

Inquiry response

Equality and Human Rights Commission Scotland Human Trafficking Inquiry

About the Inquiry

The Equality and Human Rights Commission Scotland is conducting an inquiry on human trafficking in Scotland and is looking at all forms of trafficking, particularly into sexual exploitation.

Scope of our response

Scottish Refugee Council supports newly arrived or found victims of trafficking, male and female of all ages and from a wide variety of countries.

Our response to the consultation focuses solely on the components of the Inquiry where we have evidence and/or sound operational knowledge.

General questions

2. What do you understand as human trafficking?

Human trafficking centres on exploitation and is the movement by force or threat, coercion, deception or restriction of movement of a human being. We are aware that the pivotal piece of legislation relating to Human Trafficking in the UK is the United Nation's Convention Against Transnational Crime which is supported by three Protocols, one of which relates to the suppression and punishment of those involved in trafficking, selling and profiting from the exploitation of humans. We are aware that under this provision child victims of trafficking are treated slightly differently from adult victims of trafficking and exploitation in that they cannot, if under or deemed under eighteen years of age, consent to their travel or exploitation in any circumstance.

We work directly with adult and child victims of trafficking and have encountered various forms of human trafficking that appear to be taking place within Scotland, these include but are not limited to, sexual exploitation, pornography, benefit fraud, domestic servitude, forced labour, drug farming, muling and selling.

Scottish Refugee Council supports refugees and those seeking protection in the UK from outside of the European Union so can only confidently assert that trafficking affects people living outside of the EU. However, we are aware of cases where the victims are from Europe, both old and new European countries and cases in which there appears to have been internal trafficking indicators. Scottish Refugee Council is aware of the research previously undertaken by Save the Children where cases were reported involving young British females being sold into marriage internally and overseas and is aware of the continued debate and policy development surrounding forced marriage. The evidence collated and circulated to propel the debate and policy asks would suggest

that internal trafficking does take place in the UK and there is no reason to assume that it would not therefore be happening in Scotland. Though commonly assumed to be the domain of large scale organised crime groups we have also seen cases of “small scale” trafficking in private fostering situations where children have been sent to live with extended family members and then sent on to other households.

3. What do you think are the causes of human trafficking, especially in Scotland?

The fact that trafficking exists in Scotland and elsewhere is, put simply, an issue of demand, there is clearly a market and demand for exploitative cheap labour, domestic servitude and sexual services and traffickers supply this market and demand, at a huge cost to human life but presumably for large profit as great risks are taken to meet the demand.

Trafficking in a Scottish context

We feel that trafficking has not historically been seen to be a problem in Scotland; it has not had a particularly high profile as it has in England where several studies have been conducted; a lot of intelligence gathering; and the development of specialist services and campaign agencies. When it has been addressed in Scotland it appears to have been perceived as a Glasgow based problem although we are gradually becoming more aware that trafficking victims are forced to work across many areas and in many sectors in Scotland. This was most recently highlighted in the Scottish Commissioner for Children and Young Peoples report – *Scotland: A safe place for traffickers?*¹

Lack of specialist services

It may be argued by some that because there has been no prosecution of traffickers in Scotland it is an attractive environment for traffickers. However precisely because there have been no convictions it is our contention that this theory remains untested and we have very little insight into this. We are very concerned that in Scotland there is very little specialist service provision when trafficking indicators are identified in newly presenting or arriving people. This is particularly true for child victims where, besides the newly launched Scottish Guardianship Service, which supports **all** separated young people, there is little or no specialist service provision for child victims or adult male victims. Victims of trafficking once identified may not be as fortunate with regard to support services as they would be if, for example, were found in England or Wales. In Glasgow we do have a dedicated police unit though there is continued confusion about whether it is operational or intelligence gathering focussed. The Trafficking Awareness Raising Alliance (TARA) support agency also exists and caters for female adult victims. We do not have services akin to the Poppy or Eaves style service provision and there are no “safe” houses at all for male victims or those aged eighteen and under. Children are simply adopted into to the normal “looked after” care procedures and placed in residential units or semi-supported accommodation. We would therefore echo ECPAT’s general call for safe accommodation for child victims of trafficking in Scotland.

With regard to asylum and immigration policy, practice and procedure there has been an attempt to create a system whereby victims may be given time to recover from their ordeal and time can be taken to gather evidence and information in order for a victim to be identified and granted limited leave to remain. Currently, accepted cases are granted one-year of leave to remain in the UK. We welcome the Home Office’s recognition that trafficking victims require a separate system to avoid being foisted down an asylum procedure when they may have no grounds for a claim under the 1951 Refugee Convention but are in urgent need of protection and sanctuary. However, particularly through our case handling within the guardianship pilot project we would also endorse the Anti-Trafficking Monitoring Group’s findings that the NRM is failing victims of trafficking¹. We would further endorse the claim that the NRM is unfit for purpose in relation to children’s cases and that children’s cases need to be led by child protection experts through a

thorough, holistic, multi-agency case conference approach.

Suggested areas of improvement

Licensing and regulation of industries is an issue that is consistently raised in debates surrounding trafficking and though Scottish Refugee Council has no locus in these discussions it is clearly an issue that requires careful consideration particularly in agricultural industry and any industry where children may be involved or are at any risk of exploitation. We would suggest that there needs to be joined up management of statistics and intelligence and a body or forum established in Scotland where information, intelligence and concerns are raised. There have been several fora set up, with varying degrees of success and this has led to very fragmented knowledge, an inconsistent approach to intelligence gathering and information sharing. Much of this activity has centred in Glasgow but we believe there should be a single pan-Scottish body that involves key agencies from each of the 32 Local Authorities and where key stakeholders working with victims, interested NGOs, policy makers and elected members can participate. This would reduce the apparent territorialism and Glasgow-centricity of this issue.

The call for guardianship for trafficking victims is again being debated at various levels and we would wholeheartedly endorse this approach as trafficking victims must undertake a complicated legal procedure and navigate a myriad of complex social and welfare systems at the same time as trying to recover from their ordeal. We endorse the Children's Commissioner's call for a Scottish centre for the victims of human trafficking, which would be the competent authority responsible for gathering intelligence, statistics and deciding on Scottish cases; a Scottish rapporteur; and Scottish sensitive procedures especially for child victims. These recommendations while focussed on children should also extend to adult victims

4. What is your opinion on the extent of human trafficking in Scotland?

5. What for you is the nature of human trafficking in Scotland?

Scottish Refugee Council is unable to comment on the suspected numbers of trafficking victims in Scotland, we refer female adult cases to TARA and children's cases to the Scottish Guardianship Service. We do not collate discrete statistics on this issue but are concerned that we receive very vulnerable clients for whom there is no specialist resource.

Intelligence and information gathering

It is always helpful to try and estimate the numbers and location of victims in order to be able to best target resources and establish specialist services and specially trained staff in agencies when and where appropriate. Determining numbers, as far as possible also means that we can raise awareness responsibly and share information accurately. Trafficking has become a much sensationalised issue in the media and it is important that we learn the true extent as quickly as possible in order to better understand the location and needs of the victims of trafficking and share accurate information that truly reflects the situation in Scotland.

Scottish Refugee Council does believe that it is important that trafficking is not simply perceived to be prevalent in cities but that victims are also looked for and that there is enough knowledge to recognise and identify victims in rural communities. We have, through the guardianship service discovered young people in unexpected locations, for example within private fostering arrangements within rural communities, it is therefore imperative that there is widespread training in trafficking indicators in as many sectors as possible especially in teaching and social work professions.

Our agency has encountered people who have been trafficked into a number of diverse exploitative routes, we have become more attuned to identifying trafficking indicators but are

finding through both our One Stop Service and involvement in the children's project that there is a wide range of trafficking sectors and activities in which people are exposed to exploitation. These include domestic servitude, pornography, sexual exploitation, and private fostering which appears to involve benefit fraud, street selling, car washing and domestic servitude.

6. What is currently – and what should be in place- to effectively prevent and tackle human trafficking in Scotland?

7. Are there problems or gaps in anti- trafficking work in Scotland that you want to highlight with us?

8. Can you tell us about any good practices against human trafficking in Scotland, the UK and any other countries

The system that is currently locally used to identify and protect the victims of trafficking is the National Referral Mechanism (NRM). We would like to take this opportunity to raise our concerns about the NRM and would respectfully suggest that the Inquiry fully considers the findings of the latest Anti-Trafficking Monitoring Group Report.

The National Referral Mechanism in a Scottish context

Scottish Refugee Council fully endorse the findings of the above noted report believing that the way the NRM currently operates is not fit for purpose and would call into question any decision to continue this process in its current form. With relation to children, the NRM is exposed as a flawed system because UKBA staff are forced into a joint or even tri partite role, acting as information gatherers for the NRM referral, as asylum case owners and on occasion as First Responders. Good practice has developed in Glasgow in the form of multi-agency pre-NRM referral meetings whereby key stakeholders, workers and agencies including relevant UKBA staff involved with the child gather to look at the evidence and submit their views and recommendations. However the referral is often submitted only to be refused by someone within the Competent Authority who has at no time met or interviewed the child or young person. When the NRM referral collapses the child's asylum case is often then determined by the same case owner that has gathered the evidence for the NRM referral. There is huge concern amongst stakeholders that some of the information gathering for the NRM may bleed into the decision making of the asylum case and that if any element of the NRM case is found to be not credible this may have a huge detrimental effect on the asylum decision making process. There is clearly a conflict of interest in this procedure and a conflict that we would wish to see abated in any new process.

Examples of Good Practice

In Glasgow young people who do appear to be displaying trafficking indicators are immediately placed under Vulnerable Young Person's Protection Procedures (known as VYP's) which means that there are more case conference meetings. Again this has been seen to be a very positive development and is keeping the child very much in focus. It is suggested that such procedures and processes can take place for all victims of trafficking. It would be paramount that evidence is recorded at these meetings to avoid the victim having to constantly reiterate their "story" and repeat their evidence.

Training

We believe that specialist teams could be created whereby specially trained case owners handle suspected trafficking cases. The current system appears absurd in that people who are identified and accepted as the victims of trafficking are awarded a year's leave to remain, but that there is an element of gambling implicit in the procedures as if awarded refugee status they are granted five years' leave to remain.

In terms of other agencies' responsibilities, our position would be that all agencies working with communities should have a lead professional/s who is/are fully knowledgeable with trafficking identification and safe referral procedures and that there should be a central log of concerns about individual service users. We believe that the issue of trafficking today is similar to that of domestic violence several years ago and that through debate, discussion, education and training there may be much improved understanding of the issue and a no tolerance response. If trafficking is tackled in the same way that domestic violence was it may be hoped that traffickers may be deterred, victims identified and supported quickly and that trafficking would be spoken about in all sectors and simply not tolerated. Scottish Refugee Council was heavily involved in the production of Road Kill a site specific play about a child trafficking victims that won rave reviews and a plethora of awards at the Edinburgh Fringe Festival. The coverage on trafficking around the play was carefully constructed and deliberately designed to prompt debate, which is still ongoing several months after the play finished. It is through such events that we can raise awareness and ensure that people think around the subject. Awareness may be proven to be the best method of prevention in tandem with thorough investigation, licensing, prosecution and imprisonment of perpetrators.

References

¹ www.sccyp.org.uk/publications/foradults

² Anti Trafficking Monitoring Group (2010) The Wrong Kind of Victim? One Year On

About us

Scottish Refugee Council is an independent Scottish charity and the leading organisation in Scotland advocating for the rights of people seeking asylum and refugees in Scotland. In addition to our campaigning work Scottish Refugee Council is the main source of independent advice and support for people seeking protection from war and persecution in Scotland.

For more information, please contact

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