

# TRAFFICKING AND EXPLOITATION STRATEGY

“ When this happened I didn't feel like a human being. You are less than a human being and you close up”

“ It is embarrassing that in the 21st century, this still goes on and it's getting worse. The more people are poor the more they can be trafficked”

“ People need to know what happens to us. Poverty meant I had no options”

“ I need someone I can totally believe in, who can lead me on the right way and make me feel safe”



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**“ [we] hope that by sharing [our] lived experience of being trafficked and exploited that [our] voices will be heard by policy makers, support providers and law enforcement agencies and that [we] can contribute to achieving Scotland’s vision to eliminate human trafficking and exploitation, both locally and globally.”**

All speech bubble quotes are taken from consultations with victims of trafficking, October 2016.

The outputs from the graphic facilitation at some of these events are also included in the document as illustrations.

Laid before the Scottish Parliament by the Scottish Ministers under section 36(5)(d)(i) of the Human Trafficking and Exploitation (Scotland) Act 2015. May 2017 SG/2017/76.

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# FOREWORD

## CABINET SECRETARY FOR JUSTICE



**Michael Matheson**  
Cabinet Secretary  
for Justice

The Human Trafficking and Exploitation (Scotland) Act was unanimously passed by the Scottish Parliament in 2015. This Act introduced a single offence for all kinds of trafficking for the first time, consolidating and strengthening existing law. It raised the maximum penalty for trafficking to life imprisonment and gave police and prosecutors a new set of tools to prevent and detect trafficking and to bring those responsible to justice.

In addition to the legislative measures themselves, the Act requires the Scottish Ministers to develop, for the first time, a Scottish trafficking and exploitation strategy. I am therefore pleased to publish this Strategy, which sets out the Scottish Government's approach and commitment to tackling human trafficking by supporting and protecting victims, disrupting the activities of perpetrators and addressing the conditions which foster trafficking, both in Scotland and elsewhere.

The development of this Strategy has truly been an exercise in partnership, and in learning from each other and the wider community. Most importantly, it has been developed by listening to victims themselves.

That is why I am confident that the Strategy will provide an effective blueprint for moving forward in the fight to eliminate human trafficking and exploitation – a vision which is challenging and ambitious, but also absolutely necessary.

The Strategy will make a valuable contribution, not just here in Scotland, but further afield. We continue to develop our links with initiatives and actions in other parts of the world. In addition, we continue to place great importance on our close work with European law enforcement agencies by taking part in Joint Investigation Teams and co-operating on the sharing of intelligence. I want to see that work continue as we move into delivering the Strategy.

This Strategy and the Action Plan that will follow, provide a strong foundation of engagement and co-operation on which we can build in order to deliver our vision of eliminating trafficking and exploitation. These will be living documents; we will adapt how they apply and how they are implemented, in light of changing circumstances, the experiences of victims and feedback from partners.

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# SECTION 1

## INTRODUCTION

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### 1. OVERVIEW

Human trafficking and exploitation are complex and hidden crimes, as well as abuses of human rights and dignity. Trading adults and children as commodities and exploiting them for profit or personal benefit degrades victims and can cause lasting physical and psychological damage. The many purposes for which people are used – including commercial sexual exploitation, labour exploitation, criminal exploitation (for example, benefit fraud and forced drugs cultivation), domestic servitude, sham marriages and organ trafficking – are continually evolving. Victims can be subjected to more than one form of exploitation, e.g. commercial sexual exploitation and criminal exploitation in the form of shop-lifting.

Human trafficking and exploitation are not only international issues. It happens here and is not confined to our cities. There is also a perception that trafficking is about people from outwith the UK, however adults and children, including UK citizens, are trafficked and exploited within and between communities in Scotland and the wider UK.

In October 2015 the Scottish Parliament unanimously passed the Human Trafficking and Exploitation (Scotland) Act 2015 (“the Act”). This was the culmination of significant work between agencies and across the political spectrum, including the Cross Party Group on Human Trafficking.

One of the requirements in the Act is for the Scottish Government to prepare this Trafficking and Exploitation Strategy and to lay it before Parliament. We will review this Strategy at least every three years.

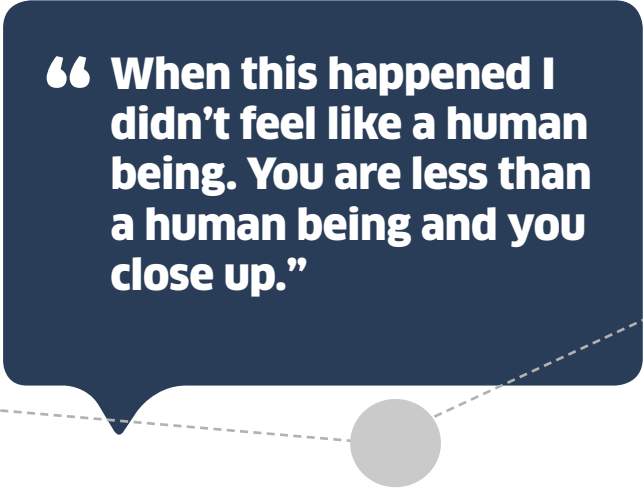
The Scottish Government has worked with a wide range of organisations and individuals to develop and agree this Strategy. Those who have been most closely involved as part of the Strategic Oversight Group and the Strategy Implementation Group are listed in the Annex.

We have developed this Strategy to bring together and build on all the valuable work already undertaken by the Scottish Government, local authorities, Police Scotland, the Crown Office and Procurator Fiscal Service (COPFS), NHSScotland and others to provide coherent, effective support for victims and take action against perpetrators.

This Strategy also contributes towards Scotland’s fulfilment of its obligations under the EU Directive on preventing and combatting trafficking in human beings and protecting its victims, and in meeting the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings.

The Strategy should also be read against the backdrop of other international agreements which relate to this issue, including the UN Protocol to Prevent, Suppress and

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**“ When this happened I didn’t feel like a human being. You are less than a human being and you close up.”**

Punish Trafficking in Persons, particularly women and children (Palermo Protocol); the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (UNCRC). The links to these and other relevant documents can be found on the Scottish Government’s human trafficking webpage <http://www.gov.scot/Topics/Justice/policies/reducing-crime/human-trafficking/Furtherreading>

Finally, the Lord Advocate is the independent head of the prosecution service in Scotland and he exercises his functions independently of government. Similarly courts operate independently of government. The contents of the Strategy should be read in that context.

## **2. WHAT NEEDS TO BE DONE**

Our vision, shared with key partners, is a straightforward (although not simple) one – to work to eliminate human trafficking and exploitation. The actions set out here will help us to move towards fulfilment of that vision.

First and foremost is the critical situation of victims of these offences.

Generating greater understanding and awareness of these crimes and their effect on victims is central to our approach. They may not feel able to admit what is happening to them or even see themselves as victims or as being exploited.

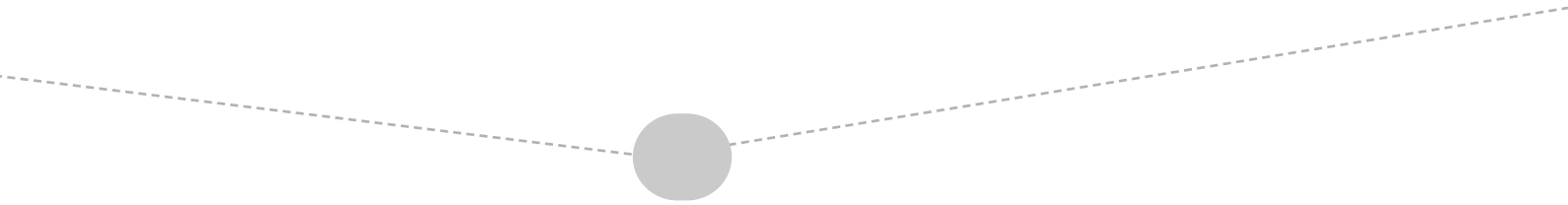
We will make victims and those at risk of becoming victims our top priority, supporting them to escape or evade the cycle of exploitation and enabling them to rebuild their lives and recover and exercise their rights. We have sought the views of victims in developing this Strategy and will continue to involve them as the Strategy is implemented.

Victims, both adults and children, can sometimes appear to be criminals themselves, when forced into criminal exploitation.

Where there is a victim there are also perpetrators. There is therefore a need to continue to ensure that agencies with responsibilities in that regard are able to investigate these crimes and disrupt the activities of perpetrators.

Trafficking and exploitation happen as a consequence of a variety of issues such as poverty, criminality and a demand for goods and services, both within countries and internationally. Until we tackle the underlying causes then this problem will continue.

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This Strategy therefore identifies three areas of action where we will focus our efforts. Progress in these areas will help us to eliminate trafficking and exploitation.

**Action Area 1:** Identify victims and support them to safety and recovery.

**Action Area 2:** Identify perpetrators and disrupt their activity.

**Action Area 3:** Address the conditions, both local and global, that foster trafficking and exploitation.

### 3. HOW WE WILL DO IT

This Strategy brings together a number of strands in a way that recognises the good work that currently exists, and sets out ambitions for improvement. It identifies the key areas where we must act to effect change and prioritises actions that we must take to eliminate human trafficking and exploitation.

**A separate Action Plan, to sit alongside the Strategy, will set out the details of what the Scottish Government and a variety of partners will do to move this agenda forward strategically and operationally.**

Three principles underpin our approach: a focus on victims, partnership working and continuous improvement.

#### **Focus on victims**

We will seek to engage with the people most affected by human trafficking – the victims and those at risk of becoming victims, finding ways to hear their voices and to take account of their experiences in what we do. The consultation on this Strategy included hearing directly from victims and these views have been reflected here. However, this must be an ongoing process of engagement. This will help us better support them, understand their experiences, prevent re-victimisation and reduce the number of new victims.

#### **Partnership Working**

We all need to take action and the Strategy will help deliver the vision. Without the commitment of our partners we cannot deliver this Strategy, and the actions laid out in Sections 3 and 4 need to be read in that context. Local authorities, Police Scotland, COPFS, NHSScotland, Health and Social Care Partnerships, UK agencies and others will play a key role in delivering the Strategy at a national and international level. The Independent Anti-Slavery Commissioner will also work closely with these agencies and civil society to help drive forward implementation of the Strategy.

Much work has already been done and continues to be done by many organisations and individuals to raise the profile of this issue and lay the foundations for action.



Stakeholders have been engaged in the development of this Strategy through structures put in place to support its development – the Human Trafficking and Exploitation Strategic Oversight Group, the Strategy Implementation Group, the Child Trafficking Strategy Group<sup>1</sup> and the Stakeholder Forum. The Strategic Oversight Group and the Strategy Implementation Group have helped to start to build that partnership at a national level. A similar structure will be put in place to oversee the implementation of the Strategy.

The Strategy is national, but will need to be delivered at a local level. Local partnerships are key to this. It may be that existing structures, such as Community Planning Partnerships, evolve to take a lead on human trafficking and exploitation, or it may be that local organisations and agencies develop their own specific structures. A national network across all relevant partner organisations will share information, learning and good practice.

In addition, we will work across the Scottish Government, ensuring policies take account of the needs of the victims of trafficking and exploitation and align our Strategy with these policies to increase effectiveness.

### **Continuous improvement**

We will continually test the results of our activity against our goals, building measurement into what we do, so that we can improve the effectiveness of our initiatives. We will use pilots and trials as required, learning from others, building on our successes and reflecting on our responses. The views of victims will be included in this process.

## **4. HOW WILL WE KNOW IT IS WORKING?**

A set of measures to be reported on for the Strategy as a whole is set out at Section 5. Regular Stakeholder Forums will provide an opportunity to consider what progress has been made and to consider what further action may be necessary.

**“ It is embarrassing that in the 21st century, this still goes on and it’s getting worse. The more people are poor the more they can be trafficked.”**

<sup>1</sup> The membership of these are set out at the end of this document.

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# SECTION 2

## TRAFFICKING AND EXPLOITATION IN SCOTLAND – BACKGROUND AND EVIDENCE

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### The Law

The offence of human trafficking is defined in section 1 of the 2015 Act as the recruitment, transportation or transfer, harbouring or receiving or exchange or transfer of control of another person for the purposes of exploiting them. The arrangement and facilitation of these actions also constitutes the offence. This offence does not always require coercive means such as threats or intimidation to be present and it is irrelevant if the victim ‘consented’ to any part of the action. It also does not require the victim to have been moved.

The offence of ‘slavery, servitude and forced or compulsory labour’ is defined in section 4. A person commits an offence where they know or ought to know that they are holding another person in slavery or servitude. A person also commits an offence where the person knows or ought to know that they are requiring another person to perform forced or compulsory labour.

Both offences now carry a maximum sentence of life imprisonment.

The Act also takes forward improved protection for victims, through the Lord Advocate’s Instructions on the presumption against the prosecution of victims in certain circumstances and by placing a duty on Scottish Ministers to provide support and assistance for victims of a section 1 offence.

Further, the Act makes provision for court orders to disrupt activity related to trafficking and exploitation.

A Trafficking and Exploitation Prevention Order (TEPO) is a court order restricting and disrupting the activities of convicted traffickers, available either when the court disposes of a case or on the application of the chief constable. The court can impose a TEPO when disposing of a case, either on its own motion or following an application by the prosecutor.

A Trafficking and Exploitation Risk Order (TERO) is a court order with similar effect, applied for by the chief constable where someone poses a risk in relation to trafficking and exploitation. It does not require a previous conviction for a trafficking offence in order to be granted.

### Identifying Victims

The National Referral Mechanism (NRM) is a UK wide framework for identifying victims of human trafficking and ensuring they receive the appropriate support.<sup>2</sup> The National Crime Agency (NCA) publishes annual statistics on adults and children who have been referred to the NRM. Adults need to give their consent to entering the NRM

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<sup>2</sup> There are a number of factors that may affect how the NRM operates in the future, but for the time being it will continue to provide the route to determine whether someone is a victim of human trafficking.



and, for a variety of reasons, some refuse to do so. Thus, the NRM statistics will only ever provide a partial picture in respect of adults. Adults may withhold consent for a variety of reasons including a fear of authority or a desire not to acknowledge that they are victims. The consultation with victims highlighted the fact that even those adults who 'consent' to enter the NRM may not understand what they are consenting to.

In Scotland, adult victims of a section 4 offence of slavery, servitude and forced or compulsory labour are not currently recorded through the NRM processes. This issue will be considered further as implementation of the Act is taken forward.

### The Current Picture

There were 150 potential victims of trafficking identified in this way in Scotland in 2016. This is a 3.4% increase on 2015. 75 were females and 75 males, 103 (69%) were adults and 47 (31%) were children. 67% were women or children.

The referrals were for different kinds of trafficking and exploitation. Female adults were trafficked mainly for the purposes of sexual exploitation (57%), female children were trafficked mainly for the purposes of domestic servitude and labour exploitation (57% combined), male adults and children were mainly trafficked for the purposes of labour exploitation (84% and 73% respectively).

80% of all males trafficked, both adults and children, were trafficked for the purposes of labour exploitation. 48% of all females trafficked, both adults and children, were trafficked for the purposes of sexual exploitation.

	Adult female	Adult male	Child Female	Child Male
Domestic Servitude	7	2	6	0
Labour	10	41	6	19
Sexual Exploitation	31	2	5	1
'Unknown'	6	4	4	6
<b>Total</b>	<b>54</b>	<b>49</b>	<b>21</b>	<b>26</b>

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# SECTION 3

## VISION, ACTION AREAS AND MAKING PROGRESS TOWARDS OUR OUTCOMES

### Vision

This Strategy sets out our vision, developed with our partners, which is to eliminate human trafficking and exploitation.

### Action Areas

The Action Areas that will help us to move towards the vision are:

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

Each of these Action Areas leads to general and then specific outcomes.

**The diagram on the following page sets out the relationship between the vision, action area and outcomes.**

### Making progress

If we want things to change, we need to know in relation to each Action Area:

- What is already happening?
- What needs to improve?
- What actions will we take?

The following sections set this out.

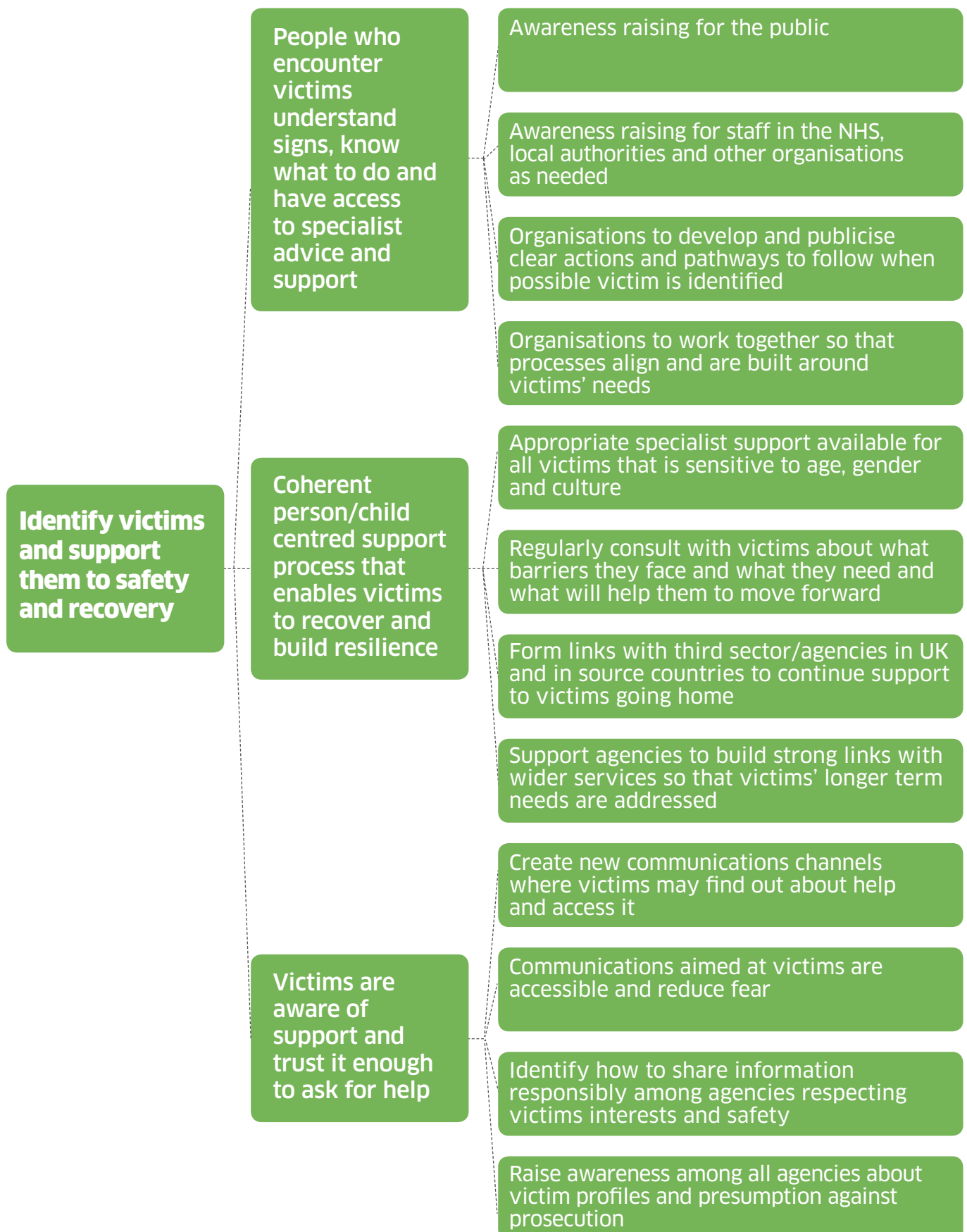
This Strategy cannot capture all of the work already going on in different agencies and organisations. As set out above, we anticipate that regular Stakeholder Forums will enable us to capture some of that work.

**“ Be committed to tackling this massive issue. Keep going. Don’t drop it after a while.”**

# VISION, ACTION AREAS AND OUTCOMES



# ACTION AREA 1 – IDENTIFY VICTIMS AND SUPPORT THEM TO SAFETY AND RECOVERY



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# ACTION AREA 1 – IDENTIFY VICTIMS AND SUPPORT THEM TO SAFETY AND RECOVERY

## WHAT IS ALREADY HAPPENING?

The Scottish Government funds specialist support for all adult victims of human trafficking (the offence under section 1 of the Act) who are recovered anywhere in Scotland. In 2017, this is provided by two third sector organisations, the Trafficking Awareness Raising Alliance (TARA) and Migrant Help. TARA specifically provides support to adult women who have been trafficked for sexual exploitation, while Migrant Help provides support to all other adult victims of human trafficking. They work with local authorities and other bodies such as the NHS that have relevant duties towards victims of trafficking, to provide support.

**“ [The service providers] made me feel respected and valued. Made me respect myself again.”**

**“I was very confused and angry. They help you to see things better”**

The Scottish Government also funds specialist psychological trauma support to adult victims of human trafficking. From 2017-2019 this will be provided by the Anchor Centre.

At the moment, these arrangements do not cover victims of an offence under section 4 of the Act (**slavery, servitude and forced or compulsory labour**). This is an issue that will be considered further.

All victims of crime in Scotland have rights as set out in the Victims' Code for Scotland. A number of organisations provide support to victims including Victim Support Scotland who provide emotional support, practical help and information.

An adult victim of human trafficking or exploitation could also be an adult at risk of harm. Where appropriate, adult protection measures can be used in addition to the support provided through specialist help or, instead of specialist help where an adult does not consent to entering the NRM and is ineligible for specific support for potential victims of human trafficking.


The Adult Support and Protection (Scotland) Act 2007 may therefore be considered in relation to certain human trafficking or exploitation incidents when the adults at risk are adults who:

- a) are unable to safeguard their own wellbeing, property, rights or other interests;
- b) are at risk of harm; and,
- c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

Other legislation may also be relevant in providing ongoing support, for example the Mental Health (Care and Treatment) (Scotland) Act 2003, or the Adults with Incapacity (Scotland) Act 2000.

All support is provided with the aim of helping victims to begin to rebuild their lives and move on to the next stage of their recovery.

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All child victims of trafficking or exploitation will be provided with support and protection through Scotland's child protection system. The responsibility for coordinating services for child victims of human trafficking and exploitation lies primarily with the relevant local authority. In addition, child victims who do not have anyone in the UK with parental rights and responsibilities for them will be assisted by an Independent Child Trafficking Guardian. This is intended to complement the role and responsibilities of the existing statutory services. Section 4 of this document sets out further detail regarding specific issues relating to child victims.

Pursuant to section 8 of the 2015 Act, the Lord Advocate has published **Instructions for Prosecutors when Considering the Prosecution of Victims of Human Trafficking and Exploitation**. These set out that if there is sufficient evidence that a person aged 18 or over has committed an offence and there is credible and reliable information to support the fact that the person:

- a) is a victim of human trafficking or exploitation;
- b) has been compelled to carry out the offence; and,
- c) the compulsion is directly attributable to being the victim of human trafficking or exploitation, then there is a **strong presumption against prosecution** of that person for that offence. Greater awareness of these instructions could encourage victims to come forward.

For people under 18 different considerations apply. These are discussed in more detail in Section 4.

## WHAT DO WE NEED TO IMPROVE?

- We want people who encounter victims to understand the signs, know what to do and have access to specialist advice and support. Victims have told us that first encounters are crucial and can help or hinder their movement towards recovery.
- We need to make clear that support is available through a number of organisations for all adult victims of trafficking recovered in Scotland.
- We need to raise awareness amongst both the public and professionals about the existence of trafficking and exploitation in Scotland.
- We need to ensure the victim identification processes in the NRM are fit for purpose and are understood and trusted by victims and others. We want victims to be aware of the support available and trust it enough to ask for help.
- We want training to be mainstreamed within services, with appropriate, fit for purpose training available.
- We need coherent and tailored support processes which recognise the trauma that victims have experienced, to facilitate victims' recovery, and build victims' resilience to reduce the likelihood of re-trafficking.
- We need to consider and clarify what the identification and support processes for the victims of slavery, servitude and forced or compulsory labour should be.

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## WHAT ACTIONS WILL WE TAKE?

### In the short term

- The Scottish Government and partners will raise awareness amongst the general public about human trafficking and exploitation by means of a publicity campaign. Victims will be involved in the development of this campaign.
- The Scottish Government will work with partners to consider how members of the public can report their suspicions in a straightforward way.
- Members of the Strategy Implementation Group will lead a short-term project to develop an agreed set of materials that could be used by organisations to raise awareness amongst their workforce about human trafficking and exploitation.
- Members of the Strategy Implementation Group will facilitate work to create processes/pathways aligned around victims' needs with clear referral mechanisms and pathways developed within each public sector organisation.
- The Scottish Government and partners will work with non-public sector organisations to alert them to the likelihood that they may encounter victims in the course of their work.
- The Scottish Government will publicise the support available during the relevant support period through different organisations to all victims of human trafficking recovered in Scotland and entered into the NRM process.
- The Scottish Government will continue to work with the Home Office on the review of the NRM process (including as that affects children) and will consider the review recommendations when published.
- First responders who make referrals to the NRM will establish systems to ensure that victims are fully aware of the process and its implications.
- The Scottish Government and NHS Greater Glasgow & Clyde will, through the Anchor Centre, continue to offer specialist psychological assessment, formulation and therapy as appropriate (and referral to other mental health services if indicated) to all adult victims of human trafficking recovered in Scotland.
- The Scottish Government will continue to develop and refine arrangements for support services that are victim centred and sensitive to age, gender and culture.
- The Scottish Government will consider how victims of slavery, servitude and forced or compulsory labour should be identified and supported.
- Local public protection committees and partnerships, including those for adult and child protection and violence against women, should also ensure that their policies, training and practice meet current need with regard to human trafficking and exploitation.
- Support agencies will take an active role in making victims aware and supporting them to claim compensation, where appropriate.
- The Scottish Government will set up a network to provide the opportunity for local specialists to share learning and best practice.
- The Scottish Government will continue to work closely as appropriate with the Independent Anti-Slavery Commissioner on issues that will help to identify victims and support them to safety and recovery.

## In the medium term

- Organisations who may encounter victims in the course of their work will establish clear referral mechanisms within their organisation for victims and incidents of human trafficking and exploitation.
- Local partnerships will be established or built on to help support victims' longer term and wider needs.
- The Strategy Implementation Group and others will create information sharing pathways and protocols that respect victims' interests and safety.
- Organisations should offer appropriate and proportionate training to staff who **are likely** to encounter victims in the course of their work.
- Organisations should carry out appropriate, regular awareness raising for staff who **may** encounter victims in the course of their work.

## In the longer term

- The Scottish Government and other relevant statutory and support organisations will work to develop effective partnerships across the UK and in other countries to continue support to adult victims returning home.
- The Scottish Government will work with others to create effective communication channels so that victims know where to find help and support. They will ensure that victims' views are reflected to ensure that communications aimed at potential victims are accessible and reduce fear.

**“ We need to be empowered emotionally, mentally, practically and financially to make our own decisions.”**





# ACTION AREA 2 – IDENTIFY PERPETRATORS AND DISRUPT THEIR ACTIVITY



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# ACTION AREA 2 – IDENTIFY PERPETRATORS AND DISRUPT THEIR ACTIVITY

## WHAT IS ALREADY HAPPENING?

The provisions of the Act make it simpler to take action against trafficking and exploitation and raise the maximum penalty for relevant offences to life imprisonment.

As set out above, the Act introduces new court orders TEPOs and TEROs to disrupt trafficking and exploitation and also provides for the forfeiture of certain assets in cases with a connection to trafficking.

Police Scotland's Specialist Human Trafficking Unit ensures effective co-ordination of information and intelligence on cases of human trafficking and exploitation. Police Scotland has also worked with colleagues in other law enforcement agencies across Europe establishing Joint Investigation Teams (JITs) to tackle cases of human trafficking and exploitation in Scotland and abroad.

The then Lord Advocate and the other heads of prosecution services in the UK signed up to a set of commitments in 2016. These commitments set the standards by which prosecutors will deal with human trafficking and exploitation cases, and how the prosecution services across the United Kingdom will work closely together in order to disrupt networks, prosecute perpetrators and safeguard victims' rights.

**“ Trafficking is very complicated so stopping it will be very, very difficult. Sometimes lots of people are involved and they will lie for each other.”**

COPFS has appointed specialist prosecutors who act as the single point of contact on these types of cases and provide a consistent and robust approach.

In addition, the Victim Information and Advice Service (VIA), part of COPFS, and the court based Witness Service, part of Victim Support Scotland, are available to support victims and witnesses during the prosecution process. Alleged victims of human trafficking are automatically entitled to use standard special measures to support them in giving evidence and further special measures are available on application to the court.

Scotland's Serious Organised Crime Strategy recognises that human trafficking, and exploitation, occurs throughout Scotland and is not confined to our major cities. In taking forward implementation of the Serious Organised Crime Strategy detailed action plans will be prepared under its four strands: Divert, Deter, Detect and Disrupt, identifying key priority activities to secure the outcomes set out. One of the key outcomes under the Disrupt Strand is improved sharing of intelligence and information across relevant organisations including local authorities, regulators and UK and international law enforcement agencies.

The Scottish Government published **Scotland's Place in Europe** in December 2016. This makes clear that it will be important to ensure continuing participation in law enforcement, criminal law and civil law measures, including Europol and Eurojust<sup>3</sup>, including with regard to human trafficking cases.

The Independent Anti-Slavery Commissioner is engaging with Police Scotland to explore the feasibility of allowing partner law enforcement agencies to second officials to Police Scotland, to enhance the response

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<sup>3</sup> Eurojust is an agency of the EU dealing with judicial co-operation in criminal matters.

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to transnational human trafficking and engaging with them on data collection.

### WHAT DO WE NEED TO IMPROVE?

- We need to develop systems to support the duty to notify the police under section 38 of the Act while protecting victims' privacy and safety.
- We want to consider how local authorities and others can use the powers already available to them – for example environmental health, licensing of houses of multiple occupation (HMOs) – to identify perpetrators and disrupt their activity.
- We must improve how data is collected and analysed so that we can identify trends, inform services and develop tailored plans to tackle trafficking and exploitation.
- We want intelligence to be shared between local partners in Scotland and with other countries where appropriate, so that patterns of trafficking can be identified and appropriate solutions put in place.
- Police Scotland, prosecutors and the courts will, where appropriate, make full use of the orders and powers available to them to disrupt activity and seize assets wherever trafficking or exploitation occurs.
- We will consider whether awareness raising is needed for those who work in the criminal justice system and, if so, how that can be provided.
- We want successful actions to be publicised, to send the message that Scotland is a country that is hostile to human trafficking and exploitation.

**“ This is organised criminal activity, not just one person.”**

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### WHAT ACTIONS WILL WE TAKE?

#### In the short term

- The Scottish Government will take forward work in relation to the duty to notify, ensuring those with a duty are clear on what they have to do. We will ensure that process protects victims' human rights and that the information gained is helpful in breaking the cycle of trafficking and exploitation.
- The Scottish Government will work with agencies not directly covered by the duty to notify (including UK wide agencies), to ensure that full use is made of their knowledge and expertise.
- Police Scotland and COPFS will apply for the new court orders available (Trafficking and Exploitation Prevention Orders (TEPO) and Trafficking and Exploitation Risk Orders (TERO)) where appropriate to disrupt trafficking and exploitation.
- The Scottish Government will seek to facilitate accurate collection and sharing of data that can inform the development of local services and processes.
- Police Scotland will appropriately record and investigate all reports of trafficking or exploitation as a crime.
- Appropriate awareness raising will be considered for those who work in the criminal justice system, so that they have the knowledge of this kind of offending.
- COPFS will continue to assess and develop the role of the specialist human trafficking prosecutors as appropriate.
- The Scottish Government and partners will work together to ensure that convictions and victims' experiences are publicised in Scotland, the UK and beyond, while ensuring that this publicity does not compromise the safety of victims or their families.

## In the medium term

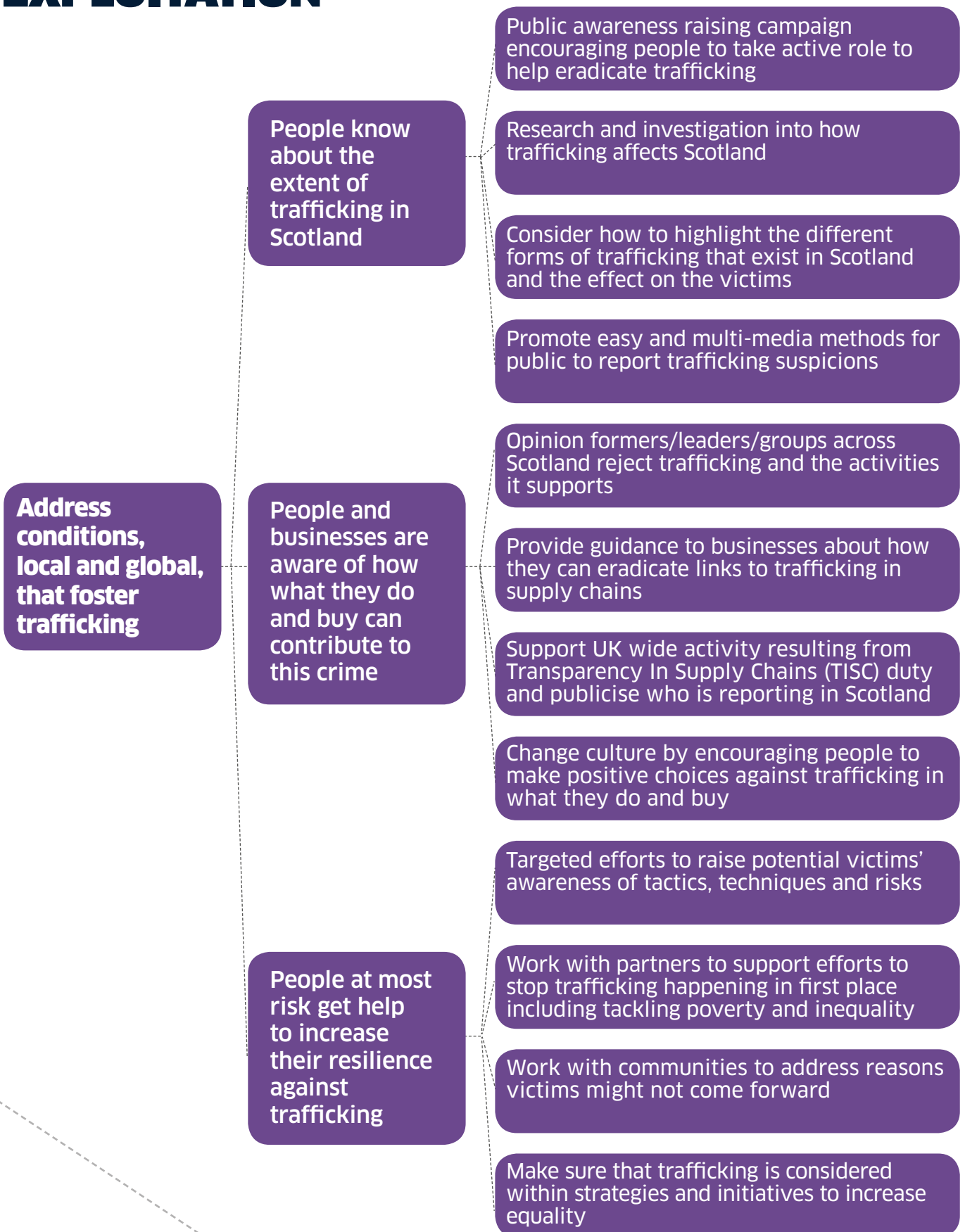
- Police Scotland and COPFS, where it is appropriate and possible, will ensure that an application for a JIT is submitted to Eurojust. Successful operations to apprehend perpetrators in and with other countries will mean an effective use of resources, as well as improved learning and co-operation across countries. This will also contribute to a more robust picture of trafficking in Scotland.
- The Scottish Government will set up a group to review how data is collected by different agencies, to ensure that data collected is useful and coherent, and to create a comprehensive picture of data collection with regard to human trafficking and exploitation in Scotland.

## In the longer term

- Police Scotland and COPFS will develop closer working relationships with organisations in source/transit countries, where appropriate.
- The Scottish Government will aim to ensure that the benefits of cross-border co-operation between criminal justice agencies within the EU and beyond are maintained as set out in **Scotland's Place in Europe**.



# ACTION AREA 3 – ADDRESS THE CONDITIONS THAT FOSTER TRAFFICKING AND EXPLOITATION



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# ACTION AREA 3 – ADDRESS THE CONDITIONS THAT FOSTER TRAFFICKING AND EXPLOITATION

## WHAT IS ALREADY HAPPENING?

The Scottish Government is taking a robust approach to tackling poverty and inequality within Scotland which will, in turn, help to address some of the conditions that foster trafficking and exploitation here. The Fairer Scotland Action Plan published in October 2016 makes a clear commitment to take long-term action to change Scottish society and make it a fairer and more equal place to live.

Violence against women and gender inequality make women vulnerable to trafficking and exploitation. Scotland's Equally Safe Strategy aims to prevent and eradicate violence against women and girls. It explicitly includes commercial sexual exploitation and trafficking within its definition of violence against women and girls.

The Scottish Government will continue to support measures that can help reduce the harm caused by prostitution and encourage the enforcement of existing laws against those who seek to exploit others through prostitution.

The Scottish Government's International Development Fund puts gender equality at the heart of all of its development projects, ensuring that women and girls are given the opportunity to flourish through social and business development projects such as healthcare, scholarships, women's leadership initiatives and micro-finance programs.

In 2015, Scotland adopted the United Nations Sustainable Development Goals (SDGs),<sup>4</sup> which outline a number of high-level objectives for countries, including ending poverty, ensuring access to education and achieving gender equality. Monitoring of progress will take place through the National Performance Framework and the Scottish National Action Plan on Human Rights. Whilst a good number of these global goals will help to address the wider factors that foster human trafficking and exploitation, there are some that specifically make reference to the issue.

- Goal 5.2 aims to 'Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation'.
- Goal 8.7 reads 'Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms'.
- Goal 16.2 aims to 'End abuse, exploitations, trafficking and all forms of violence against and torture of children'.

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<sup>4</sup> <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

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**“ People need to know what happens to us and then they would not judge us. Poverty meant I had no options. I thought abroad had to be better than my current life.”**

Scotland's Serious Organised Crime Strategy has an action to make people more aware of the links between trafficking and exploitation and Serious Organised Crime. It also seeks to make people aware of the close links between counterfeit and smuggled goods and the misery of trafficking and exploitation, to help ensure the public do not fund such activities.

The Scottish Government's National Missing Persons Framework for Scotland seeks to prevent and reduce harm related to people going missing through partnership and multi-agency working. It will provide a national focus for consistent good practice and focus on prevention through areas such as appropriate information, return home interviews and prevention planning for vulnerable individuals.

**“ I was alone and had nothing. I just wanted to get to a better place. I think I was desperate and believed what they told me. I had hope.”**

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For both regulated procurements (£50,000 up to EU thresholds) and EU procurements (above the EU thresholds), a breach of Part 1 of the Act is a mandatory exclusion provision. By applying exclusion grounds to lower value contracts Scotland has gone further than the rest of the UK in its procurement regulations. Scottish procurement regulations also place a statutory obligation on public bodies to include relevant clauses in their contracts to ensure those they contract with comply with environmental, social and employment law obligations. Supporting guidance has been issued to public bodies, which includes contract conditions that bodies can adapt for use in their contracts.

Statutory guidance under the Procurement Reform (Scotland) Act 2014 was published on 5 October 2015, providing guidance to public bodies on how to evaluate fair work practices, including the Living Wage, when selecting tenderers and awarding contracts.

Scotland's National Action Plan (SNAP) on Human Rights includes a commitment to ensure a victim centred approach to tackling human trafficking and exploitation. This is monitored by the SNAP Justice and Safety Action Group.

The Scottish Government is committed to ensuring that workers in the developing world achieve a fair price for the goods they produce. By encouraging a decent living wage farmers and producers are empowered to compete in the global marketplace through direct, long-term contracts with international buyers. By helping to challenge the unfair trading systems that keep many people in poverty, we can help stop people being made vulnerable to trafficking or exploitation.

## WHAT DO WE NEED TO IMPROVE?

- We need to tackle the causes of poverty and inequality, including gender inequality, in Scotland to address the vulnerability of people to being trafficked and exploited.
- We want people to know about the extent of trafficking and exploitation and its impact in Scotland.
- We want to inform the public, encouraging them to question and reject the exploitation of other human beings.
- We want the public to be aware that what they buy and from whom they buy it could contribute to this crime.
- We want individuals or communities assessed as being at risk of trafficking or exploitation to get help to increase their resilience.
- We want to consider how tailored prevention efforts could be used with communities assessed as being at risk of human trafficking.
- We want victims to get support and understanding from the wider community.

- We want to work across the Scottish Government to seek to ensure that other strategies and initiatives take account of human trafficking and exploitation.

## WHAT ACTIONS WILL WE TAKE?

### In the short term

- The Scottish Government will take forward the key actions in the Fairer Scotland Action Plan.
- The Scottish Government will consult on a Delivery Plan for Equally Safe with work streams focusing on Primary Prevention, Capacity and Capability, Justice and Accountability.
- The Serious Organised Crime Strategy will address issues such as trafficking and exploitation that blight communities by working with schools, the third sector and other partners to raise awareness of the links with serious organised crime. Key partners on the Serious Organised Crime Taskforce such as Police Scotland will also work collaboratively and share information that will help detect, prosecute and disrupt those seeking to benefit from human trafficking and exploitation.





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- The Scottish Government will support UK wide activity around the “transparency in supply chains” (TISC) duty and will develop specific guidance for businesses in Scotland around trafficking and exploitation and other human rights issues in their supply chains.
  - The Scottish Government will raise awareness to ensure that human trafficking and exploitation is reflected appropriately in policies and guidance.

### In the medium term

- The Scottish Government will consider what action is needed to ascertain how trafficking and exploitation affects Scotland to contribute to a greater understanding of its impact on Scottish society.
- The Scottish Government and partners will develop an awareness raising programme around proactive steps the public can take to help eradicate trafficking and exploitation, encouraging them to think about how what they buy and who they buy it from could contribute to this crime.
- The Scottish Government will identify ways for the public to report trafficking and exploitation and highlight where it may be happening, empowering them to report their suspicions.
- The Scottish Government will consider how to research, identify and build partnerships with communities assessed as being at risk of trafficking and exploitation, such as the homelessness sector and to develop targeted prevention initiatives.

### In the longer term

- The Scottish Government will work with the UK’s Independent Anti-Slavery Commissioner and others on work in source/transit countries, to improve partnership working and the capacity to break the cycle of trafficking and exploitation. We will also work with others to tackle poverty in source countries.
- The Scottish Government will build on existing work to assess how conditions that foster trafficking and exploitation can be addressed, to improve partnership working and the capacity to break the cycle of trafficking and exploitation.

**“ [What would have helped you avoid being trafficked?] Not to be so trusting. Being less vulnerable. If I had more options open to me. If I had known life would actually not have been better.”**

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# SECTION 4

## CHILDREN

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### Introduction

**This section brings together the specific children's actions in the preceding sections and sets out actions where the situation for children who are, or who may be victims of human trafficking and exploitation differs from that for adults.**

A child victim of human trafficking or exploitation is a victim of child abuse. Children are by default more vulnerable to coercion and abuse than adults due to their age and dependency on others for their care and are therefore at greater risk of becoming victims. Children's vulnerability can be increased where they experience a physical or learning disability or any other particular set of characteristics or experiences which would increase their reliance on adult care. The risks to children can be even greater when they are moved to another location, where they have no associations or shared language. How child victims will experience trafficking and exploitation will differ and may be impacted on by their gender. Figures indicate for example that many more female than male victims will experience sexual exploitation.<sup>5</sup>

**“ I’m confused. I don’t know what will happen. I don’t know what to do. I feel scared.”**

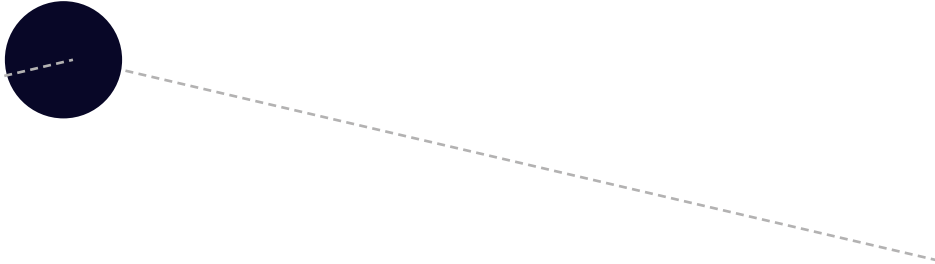
The range of situations in which children could be subject to trafficking and exploitation is complex and not always obvious, particularly in situations such as domestic servitude where the child is kept unseen. Circumstances could include what appear to be legally acceptable arrangements such as private fostering and inter-country adoption. Forced marriage and other forms of child abuse may be linked to trafficking and exploitation.

It is also crucial to recognise that trafficking and exploitation does not only affect children from other countries; there have been cases of domestic trafficking and exploitation of children who have been born and brought up in Scotland. The growth of the internet and use of social media has only added to the complexity in identifying both victims and perpetrators. It is important that appropriate investigations, sensitive to the cultural norms of each child, take place depending on the individual circumstances.

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<sup>5</sup> <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/676-national-referral-mechanism-statistics-end-of-year-summary-2015/file>

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Addressing child trafficking has been identified by the Scottish Government as requiring specific action and is part of the Scottish Government Child Protection Improvement Programme announced in February 2016.

The Act defines a child as a person under 18 years of age and includes a number of provisions which benefit children. In particular, section 6 provides for a sentencing aggravation if the offence of human trafficking is committed against a child and sections 11 (Independent Child Trafficking Guardians) and 12 (Presumption of Age) relate to additional support and assistance for child victims.

**Section 11 introduces a new statutory Independent Child Trafficking Guardian role.** It places a duty on Scottish Ministers to make such arrangements as they consider appropriate to enable a person (an “Independent Child Trafficking Guardian”) to be appointed to assist, support and represent an eligible child. This is intended to complement the role and responsibilities of the existing statutory agencies. An eligible child is a child that a relevant authority determines is unaccompanied (in the sense that no person in the UK holds parental rights or responsibilities in relation to the child) and the authority (based on reasonable grounds of belief) determines that the child is, or may be, a victim of the offence of human trafficking; or that they are vulnerable to becoming a victim of that

offence. It also places a duty on relevant authorities to, as soon as reasonably practicable after determining that a child is eligible, take steps to refer that child to the guardian appointed for the child. For the purposes of section 11, a “relevant authority” is a local authority and any other person specified by regulations made by the Scottish Ministers.

**Section 12** states that where a relevant authority (defined as a local authority or health board) has reasonable grounds to believe that a person may be a victim of human trafficking and the authority is not certain of the person’s age but has reasonable grounds to believe that the person may be a child, the authority must assume that the person is a child for the purposes of exercising its functions under various relevant enactments (listed in section 12) until an assessment of the person’s age is carried out by a local authority, or the person’s age is otherwise determined.

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The Lord Advocate's Instructions for Prosecutors when Considering the Prosecution of Victims of Human Trafficking and Exploitation, discussed previously in relation to adult victims, also provide instructions in relation to child victims. They state that if there is sufficient evidence that a child aged 17 or under has committed an offence, and there is credible and reliable information to support the fact that the child:

- a) is a victim of human trafficking or exploitation; and,
- b) the offending took place in the course of or as a consequence of being the victim of human trafficking or exploitation,

then there is a **strong presumption against prosecution** of that child for that offence.

### WHAT IS ALREADY HAPPENING?

The approach to addressing child trafficking and exploitation is underpinned by the principle of the best interests of the child, enshrined in the Children (Scotland) Act 1995 and built upon in the national Getting It Right for Every Child (GIRFEC) framework. This is in line with Article 3 of the UN Convention on the Rights of the Child.

A child victim of human trafficking or exploitation is a victim of child abuse and the child's safety remains the principal consideration. Support and protection for child victims in Scotland is provided within the context of Scotland's child protection system and the GIRFEC approach to improving outcomes for children and young people. In all cases where it is suspected that a child may be a victim of human trafficking or exploitation, the child's safety is paramount and child protection procedures must be activated quickly. Separate systems should not be put in place for children who have been or are suspected of having been trafficked or exploited. The child protection system is best placed to address child abuse,

ensuring that children are listened to and that a robust response to children in need of care and protection is in place.

It is essential to take timely and decisive action because of the high risk of the child or young person being moved. The [National Guidance for Child Protection](#),<sup>6</sup> refreshed in 2014, provides guidance in respect of child trafficking. It highlights that all necessary actions and inter-agency child protection procedures should be followed to ensure child victims are protected. The National Guidance remains the primary guidance document for child protection and vulnerability investigations. The identification, or not, of child victims should not preclude or override any child protection investigations.

The [Inter-agency Guidance for Child Trafficking](#),<sup>7</sup> published in 2013, provides information and guidance to all members of the children's workforce so that professionals and others are able to identify trafficked children and make appropriate referrals so that victims can receive protection and support. The guidance includes an indicator matrix for child trafficking, based on best available information about factors in a child's circumstances which may lead to the belief that a child has been trafficked. However, the indicators do not replace child protection investigations and their presence or otherwise should not preclude implementation of standard child protection procedures.

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<sup>6</sup> <http://www.gov.scot/Resource/0045/00450733.pdf>

<sup>7</sup> [http://www.ecpat.org.uk/sites/default/files/hbth\\_report2016\\_final\\_web.pdf](http://www.ecpat.org.uk/sites/default/files/hbth_report2016_final_web.pdf)

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The responsibility for coordinating services for child victims of human trafficking and exploitation lies primarily with the relevant local authority. A range of support will be provided depending on the assessed needs and specific circumstances of the child. Where a local authority is providing direct care to a child victim, the Children (Scotland) Act 1995 remains the primary legislation in determining the provision of accommodation and care services.

Currently, where a child victim or suspected child victim arrives in Scotland unaccompanied and separated from their family, they will receive additional support from the Scottish Guardianship Service. Funded by the Scottish Government, this project is a partnership between Aberlour and the Scottish Refugee Council. Working alongside local authority supports, Guardians support young people by helping them navigate the immigration and welfare processes, help them feel supported and empowered throughout the asylum process, assist them to access the help they need when they need it, and make informed decisions about their future. Any eligible child can be referred, recognising that a trafficking episode won't always be immediately apparent or disclosed.

There are recognised links between child trafficking and child sexual exploitation (CSE). Since 2014, Scotland has had in place [a national action plan](#) to support cultural change throughout children's services agencies, and society at large, to ensure that CSE is recognised as an issue that needs to be properly tackled and addressed.

Early intervention and prevention is essential in tackling CSE. In January 2016, the Scottish Government launched a national campaign to raise public awareness and understanding of CSE. The campaign, developed and supported by stakeholders,

included a national TV advert and campaign website [www.csethesigns.scot](http://www.csethesigns.scot), which provides information on the many forms of child sexual exploitation, along with advice on where adults, children and young people can go for and help and support.

Primarily aimed at children and young people aged 11-17, the awareness campaign focused on building an understanding of the differences between healthy and unhealthy relationships, and empowering them to take appropriate action if they had concerns about themselves or a friend.

We also recognise that part of our work to tackle CSE involves supporting people who are at risk of sexually exploiting children to change thoughts and behaviour. Core funding from the Scottish Government is enabling Stop it Now! Scotland to provide direct support to adults and young people in Scotland at risk of sexually abusing others.

**“ I need someone I can totally believe in, who can lead me on the right way and make me feel safe.”**

Due to their circumstances, missing children and young people may be more at risk of trafficking and exploitation. Many children and young people who go missing do so repeatedly. Whilst away from home, they are even more vulnerable, with an estimated one in six sleeping rough or with strangers, and one in nine experiencing harm while missing.

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The UK charity Missing People provides the Runaway and the Say Something UK helpline services. Say Something raises awareness amongst children and young people of the risks and dangers of sexual exploitation and provides advice on how to keep safe and where to seek support. The Scottish Government is funding Missing People from April 2016 to March 2019 to market these helpline services directly to young people in Scotland, to ensure that more children and young people are supported when they are thinking of going missing or need help to stay safe.

### **WHAT DO WE NEED TO IMPROVE?**

- We want members of the public, as well as parents and those working with young people, to understand the risks and be able to identify where trafficking and exploitation of children might be happening in all its forms and the action to take. This includes highlighting the links with CSE and missing children. Work already being undertaken in relation to CSE will support this.
- We need to better understand the routes into trafficking and exploitation situations for children and to use data more effectively to inform strategic and individual planning for child victims.
- Where young people are victims of crime, including trafficking or exploitation, there is a need to ensure that a child centred, wellbeing approach is taken to their needs, in line with the GIRFEC approach. It is also important to identify and assess the circumstances impacting on the child. A child who is involved in some offending behaviour, for example, may themselves be a victim. The introduction of the presumption against prosecution as per the Lord Advocate's instructions will further strengthen this position.
- Children who have been trafficked or exploited are likely to be highly traumatised by their experience. Whilst many NHS Boards have already put a lot of effort into reducing waiting times for access to psychological therapies and to Child and Adolescent Mental Health Services (CAMHS), we need to continue to ensure that children have access to appropriate mental health services as necessary to support their recovery.
- In supporting recovery, we need to continue to be sensitive to the potential impact of other processes such as the National Referral Mechanism, immigration processes and the criminal injuries compensation system.
- UK statistical information highlights that the provision of inappropriate care placements for child victims can increase the risk of children going missing and becoming subject to further trafficking and exploitation.<sup>8</sup> Whilst prevalence is lower in Scotland than in England, we need to minimise the risks of further exploitation of children.
- For unaccompanied child victims, we need to develop formal arrangements to enable Independent Child Trafficking Guardians to be appointed to assist, support and represent an eligible child in accordance with section 11 of the Act. Those arrangements will clarify their role and responsibilities and we will need to set out how the roles will complement existing local authority provision and contribute to outcomes for children.
- We need to ensure that any relevant existing guidance reflects the presumption of age provision in section 12 of the Act.

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<sup>8</sup> [http://www.ecpat.org.uk/sites/default/files/hbth\\_report2016\\_final\\_web.pdf](http://www.ecpat.org.uk/sites/default/files/hbth_report2016_final_web.pdf)

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## **WHAT ACTIONS WILL WE TAKE TO MOVE FORWARD SPECIFICALLY IN RELATION TO CHILDREN?**

### **In the short term**

- The Scottish Government will continue to take forward the Child Protection Improvement Programme (CPIP) announced in February 2016, of which addressing child trafficking is a key work stream.
- Local Child Protection Committees should ensure that there is robust partnership working in place to address child trafficking and exploitation. This should be underpinned by specific and appropriate arrangements on child trafficking and exploitation through guidance, protocols or procedures, which are known and implemented by relevant services. This should include having in place appropriate strategic and practice linkages between child and adult services for older children and arrangements for the provision of advocacy.
- Local services working directly with children should have in place appropriate processes regarding the use of interpreters to support practice in relation to children where English is not their first language.
- The Scottish Government, in consultation with stakeholders will bring forward guidance on the use of Sections 22 and 25 of the Children (Scotland) Act 1995 regarding the provision of support to children.
- In implementing the updated national action plan to prevent and tackle child sexual exploitation, we will ensure that Scotland is a hostile place for perpetrators and facilitators of CSE. This will be achieved through a variety of actions; to ensure perpetrators are identified early, held to account through the criminal justice system and by encouraging victims to report. This includes improving consistency in local problem profiling in order to build a national profile of CSE across Scotland.
- To strengthen the multi-agency response to prevention, disruption and detection of perpetrators across Scotland, Police Scotland are currently piloting a child sexual exploitation and abuse intelligence sharing toolkit, which will formalise information collection and sharing arrangements between the police, other law enforcement agencies, statutory agencies (including social work, education, housing, health and licensing), community groups, voluntary sector services and the business community (including hotels, taxi companies, food outlets, off licenses and hostels). The toolkit will be evaluated ahead of national rollout.
- The Scottish Government will continue to support NHS Boards to meet their access targets for specialist child and adolescent mental health services with a programme of improvement.
- For unaccompanied children, who do not have someone with parental rights and responsibilities for them in the UK, the Scottish Government will consult with partners on introducing formal arrangements that will meet the duties in section 11 of the Act. Once that section is fully in force, Ministers will be under a duty to make arrangements to enable a guardian to be appointed to children who have been trafficked, and relevant authorities will be under a duty to refer these children to this service. We will work together with partners in developing how this will be implemented.

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- The Scottish Government will work with partners to update the 2012 Age Assessment Practice Guidance<sup>9</sup> to reflect the provisions of section 12 of the Act and consider the need for any other revisions.
  - The Scottish Government is taking forward a refreshed Child Internet Safety Action Plan. Whilst the Plan is wider in its scope than child trafficking, it will recognise the role that social media and online activity can play in the trafficking and exploitation of children.
  - The Scottish Government will commission a piece of research that will work with frontline workers and services (for example, the police, social workers) to identify the presence of young people who have been trafficked and to establish their routes to arrival. Through this we can then make an evidence based decision with our partners on whether any other action (such as the development of guidance) is needed to protect and safeguard and, where possible, to prevent any such activity taking place.
  - Child and Adult Protection Committees should consider how best to collaborate to share learning and best practice in relation to addressing child trafficking and exploitation and supporting victims, particularly in relation to children transitioning to adult support services, where human trafficking issues may contribute to them being an adult at risk of harm.

### **In the medium term**

- The Scottish Government will work to ensure that local authorities across Scotland continue to provide care to a consistently high standard and, in terms of a child's entitlement to continuing care introduced by the Children and Young People (Scotland) Act 2014, both in the short term and when they leave care.
- Child and Adult Protection Committees should consider how partners can best work together to identify and meet training needs.
- The Scottish Government, through the Child Protection Improvement Programme will support Child Protection Committees to identify and make better use of data for strategic and individual planning.
- Child Protection Committees should have in place appropriate mechanisms for the monitoring of effectiveness of guidance, protocols or procedures in place to address child trafficking and exploitation.
- The Scottish Government, linking to the national Mental Health Strategy, will consider how (with partners) we can best maximise the current children's mental health provision and work together to better support recovery in the longer term.

### **In the longer term**

- The Scottish Government recognises that a sustained and collaborative effort is necessary and will continue to take a joined up approach with partners to support victim recovery, assist with reintegration and continue to address the conditions that foster child trafficking and exploitation.

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<sup>9</sup> [http://www.scottishrefugeecouncil.org.uk/assets/0000/4415/Age\\_Assessment\\_Practice\\_Guidance\\_GCC-SRC\\_June\\_2012\\_FIRST\\_EDITION.pdf](http://www.scottishrefugeecouncil.org.uk/assets/0000/4415/Age_Assessment_Practice_Guidance_GCC-SRC_June_2012_FIRST_EDITION.pdf)



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# SECTION 5

## NEXT STEPS AND MEASURING PROGRESS



Section 35 of the Act requires Scottish Ministers to prepare this Strategy. Section 36 requires the Strategy to be laid before Parliament and to be reviewed within three years from the date of publication.

The Scottish Government will work with partners to develop a national level Action Plan that will sit alongside the Strategy. Partners will also be involved in the development of the delivery and implementation structure for taking the Strategy forward. The Strategy must apply to all victims and to all types of trafficking and exploitation. However, where the evidence supports it, effective implementation will need to recognise the gender profile of particular types of exploitation without marginalising those victims who fall outwith that profile.

There are a number of key Scottish Government policies and guidance documents that already contribute to the arrangements to tackle human trafficking and exploitation and links to these are available on the Scottish Government website.

### HOW WILL WE MEASURE PROGRESS?

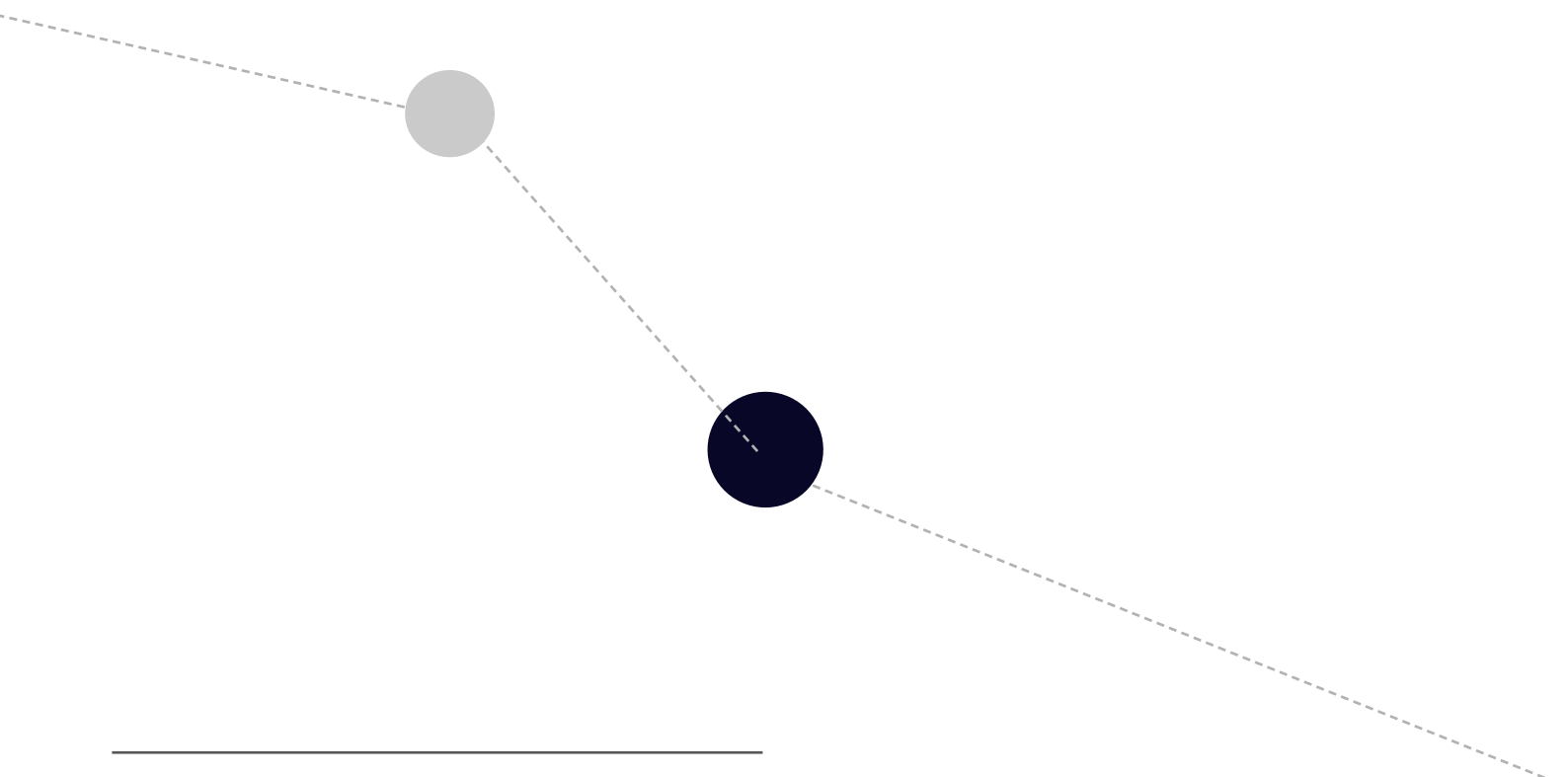
We have set out the proposed measures below as a way of reporting on progress with the Strategy as a whole. This will be done on an annual basis. The current situation (or the closest approximation currently available) is set out for reference.

Progress on other Strategies such as Equally Safe, Serious Organised Crime Strategy, the Fairer Scotland Action Plan, the Sustainable Development Goals and the National Action Plan on Child Sexual Exploitation will also be relevant, although they are not reflected here.

This will be placed in a narrative context to ensure that measurement reflects the qualitative as well as the quantitative aspect of measurement. Reflecting the voices of victims will be a key element of this narrative.



MEASURE	DEFINITION	CURRENT (2016-17)	WHY?
<b>Identify victims and support them to safety and recovery</b>			
Number of potential victims identified.	All victims (adults and children) who enter the NRM and (in due course) those identified through the 'duty to notify' processes.	<p>2016 National Crime Agency statistics (Modern Slavery and Human Trafficking Unit).</p> <p>150 in total (see page 9 for further breakdown).</p>	<p>Knowing the number of potential victims identified will help us to assess the extent of human trafficking and exploitation in Scotland. We expect this number to increase initially as we raise awareness and more incidents are reported.</p> <p>However, the long-term trend should be downwards.</p> <p>The information should also help to assess the profile of human trafficking and exploitation in Scotland and inform prevention efforts.</p>

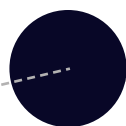


MEASURE	DEFINITION	CURRENT (2016-17)	WHY?
Number of adult victims provided with support.	Reports from the support provider.	2016-17 – end year reports: <ul style="list-style-type: none"> <li>• TARA -72</li> <li>• Migrant Help - 129</li> <li>• Total - 201</li> </ul> <b>Outcomes:</b> Voluntarily returned to their country of origin or residence: <ul style="list-style-type: none"> <li>• TARA - 2</li> <li>• MH - 6</li> </ul> Transferred into the asylum system: <ul style="list-style-type: none"> <li>• TARA - 30</li> <li>• MH - 20</li> </ul> Disengaged from the service: <ul style="list-style-type: none"> <li>• TARA - 1</li> <li>• MH 18 (absconded/uncontactable/ chose not to engage).</li> </ul> Planned Case closures: <sup>10</sup> <ul style="list-style-type: none"> <li>• TARA - 28</li> <li>• MH - 5</li> </ul>	We want a coherent support process that enables victims to build resilience. Reports from support provider will provide information on outcomes for victims. Where possible, extracts of these reports will be published.  We also want victims to be aware of the available support and trust it enough to ask for help, so we expect this figure to rise as a proportion of the number of adult victims identified.
Number of trafficked or exploited children supported through the child protection system.	This will be based on the returns already provided to Scottish Government by local authorities.	Scotland has introduced a specific category of trafficking as an indicator of concern within the child protection system in order to better understand the number of children who are at significant risk of or who have been subject to trafficking. As this has only been recently introduced, no useable statistical data is available yet.	We want a coherent support process for children as well as adults. Recognition of trafficking and exploitation within the child protection system will contribute to that. This figure to rise initially as this beds in to the system.

10 'Planned case closure' for TARA indicates that TARA is no longer actively working on 'trafficking related' needs and that the service user has been linked into, and is engaging with, other services as appropriate for her needs. For MH this indicates those who moved on into employment and or independent living requiring no further agency support provision either statutory or third sector.

MEASURE	DEFINITION	CURRENT (2016-17)	WHY?
Number of children who are allocated an independent child trafficking guardian (ICTG).	Number of children who receive the support of an independent child trafficking guardian.	2016 - 78	<p>As part of a coherent support process, for children who do not have a parent or guardian in the UK, Independent Child Trafficking Guardians will contribute along with statutory services to providing the required support.</p> <p>We expect that this figure will rise as the ICTG process develops.</p>
<b>Identify perpetrators and disrupt their activity</b>			
Number of individuals convicted for the offences.	Persons convicted in that year under section 1 and section 4 of the Act and also under earlier legislation (section 22 of the Criminal Justice (Scotland) Act 2003, section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 and section 47 of the Criminal Justice Licensing (Scotland) Act 2010).	1 conviction, under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004.	This information will add to the overall picture of identification of perpetrators. However, these are complex crimes, often taking place across borders and even successful convictions may take place outside Scotland. For these and other similar reasons, this data will not be used to measure the effectiveness of awareness raising activity and identification of incidents and perpetrators.

<b>MEASURE</b>	<b>DEFINITION</b>	<b>CURRENT (2016-17)</b>	<b>WHY?</b>
Number of individuals convicted of offences with a human trafficking background.	Convictions using the aggravations set out in sections 5, 6 and 7 of the Act in that year.	None	This information will add to the overall picture of identification of perpetrators of human trafficking, where prosecution is for a different offence, or where the trafficking was committed against a child or by a public official in the course of their duties.
Number of orders made under Part 4 of the Act.	Orders made in that year using the powers in Part 4 of the Act.	Orders come into force 2017.	These orders are intended to restrict the activity of perpetrators or suspected perpetrators, and will complement the information that will be gathered under the preceding two measures. We expect these to rise as the orders become available and the system becomes established.



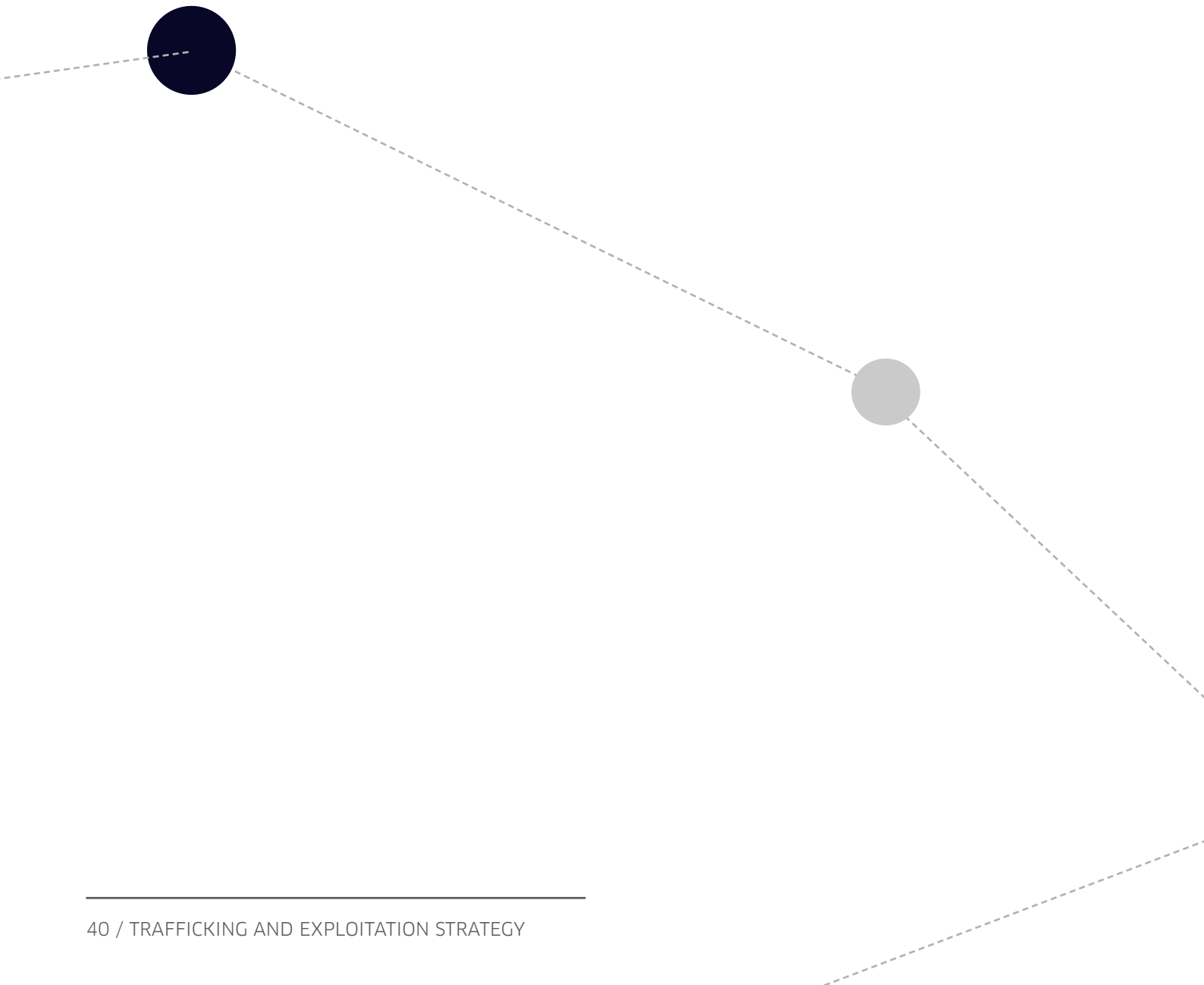
MEASURE	DEFINITION	CURRENT (2016-17)	WHY?
<b>Address the conditions that foster trafficking and exploitation</b>			
Public awareness of the issue of human trafficking and exploitation.	Questions in face-to-face survey conducted annually.	<p>Survey conducted March 2017.<sup>11</sup></p> <p>What do you understand by 'human trafficking':</p> <ul style="list-style-type: none"> <li>• 10% unable to provide any definition of human trafficking</li> </ul> <p>Which activities in Scotland might involve adults who are victims of trafficking? Top mentions (no prompts):</p> <ul style="list-style-type: none"> <li>• Sex industry/ prostitution 40%</li> <li>• Drugs 40%</li> <li>• Manual labour 33%</li> </ul> <p>Which activities in Scotland might involve children who are victims of trafficking? Top mentions (no prompts):</p> <ul style="list-style-type: none"> <li>• Child sexual exploitation/sex industry 59%</li> <li>• Drugs 24%</li> <li>• Begging 22%</li> <li>• Manual labour 22%</li> </ul>	This will help to assess the effectiveness of awareness raising activities undertaken, and to adjust them if need be.

11 <http://www.gov.scot/Topics/Justice/policies/reducing-crime/human-trafficking/HumanTraffickingandExploitationScotlandAct2015>

MEASURE	DEFINITION	CURRENT (2016-17)	WHY?
		Do you believe human trafficking is an issue to a great extent in: <ul style="list-style-type: none"> <li>• The rest of the world (not Europe) 63%</li> <li>• Europe 53%</li> <li>• UK 30%</li> <li>• Scotland 14%</li> <li>• My local area 5%</li> </ul>	
<b>Infrastructure and partnership working</b>			
Numbers of statutory bodies that have specific referral mechanisms for human trafficking and exploitation within their organisation and using them.	Self-reporting on an annual basis through the Strategy Implementation Group.	Not yet applicable.	An infrastructure that supports communication and information is essential to delivery of all the other strands of the Strategy. Some bodies will also be subject to the Duty to Notify (section 38 of the Act).  We expect this number to rise initially as we raise awareness but, given that there are a finite number of organisations that fall into this category, that it will plateau and be maintained.



<b>MEASURE</b>	<b>DEFINITION</b>	<b>CURRENT (2016-17)</b>	<b>WHY?</b>
Number of organisations (statutory and non-statutory) within Scotland that have action plans or similar that contribute to delivering the overall aims of the Strategy.	Self-reporting on an annual basis through the Stakeholder Forum arrangement.	Not yet applicable.	The Strategy provides an overall structure, which can be used by organisations to develop their own action plans relevant to their organisations. It will be helpful to reflect how many of these are in place.





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# ANNEX

## DEVELOPING THE STRATEGY

### STRATEGIC OVERSIGHT GROUP MEMBERSHIP

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

## STRATEGY IMPLEMENTATION GROUP MEMBERSHIP

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



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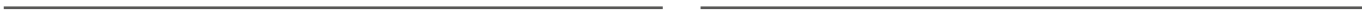
## **CHILD TRAFFICKING STRATEGY GROUP MEMBERSHIP**

- Aberlour
- Barnardo's
- Children and Young People's Commissioner, Scotland (CYPCS)
- City of Edinburgh Council
- COSLA
- ECPAT (Campaign against Child Trafficking)
- 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.

**“ [we] hope that by sharing [our] lived experience of being trafficked and exploited that [our] voices will be heard by policy makers, support providers and law enforcement agencies and that [we] can contribute to achieving Scotland's vision to eliminate human trafficking and exploitation, both locally and globally.”**





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**[www.gov.scot](http://www.gov.scot)**

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