

# Trafficking and Exploitation Strategy

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## **SUMMARY**

### **BACKGROUND**

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 a Trafficking and Exploitation Strategy and to lay this before Parliament. This Strategy will then be reviewed in three years and may be redrafted to reflect the progress made.

This Strategy sets out the approach that the Scottish Government and its partners in the public, private and third sectors who have an interest in this issue will take to address human trafficking and exploitation, working with others in the UK and internationally.

The term ‘human trafficking’ as used in the Strategy encompasses human trafficking (as set out in Section 1 of the Act). Where the term ‘exploitation’ is used, this encompasses the offence of slavery, servitude and forced or compulsory labour (as set in Section 4 of the Act).

### **VISION**

Our Vision is to work to eliminate human trafficking and exploitation – both locally and globally. Whilst we recognise that this is ambitious, no level of human trafficking or exploitation is acceptable and, therefore, our ultimate aim must be to eliminate it.

No one agency or country can do this alone, so we will work in partnership at a local level, a national level and internationally.

In developing the Strategy, we worked in collaboration with stakeholders to identify the main areas in which action must be taken to tackle human trafficking and exploitation. The three high level Action Areas identified, which form the basis for this Strategy, are:

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

All of these taken together will help us to move towards our overall vision.

The Scottish Government and partners have identified a number of actions in relation to each of the Action Areas and these are set out throughout the document. A separate and more detailed Action Plan will be developed to deliver these. We have also identified measures that can be used to assess progress across the Strategy as a whole and these are set out in more detail at Section 5.

## **SECTION 1 – INTRODUCTION**

### **1. OVERVIEW**

Human trafficking and exploitation are abhorrent 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. Yet **human trafficking and exploitation are happening in Scotland today** and not just in our cities. The many purposes for which people are used - including commercial sexual exploitation, labour exploitation and criminal exploitation (for example, benefit fraud and forced drugs cultivation), domestic servitude and sham marriages – are continually evolving.

Human trafficking and exploitation are not only international issues. Adults and children are trafficked and exploited within and between communities in Scotland and the wider UK. It is imperative that we as a nation acknowledge that trafficking and exploitation are taking place now in urban and rural communities across Scotland. It is equally important that we act now to protect victims and prosecute those who perpetrate these crimes.

This Strategy sets out the approach that the Scottish Government and its partners in the public, private and third sectors, working with others in the UK and internationally, will take to address human trafficking and exploitation. This is the latest in a series of steps we have taken with our partners, aimed at exposing and eradicating these crimes.

The Strategy is a direct result of the Act<sup>1</sup>, the first dedicated Scottish legislation on this issue, which created the offences of human trafficking and slavery, servitude and forced or compulsory labour with a maximum life sentence possible for each. We have developed this Strategy to bring together and build on all the valuable work already undertaken by the Scottish Government and our partners to provide coherent, effective support for victims and take action against perpetrators.

### **2. WHAT WE WILL DO**

Our vision 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.

Our approach takes account of the hidden and complex nature of human trafficking and exploitation - characteristics that enable it to flourish and make it particularly difficult to identify and to stop.

First and foremost is the critical situation of victims subjected to these offences. Victims can appear to be criminals themselves. Terrified and traumatised, they may not feel able to admit what is happening to them or even see themselves as victims or as being exploited. We must also recognise that every child who is a victim of human trafficking or exploitation is also a victim of child abuse. Child protection procedures must therefore be implemented at the earliest opportunity.

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2015/12/enacted>

Generating greater understanding and awareness of these crimes and their effect on victims is therefore central to our approach. 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.

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

This Strategy identifies the three areas of action where we will focus our efforts. Progress in these key areas will deliver benefits for victims and reduce the number of potential new victims. While discrete, the three action areas will also work together to help break the cycle.

### **Identify victims and support them to safety and recovery**

- We and our partners will promote increased understanding and awareness among those who may encounter victims about signs of trafficking and exploitation and create clear pathways for them to take action and get support from specialists.
- We will build a network of experts in different areas who would cooperate to improve joined up support. We will provide victims with support to help them start the recovery process and build greater resilience, through promoting trauma informed and human rights focussed responses. We will seek to improve the identification process so as to ensure the trust of victims and professionals in the support system available to them.
- Support and protection for children in Scotland who have or may have been subject to these crimes will be provided within the context of Scotland's child protection system and the national Getting it Right for Every Child (GIRFEC) approach to improving outcomes for children and young people, recognising the specific rights afforded to children and young people in this respect through the United Nations Convention on the Rights of the Child (UNCRC). This places the child at the centre, enabling services to focus both on the protection and wellbeing needs of the child.

### **Identify perpetrators and disrupt their activity**

- We will improve the flow of information about trafficking and exploitation, working to increase the reporting of potential victims and encourage voluntary reporting. Along with our partners, we will promote and develop better information sharing and joint action across borders. Courts will have new powers available when sentencing perpetrators, including powers to restrict their activity and confiscate their profits.

### **Address the conditions, both local and global, that foster trafficking and exploitation**

- We will inform the public, encouraging them to question and reject the exploitation of other human beings and to think about how what they buy and what they do could contribute to this crime. We will highlight the fact that trafficking and exploitation do not only happen across international borders, but also within the UK and Scotland. Alongside this we will seek to identify those

areas where victims brought to Scotland come from. In all cases we will work with partners to find ways of raising awareness and providing protection against trafficking and exploitation to potential victims.

### **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. Having agreed this vision and framework with our partners, we look to them and to other organisations to develop their own action plans to support the national level Action Plan.

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

Without the commitment of our partners we cannot deliver this Strategy. Partnership working brings a number of benefits, not least the opportunity to learn from others, share information, reduce duplication of effort and identify synergies. A separate Action Plan, to sit alongside the Strategy, will set out the details of what the Scottish Government and partners will do to move this agenda forward strategically and operationally. Organisations can use the Strategy to create their own action plans to deliver the objectives of this Strategy.

We are looking to bring together the efforts of various agencies, because we believe that collaboration, co-operation and partnership working will enable us to move forward more effectively. 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>2</sup> and the Stakeholder Forum. Members of these groups have experience of supporting victims and this ensures that their voices and experiences have been considered.

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<sup>2</sup> The membership and roles of these are set out at the end of this document

The Strategic Oversight Group and the Strategy Implementation Group have helped to start to build that partnership at a national level and these will continue to meet to oversee the implementation of the Strategy.

The UK Independent Anti- Slavery Commissioner (IASC)<sup>3</sup> is a member of the Strategic Oversight Group and will work in partnership with the Scottish Government on projects in Scotland and across the UK. In addition, collaboration with and between relevant agencies across the UK, public, private and third sector, will be of great benefit in tackling human trafficking and exploitation.

Our links with the IASC and others will help us to play our part in international partnerships. Again, we will continue to engage with these and other relevant organisations, to reflect the international nature of this work. This Strategy takes account of the IASC Strategic Plan.

We propose developing a national network across all relevant partner organisations, to share information, learning and good practice.

Local partnerships are also key and we will seek to facilitate their development. It may be that existing structures evolve to include human trafficking and exploitation, or it may be that local organisations and agencies develop their own specific structures.

At whatever level partnerships operate, there are a number of principles that will drive them and determine their effectiveness:

- Strong leadership
- Openness, transparency and trust
- Effective and appropriate sharing of information, intelligence and data
- Space to collaborate
- Knowledge of, and respect for, the roles of others within the partnership
- Clear, multi-agency pathways and cross boundary processes
- A shared sense of responsibility and commitment

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

### **Continuous improvement**

We and our partners 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, learn from others, build on our successes and reflect on our responses.

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<sup>3</sup> <https://www.gov.uk/government/organisations/independent-anti-slavery-commissioner>

#### **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.

## **SECTION 2 – TRAFFICKING AND EXPLOITATION IN SCOTLAND – BACKGROUND AND EVIDENCE**

The Act creates a new legislative context that will simplify how police and prosecutors can deal with these crimes. Until now, police and prosecutors have had to rely on a number of different legislative instruments to charge suspected perpetrators.

The offence of human trafficking is defined in Section 1 of the 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 definition does not 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.

The offence of 'Slavery, servitude and forced or compulsory labour' is defined in section 4, covering the exploitation of persons who have not been trafficked.

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. Further, the Act makes provision for orders for which the police can apply, to disrupt activity related to trafficking and exploitation.

### **National Referral Mechanism (NRM)**

This is a UK wide framework for identifying victims of human trafficking and ensuring they receive the appropriate support<sup>4</sup>.

The National Crime Agency (NCA) publishes annual statistics on those who have been referred to the NRM. Adults need to give their consent to entering the NRM while children do not and, for a variety of reasons, a number of adults 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. In Scotland, adult victims 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.

There were 145 potential victims of trafficking identified in this way in Scotland in 2015. 71 were females (49%) and 74 males (51%), 103 (71%) were adults and 42 (29%) were children. 65% of all victims identified in Scotland were women or children. This is a 31% increase on 2014 referrals.

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<sup>4</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.

The referrals were for different kinds of exploitation:

Domestic Servitude	17%
Labour	35%
Sexual Exploitation	33%
'Unknown'	15%

The Action Plan will require further research to be commissioned, to ascertain the extent of human trafficking and exploitation.

## **SECTION 3 – VISION, ACTION AREAS AND MOVING FORWARD**

### **Vision**

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

Although the main focus and influence of this Strategy is within Scotland, it will contribute to the effort to tackling human trafficking and exploitation across the UK and beyond.

### **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;
- Address the conditions, both local and global, that foster trafficking and exploitation.

Each of these Action Areas have further themes that can be taken forward. The diagram on the following page sets out these relationships.

### **Moving forward**

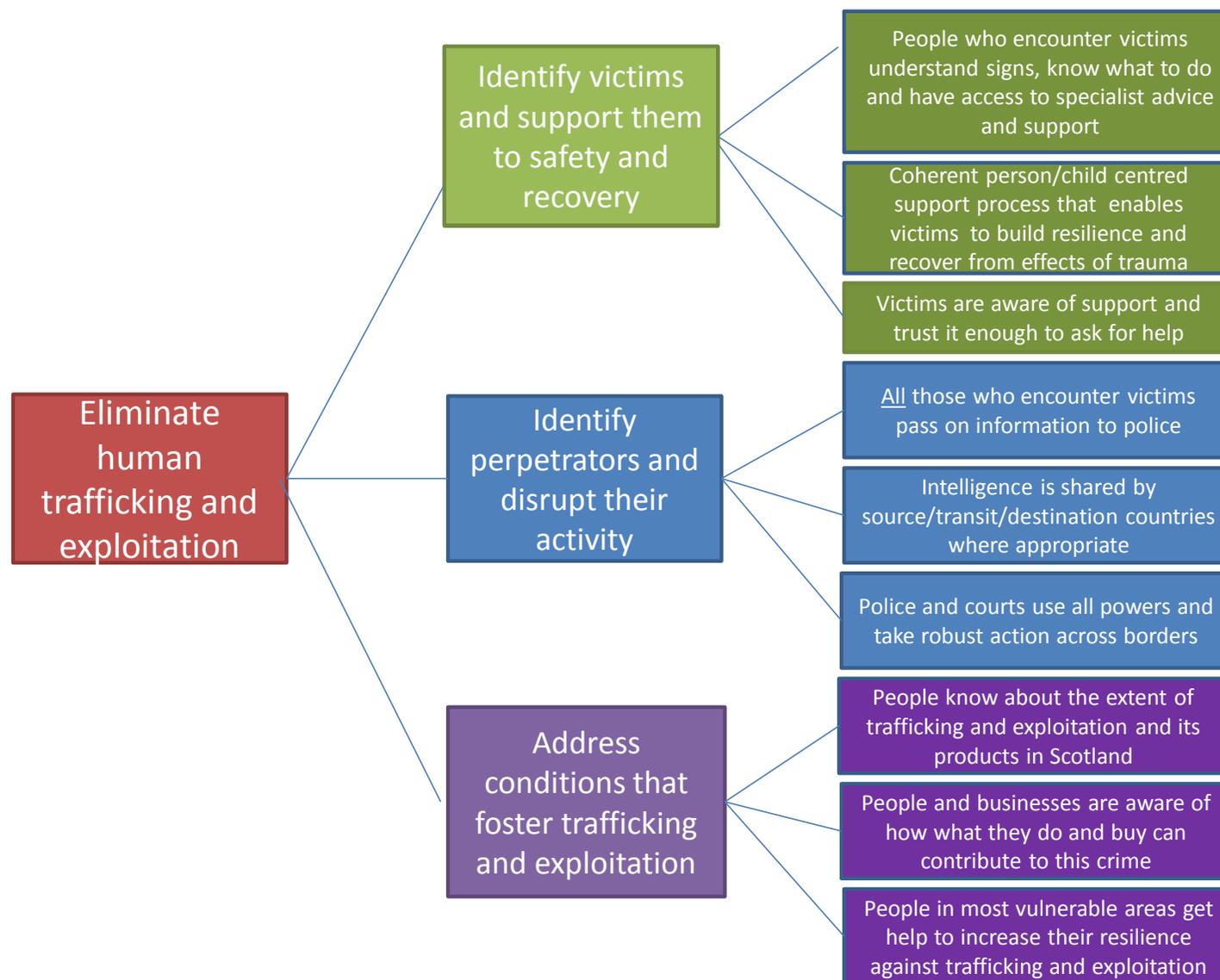
If we want things to change, we need to know in relation to each Action Area:

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

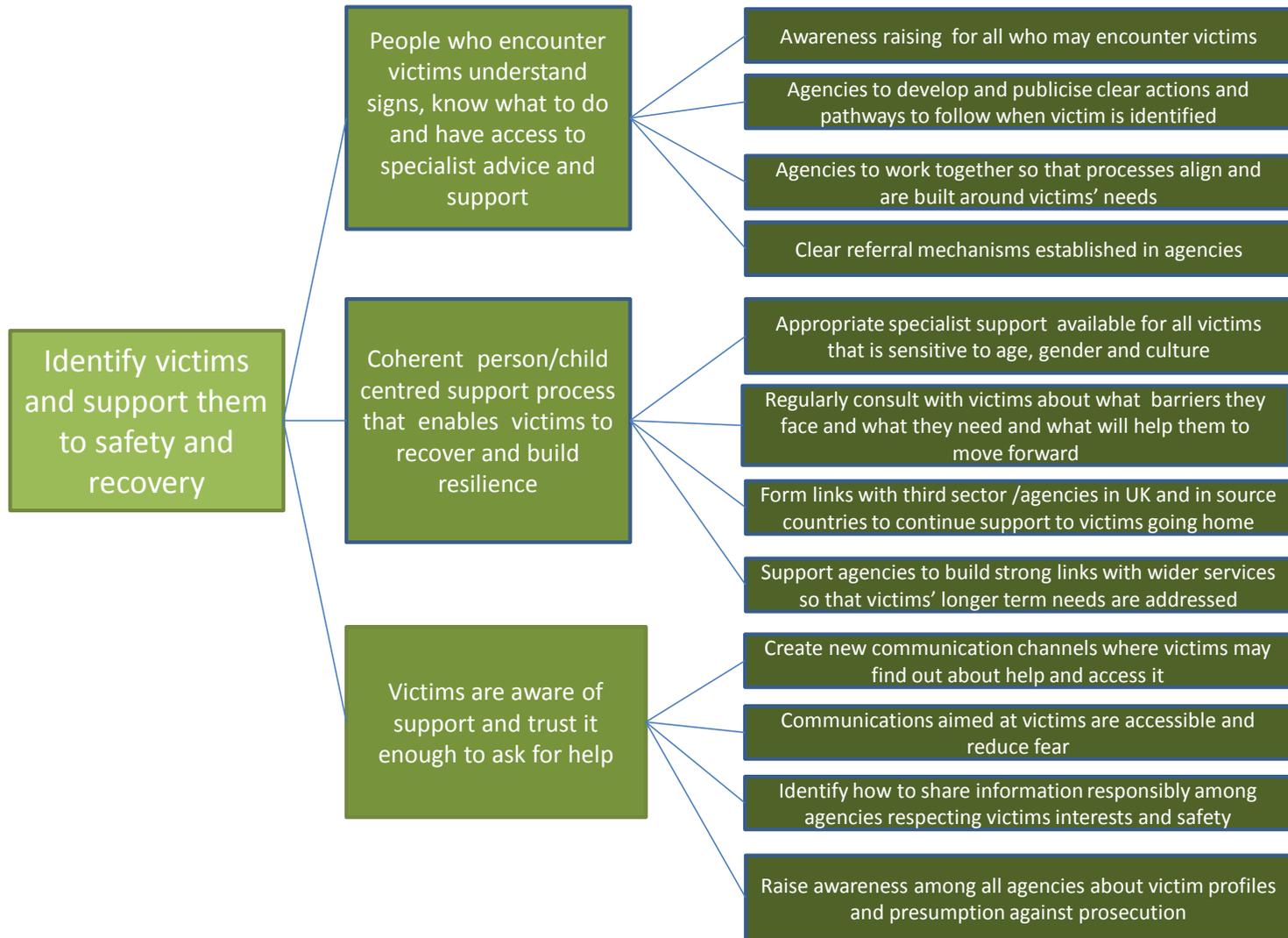
For each of the Action Areas, the following Sections identify what is already happening, along with suggestions as to what we need to improve and what actions we will take.

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

## VISION, ACTION AREAS AND OUTCOMES



**ACTION AREA 1 - IDENTIFY VICTIMS AND SUPPORT THEM TO SAFETY AND RECOVERY -**



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

### **WHAT IS ALREADY HAPPENING?**

Specialist support for adult victims of **human trafficking** is currently 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 – women trafficked for other purposes as well as men. These agencies work with local authorities and other bodies such as the NHS that have relevant duties towards victims of trafficking to provide support. .

At the moment, the arrangements referred to above do not cover those who have been the victims of exploitation alone (**slavery, servitude and forced or compulsory labour**). This is an issue that will be considered, although any victim of a crime in Scotland has the rights set out in the Victims' Code for Scotland, including to support by organisations such as Victim Support Scotland.

The [Adult Support and Protection \(Scotland\) Act 2007](#)<sup>5</sup> may 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.

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

Human trafficking legislation will take primacy with regard to the support and protection of adults who have been victims of these crimes, but other legislation may also be relevant in providing ongoing support, for example Mental Health (Care and Treatment) (Scotland) Act 2003, Adults with Incapacity (Scotland) Act 2000.

Child victims of trafficking or exploitation who have someone within the UK with parental rights and responsibilities for them, will be provided with support and protection through Scotland's child protection system. Child victims who do not have anyone in the UK with parental rights and responsibilities for them will be assisted by the Scottish Guardianship Service. See Section 4 of this document, which deals with specific issues relating to child victims.

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<sup>5</sup> <http://www.legislation.gov.uk/asp/2007/10/contents>

## **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. We will raise awareness amongst both the public and professionals, with clear referral mechanisms and pathways within each public sector organisation.
- 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.
- 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.
- We want victims to be aware of the support available and trust it enough to ask for help.

## **WHAT ACTIONS WILL WE TAKE TO MOVE FORWARD?**

### **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.
- 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.
- The Scottish Government and NHS Greater Glasgow & Clyde will 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 further develop the arrangement 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.
- The Scottish Government will work with local authorities and other partners to update the current 2012 Age Assessment Practice Guidance.
- For unaccompanied children, who do not have someone with parental rights and responsibilities for them in the UK, the Scottish Government will work with partners to build on the duties introduced in Section 11 of the Act. Ministers are under a duty to provide a guardian to children who have been trafficked and relevant authorities are under a duty to refer these children to this service. We will work together with partners to lay out directions as to how this will be implemented.

- The Scottish Government will take forward the Child Protection Improvement Programme (CPIP) announced in February 2016.
- Local Child Protection Committees should ensure that there are specific and appropriate arrangements on child trafficking and exploitation in place through guidance, protocols or procedures, which are known and implemented by relevant services.
- Local Adult Protection Committees 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 Crown Office and Procurator Fiscal Service (COPFS) will implement the Lord Advocate's instructions under Section 8 of the Act.

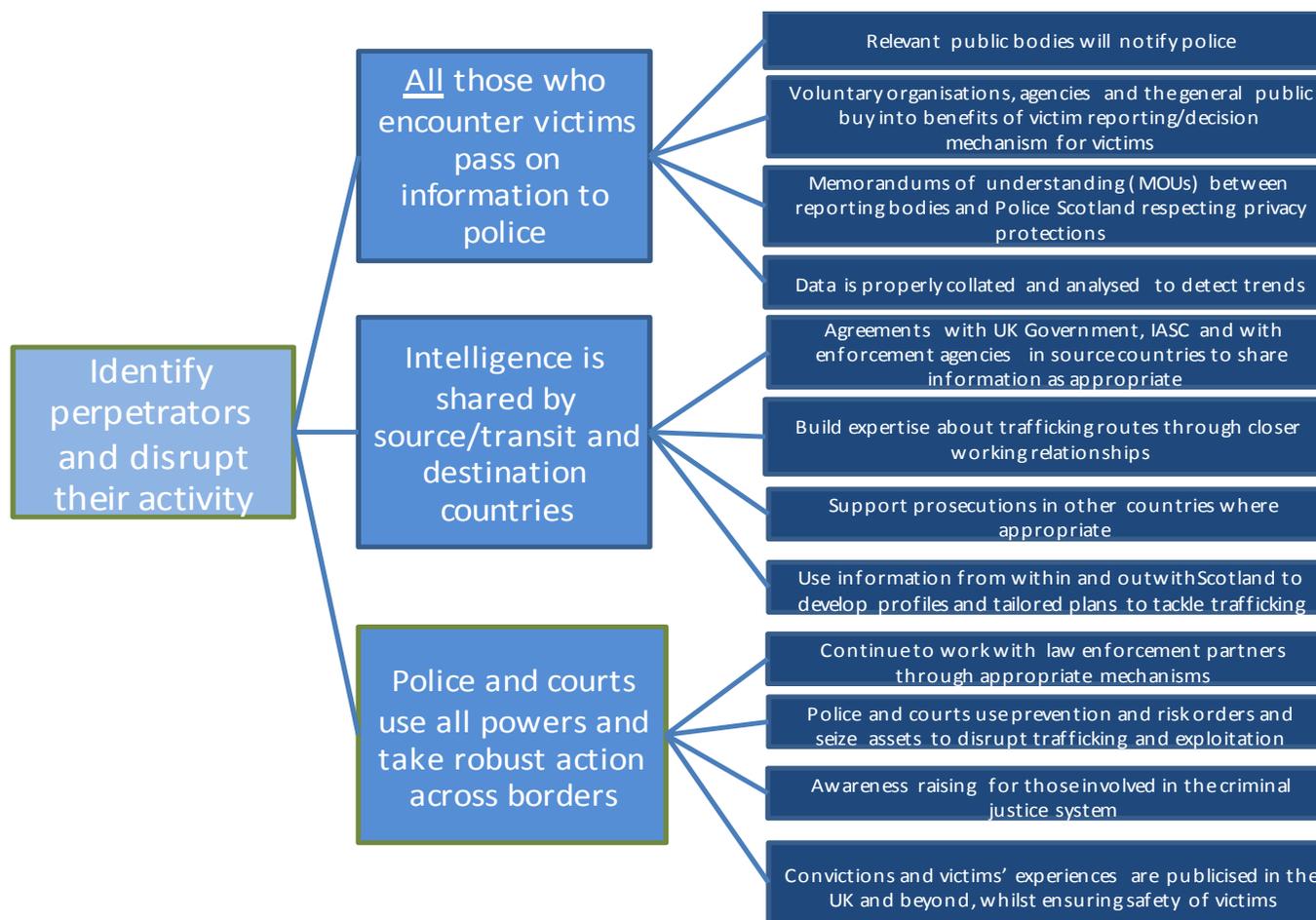
#### **In the medium term**

- Public sector organisations will establish clear referral mechanisms within their organisation for victims and incidents of human trafficking and exploitation.
- The Scottish Government will work with partners to establish local partnerships, to help support victims' longer term and wider needs.
- The Scottish Government and partners will create information sharing pathways and protocols that respect victims' interests and safety
- Partners should offer appropriate and proportionate training to staff who **are likely** to encounter victims in the course of their work.
- Partners 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 will work to develop effective partnerships across the UK and in other countries to continue support to victims returning home.
- The Scottish Government and partners will work with victims to create effective communication channels as to where to find help and support. They will also work with victims to ensure that communications aimed at potential victims are accessible and reduce fear.

## ACTION AREA 2 – IDENTIFY PERPETRATORS AND DISRUPT THEIR ACTIVITY



## **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.

The Act also introduces new court orders – Trafficking and Exploitation Prevention Orders (TEPO) and Trafficking and Exploitation Risk Orders (TERO) – to disrupt trafficking and exploitation and orders for the forfeiture of certain assets in cases with a connection to trafficking.

The Lord Advocate has published instructions for Prosecutors on how victims of human trafficking and exploitation, who have been reported for a crime should be dealt with. 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.

The then Lord Advocate and the other Heads of Prosecution Services in the UK signed up to a set of Commitments in 2014. 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.

The Crown Office and Procurator Fiscal Service (COPFS) have appointed specialist prosecutors who act as the first point of contact on these types of cases and provide a consistent and robust approach.

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.

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

- We need to encourage all those who encounter victims to pass on information to Police Scotland in a way that protects victims' privacy and safety.
- We need to ensure victim identification processes are fit for purpose and are trusted by victims and professionals.

- 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 with source/transit and destination countries where appropriate.
- We want Police Scotland, Prosecutors and the Courts to 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 prosecutions to be publicised, to send the message that Scotland is a country that is hostile to human trafficking and exploitation.

## **WHAT ACTIONS WILL WE TAKE TO MOVE FORWARD?**

### **In the short term**

- The Scottish Government will take forward work in relation to the duty to notify, as set out in Section 38 of the Act, so that agencies with a duty to notify are clear on what they have to do. We will ensure that the process protects victims' human rights and that the information gained is helpful to Police Scotland in breaking the cycle of trafficking and exploitation.
- The Scottish Government will work with agencies not directly covered by the duty in Section 38 (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 continue to work with the Home Office on the review of the NRM process and will consider the review recommendations when published. We will also seek to facilitate accurate collection of data that can inform the development of services and processes.
- Partners will consider how each NRM referral should also be recorded in a crime report to Police Scotland.
- Partners will consider appropriate awareness raising 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.
- Partners will work together to ensure that convictions and victims' experiences are publicised in Scotland, the UK and beyond.

### **In the medium term**

- Police Scotland and COPFS, where appropriate, will ensure that an application for a JIT is submitted to Eurojust<sup>6</sup>. 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.

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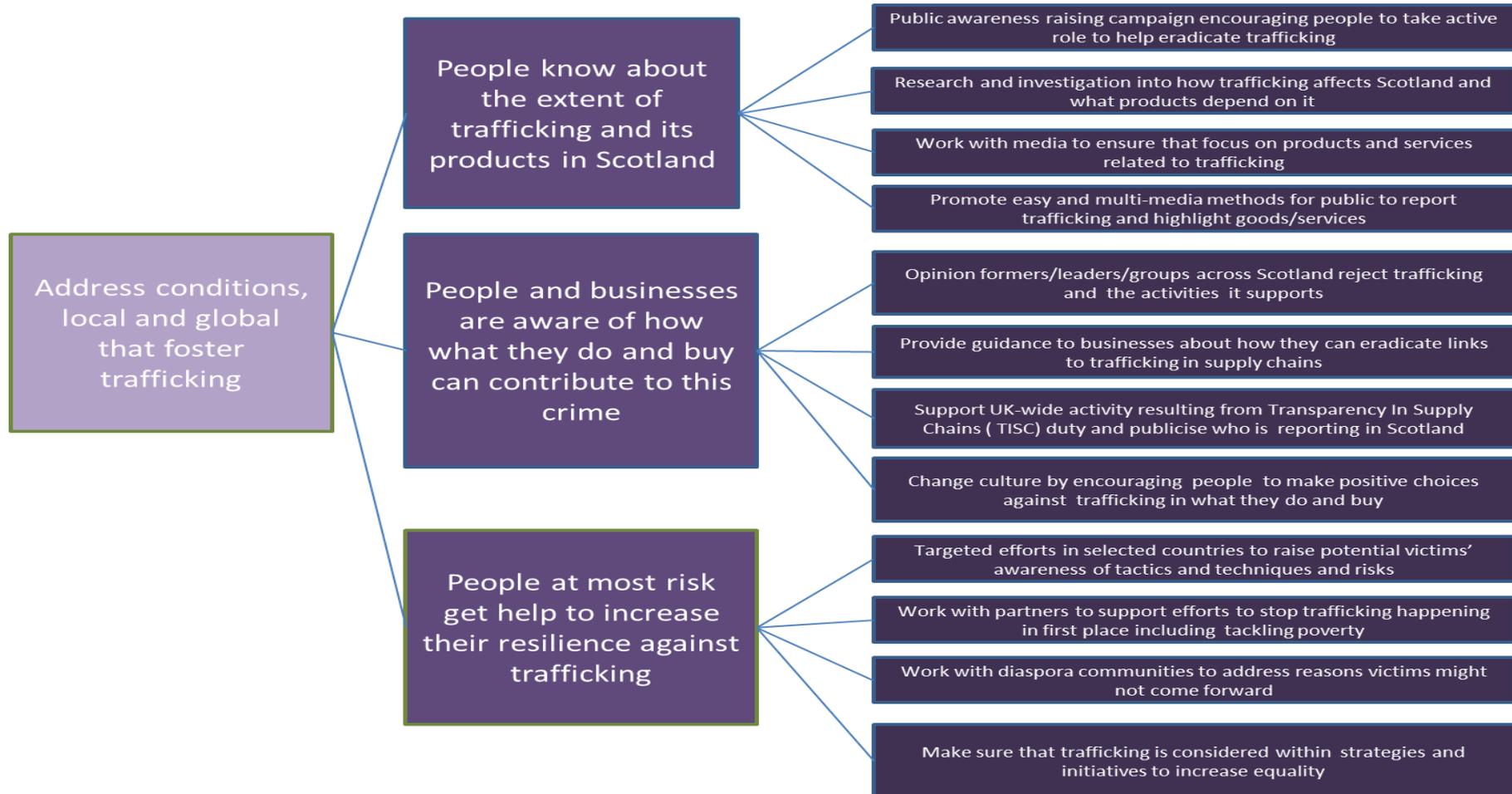
<sup>6</sup>Eurojust is an agency of the EU dealing with judicial co-operation in criminal matters

- 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.

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



## **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 approach focusses on early intervention and prevention – tackling the root causes and building people’s capabilities through universal entitlements, income maximisation and promoting children’s life chances.

Scotland has gone further than the rest of the UK in its procurement regulations and guidance to encourage compliance with environmental, social and employment law obligations. A breach of Part 1 of the Act is a mandatory exclusion provision for both regulated and EU procurements.

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.

Scotland’s Serious and Organised Crime Strategy recognises the increase in human trafficking and exploitation as one of the threats faced by Scotland and 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.

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, creating a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from such abuse and the attitudes that help perpetuate it. It also sets out the actions that agencies will take to achieve that aim.

The Scottish Government is committed to ensuring that workers in the developing world achieve a fair price for the goods they produce. By ensuring a decent living wage, Fairtrade farmers and producers are empowered to compete in the global marketplace through direct, long-term contracts with international buyers. This market access lifts families from poverty, keeps food on the table, children in school and families on their land. By helping to challenge the unfair trading systems that keep many people in poverty, we can help ensure families are not faced with making desperate choices which can often see them, or their children, forced into slavery.

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 became one of the first countries in the world to adopt the United Nations Sustainable Development Goals (SDGs)<sup>7</sup>, which outline a number of high-level objectives for countries, including ending poverty, ensuring access to education and achieving gender equality.

The SDGs form the basis of a global partnership for sustainable development with the engagement of governments, as well as civil society, the private sector, and the United Nations system.

The First Minister announced Scotland's plans to sign up for the Goals, as well as the Scottish Government's plans for domestic implementation. Monitoring 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'.

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

- We want people to know about the extent of trafficking and exploitation and its products and impact in Scotland.
- We want to inform the public, encouraging them to question and reject the exploitation of other human beings and to think about how what they do and what they buy 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 victims to get support and understanding from their communities.
- We will work across the Scottish Government to seek to ensure that other strategies and initiatives take account of human trafficking and exploitation.

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<sup>7</sup> <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

## **WHAT ACTIONS WILL WE TAKE TO MOVE FORWARD?**

### **In the short term**

- 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 do and what they buy could contribute to this crime.
- The Scottish Government will develop 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.

### **In the longer term**

- The Scottish Government will work with the UK’s Independent Anti-Slavery Commissioner 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 with diaspora communities 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.

## **SECTION 4 – CHILDREN**

### **Introduction**

Much of what is set out in the preceding Sections will also apply to children. However, it is also helpful to set out where the situation for children who are or who are suspected victims of human trafficking and exploitation differs from that for adults.

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. The vulnerability of children is even greater when they are moved to another location, where they have no associations or shared language.

The Act defines a child as a person under 18 years of age.

### **Action Area 1: Identify Victims and Support them to Safety and Recovery**

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 should be provided within the context of Scotland's child protection system and the national Getting It Right for Every Child (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.

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>8</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.

In addition, local Child Protection Committees should ensure that there are specific and appropriate arrangements on child trafficking and exploitation in place through guidance, protocols or procedures, which are known and implemented by relevant services.

The [Inter-agency Guidance for Child Trafficking](#)<sup>9</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 as to

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<sup>8</sup> <http://www.gov.scot/Resource/0045/00450733.pdf>

<sup>9</sup> <http://www.gov.scot/resource/0043/00437636.pdf>

what factors in a child's circumstances 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.

The responsibility for coordinating services for child victims of human trafficking and exploitation lies primarily with the relevant local authority, which provides support whether or not (in the case of trafficking) children have reported to the UK-wide National Referral Mechanism (see Section 2).

The Scottish Government will work to ensure that local authorities across Scotland provide care to a consistently high standard in terms of a child's entitlement under the Children and Young People (Scotland) Act 2014, both in the short term and when they leave care. In the short term, the risk is that providing a potential child victim of trafficking or exploitation with supported accommodation under Section 22 of the Children (Scotland) Act 1995 may leave them vulnerable to being re-trafficked. To that end, the Scottish Government is seeking to bring forward guidance on the use of Sections 22 and 25 of the Children (Scotland) Act 1995.

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 be a victim themselves. Children who have been trafficked or exploited are likely to be highly traumatised by their experience. 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). The Scottish Government will continue to support Boards to meet their access targets with a programme of improvement.

It is worth noting that the Adult Support and Protection (Scotland) Act 2007 may offer protection from 16 years and up in a small number of cases.

### **Additional Support for Child Victims**

Section 11 (Independent child trafficking guardians) and Section 12 (Presumption of Age) of the Act introduce provisions that relate specifically to support for child victims.

**Section 11** contains two duties. 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. 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. The second duty is for 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.

The Scottish Government will bring forward Regulations under Section 11 to fully implement the Section and make further provision about independent child trafficking guardians (for example, in relation to their appointment and their functions).

**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 the relevant enactments until an assessment of the person's age is carried out by a local authority, or the person's age is otherwise determined.

The Scottish Government will work with partners to update the 2012 [Age Assessment Practice Guidance](#)<sup>10</sup> to reflect the provisions of Section 12 of the Act.

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

### **Human Trafficking and Child Sexual Exploitation**

There are recognised links between human trafficking and child sexual exploitation (CSE). Through the update of the 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.

### **Lord Advocate's Instructions – presumption against prosecution**

It is important that all those in contact with a possible child victim of trafficking or exploitation are aware of the Lord Advocate's Instructions for prosecutors under Section 8 of the Act on alleged offences committed by possible victims of trafficking or exploitation. These 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:

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<sup>10</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)

(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.

The Lord Advocate's Instructions set out at paragraphs 15-19 that the test for application of the presumption in relation to a child victim of trafficking or exploitation is different to an adult victim. In relation to a child aged 17 or under the presumption will apply if the child is a victim of human trafficking or exploitation and the offence is committed in the course of or as a consequence of human trafficking and exploitation. There is no need to consider whether the child was compelled in any way to commit the offence.

The prosecutor must be satisfied on the balance of probabilities that the offence took place in the course of or as a consequence of human trafficking or exploitation.

Offences which take place during the course of the trafficking or exploitation are those which allow the process of human trafficking or exploitation to take place. For example, child victims of trafficking or exploitation may commit immigration offences, in particular being in possession of false documents or entering a country illegally, in order for the trafficking or exploitation to take place.

Offences which are a consequence of the trafficking or exploitation will often include the offences which victims commit for the benefit of those trafficking or exploiting them and will include, for example, offences relating to commercial sexual exploitation, the production and supply of controlled drugs and theft by shoplifting.

There will also be offences committed as a consequence of the trafficking or exploitation that are not for the benefit of those trafficking or exploiting but are the result of the perception of the victim that there are no other alternatives to escape the trafficking or exploitation. These offences might include offences of violence or dishonesty committed in an attempt to escape the situation in which the victim finds themselves.

This is in line with the whole system approach to offending by young people, where as far as possible children and young people should be kept out of the Criminal Justice system. Where offending does take place, effective and timely interventions are needed to address the behaviour and its causes.

Diversion from prosecution should be used when prosecution is not in the public interest and maximising opportunities for diversion from formal processes is a priority within The Youth Justice Strategy [Preventing Offending – Getting it right for children and young people](#)<sup>11</sup>

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<sup>11</sup> <http://www.gov.scot/Resource/0047/00479251.pdf>

## **Action Area 3 – Address the Conditions that Foster Trafficking and Exploitation**

### **Child Sexual Exploitation (CSE)**

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.

For children and young people (11-17), the awareness campaign focused on building and understanding the differences between healthy and unhealthy relationships, and empowered them to take appropriate action if they had concerns about themselves or a friend. Following the campaign, we will continue to work closely with partners to extend its reach during 2016/17.

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.

### **Routes to arrival in Scotland**

Children, both accompanied and unaccompanied, arrive in Scotland through a variety of routes, some legal and some illegal. Illegal movement at its worst manifests as trafficking, which needs to be identified and stopped. However, we acknowledge that due to the nature of trafficking, children who have been trafficked are hard to identify and that this can take place in and around identified and legal routes for example, through the controlled inter-country adoption, and identified and illegal routes for example, extra UK trafficked children.

We need to identify who this possibly trafficked group of children and young people are and what their routes to arrival have been. We 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 these young people and to establish their routes to arrival, particularly if these routes are outside the arrival routes that we know about for example, family reunion or children brought to the UK by non-parental kin. Through this we can then make an evidenced decision with our partners on whether guidance and best practice is required, or whether legislative change is needed to protect and safeguard and, where possible, to prevent any such activity taking place.

### **Missing Persons**

Many children and young people who go missing do so repeatedly. Whilst away from home, they are even more vulnerable, with an estimated 1 in 6 sleeping rough or with strangers, and 1 in 9 experiencing harm while missing. The Scottish Government's National Missing Persons Strategy for Scotland provides a framework

for partnership working to reduce harm and will provide a national focus for consistent good practice. It will recommend that return interviews are undertaken every time a child or young person has been missing and that prevention planning takes place, and will include a commitment to ensuring that relevant training and guidance for practitioners highlights the links between going missing and vulnerability to abuse.

The UK charity Missing People provide 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.

## **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 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.

### **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.

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

<b>MEASURE</b>	<b>DEFINITION</b>	<b>CURRENT (2015-16)</b>	<b>WHY?</b>
<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.		Knowing the number of potential victims identified will help us to assess the extent of human trafficking and exploitation in Scotland. We would expect this number to increase initially as we raise awareness and more incidents are reported. However, the long-term trend should be downwards. The information should also help to assess the profile of human trafficking and exploitation in Scotland and inform prevention efforts.

<p>Number of adult victims provided with support (as set out in Section 9 of the Act)</p>	<p>Reports from the support provider.</p>		<p>We want a coherent support process that enables victims to build resilience. Reports from the support provider will provide information on outcomes for victims, and so will provide the qualitative data around the numbers. 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.</p>
<p>Number of trafficked or exploited children supported through the child protection system.</p>	<p>This will be based on the returns already provided to Scottish Government by local authorities.</p>	<p>First data available March 2017.</p>	<p>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. We would expect this figure to rise initially as this recognition beds in to the system.</p>
<p>Number of eligible children who are allocated an independent child trafficking guardian.</p>	<p>Number of eligible children who receive the support of an independent child trafficking guardian under Section 11 of the Act.</p>		<p>As part of a coherent support process, for children who do not have a parent or guardian in the UK, the Scottish Guardianship Service (SGS) will contribute along with statutory services to providing the required support. We expect that this figure will rise as the SGS is further developed.</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).		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.
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.		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 spring 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.

<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.		This will help to assess the effectiveness of awareness raising activities undertaken, and to adjust them if need be.
<b>Infrastructure and partnership working</b>			
Numbers of statutory bodies that have specific referral mechanisms for human trafficking and exploitation within their organisation.	Self-reporting on an annual basis through the Strategy Implementation Group.		An infrastructure that supports communication and information is essential to delivery of all the other strands of the Strategy. 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.
Number of organisations (statutory and non-statutory) within Scotland that have action plans that contribute to delivering the overall aims of the Strategy.	Self-reporting on an annual basis through the Stakeholder Forum arrangement.		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.

## **SECTION 6. POLICY CONTEXT**

There are a number of key Scottish Government policies and guidance documents that already contribute to the arrangements to tackle human trafficking and exploitation. Summaries of some of the main ones are set out below and links to these and other relevant documents are available in Annex One.

The **Adult Support and Protection (Scotland) Act 2007** seeks to protect and benefit adults at risk of being harmed. The Act requires councils and a range of public bodies to work together to support and protect adults who are unable to safeguard themselves, their property and their rights.

**Scotland's Serious and Organised Crime (SOC) Strategy** aims to reduce the harm caused by serious organised crime by diverting people from becoming involved in this type of crime and/or using its products; deterring SOC Groups by supporting private, public and third sector organisations to protect themselves and each other; identifying, detecting and prosecuting those involved in SOC and disrupting SOC Groups.

**Equally Safe** is our country's strategy to take action on all forms of violence against women and girls. It explicitly includes commercial sexual exploitation and trafficking within its definition of violence against women and girls.

**New Scots** - A significant number of asylum seekers have been victims of human trafficking. **New Scots: Integrating Refugees in Scotland's Communities** is a three-year strategy for refugee integration in Scotland. The aim of the strategy is to support and enable people to rebuild their lives in Scotland and make a full contribution to society.

**Scotland's National Action Plan for Human Rights** contains a commitment to ensure that the Strategy takes a human rights based approach, using the model for change promoted by and set out in Scotland's National Action Plan for Human Rights.

**Scotland's National Action Plan to tackle Child Sexual Exploitation** is multi-agency and emphasises the need for strong, effective partnership working. An update of the Plan, developed in partnership with the Ministerial Working Group to Prevent and Tackle Child Sexual Exploitation and National Child Sexual Exploitation Working Group, was published in March 2016

The **UN Convention on the Rights of the Child (UNCRC)** is a core international human rights treaty, setting out a holistic framework for the rights of all children. The UNCRC is at the heart of the Scottish Government's commitment to ensuring that all children and young people have the best possible start to life, regardless of their circumstances. All duty bearers under the UNCRC are expected to do all they can to implement the Convention and uphold children's rights.

**National Guidance for Child Protection in Scotland** provides a national framework within which agencies and practitioners at local level, individually and

jointly, can understand and agree processes for working together to support, promote and safeguard the wellbeing of all children.

**Getting it Right for Every Child (GIRFEC)** is the national approach in Scotland to improving outcomes and supporting the wellbeing of all children and young people by offering the right help at the right time from the right people.

**Getting it Right for Looked After Children and Young People Strategy** sets out the Scottish Government's priorities to improve the lives of looked after children and young people. It reflects the on-going collaborative work between the Scottish Government, local authorities, professionals, carers, families and children and young people.

The **Victims and Witnesses (Scotland) Act 2014** introduced various measures to improve the information and support available to victims and witnesses, including an obligation on criminal justice organisations to develop and publish Standards of Service<sup>12</sup> setting out how individuals can expect to be treated. The Act also requires the Scottish Ministers to publish a Victims' Code for Scotland<sup>13</sup>, setting out, clearly and in one place, the rights that all victims of crime have and who to contact for help and advice.

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<sup>12</sup> <http://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/standards-2015.pdf?sfvrsn=4>

<sup>13</sup> <https://www.mygov.scot/victims-code-for-scotland/victims-code-for-scotland.pdf?inline=true>

## **ANNEX ONE – LEGISLATIVE CONTEXT AND FURTHER READING**

### **HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015<sup>14</sup>**

A full summary of the Act is provided as a separate document.

### **OTHER SCOTTISH AND UK LEGISLATION**

#### **Modern Slavery Act (England and Wales) (some aspects of this Act apply in Scotland)**

<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

#### **Children (Scotland) Act 1995:**

<http://www.legislation.gov.uk/ukpga/1995/36/contents>

#### **Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005**

<http://www.legislation.gov.uk/asp/2005/9/contents>

#### **Sexual Offences (Scotland) Act 2009:**

<http://www.legislation.gov.uk/asp/2009/9/contents>

#### **Children and Young People (Scotland) Act 2014:**

<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

#### **Adult Support and Protection (Scotland) Act 2007**

<http://www.legislation.gov.uk/asp/2007/10/contents>

#### **Northern Ireland Human Trafficking Act**

<http://www.legislation.gov.uk/nia/2015/2/contents>

## **GUIDANCE**

#### **Lord Advocate's Instructions**

[http://www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf).

#### **The Inter-agency Guidance for Child Trafficking,**

<http://www.gov.scot/resource/0043/00437636.pdf>

#### **The National Guidance for Child Protection in Scotland (2014)**

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

#### **Interagency age assessment guidance**

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<sup>14</sup> <http://www.legislation.gov.uk/asp/2015/12/enacted>

[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)

**Adult Support and Protection Code of Practice**

<http://www.gov.scot/Publications/2014/05/6492/0>

**Standards of Service for Victims and Witnesses**

<http://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/standards-2015.pdf?sfvrsn=4>.

**Victims' Code for Scotland**

<https://www.mygov.scot/victims-code-for-scotland/>.

**Human Trafficking Foundation Care Standards**

<http://www.humantraffickingfoundation.org/sites/default/files/Trafficking%20Survivor%20Care%20Standards%202015.pdf>.

**UK Prosecutors' Commitments**

[https://www.cps.gov.uk/publications/agencies/human\\_trafficking\\_prosecutor\\_commitment\\_and\\_supporting\\_statement\\_2016.pdf](https://www.cps.gov.uk/publications/agencies/human_trafficking_prosecutor_commitment_and_supporting_statement_2016.pdf)

**POLICIES AND STRATEGIES**

**Scotland's National Action Plan to tackle child sexual exploitation**

<http://www.gov.scot/Resource/0046/00463120.pdf>

**Serious and Organised Crime Strategy**

<http://www.gov.scot/Publications/2015/06/3426>

**Equally Safe**

<http://blogs.scotland.gov.uk/equally-safe/files/2016/03/ES-update-18-April1.pdf>

**New Scots – Refugee Integration Strategy**

<http://www.gov.scot/Publications/2013/12/4581/downloads>

**Scotland's National Action Plan on Human Rights**

<http://scottishhumanrights.com/actionplan>

**Modern Slavery Strategy**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/383764/Modern\\_Slavery\\_Strategy\\_FINAL\\_DEC2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf)

**Northern Ireland Strategy**

<https://www.justice-ni.gov.uk/publications/northern-ireland-human-trafficking-and-exploitation-strategy-2015-2016>

**UN/EU**

**UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (Palermo Protocol)**

<http://www.osce.org/odihr/19223?download=true>

**Council of Europe Convention on Action against Trafficking in Human Beings of 2005 (Human Trafficking Convention)**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236093/8414.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf)

**EU Directive on Human Trafficking**

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

**Guidance from the Office of the UN High Commissioner for Human Rights: 'Human Rights and Human Trafficking'**

[http://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS36_en.pdf).

**UN Convention on the Rights of the Child**

<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

**UN Guiding Principles on Business and Human Rights –**

[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

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**EU AND HOME OFFICE FACTSHEETS**

[https://www.unglobalcompact.org/docs/issues\\_doc/labour/Forced\\_labour/HUMAN\\_TRAFFICKING\\_-\\_THE\\_FACTS\\_-\\_final.pdf](https://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf)

[http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-factsheets/factsheet\\_thb\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-factsheets/factsheet_thb_en.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/181550/Human\\_Trafficking\\_practical\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181550/Human_Trafficking_practical_guidance.pdf)

## **ANNEX TWO – 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)
- Paul Gray, Chief Executive, NHS Scotland
- Tam Baillie, Children’s Commissioner
- Paul Comley, Adult Protection Committee Convenors
- ACC Malcolm Graham, Police Scotland
- Anne Houston, Child Protection Committees Scotland.
- Kevin Hyland, Independent Anti-Slavery Commissioner
- Sally Anne Kelly, Aberlour Child Care Trust
- Councillor Harry McGuigan, COSLA
- Alastair Pringle, Equality and Human Rights Commission
- Linda Thompson, Women’s Support Project
- Hazel Watson, Action on Churches Together Scotland
- John Wilkes, 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

### **CHILD TRAFFICKING STRATEGY GROUP MEMBERSHIP**

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

### **STAKEHOLDER FORUM - ROLE**

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.



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