



## Scottish Churches Parliamentary Office Briefing Paper

### Human Trafficking in Scotland and the UK

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#### Introduction

The trafficking of human beings for slavery and exploitation is a very serious and complex issue where people are often treated as commodities. Adults and children may be trafficked for a number of purposes such as sexual exploitation, forced labour, domestic servitude, and organ trafficking. The true extent of human trafficking both in the UK and across the world is not known due to the hidden nature of human trafficking operations and the reluctance of many survivors to speak out.

Human trafficking is not something that only happens in an international context. It also happens across borders, throughout the UK and here in Scotland. It is a global issue.

This briefing paper will outline the present situation in relation to human trafficking within a Scottish context. It will highlight the main points of two new Bills currently in the Scottish and UK Parliaments and how these may change the current situation for human traffickers and their victims. It will also outline the work that faith groups are undertaking to combat human trafficking and suggest some parliamentary activities that you can take to help tackle human trafficking.

#### Background

The [Council of Europe Convention on Action Against Trafficking in Human Beings](#) was signed by the UK on 23 March 2007 and was ratified on 17 December 2008. The UK subsequently became bound by the terms of the Convention on 1 April 2009.

The purposes of the Convention are

- to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- to promote international cooperation on action against trafficking in human beings.

In a Scottish context, criminal law relating to human trafficking is devolved to Scottish Ministers and the Scottish Parliament. However border control and immigration are reserved matters which lie with the UK Parliament.

In 2010, The Scottish Parliament's [Equal Opportunities Committee](#) published the report of its [inquiry into migration and trafficking](#). The report identified a number of key findings and recommendations on trafficking including:

- the need for better information sharing between Scotland and the UK;
- increased public awareness of all forms of human trafficking not just for sexual exploitation;

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- the provision of trained front-line staff to assist victims and;
- the separation of the processes to deal with human trafficking and immigration/asylum cases.

Following this the Cabinet Secretary for Justice hosted a [Human Trafficking Summit](#) in October 2012. At this summit, [twelve action points](#) were agreed to covering the areas of:

- raising awareness of human trafficking and exploitation;
- reviewing data collection and analysis on human trafficking;
- encouraging a victim centred approach and;
- introducing legislation that would create a hostile environment for human traffickers.

Scottish Ministers have since worked with other agencies to strengthen Scotland’s response to human trafficking. The current [Criminal Justice \(Scotland\) Bill](#), before the Scottish Parliament (currently sitting at Stage 2), includes provisions for new human trafficking aggravators by introducing a people trafficking criminal aggravation when sentencing for other crimes with a connection to people trafficking.

Additionally, in 2013, [Police Scotland](#) published (with Scottish Government support) [an awareness raising leaflet](#) to assist public and private sector organisations in spotting the signs of potential human trafficking.

## The current landscape

The [latest figures from the United Kingdom Human Trafficking Centre, National Referral Mechanism \(NRM\)](#) indicate that in 2014 they received 2,340 referrals of ‘potential victims of trafficking’ (PVoT); this represents a 34% increase on the 2013 referral totals. The PVoTs were reported to be from 96 countries of origin; this represents a 14% decrease on 2013 ‘country of origin’ totals.

The 2,340 referrals were comprised of 1,432 females (61%) and 906 males (39%) and 2 (<1%) identifying as transgender. 1,669 (71%) were referred for adult exploitation categories and 671 (29%) referred for exploitation as a minor.

**Table 1: Number of referrals received regarding people trafficking by exploitation type.**

Claimed Exploitation Type	Female	Male	Transgender	Total	2013-2014 change (%)
Adult - Domestic Servitude	200	34	0	234	66%
Adult - Labour Exploitation	128	454	0	582	14%
Adult - Organ Harvesting	1	0	0	1	N/A
Adult - Sexual Exploitation	653	18	2	673	16%
Adult - Unknown exploitation	102	77	0	179	189%
Minor - Domestic Servitude	48	23	0	71	58%

Minor - Labour Exploitation	47	159	0	206	67%
Minor - Organ Harvesting	0	1	0	1	N/A
Minor - Sexual Exploitation (non-UK national)	80	11	0	91	3%
Minor - Sexual Exploitation (UK national)	61	5	0	66	18%
Minor - Unknown exploitation	112	124	0	236	71%
<b>TOTAL</b>	<b>1432</b>	<b>906</b>	<b>2</b>	<b>2340</b>	-

Source: National Crime Agency: 2014

In 2014, the number of referrals for trafficked persons in Scotland made up 5% of the total number for the whole of the UK (111 cases out of 2,340 nationally).

**Table 2: Country of National Crime Agency Referral**

Country of NRM Referral	Female	Male	Transgender	Total	% of Total	2013-2014 Change (%)
England (see Annex A)	1,316	796	2	2,114	90%	36%
Northern Ireland (see Annex B)	16	29	0	45	2%	10%
Scotland (see Annex C)	62	49	0	111	5%	12%
Wales (see Annex D)	38	32	0	70	3%	40%
<b>TOTAL</b>	<b>1432</b>	<b>906</b>	<b>2</b>	<b>2340</b>	-	-

Source: National Crime Agency: 2014

The Scottish and UK parliaments are both currently in the process of considering pieces of human trafficking legislation. These aim to strengthen the law which currently exists against human trafficking and slavery and increase the level of support available to survivors.

In Scotland, the [Human Trafficking and Exploitation \(Scotland\) Bill](#) was introduced to the Scottish parliament by Michael Matheson MSP on 11 December 2014. It is currently sitting at Stage 1.

At the UK level, the [Modern Slavery Bill 2014-15](#) is currently in the House of Lords Committee Stage and had its 4th sitting on 10 December 2014.

## Human Trafficking and Exploitation (Scotland) Bill – what’s new?

The Scottish Government committed to introducing the [Human Trafficking and Exploitation \(Scotland\) Bill](#) following the overwhelming support for a [proposed Private Members Bill](#) from Jenny Marra MSP.

The [Bill](#) will bring the existing offences of ‘Human Trafficking’ and ‘Slavery, Servitude, and Forced or Compulsory Labour’ into one single offence of ‘Human Trafficking’ for all types of exploitation - for both adults and children. The maximum penalty for the offence will be increased from 14 years for the current offence to life imprisonment.

It will create new [civil prevention orders](#) and require the Lord Advocate to publish guidance about the circumstances of when it will be appropriate not to prosecute a victim of human trafficking who commits a crime as a result of being trafficked. This will give prosecutors the discretion not to punish victims forced to commit crime against their will.

The Bill will also introduce new measures to disrupt and prevent trafficking and those who exploit others, providing for the detention of property of a person arrested on suspicion of a human trafficking offence; placing a duty on public authorities to provide anonymised data about potential human trafficking victims and exploitation to Police Scotland;

The new Bill contains a duty to provide adult survivors of human trafficking with support and assistance and sets out the minimum types of assistance that should be provided, with access to immediate help and support based on their individual needs.

Scottish Ministers will also be required to work with other bodies to publish and keep under review a Scottish Anti-Trafficking and Exploitation Strategy thus placing a duty on specified public authorities to co-operate with the Scottish Ministers in preparing the strategy.

### What about children and young people?

The majority of provisions within the Bill have equal application to adult and child victims of trafficking, including the development of the trafficking and exploitation strategy. However, it should be noted that those provisions relating to support for victims are explicitly aimed at providing a statutory basis for the support and assistance of [adult victims](#) of trafficking. This is because the necessary support for children who may be victims of trafficking is already enshrined in legislation which provides for all vulnerable children:

The Scottish Government undertook a [Child Impact Assessment](#) for the Bill. This was the first Child Impact Assessment to be completed for a Scottish Parliament Bill.

During the development of the Bill, the Scottish Government gave consideration to the position of both children and adult survivors of trafficking, with reference to access to immediate support services. At present, without the new Bill, there is no statutory provision to underpin the basis for providing immediate support and assistance to the adult survivors of trafficking. In contrast, the Scottish Government state:

*“... support and services for child victims of trafficking are already provided for (and are capable of being enhanced or extended) under existing legislation - the [Children \(Scotland\) Act 1995](#), the [Children’s Hearings \(Scotland\) Act 2011](#) and the [Children and](#)*

*[Young People \(Scotland\) Act 2014](#) and thus the provisions for adult support contained in the Bill are not replicated for children; indeed, there has been a conscious decision not to do so. In line with the broader Scottish Government approach of Getting It Right for Every Child and the provisions of the Scottish child protection system, it is considered essential that the needs of a vulnerable child be considered holistically to ensure appropriate provision is made, taking account of the many needs a child may have, some of which may derive from a trafficked status and some of which may reflect the wider environment.”*

### **Will survivors be granted asylum?**

Immigration and asylum are currently areas reserved to the Westminster Parliament. The Human Trafficking and Exploitation (Scotland) Bill does not presently outline a stance on immigration or asylum for survivors who have been trafficked or abused stating “there should be a separation between the process for characterising human trafficking and the immigration and asylum process.”

### **Modern Slavery Bill – what’s new?**

The [Modern Slavery Bill 2014-15](#) was introduced in the House of Commons on 10 June 2014 and is currently in the House of Lords at Committee Stage.

The Modern Slavery Bill includes provisions to:

- ensure that perpetrators can receive suitably severe punishments for these appalling crimes – including life sentences;
- introduce new orders to enhance the court’s ability to place restrictions on individuals where this is necessary to protect people from the harm caused by modern slavery offences;
- create an Anti-Slavery Commissioner to improve and better coordinate the response to modern slavery;
- introduce a defence for victims of slavery and trafficking compelled to commit an offence;
- create an enabling power for child trafficking advocates;
- introduce a new reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators;
- close gaps in the law to enable the police and Border Force to stop boats where slaves are suspected of being held or trafficked.

The Bill had its 4th sitting on 10 December 2014 where members of the Lords considered a proposal to establish an effective statutory National Referral Mechanism (NRM) to identify trafficked, enslaved or exploited persons in the UK. Peers also discussed slavery and human trafficking statements by large organisations, protection for overseas domestic workers, and the powers and duties of the Gangmasters Licensing Authority.

The Bill now moves to report stage, a further chance for scrutiny in the Lords. A date is yet to be scheduled.

In October 2014, many campaigners welcomed the news that an amendment had been made to the bill regarding supply chains which requires large commercial organisations to publish a slavery and human trafficking statement each year. This must set out the steps they have taken to ensure there is no slavery or trafficking in its supply chains or its own business, or states that it has taken no such

steps. [Quakers in Britain](#) are one organisation who have welcomed the amendment but state “there is no information on what “large” means, what areas companies will be expected to report on or where they should report to<sup>1</sup>”. Quakers in Britain have released a [briefing](#) to inform members of the House of Lords on how the supply chains amendment may be strengthened.

The majority of the Modern Slavery Bill’s provisions extend to England and Wales only, but certain provisions also extend to Scotland and Northern Ireland. The Human Trafficking offence within the Bill provides for extra territorial jurisdiction over UK Nationals who commit trafficking offences overseas.

This Bill contains provisions that trigger the [Sewel Convention](#). Those provisions relate to the maritime powers in Part 3 of the Bill as they relate to Scotland and the remit of the Independent Anti-slavery Commissioner in Part 4 which includes devolved matters. The Sewel Convention states that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.

The [Anti-Slavery Commissioner](#), Kevin Hyland, was newly appointed in November 2014. The role will have a UK-wide remit, ensuring that modern slavery issues are tackled in a coordinated and effective manner across the whole of the UK. He will work closely with law enforcement agencies, local authorities and third sector organisations to encourage good practice in the identification of victims and the prevention, detection, investigation and prosecution of modern slavery crimes, including international collaboration. The role is independent and Mr Hyland will be required to publish annual reports for Parliamentary scrutiny.

### **Support for Victims**

The Modern Slavery Bill currently states that:

- survivors will be provided with civil legal services in relation to an application by the individual for leave to enter, or to remain in, the UK;
- a child trafficking advocate will be appointed to represent and support a trafficked child or young person;
- slavery or trafficking victims who commit an offence will be defended if they were forced to commit a crime or did so as a result of exploitation;
- where age is unclear, survivors will be assumed to be under the age of 18 and will be provided with relevant Local Authority Support;
- it will become duty to notify the Secretary of State about suspected victims of slavery or human trafficking.

The [Human Trafficking and Exploitation \(Scotland\) Bill](#) and the [Human Trafficking and Exploitation Act](#) (Northern Ireland) both contain a guarantee that victims will receive support and include details of what that support involves.

The Modern Slavery Bill does not currently contain a statement guaranteeing survivor support that is equal to those in the equivalent Scottish and Northern Ireland legislation.

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<sup>1</sup> <http://www.quaker.org.uk/modern-slavery-bill>

## What are the Churches doing?

### Global Freedom Network

Most recently, the Archbishop of Canterbury, Justin Welby, joined Pope Francis and other world Christian, Muslim, Hindu, Buddhist and Jewish leaders in Rome on 2 December 2014 to sign a historic [declaration to end modern slavery](#).

### Scottish Churches Anti-Human Trafficking Group

The Scottish Churches' Anti-Human Trafficking Group was established in June 2011 to enable the churches in Scotland to work together for the eradication of human trafficking. The Group meets regularly to exchange information concerning:

- each Church's activities against trafficking and the support of victims of trafficking;
- to work towards the formulation of common policies against trafficking and support of its victims;
- to commend those policies to the Churches and to encourage them to campaign and lobby for their adoption by Governments;
- to identify opportunities where joint action and shared resources would more effectively combat trafficking or support its victims;
- to produce detailed proposals for the implementation of such action;
- to recommend them for adoption by the Churches.

Currently membership of the group comes from the [Church of Scotland](#), [Church of Scotland Guild](#), [Minority Ethnic Christians Together in Scotland](#), [Religious Society of Friends](#), [Roman Catholic Church](#), [Salvation Army](#), [Scottish Episcopal Church](#), [Scottish Churches Parliamentary Office](#), [CARE](#), the [International Justice Mission](#) and they have contacts with the [Evangelical Alliance](#), and a number of individuals working on local church initiatives on prostitution and trafficking.

The group is facilitated by [Action of Churches Together in Scotland \(ACTS\)](#) and is convened by Dr Hazel Watson, member of the [Church and Society Council of the Church of Scotland](#). The group have produced two leaflets on the indicators of human trafficking [Human trafficking info](#) and [Human Stories](#).

In 2013, the Church of Scotland produced a resource called: [To be Silent is to be Unfaithful](#). This pack contains information, discussion topics and worship material which can help individuals and groups to understand and respond to the issues of 'Human Trafficking'. The pack was prepared jointly by the [Guild](#), the [World Mission Council](#) and the [Church and Society Council](#).

## What can I do?

### Scottish Parliament Consultation

The Scottish Parliament's Justice Committee have launched a [consultation](#) on the general principles of the Human Trafficking and Exploitation (Scotland) Bill. The deadline for submissions is **5pm on 24th February 2015**.

### Write to your MP

Get in touch with your own MP if you have any views on the Modern Slavery Bill going through the UK Parliament. Find out who your MP is [here](#).