



# **Conference Against Human Trafficking**

**Menzies Hotel, Glasgow  
Monday 29th October 2012**

Human Trafficking involves the purchase and sale of human beings for a variety of purposes, including sexual exploitation, forced labour, domestic servitude and forced criminal acts. Stories are also emerging about trafficking for the purposes of organ removal. Every day, these gross human rights violations are occurring in towns and cities throughout Scotland.

There is undoubtedly a strong sense of social justice instilled throughout communities in Scotland. Ordinary people would be appalled if they knew other human beings are controlled, deceived, exploited, raped and beaten on their doorsteps.

Agnes Tolmie  
Chair, SWC

## Purpose of the Event

This event was organised to highlight the nature and extent of Human Trafficking in Scotland. The SWC have been aware of the issue for a number of years and previously held a conference in May 2009.

Invited speakers discussed human trafficking in the context of commercial sexual exploitation, forced labour and domestic servitude. Delegates participated in question and answer sessions as well as group 'breakout' discussions where specific questions were asked.

### Agnes Tolmie, Conference Chair

Agnes is Chair of the Scottish Women's Convention and has been an active campaigner in the women's movement for over thirty years.

Agnes is currently President of the STUC, as well as a member of Unite the Union's National Executive, Unite the Union Women's Committee, UNI Global World Executive Board and their World Women's Committee, as well as a Board Member of Langside College.

Agnes welcomed delegates to the conference and outlined the importance of discussion and awareness raising around the issue of human trafficking.

*"Rightfully described as 'modern day slavery', the trafficking of men, women and children is one of the most heinous and abhorrent crimes in the world."*

Sexual exploitation is the most common purpose of trafficking. It therefore stands to reason that women make up the majority of victims. There is, however, evidence that more and more men and boys are being brought to Scotland for forced labour, particularly in the agricultural sector.

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. In restaurants, workers are subjected to 22 hour days washing dishes, cleaning and preparing food with no breaks, no rest and no pay. On farms and fishing boats, men undertake hard labour yet take nothing home at the end of the day. In our towns and cities, young people are forced to grow cannabis, sell counterfeit DVD's and commit benefit fraud to line the pockets of the people who own them.

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.

There is a real lack of knowledge amongst ordinary people on the street. 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. 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.

## Trish Godman

Trish is a former member of the Scottish Parliament, having been first elected in 1999 and retiring in 2011. During her time as an MSP she was Chair of the Local Government Committee and served as Deputy Presiding Officer of the Parliament.

During her last term in Parliament, Trish proposed a Private Member's Bill to amend the Criminal Justice Act in order to make the purchase of sex a criminal offence. Margo McDonald MSP put forward an amendment to the Bill, suggesting that purchase should not be its own criminal offence but instead should constitute a breach of the peace. This was also rejected as it was considered by the Committee not to be a harsh enough punishment.

Despite numerous responses to the consultation, the Justice Committee did not progress the legislation. During the consultation period certain male MSPs made remarks such as *"you're never going to get rid of it, it's been around for centuries"*. This type of attitude highlights the need for wider education on the harmful effects of prostitution on women.

Trish outlined the practicalities of responding to Rhoda Grant MSP's current consultation, which also aims to criminalise the purchase of sex. It is important that interested parties respond and also contact their constituency and list MSPs, as well as members of the Justice Committee who will be dealing with the Private Member's Bill.

## Jenny Marra MSP

Jenny is a list MSP for North East Scotland and is also the Shadow Minister for Community Safety and Legal Affairs. Jenny is a member of the Justice Committee in the Scottish Parliament and Co-Convenor of the Cross Party Group on Human Trafficking.

The issue of human trafficking first came to light through a debate in Parliament on the Commonwealth Games. Such an event could lead to an increase in trafficking for the purposes of forced labour and sexual exploitation.

The UN believe that there are more people in the world currently in slavery than there have ever been before. Trafficking can be considered a *"chicken and egg"* situation - the less resources and agencies available to assist victims, the less we will know about the full extent of trafficking in Scotland.

The Scottish Parliament Cross Party Group on Human Trafficking, of which Jenny is Co-Convenor, intends to follow the recommendations of the Equality and Human Rights Commission (EHRC) inquiry into the issue.

Raising awareness is vital. There is not enough knowledge that human trafficking is 'alive' in communities throughout Scotland. It is important to raise awareness not only amongst the general public but also frontline services - police, paramedics, community safety officers, fire safety officers, nurses and doctors.

*"These workers have to be given the tools to be able to recognise human trafficking"*

This is especially important as trafficked people do not often self-identify. This is mostly due to fear, both of reprisals against their family at home and their own personal safety.

Legislation to tackle human trafficking is *"piecemeal"*, with little clarity as to where definitions lie within Scots law. The recent Scottish Government Summit on Trafficking has asked for a statutory aggravation of Human Trafficking to be included in Scots law. This means that if a crime is committed and is associated with trafficking, the offence will be considered more serious and the punishment more harsh.

## Question and Answer Session

Following presentations from the morning speakers, delegates were invited to pose questions to the panel.

### ***How do Local Authorities, NHS etc raise awareness through their workers who may come into contact with victims of trafficking?***

**JM** It is important that these workers are given training etc, as to what Human Trafficking looks like and its triggers. It may also be the case that support organisations need to be expanded in order to assist with training.

**TG** There also needs to be a change in attitudes regarding victims of trafficking and how they are viewed. People such as taxi drivers would benefit from training as they often have a lot of knowledge as to where trafficked women may be identified from dropping men off.

### ***Is there any evidence regarding an increase in trafficking at the Olympic Games which could be used for the 2014 Commonwealth Games?***

The Metropolitan Police allowed Trish, as part of research into her proposed bill to criminalise the purchase of sex, to spend two days with them. On the second day, officers were late as a result of raids which were carried out on those working on the construction of the Olympic village. They found a number of women who had been trafficked for sexual exploitation. The police have said *“trafficking will be part of the Commonwealth Games”*.

### ***How will Police Officers be trained further to be sensitive to the needs of victims of trafficking and who will conduct this training?***

**JM** Members of the Cross Party Group on Human Trafficking intend to go to the Scottish Police College at Tulliallan to sit in on the training they currently receive. They will also consult with agencies who work with victims of trafficking, such as TARA, to ensure the correct topics are being discussed.

### ***The purchaser of sex has a choice but so do sex workers - what about the voices of those who are happy in their work?***

**TG** While some sex workers may be happy with what they do, this is not the case for all. There are organisations who listen to sex workers, such as Scot-PEP.

### ***Would it not be valid to consider Margo McDonald's suggestion and make the purchase of sex an offence under breach of the peace?***

**TG** Being charged with a breach of the peace was not considered a strong enough punishment - *“it would have been the thin end of a wedge and more legislation would have been necessary further down the line.”*

### ***What support is already available for victims of trafficking?***

**TG** There are agencies who support victims, such as TARA, however they are not recognised or funded enough. They do not use money to raise awareness of themselves as they are too busy using their funding to provide as much help as possible for those who have been trafficked.

### ***The media plays a major role in society. How can it be used to raise awareness?***

**JM** It is important to expose the *“concept of coercion of people against their will”* and the media is a positive way of doing this. Journalists should realise that trafficking is a form of slavery and, as such, is completely abhorrent.

## **Gunilla Ekberg**

Gunilla is a Swedish-Canadian feminist lawyer and activist who acted as Special Advisor on gender equality and human trafficking to the Swedish Government for six years. She is currently a PhD candidate in law at the University of Glasgow.

Sweden criminalised the purchase of a sexual service approximately fifteen years ago (1999), under legislation which is part of a wider range of measures on Violence Against Women, including sexual crimes and human trafficking. As victims of a crime, it is central in Swedish anti-prostitution policies that those in prostitution are not criminalised and are instead offered support and access to comprehensive exit services.

**“Prostitution is harmful, violence against women (and men), a barrier to gender equality, and is a consequence of women living in a patriarchal society.”**

The Swedish definition of the purchase of a sexual service is: *“A person who, obtains a casual sexual relation in exchange for payment shall be sentenced for the purchase of a sexual service to a fine or imprisonment for at the most one year.”* Any attempt to purchase a sexual service is also criminalised. The law was strengthened in 2005, and today the law also applies if the payment has been promised or made by someone else.

The penalty for purchasing a sexual service is either a fine or up to one-year in prison. No one has yet been sentenced to prison, but several conditional sentences have been passed, and close to 5000 men have been arrested since 1999. The amount of the fine is determined by the earnings of the person convicted.

**“If you make a lot of money then you pay a lot of money.”**

100% of the buyers arrested for purchasing a sexual service have been men. The law was successfully evaluated in 2010, it was concluded that the law functions as a barrier against the establishment of traffickers and organized crime groups in Sweden.

## **Rhoda Grant MSP**

Rhoda is a list MSP for the Highlands and Islands. Rhoda passed the Domestic Abuse (Scotland) Act which brought about more protection for victims of domestic abuse. She was also responsible for lodging the amendment to the Criminal Justice Licensing (Scotland) Bill that made stalking and harassment a criminal offence.

Rhoda is currently undertaking a consultation on the Criminalisation of the Purchase of Sex (Scotland) Bill (2), picking up from Trish Godman’s consultation on the purchase and sale of sex and related activities.

The Justice Committee of the Scottish Parliament asked for further consultation on these proposals as they were considered ‘narrower’ than those proposed by Trish Godman in the previous parliamentary term. Criminalising the purchase of sex would reduce the demand for prostitution, therefore although not direct human trafficking legislation it would have a real impact.

Currently the only offence related to prostitution in Scotland is kerb crawling/loitering, brought in for public order reasons and not to take into the account the safety of women in prostitution.

The Scottish Government see prostitution as a form of Violence Against Women (VAW) and this it outlined in it’s VAW strategy ‘Safer Lives, Changed Lives’. The proposal must secure the support of at least 18 other MSPs from two or more political parties. If the Scottish Government does not indicate that it intends to legislate in the in question, Rhoda will then have the right to introduce a Member’s Bill.

## Question and Answer Session

Following presentations from the afternoon speakers, delegates were invited to pose questions to the panel.

***Often the sexual needs of disabled men are used to justify the need for prostitution. Should this be an acceptable excuse?***

**RG** Such an argument is *“offensive and discriminatory”* to the disabled community.

**GE** It is a bad argument. International human rights law and World Health Organisation (WHO) documents make clear a right to sexuality and sexual health but not to use someone to express that. It should be an equal exchange where everyone is free to say no. *“Using disabled people as tools in a debate is offensive.”*

***Prostitution went into houses and flats in Norway when the state criminalised the purchase of sex. Is there a danger this could happen in Scotland?***

**GE** There is a widespread myth in both Norway and Iceland that this is the case. However those who purchase sex, whether this is criminalised or not, will still know where to go for it. Prostitution may be able to go out of sight of the person in the street but it will not go out of sight of the police etc. Just because it is not on out in public does not mean people don't know about it.



### Group Discussions

Delegates were separated into five groups, each with a facilitator and a note taker, to discuss questions around human trafficking for sexual exploitation and forced labour.

The information gathered from these discussions will be used by the SWC to inform future SWC consultation responses.

***Q1. With the Commonwealth Games taking place in Glasgow in 2014, there is the potential for Scotland to be a ‘destination’ state for human trafficking. What preventative measures should Local Authorities and the Scottish Government be taking now to ensure this does not happen?***

It is vital that awareness is raised throughout Scotland about the potential rise in human trafficking during the Commonwealth Games. People will be trafficked through airports and ports throughout the country in order to be brought to Glasgow. Those who have already been trafficked will also be brought from other parts of Scotland to the Games. The Scottish Government and Local Authorities must ensure preventative measures are rolled out all in all areas.

*“It’s important that any efforts made to tackle trafficking before the Games are not just centred around the central belt. It happens all over the country.”*

The media is an extremely useful tool and campaigns should be conducted which highlight the extent of trafficking in Scotland. There is a lack of awareness among the general public, therefore 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.

More training for those likely to come in contact with victims of trafficking, such as nurses, social workers, the police etc is necessary. The police have a huge role to play in terms of identifying and assisting victims. Community officers are well placed to gather information from people in local areas regarding possible victims. Improved training for the police would hopefully lead to more prosecutions under trafficking legislation.

*“There have been more convictions for trafficking offences in England than there have up here. We might need to look at their approach to training. Something needs to change.”*

A multi-agency group, combining service workers, NHS staff, social workers and the police, should be established in Scotland. This would ensure a holistic approach to identification of and support for victims.

The appointment of a worker dedicated to training those building the stadia and accommodation for the Commonwealth games, as well as raising awareness generally around human trafficking, is a positive initiative. It is, however, important that this person does not work in isolation and responds to approaches from service providers, police etc regarding suspected trafficking.

*“We have to be proactive and stop depending on evidence from the Olympic Games. Everyone involved has to be vigilant.”*

The Ryder Cup will also be held in Scotland in 2014. Any awareness raising and training initiatives around the Commonwealth Games regarding attitudes to women, trafficking and working conditions must also be applicable to this major sporting event.

**Q2. There are a number of human trafficking legislative measures and safeguards that are not currently a devolved responsibility. Should the Scottish Government set out their Human Trafficking strategy in light of the Independence Referendum?**

*“The answer absolutely has to be yes.”*

A well thought out strategy, with multi-agency working at the heart of it, should form part of the referendum debate. However, many would prefer to see such an approach now.

*“We should put trafficking measures in place regardless of the referendum.”*

A single body, such as a Commissioner against Human Trafficking, which could hold Government, Local Authorities, the police etc to account, would be welcomed. There needs to be increased co-ordination, centred around a multi-agency approach to tackling trafficking. There is a real danger that if this does not happen, Scotland will be seen as an *“easy target for traffickers.”*

**Q3. The Gangmasters Licensing Authority (GLA) regulates the employment of migrant labour in the agricultural, horticultural, fishery, shellfish and food & drink processing and packaging industries. Should their remit be extended to cover all/ other employment sectors? Please explain.**

The GLA is considered a helpful agency for those trafficked for the purposes of forced labour.

*“I didn't realise hotels weren't within its remit. There are a lot of problems with people being trafficked to work in kitchens and as chambermaids. Care homes need to be included as well.”*

Employers who use trafficked labour need to be made accountable, regardless of the type of work they do.

*“Regulation of migrant labour should be across the board.”*

As well as regulation through the GLA, all aspects of employment law need to be reinforced so that no worker in any industry is exploited.

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy.

This is achieved in a number of different ways - through roadshow, round table, conference and celebratory events. Following each event a report is compiled and issued to women who attend and relevant policy and decision makers.

The SWC uses the views of women to respond to Scottish and UK Government consultation papers.