



Introduction

The purpose of this briefing paper is to highlight the issue of human trafficking in Scotland. Human trafficking falls under the remit of community safety as it encompasses a wide range of issues including the safety of vulnerable groups, personal safety, hate crime, adult and child protection, serious and organised crime and sexual exploitation. This paper identifies the different types of human trafficking in Scotland, the current situation and ways in which awareness can be raised on the issue.

Current Status

The most commonly accepted definition of human trafficking comes from the Council of Europe Convention on Action against Trafficking in Human Beings (2005). It states that '*Trafficking in human beings shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving of or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*'

Trafficking of human beings is not a new phenomenon. However, according to recent figures from the United Nations Office on Drugs and Crime, it is now the fastest growing type of international organised crime. It is not just about sexual exploitation. It encompasses a variety of different forms of trafficking including sexual exploitation, domestic servitude, child trafficking, forced labour exploitation, criminal exploitation including street begging and forced organ donation.

Types of Trafficking

Sexual Exploitation

Analysis from the National Referral Mechanism (NRM) showed that this was the most identified trafficking purpose.¹ Trafficked prostitution tends not be on street but is more likely to be located indoors in private flats, in saunas, brothels and massage parlours.²

¹Equality and Human Rights Commission Scotland *Inquiry into Human Trafficking in Scotland: Report of the Equality and Human Rights Commission*, August 2011, http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland/_inquiry_into_human_trafficking_in_scotland-full-report_pdf_.pdf p36

² *Ibid*, p11

Domestic Servitude

This includes those who were brought to Scotland as domestic workers, frequently recruited by a wealthy family in their country of origin. Once here they are frequently beaten, not allowed out of the house and forced to work day and night for very little or no money.³

Child Trafficking

Children are trafficked for a number of reasons, including for sexual exploitation, domestic servitude and street begging. For example, a recent case in Manchester concerns a young woman from Pakistan who claims to have been hired there as a domestic help when she was 10 or 12 and brought to Manchester where she claims to have been raped and beaten on a regular basis.⁴ Children are also trafficked for the purpose of labour exploitation. In late 2010, seven Romanian children were found in Worcester picking spring onions, dressed in summer clothing and without food or water.⁵ In the 2011 report *Scotland: A Safe Place for Child Traffickers?* Scotland's Commissioner for Children and Young People noted that there were a low number of child referrals to the UK Borders Agency (14) which is in stark contrast to the survey returns which suggest that over 200 children may have been trafficked into Scotland.⁶

Forced Labour Exploitation

People are often found in the restaurant, agricultural and hospitality industries. Examples include persons from Asia who were brought to Scotland to work as cooks and skilled workers who were used as skivvies, housed in cramped, poor living areas and promised payment at some uncertain future date.⁷

Criminal Exploitation

The Inquiry into Human Trafficking in Scotland revealed cases where exploitation took place through criminal activities including people being forced to run bogus charity collections, to commit benefit fraud, and to cultivate cannabis.⁸ The demand in these cases tended to involve young people from China and Vietnam or those who had been marginalised within their own societies such as the Roma from Slovakia and the Czech Republic. Demand was also evident for those affected by a learning difficulty or a disability as they were deemed useful for attracting public sympathy while begging on the street.⁹

³ *Ibid*, p9

⁴ <http://www.guardian.co.uk/uk/2012/feb/13/deaf-woman-slavery-sexual-abuse>

⁵ <http://www.dailymail.co.uk/news/article-1323474/Seven-Romanian-child-slaves-working-Kempsey-Worcester-farm.html>

⁶ Scotland's Commissioner for Children and Young People, *Scotland: A Safe Place for Child Traffickers?* 2011, P15

⁷ Inquiry into Human Trafficking in Scotland, August 2011, p9

⁸ *Ibid*, p36

⁹ *Ibid*, p52

Forced Organ Donation

The first annual report of the Inter-Departmental Ministerial Group on Human Trafficking notes the first two cases of organ harvesting in the UK.¹⁰ Both cases were interrupted prior to the removal of the organs taking place. In one case the woman was brought to the UK by an organised gang with the apparent intention of selling her organs to those waiting for a transplant.¹¹

There is also a significant difference in the “scale” of those who are exploited. Some of those who are classed as trafficked originally chose to come to Scotland to work. However, on arrival they were exploited through poor pay and conditions and in some cases had their passports taken from them. There are also those who have had no choice and have been trafficked against their will and are forced to perform services, sexual or otherwise, that they would not normally have chosen to perform. In these cases, they may not have had the funds to leave, and/or the traffickers may have been threatening to harm their families in their country of origin.¹²

Although some of the examples throughout this paper do not relate specifically to Scotland that does not mean trafficking is not an issue for Scotland, just that the extent of the problem has not yet been uncovered. The EHRC Inquiry notes that trafficking occurs throughout Scotland and cites that trafficking has been identified in the following areas.¹³

Argyll (forced labour)	Kirkcaldy (criminal acts under duress)
Glasgow (all types of trafficking)	Edinburgh (sexual exploitation and domestic servitude)
Skye (forced labour)	Aberdeen (sexual exploitation)

Once more front line services have been trained and are comfortable to identify potential trafficked persons through the NRM, the amount of persons that are trafficked to Scotland is likely to increase.

Legal Framework and EHRC Recommendations

In 2011 Scotland witnessed a legal landmark; two people were charged under section 22 of the Criminal Justice (Scotland) Act 2003, designed to deal with a range of offences involving trafficking for prostitution. Although there are now convictions, Scotland has a much lower conviction rate compared to England (48) and Wales (6). These convictions coincided with the Equality and Human

¹⁰ First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking, October 2012, p16

¹¹ <http://www.telegraph.co.uk/news/uknews/crime/9227137/First-case-of-people-trafficking-for-organs-uncovered-in-UK.html>

¹² Inquiry into Human Trafficking in Scotland, August 2011, p40

¹³ *Ibid*, p48

Rights Commission (EHRC) Inquiry into Human Trafficking which directed a number of recommendations to the Scottish Government.

The follow up report (March 2013) highlights a number of positive developments since the Inquiry was published. Improvements have been made in intelligence gathering leading to an enhanced and coordinated response from law enforcement agencies and the establishment of the Anti-Trafficking Progress Group (ATPG). The ATPG has responsibility for implementing the action points agreed at the Human Trafficking Summit, particularly the development of a strategic plan and a multi-agency coordinating group.

While significant progress has been made, certain areas require further attention, such as raising awareness among the public and training for front line staff. Recommendations for a comprehensive Human Trafficking Bill were made, and at present there has been confirmation that a specific human trafficking statutory aggravation will be introduced at the first legislative opportunity. Essentially, this is an addition to the primary charge, for example, cannabis cultivation, and the aggravation highlights to the judge that there are additional factors to be considered.

Another significant event that changed the way in which trafficking was perceived was the discovery of 24 men, reportedly held against their will, at a raid on a travellers site in Bedfordshire, England. Surprisingly these men had not been trafficked from overseas. Some were Polish and Romanian but the majority were British. They had been recruited at homeless shelters and most had some form of alcohol and/or drug dependency. They were offered £50 per day and alcohol or drugs in exchange for work. After accepting the offer they were beaten, threatened with death and were eventually too scared to attempt to leave the site where they were kept in squalid conditions.¹⁴ Although this occurred in England, there are obvious implications for Scotland.

Key Considerations

Intelligence gathering

One of the biggest issues with human trafficking concerns the lack of intelligence. Police forces and Local Authorities rely on intelligence received from the local community and very little is reported with regards human trafficking. The EHRC Inquiry found that there was little public or professional awareness of trafficking or its indicators.¹⁵ Although training and guidance is being conducted in local authority areas and through the Police Service of Scotland, professional staff struggle to confidently identify indicators that suggest a person has been trafficked. Awareness raising campaigns such as Crimestoppers¹⁶ would assist professionals and the general public, leading to a better understanding of the picture in Scotland. This is of particular

¹⁴ <http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-14921291>

¹⁵ Inquiry into Human Trafficking in Scotland, August 2011, p25

¹⁶ https://www.youtube.com/watch?v=bR78_D3dR5E

importance as Scotland is now viewed as a destination country for traffickers. The Inquiry notes that there are large scale criminal organisations such as the Chinese Snakeheads and Eastern European Mafia who are heavily involved in trafficking, in addition to locally organised cartels. Those who are trafficked are made very aware of the possibility of violence towards them thus making them unlikely to escape, seek assistance or testify in court.¹⁷

Perceptions of Trafficking

Traditionally, trafficking has been viewed as something that occurred in other countries and to people of other nationalities. However, as the Bedfordshire case shows, trafficking has changed. In February 2012, the BBC reported on an investigation that saw criminal elements of the British and Irish travelling communities recruit vulnerable British men, often homeless with alcohol and/or drug addictions, promise them well paid work and transport them to destination countries such as Norway, Sweden and Belgium, where they are forced to work long days, tarmacking or paving driveways for little or no money. They were threatened with violence and were frequently beaten to keep them fearful and submissive. Once in the destination countries the gangs target rural, isolated areas and focus on intimidating elderly people into paying for substantial work that is often not necessary. This problem became so serious that in 2007, Norwegian Police estimated that gangs operating in this manner had an annual turnover of more than £11 million a year. Given the scale and magnitude of the problem, Norwegian Police have been given special instructions on how to deal with it.¹⁸

Conclusions/Recommendations

Given the recent evidence that suggests that Scotland is now a destination country for trafficking and the change in those who are targeted by traffickers, human trafficking is something that can affect every local authority area and the Police Service. There is a desperate need for an increased awareness on the issue that will help form an evidence base and allow for a more targeted response. In the interim, a multi-agency response is crucial. This will assist in early identification and support for those who have been trafficked or are suspected of being trafficked. It will also enable the sharing of intelligence that can help to disrupt trafficker's networks.

Links

Equality and Human Rights Commission <http://www.equalityhumanrights.com/>
Human Trafficking Foundation <http://www.humantraffickingfoundation.org.uk>

¹⁷ Inquiry into Human Trafficking in Scotland, August 2011, p10

¹⁸ <http://www.bbc.co.uk/news/uk-16836065>

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