which could provide examples of good practice in partnership working.

Other comments were that the Strategy was not clear who is covered by the term ‘partners’ in the Strategy. Roles, responsibilities and expectations should be clarified.

There was a concern that the draft Strategy did not adequately recognise the role of local authorities, particularly with reference to children, in contributing to this agenda. The contribution of other agencies and existing partnership working could also be given greater emphasis in the Strategy to highlight the good work that already exists in this area.

As set out above, some respondents were of the view that the draft Strategy did not take sufficient account of particularly women’s experience of being trafficked and exploited, particularly with regard to Action Areas 2 and 3, and did not reflect the different experiences of women and men trafficked in Scotland. The European legislative and policy context, particularly with regard to violence against women and girls should be added to the Strategy.

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| *Gender will affect an individual’s vulnerability to different types of exploitation, which in turn will determine the preventative measures to be put in place.* |

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| *While this section of the Strategy correctly references key children’s rights and wellbeing frameworks (UN Convention on the Rights of the child; GIRFEC) in terms of its underlying principles, there are no parallel references embedding Scotland’s obligations in respect of women’s rights frameworks.* |

Respondents were of the view that it would be helpful to highlight where the interactions are with other policies, such as *Equally Safe*, the *National Child Sexual* *Exploitation Working Group* and the *Serious Organised Crime Strategy* and ensure harmonisation.

Although almost all respondents were clear that the Strategy needed to provide a national framework that would be applied locally, there were concerns expressed as to how national consistency could then be achieved.

There was a request for more information about how the global aspects of human trafficking will be addressed in partnership with international organisations. Conversely there was a view that the draft did not adequately reflect domestic trafficking, but focused too much on international trafficking.

A number of responses asked for more detail on a number of issues and recognized that .the effectiveness of the Strategy will depend on the separate and more detailed action plan(s) developed to deal with the finer detail of how the aims of each Action Area will be delivered.

Some respondents also asked how the Strategy would be resourced.

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| ***Q2.1 -Action Area 1 (pages 13-16) deals with identifying victims and supporting them to safety and recovery. Do you think the particular actions listed on pages 15 and 16 will help in achieving this?*** |

17. Almost all respondents who answered this question agreed with this (96%). Those who disagreed did so for similar reasons as in the responses to Q1.

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| ***Views of those with first hand experience****Women described feelings of fear, depression, hopelessness, shame and confusion when they first came to this country. Men also described feelings of fear, depression, lack of options but on arrival some had been optimistic that this was a new start for them and an escape from the situation in their own country.**The men felt ‘more cheated than trafficked’ and none of those asked felt that the first services they came in contact with helped them. However, all of them felt that once they were put in contact with Migrant Help that things improved and the services were helpful and positive.**The women were unanimously positive about the services they first encountered and this continued once they were put in touch with TARA and Migrant Help. These services were practical, sensitive and person centred.****Quotes****‘I was trafficked within the UK’**‘There are traffickers from/in Scotland’**‘Policies seem to focus mainly on women trafficked into prostitution. Young men are trafficked into the criminal world’**‘Help is given when you first arrive. This needs to continue. We are still at risk’* |

***Other comments made in response to this question***

18. Public awareness raising was seen as essential. Respondents commented that campaigns should be clear and straightforward and make it easy for the public to know what to do. Any campaign should also highlight that indigenous Scots can be victims.

The action to develop an agreed set of training materials was also broadly welcomed. The point was made that there are several public protection training agendas and a modular approach may be useful, allowing those doing training to attach a human trafficking module. Training should be practical and tailored to the needs of the professionals involved. It should also address issues of gender equality and the specific needs of female victims. The training could usefully include human stories.

However, there was also a recognition that staff in relevant areas already had the skills to support vulnerable people and that they should be given the confidence to exercise these skills when dealing with victims of trafficking. There are also established systems, such as those for dealing with domestic abuse, that could be used or adapted to cover human trafficking without developing something new. The focus on pathways aligned around victims’ needs was welcomed. There was a view that the Lord Advocate’s Instructions on presumption against prosecution could be better publicised as that might help victims to come forward.

In terms of developing coherent and tailored support processes, there was a general view that support should be provided on the basis of an individual needs assessment but also that support should be available longer term to help victims rebuild their lives and develop resilience against retrafficking.

There is also a need to consider age-related transition points between children's services and adult services and to ensure that in practice these are seamless.

There was a suggestion that a Single Point of Contact be created within all local authorities, police divisions and NHS Boards. This person would have particular expertise and be able to facilitate the sharing of information and signpost to appropriate support, including support to find employment where relevant. There was a suggestion that some of the Scottish Government’s International Development funding could be targeted at source countries to support and rehabilitate victims when they return home. However, the point was made that not all victims are able to return home for reasons of personal safety, which makes relationships with international partners crucial.

Respondents were pleased to see the commitment to learning from the voice of survivors and the commitment to engage with them around communication. However, respondents were conscious that many victims are not aware of the danger when they enter the country and that literacy levels in English or even their own language might be low. Written materials such as leaflets and posters might therefore not be effective. It is important that victims and potential victims have access to information in a format and language they can understand.

Some women’s organisations wished to highlight a form of human trafficking that they did not consider to have been recognised by the Strategy, namely forced marriage. They were of the view that there has been a general lack of recognition that legitimate immigration routes, such as spousal and fiancé visas, and even visitor visas for spouses of British people or those with indefinite leave to remain who are under the age of 18, are routinely used in the trafficking of women.

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| *Some victims gave their consent freely at the time of the wedding, but, on arriving in the UK, then found themselves subject to slavery and servitude. In some cases, this has included women being forced or compulsory labour or being trafficked into prostitution.* |

The Trafficking Awareness Raising Alliance (TARA, Migrant Help and The Anchor (psychological trauma support service for victims of human trafficking) are currently funded by Scottish Government to provide support to adult victims of human trafficking recovered in Scotland. All of these organisations have Scotland wide remits although they are based in and around Glasgow. Some respondents felt that this needs to be better publicised in other parts of Scotland so that victims recovered elsewhere can have access to specialised support.

The National Referral Mechanism (NRM) raised some concerns, particularly from victims. Almost all the adult victims consulted did not know that they had agreed to enter the NRM although in fact **all** of them had done so.

There was concern that Scotland does not have clear identification and support processes for victims of slavery, servitude and forced or compulsory labour and a call that this should be rectified. There was also a call to make clear that non-standard employment practices do not necessarily equate with slavery, servitude and forced or compulsory labour in terms of the Act.

A number of responses called for the criminalisation of the purchase of sex in order to tackle demand.

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| *If you have zero tolerance towards any exploitation then the buying of sex should be criminalised.* |

A number of respondents highlighted the need for education in schools about human trafficking and also about gender equality.

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| ***Q 2.2*** ***Action Area 2 deals with identifying perpetrators and disrupting their activity. Do you think the particular actions listed will help in achieving this?*** |

19. Most of those who responded to this question (96%) agreed that they would.

Those who did not agree thought that not enough focus was given to perpetrators in this section and that the actions referred to victims rather than perpetrators.

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| ***Views of those with first hand experience****In terms of identifying perpetrators and disrupting their activity, the men had mixed views. They welcomed the theory, but considered it to be an impossible task as the trafficking networks were global. They would like to help to do this but were fearful for their personal safety and that of their families. In terms of what the Government should do to stop those who commit these crimes, the men suggested that the Government needed to tackle big global issues such as war and poverty but also to prosecute and jail individuals.**The women felt that this Action Area put too much emphasis on the victim giving information and did not take account of the risk to them of doing so. Nonetheless they felt that if they were given the correct support and anonymity to do so, they would be willing. Again they would be concerned about their own safety and that of their families and again were not convinced of the feasibility of the task. In terms of what the Government should do to stop those who commit these crimes, the women’s responses were a mixture of compassion and sympathy for the perpetrator/trafficker (restorative justice/rehabilitation) and a request that the Government should challenge demand.**Education was seen as being a way of breaking the trafficking cycle.* |

**Other comments made in response**

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| *Inequality, poverty and the promotion of money as being the most important thing ensures that trafficking will thrive.* |

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| *It is crucial that perpetrators are held to account for their crimes. If there is a lack of prosecutions there is no deterrent.* *The Police should rigorously investigate cases of trafficking. There is no sustainable alternative to a professional law enforcement response. Proactive, intelligence led, law enforcement intervention strategies are most effective in dismantling large trafficking networks.*  |

20. There were also concerns expressed about the time it can take for a prosecution to come about and the effect that delay has on the victim. Victims and others need to know that they are protected if they speak out. There could be an extra focus on supporting victims through the prosecution process, including informed consent on the risks and trauma support.

There was some disquiet about the suggestion that ‘all those who encounter victims pass on information to the police’, in terms of both the practical and legal implications.

An action to develop intelligence led rather than victim/witness led investigations should be included to shift the reliance on victims disclosing.

Clarity around the Duty to Notify in section 38 of the Act and clear guidance on how that will operate will be essential. It should work for the relevant authorities, should not negatively impact on victims, and should not be a bureaucratic burden.

There was support for the commitment to set up a group to review how data is collected. Respondents were keen that data and intelligence should flow both ways, with local areas being given information about the picture of trafficking in their area. This would enable them to respond appropriately and allow to build on what is already known about where exploitation is happening. Local authorities could use opportunities already available to them to identify perpetrators e.g. environmental health, health and safety inspections. Local authority staff have wide access to situations where trafficking and/or exploitation might occur, if officers are trained and supported in identifying the signs and given clear routes to report to those with the expertise and skills to take investigations and interventions. Some local authorities e.g. Edinburgh already take this approach.

In addition there could be a focus on disrupting traffickers wider criminal activities e.g. tax evasion.

There could be an opportunity to utilise the new model for community justice that comes in on 1 April 2017 to support more effective joint working across partners. Each local authority will need to have a community justice local improvement plan. Partners could be encouraged to consider how work to identify perpetrators and disrupt activity can be included in these plans.

The existence and use of the Specialist Human Trafficking Prosecutors and the Specialist Human Trafficking Unit in Police Scotland were welcomed. However, there was also a view that there should be a level of training for all prosecutors and police officers. In addition, some respondents suggested that there is a need for more training for criminal defence solicitors, criminal justice social workers and the judiciary.

Some respondents expressed concern that the current arrangement for co-operation with other European countries such as Europol, Eurojust and the Joint Investigation Teams could be lost given the situation with Brexit and stated that the Scottish Government should make every effort to retain these.

A community development approach which would raise awareness of the links between organised crime and human trafficking would help communities have opportunities to build resilience for themselves and those who live there.

The action relating to NRM reports being treated as a crime was welcomed by some respondents but others queried whether the police had the capacity to investigate each NRM referral as a crime.

Some respondents were of the view that this Action Area was more appropriate to other forms of trafficking other than sex trafficking. In order to disrupt activity Scotland must consider the effects the sex industry creates by increasing demand for trafficked women.

There were queries in relation to court outcomes for convicted traffickers - will there be a presumption that they will receive custodial sentences, if not, how will they be monitored in the community. There is no note of post-conviction support for traffickers, or re-integration into communities.

There were also comments that the emphasis on ‘source countries’ does not reflect the UK citizens who are trafficked and exploited.

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| **Q.2.3** **Action Area 3 deals with addressing the conditions that foster trafficking and exploitation. Do you think the actions listed will help in achieving this?** |

21. Most of those who responded to this question (96%) agreed they would.

Those who disagreed did so because they felt that not enough recognition was given to trafficking for the purposes of prostitution or because they were of the view that the views of victims and survivors had not been sufficiently taken into account.

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| ***Views of those with first hand experience****In response to being asked what would have helped them avoid being trafficked, both women and men identified poverty and vulnerability as making them targets for the traffickers. Having other options and being less trusting of what they were being told as well as education and awareness of trafficking would also have helped.**Neither group really saw a difference between why men and women are trafficked, but the women saw the emotional impact on themselves as being greater. Men referred to the injuries they received. Having said that, the men were also clear that living with the continual threat of deportation and the very real threat to their lives if that happened had an impact on their mental health. The women too stressed the need for safety, freedom from risk and long term support.**---------------------------------------------------------------------------------------------------------------**How could the Government make people aware – education, clear communication in all sorts of ways and not just in English.* *‘Tell people not to use services that use trafficked people’**----------------------------------------------------------------------------------------------------------------**Participants were also keen to tell their stories and to have people listen to them. Most of them were enthusiastic about the prospect of getting involved in a public awareness Strategy and that it should be survivor led, as long as it was safe.**‘It’s only us who can educate people about this’.* |

**Other comments made in response**

22. Some respondents were of the view that the driver diagram focused too much on businesses and consumer choice and that addressing commercial sexual exploitation and domestic servitude was not sufficiently reflected. Stronger links needed to be made with the Equally Safe delivery plan.

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| *Action Area 3 will be incomplete if it does not seek to change conditions which foster trafficking for sexual exploitation.* |

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| *Women exploited in the sex industries frequently share backgrounds of vulnerabilities that can be exploited – family/interpersonal abuse; violence against women; lack of educational/employment opportunities; poverty; isolation; homelessness. Raising awareness of this continuum amongst the general population will support the aims of action area 3.* |

A number of respondents expressed concerns about some of the language used in this section, in that it seemed to exclude victims trafficked for sexual exploitation.

There was also a call for effective education in schools around this issue, including issues of gender equality.

A focus on addressing human rights, poverty and inequality nationally and globally was welcomed, including the long term action points to develop partnerships and to work with the Independent Anti Slavery Commissioner.

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| *Poverty and inequality are significant drivers in the causes of trafficking and exploitation – when people are desperate they are more likely to take a job, even if the terms are exploitative. To effectively tackle why and how people are drawn into exploitative environments it cannot be looked at in isolation and must feature as part of broader approach to tackling poverty and inequality*. |

There was also a view expressed that local action could be encouraged along with awareness raising that trafficking could happen anywhere in Scotland, including rural communities. Again there was support for a media campaign to bring this to the attention of the public, including the fact that victims could be UK citizens.

The proposed guidance for businesses on human rights issues, including trafficking was seen as positive. Some respondents suggested a charter mark for trafficking and exploitation free supply chains to support a consumer led approach to tackling trafficking. There were differing views expressed however as to the effectiveness of a consumer led approach.

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| *We also strongly support the third aim of addressing societal conditions and attitudes. From our wide experience of supporting vulnerable people to rebuild their lives, we recognise that only a change of heart will bring lasting benefit. As long as there is a market for the goods and services provided by victims of trafficking, there will be traffickers to supply that market.* |

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| *Campaigns linked to purchasing have little impact as those they influence would already shop ethically. Cost is the main influencer.* |

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| ***Q.3 Do you think the particular actions listed will improve support for children in Scotland?*** |

23. Many welcomed the specific children’s section (section 4) and were broadly supportive of actions. Of the responses to this question, 70% felt that the specific actions listed would improve support for children. In particular, there were supportive comments around child trafficking being described as abuse and treated as a child protection issue.

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| *It’s imperative that human trafficking when involving children is a child protection issue.* |

In emphasising this, one respondent felt that there needed to be a clearer stated link between the Human Trafficking legislation and the Scottish Government Child Protection Improvement Programme, of which trafficking is a key work stream.

Respondents felt that the particular vulnerabilities of children should be articulated, including the position of children with a physical or learning disability and that practice should also be sensitive to the cultural norms of each child. Feedback highlighted the importance of advocacy and, where applicable, interpreter services to ensure that the voice of the child is heard.

Two respondents felt that the best interests principle, Article 3 of the UN Convention on the Rights of the Child, should be explicitly incorporated into the Strategy as it relates to Scotland’s own legislation regarding the welfare of children.

In giving comment, where there were concerns raised, this was generally in relation to the need for more funding, better strategic planning (particularly in relation to tackling perpetrators) and more support for recovery to be in place. As has been commented with regard to the wider Strategy, there was specific concern that there was insufficient gendered analysis and acknowledgement of the different ways in which girls and boys will experience trafficking and exploitation. In common with wider feedback, the current National Referral Mechanism (NRM) system was also raised as an issue for children.

In highlighting human trafficking and exploitation as a child protection issue, there was strong feedback from two respondents in particular regarding the need to recognise the role of local authorities who have specific duties relating to the care and protection of children. They felt that by placing a strong focus on the additional actions, the Strategy didn’t adequately reflect the action and support already provided by local authorities within the child protection framework. This concern was also extended to the wider role of universal services. Whilst there was broad support for addressing trafficking through child protection, conversely there was concern from one respondent that not having a separate specialist system could lead to a fragmented and patchy service.

It was recognised that the content of sections 1 – 3 addressed children where appropriate, although feedback indicated that this section would be improved if it was set out in the same format of the proceeding sections. In line with general comments on the Strategy, it was felt that this section needed to better reflect domestic trafficking and the wider range of trafficking and exploitation situations including forced labour and forced marriage. It was acknowledged that the Strategy had made links to Child Sexual Exploitation (CSE) and missing children and young people but not all respondents felt that this was as effective as it could be. Feedback also indicated the need to make links to the Equally Safe Strategy and the forthcoming Internet Safety Action Plan.

There was broad support for the Lord Advocate’s Instructions on presumption against prosecution. However, feedback highlighted the need to ensure that awareness was raised amongst professionals and not just the judiciary. There was a suggestion raised that the implementation of the Instruction should be monitored, but also a caution that the Strategy should not suggest that prosecution would not take place.

The position of young people aged 16 and 17 years was of particular note in the feedback provided. Concern focussed on the position of these young people in relation to the provision of services and their legal protection.

The importance of partnership working was also a recurring theme and two respondents particularly highlighted the importance of child protection committees having a critical role in ensuring that they are overseeing practice in this area.

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| *It is important that there are clear expectations of how committees are overseeing how child protection practice in their area is serving to identify and protect children who may be victims of trafficking and exploitation.* |

In relation to mental health support, a concern was raised that the action for children was not as strong as the action for adults in relation to mental health provision. Feedback highlighted that the children’s section focussed on access to CAMHS services, whilst there was a specific commitment for specialist mental health service provision for adults. In common with wider feedback, it was felt that there also needed to be more of a focus on longer term support to facilitate recovery.

There were supportive comments in relation to the creation of the statutory Child Trafficking Guardian role. However, three respondents particularly highlighted the need be clear what their roles and responsibilities will be, how they will contribute to outcomes and how their role will fit with statutory duties of local authorities.

The complexity of age assessment was raised and the intention to review current guidance was welcomed. The age assessment appeals process was flagged as a concern.

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| *This is a difficult process for the young person and also has significant financial implications for local authorities.* |

The proposal to undertake research to identify young people who have been trafficked and their routes into trafficking was welcomed. Feedback emphasised that there is a need for research that is up to date and to understand the extent of child trafficking and exploitation in Scotland.

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| ***Q.4*** ***Do you agree that the measures set out in the draft Strategy will be effective in measuring progress?*** |

24. Most of those who responded to this question (96%) agreed. Those who did not felt that the measures relied too much on official statistics and that any measures should be disaggregated by sex and age.

Some respondents suggested additional measures that could be included.

Other comments related to the narrative and the context; the need for research to establish a baseline; clarity about who will have responsibility for the data; and how it will fit with other UK data.

There was a view expressed that measurement of progress needs to have a dedicated Taskforce behind it.

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| ***Q.5 Implementation******Do you have any views on the best way to implement the Strategy?*** |

25. The key points made in relation to implementation were

* The collaborative approach that has been taken so far should be continued and developed further, including the voice of victims directly. There should be a clear expectation that evaluation of all pilots and trials should be underpinned by views of victims.
* Set up a National Human Trafficking Taskforce. This should include organisations such as Police Scotland, HMRC, Border Force and others
* The links between this and other Strategies should be clear at national level.
* Local action plans reflecting local situations will need to be developed, with agreement at local level as to who is in the lead. Use existing partnerships and structures.
* A national model policy and practice framework could be developed to support local implementation.
* Local authorities and other agencies must be given the support, resources and tools needed to contribute to the Strategy.
* The development of regional multi agency partnerships should also be considered.
* Continue to work with communities so that they build resilience.

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| **Q6 - Do you have any other comments you wish to make?** |

43. Other comments (not already reflected in other parts of the report) included:

* As drafted, the Strategy is clear, concise and presents a structured framework for implementation.
* Actions are clear and timescales defined as short, medium and longer term. It would be helpful if actual time-specified timescales were included.
* The policy, legislative and electronic links throughout and clustered towards the end of the Strategy are helpful for practitioners and managers[[2]](#footnote-2).
* We felt the Guide and Case Studies were particularly useful.
* With regard to the NRM, there is a need to view how it is being currently implemented in Scotland and consider further changes as necessary.
* A distinction needs to be made between the normal working practices of an industry and exploitation of workers.

**Other issues**

44. A number of comments were made by respondents, including victims, in relation to issues that are reserved to the UK Parliament. These included the fear that victims from outwith the UK have of being returned to their own country and what that would mean for them.

Other issues were the misuse of transit visas in exploiting workers and of legitimate immigration routes being used to traffic women for forced marriages.

 **Annex 1**

**STRATEGIC OVERSIGHT GROUP MEMBERSHIP**

* Cabinet Secretary for Justice
* Minister for Childcare and Early Years
* Lord Advocate
* Aberlour Child Care Trust
* Action on Churches Together Scotland
* Chief Executive, NHS Scotland
* Child Protection Committees Scotland.
* Children and Young Peoples Commissioner Scotland
* COSLA
* Director for Children and Families (Scottish Government)
* Director for Justice (Scottish Government)
* Equality and Human Rights Commission
* Independent Anti-Slavery Commissioner
* National Adult Protection Co-ordinator
* Police Scotland
* Scottish Refugee Council
* Women’s Support Project

**STRATEGY IMPLEMENTATION GROUP MEMBERSHIP**

* COSLA
* Crown Office and Procurator Fiscal Service
* Gangmasters Labour Abuse Authority
* Independent Anti-Slavery Commissioner
* Migrant Help
* NHS Health Scotland
* Police Scotland
* Scottish Guardianship Service
* Scottish Local Government Partnership
* STUC
* TARA (Trafficking Awareness Raising Alliance
* Scottish Government
* NI Executive (policy team)
* Home Office (policy Team)
* Welsh Government (policy team)

**CHILD TRAFFICKING STRATEGY GROUP MEMBERSHIP**

* Aberlour
* Barnardo’s
* Children and Young People’s Commissioner Scotland (CYPCS)
* COSLA
* ECPAT (Campaign against Child Trafficking)
* Edinburgh Council
* Glasgow City Council
* Home Office
* Legal Services Agency (LSA)
* NHS Greater Glasgow & Clyde
* Police Scotland
* Scottish Children’s Reporters Administration (SCRA)
* Scottish Refugee Council
* Scottish Government
* Stirling University
* UNICEF

**STAKEHOLDER FORUM**

A large number of organisations with an interest in tackling human trafficking and exploitation attended the two stakeholder forums held in January and June 2016. The contributions from such a wide range of organisations has been welcome.

1. The membership of these are set out in Annex 1 [↑](#footnote-ref-1)
2. These are now available at [insert link to webpages. [↑](#footnote-ref-2)