

**Scottish Women's Convention response to:**  
**Scottish Government Trafficking and Exploitation Strategy**  
**November 2016**

**The Consultation**

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

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

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

The Strategy is a direct result of the 2015 Act, which requires Scottish Ministers to prepare such a Strategy. The Act requires that the Strategy sets out such actions, arrangements and outcomes that Ministers consider appropriate in relation to conduct which constitutes an offence under the Act.

The draft Strategy seeks to bring together and build on all the valuable work already undertaken by the Scottish Government and its partners in the public, private and third sectors, to provide coherent and effective support for victims and take action against perpetrators. The draft Strategy has been developed in partnership with stakeholders over the past months. It cross-refers with other relevant strategy and policy documents, including, for example, Equally Safe: Scotland's strategy for preventing and eradicating VAWG.

**Introduction**

The Scottish Women's Convention (SWC) welcomes the opportunity to provide the views of women in Scotland on the draft Strategy. Rightfully described as 'modern day slavery', the trafficking of women, men and children is one of the most heinous and abhorrent crimes in the world.

Victims of trafficking all have one thing in common. They are all extremely vulnerable. These people, more often than not, live in poverty in their home countries. They are frequently discriminated against, suffer low self-esteem and many have substance misuse issues, mental health issues, and in some cases learning disabilities.

Sexual exploitation is the most common purpose of trafficking. It therefore stands to reason that women make up the majority of victims. Despite this, there is very little recognition of the specific impact of human trafficking on women in the Strategy. The de-gendered approach which has been taken has the potential to adversely impact on women – as victims, as frontline workers in public services, as those who provide support and assistance to victims and as concerned members of the public. From the outset, the SWC calls for all aspects of the Strategy to have a strong gender focus. Women's experiences must be taken into account when the Scottish Government begins to implement actions to deliver this ambitious plan to eradicate human trafficking in Scotland.

### Question 1

The overall vision of the Strategy is to eliminate human trafficking and exploitation. The Strategy sets out three Action Areas that will help us to achieve this vision. These are:

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

Do you agree that these three Action Areas taken together will help achieve this vision?

Broadly speaking, the SWC agrees that these three Action areas will help achieve the overall vision of the Strategy. There are, however, a number of issues which must be taken into consideration in its development and implementation.

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

One of the most important aspects of the Human Trafficking Strategy has to be a focus on identifying and supporting victims to safety and recovery. These people, the majority of whom are women who have been trafficked to and through the UK for the purposes of commercial sexual exploitation, must be given the confidence and ability to seek help which is well funded, person centred and sensitive to the trauma that victims have faced.

Many of the frontline workers who do and who will continue to come into contact with victims of trafficking are women, working in public services such as the NHS. At present, while many may recognise or even suspect that women they are treating have been trafficked, they are unsure as to how to adequately report and deal with that information.

*“I work in a maternity unit and there have been a few occasions when a woman who I have strongly believed to be a victim of human trafficking has presented for pre-natal care. It's a really tricky situation as fundamentally I don't want to put the woman in any kind of danger. We need to be better informed as to how to handle this type of situation.”*

In order for the Strategy to work, it is extremely important that resources and training are provided to anyone who may be the first to come in contact with a victim of trafficking. As well as this, there needs to be a joined up approach between agencies such as the NHS, Police, voluntary sector organisations etc. They must be able to work together, sharing information and best practice, in order to be able to provide the best levels of support possible for those who have been trafficked and exploited.

As well as providing information to those who are likely to encounter victims through their work, more needs to be done to raise awareness amongst the public as to the reality and impact of human trafficking. This will be further addressed under Action Area 3.

It is also vital that during the development of a dedicated Strategy, the agencies who work closest with victims of trafficking, as well as victims themselves, are consulted in its development. The Strategy must recognise that the majority of victims are trafficked for commercial sexual exploitation and this must be reflected in any efforts made to tackle trafficking and exploitation.

Services which support victims are absolutely vital. Unfortunately, at the moment, they are very limited and are always subject to potential cuts to funding and therefore resources. It is hoped that support would be made available in more parts of the country than it is at present. The main support service (TARA) has limited reach, only available in Glasgow. However trafficking occurs throughout Scotland, particularly as this is a coastal nation and people are often brought in through ports, or are trafficked from within the UK. As well as punishing those who perpetrate these terrible crimes, it is so important that victims are supported to recover from what has happened to them.

The SWC also supports the establishment of a Scottish-specific National Referral Mechanism (NRM). The SWC supports the proposal for an Identification, Referral and Assistance, and Monitoring Service for Survivors of Human Trafficking. Weaknesses in the National Referral Mechanism (NRM), as well as the lack of a co-ordinated national response to trafficking, means that survivors are not receiving the support they need.

The Convention on the Elimination of Discrimination against Women (CEDAW) states at Article 6:

*“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”*

The CEDAW Examining Committee, in its scrutiny of the UK Government’s 7<sup>th</sup> Periodic Report in July 2013, noted the lack of a comprehensive national framework on trafficking and the need for this to be addressed. The Committee also heard that the NRM has alleged weaknesses, particularly with regards to the identification of victims and the lack of support provided to them. Recommendations included the adoption of a national comprehensive framework and an identification of any weaknesses in the NRM.

At present, the NRM is not functioning properly and is failing to adequately support victims. A ‘Survivors Service’ would provide a comprehensive approach across Scotland, ensuring that the needs of victims are fully taken into account once they leave their trafficked situation. The introduction of statutory minimum Standards for the Assistance and Recovery of Survivors of Human Trafficking (the ‘Survivors Standards’) are also welcomed.

Adequate resources and training for a Survivor’s Service must be provided. This will ensure that survivors are given the support they need in order to recover from what has happened to them.

The Service should draw on best practice, considering the policies and practices of services which currently work with victims of trafficking, such as the TARA project. Survivors themselves must also be consulted and their experiences used to build the Service. All services, training and resources must respect and support the needs of women.

### Action Area 2: Identify Perpetrators and Disrupt their Activity

Human trafficking is borne out of a demand for exploitable labour. This demand takes many forms, such as in private sex flats where women are raped by men on an almost hourly basis. Despite this, there is no mention of challenging and reducing demand – for any aspect of human trafficking – within the Strategy.

*“If men didn’t seek to buy women’s bodies, there wouldn’t be a need for them to be exploited and abused. If there were no men to buy sex, there would be no prostitution and therefore no trafficking for sexual exploitation.”*

The SWC believes that specific mention of the need to address demand for sexual exploitation must be included in the Strategy.

The Strategy has the potential to ensure that those who commit this abhorrent crime are arrested, tried and convicted, particularly if *“all of those who encounter victims pass on information to the police”*. This can only happen, however, if there is significant awareness raising, as well as the provision of resources and training for workers who are likely to encounter victims. By securing more convictions under improved legislation, Scotland could be seen as a ‘leading light’ in the fight against this abhorrent form of modern day slavery.

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

There is a real lack of knowledge amongst the public as to the causes and consequences of human trafficking. The violence, coercion and control experienced by victims on a daily basis sounds more like the plot of a drama series than something that actually happens in homes and workplaces throughout the country.

*“I’ve tried to raise the issue of trafficking in my community. Most of the people I’ve tried to talk to about it, however, have the attitude that it ‘can’t be happening in a quiet place like this’. It’s seen as far removed from real life, as opposed to something which is actually happening.”*

There is confusion amongst the public – those who are aware of the issue often believe it mainly relates to women trafficked into big cities for the purposes of sexual exploitation. People do not know that these illegal and immoral acts happen in both urban and rural areas, in what are considered respectable areas, and that men who run businesses, who are doctors, lawyers, engineers etc perpetuate these activities by paying for sex.

The media is an extremely useful tool and campaigns should be conducted which highlight the extent of trafficking in Scotland. More information available on TV and radio, in newspapers and magazines etc are necessary. The Government should work with the media, as well as agencies who work with victims of trafficking, the police etc in order to coordinate these campaigns.

### Conclusion

The SWC welcomes the opportunity to use the voices of women in Scotland to respond to this important consultation. The development of the Strategy is another key step towards eliminating human trafficking. In order to fully achieve the aims and vision of the Strategy, a strong gender focus must be an integral part of its implementation.

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The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to mental health in Scotland.

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