

# Inquiry into Human Trafficking in Scotland

Report of the  
Equality and Human  
Rights Commission

Executive summary



Equality and  
Human Rights  
Commission

Scotland

“I was kept in a room with my daughter. The door to my room was always locked and I was not allowed out. When men came [trafficker] would unlock the door and take my daughter away from the room, she would also tell me to get myself ready... When the men came in the room they would tell me what they wanted. I just did it because I had to... While I was with these men I could hear my daughter crying in the other room. It was terrible. When the men were finished they would use the bathroom and then leave. I never saw any money.”

(Interview with trafficking victim)

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# The Executive Summary

This Executive Summary is drawn from the main Report of the Equality and Human Rights Commission Inquiry into Human Trafficking in Scotland<sup>1</sup>.

Part 1 of this summary outlines the nature, extent and causes of trafficking in Scotland. Part 2 then goes on to identify the areas of policy, regulation, legislation and action, which need to be addressed.

We have made 10 findings, along with corresponding recommendations designed to improve the responses to human trafficking, put victims at the centre of action related to it, and make Scotland a hostile environment for human traffickers.

All of these elements are tackled in greater detail in the main report.

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**1** The Inquiry was carried out under Section 16 of the Equality Act 2006, which gives the Commission the power to conduct Inquiries into matters relating to its duties in respect of equality and diversity, human rights and groups.

# Foreword from Kaliani Lyle, Commissioner for Scotland

The Equality and Human Rights Commission has the power under section 16 of the Equality Act 2006 to undertake Inquiries into matters relating to its duties on equality, relations between groups in society, and human rights.

The Commission decided to undertake an Inquiry into human trafficking in Scotland, as we regard trafficking in human beings as inseparable from inequality, and as one of the most severe human rights abuses in the modern world.

The Inquiry investigated human trafficking in all its forms. We had a particular interest in trafficking for commercial sexual exploitation given its often distinctively severe impact on victims. However, we also found other serious trafficked exploitation including forced labour, domestic servitude, and victims being forced to commit crime.

We have been most fortunate in this instance to work with Baroness Helena Kennedy QC, who has been the Investigating Commissioner of the Inquiry.

Her passion and commitment, along with that of the organisations, agencies and victims themselves who have unstintingly assisted us, are testament to the gravity of the subject matter and the urgent need to take action.

We have recently witnessed in Scotland the conviction of two individuals for sex trafficking, the first successful prosecution under section 22 of the Criminal Justice (Scotland) Act 2003. This case demonstrated the effectiveness of multi-agency cooperation in identifying traffickers, and providing support and empowerment for their victims.

We must continue to work together to expose and punish the perpetrators of this crime, and make Scotland a hostile environment for those who traffic.



**Kaliani Lyle, Commissioner  
for Scotland**



# Introduction from Baroness Helena Kennedy QC, Investigating Commissioner for the Inquiry

**Human trafficking is not new.** Since the earliest of times people have exploited and enslaved others. However, according to the United Nations Office on Drugs and Crime, it is now the fastest growing international organised crime.

Globalisation and free markets have led to the increased movement of capital and labour. The fall of the Soviet Union was hailed as the prelude to a new world order, where the opening up of markets would take developed nations to new heights of growth and enrichment and the poor of the world would be liberated from their poverty with the spread of opportunities to trade.

Not all the proud claims were true and many of the advances in telecommunications and technology which stimulate the operation of global markets – from the use of mobile phones to connection by email and the internet, from the electronic transfer of money to ease of travel – also feed the dark underbelly of the market with equal effectiveness.

Globalisation has brought in its wake an explosion in international crime with increased trade across borders in arms, drugs, fissile material, human organs, illegal adoption, cheap labour, and the sale of women and children for sex. There is nothing that cannot be sold.

The International Organisation for Migration describes trafficking as the most ‘menacing form of irregular migration due to its ever increasing scale and complexity’.

However, it is the very fact that it is usually linked to illegal migration that militates against effective responses by criminal law enforcement agencies. At a time when so many nations are clamping down on immigration and closing their doors to the influx of peoples from abroad, stringent restrictions and prohibitive immigration laws are brought into force to keep people out, whether they are seeking asylum or economic migration. The antagonisms towards illegal immigrants can blind the public and those in authority to what is, in fact, trafficking, a human rights abuse of terrible consequence.

The topic of human trafficking is riddled with contradictions and anomalies, with deep divisions over how to deal with it amongst national and international organisations. It is tied up with different attitudes to women and the sale of sex, to varying beliefs about the unrestricted market and the value of labour; and it is also linked to negative views about the ‘other’ and race.

When these factors are combined, they make for a toxic mix and even advanced

democracies are in some ways complicit, in so far as they do not take sufficient responsibility for preventing and tackling human trafficking.

It is especially pressing for nations like Scotland, that are mainly 'destinations' in the trafficking chain, to both recognise the complexity of trafficking and acknowledge that they can and should do something against it by leading from the front.

When I was asked to become the Investigating Commissioner for an inquiry into human trafficking in Scotland, people were puzzled. **Why Scotland? Was this a problem of particular magnitude in northern parts or was this a man, or indeed a woman, with a hammer looking for a nail?**

Scotland has already introduced legislation but, unlike other parts of the United Kingdom, and despite evidence of trafficking, to date there has been only one successful prosecution, resulting in two convictions against Scots, secured only in September this year; this compares to over 150 successful prosecutions in England and Wales.

One challenge for the Inquiry was to establish why there was this difference. Was there little or no trafficking in Scotland or were there institutional or perceptual problems which hampered a successful response to such horrifying crimes? We wanted to see whether there were lessons to be drawn from our Inquiry that would lead to the creation of a more

effective investigation protocol for trafficking cases throughout the United Kingdom as a whole, as well as in Scotland with its different legal system.

**Human trafficking is substantially concerned with sex but by no means exclusively. Modern slavery takes many forms including the exploitation of migrant labour and domestic servitude.** I set out on this work knowing I would encounter sex trafficking because of knowledge gleaned through my criminal practice, but nothing prepared me for the disclosures on other forms of abuse.

Scotland produces some of the best soft fruit in the world, with modern technology lengthening the cycles of production. Like the Irish potato howkers of my childhood, many of the planters and pickers come from elsewhere for these ever expanding seasons, many from Eastern Europe and the Far East, where wages are so low that the silky tongues of gangmasters easily persuade them that they will make their fortunes in sunny Scotland. The reality may be very different.

Their wages may be below the minimum wage and they can lose significant parts of what they earn in commission to the gangmaster, as well as repaying exorbitant charges for being conscripted and brought in.

They may also be charged for living accommodation in insanitary, dangerous

portakabins in the countryside, crammed to the seams with other workers.

After the harrowing deaths of the Chinese cockle-pickers in Morecambe, the UK Government established the Gangmasters Licensing Authority (GLA) to regulate the employment of migrant labour and maintain humane and decent standards. To the frustration of GLA personnel, mostly former police officers with considerable experience, the gangmasters can induce the workers to claim self-employed status so that British landowners, farmers, factory and restaurant owners may, if they so wish, have no risk of legal consequences when they use such cheap labour.

Another problem is that the remit of the GLA is currently confined to the oversight of labour in the food and agricultural sectors, while exploited foreign labour may now be found in the service and construction industries as well as in care homes. In our evidence-gathering it became clear to us that there seemed to be no good reason for the vital work of the GLA not being expanded to include these other sectors and to cover other forms of contract employment and outsourced work, and that employers who used such labour should hold some responsibility for wages and conditions.

**Like the rest of the United Kingdom, Scotland has enjoyed waves of immigration over the centuries.** It has been greatly enriched in the last fifty years by the arrival of immigrants mainly

from Pakistan, Bangladesh, Hong Kong and China, as well as more recently from Central Europe. These people have set up businesses and become embedded in national life.

There is nothing new in immigrant communities bringing others from their native land to join them in their new home. If you are establishing a business, it is natural that you will want your workforce to speak the language in which you are most comfortable giving instructions. It makes perfect sense that they will bring specialist skills, which are not available in your chosen country. There is nothing more instinctive than wanting your children to be cared for by people who know your cultural practices and traditions and who will provide a link with your country of origin.

However, as with every other aspect of human behaviour, there can be corruptions of essentially positive practices. In receiving evidence, we heard from Asian workers brought to Scotland as cooks and skilled workers who were used as skivvies, housed like animals and bought off with promises of payment at some uncertain future date.

We met with domestic workers, taken into employment back in Bangladesh and brought to Scotland to care for the family of a well-to-do restaurant owner, who were then beaten, not allowed out of the house and expected to be available day and night to work for nothing or mere pennies.

The common feature in all the cases is that the passports and travel documents of the workers are removed so that they cannot easily escape their situation. The other hallmark is fear, induced by violence and threats of violence to the employee, but also threats of loss and harm to their family back home.

**But it is sex trafficking that is the most prevalent and pernicious manifestation of human enslavement.**

Women and young persons are brought to the UK by many different means: by abduction or other coercions, by false promises of hotel or nursing work and a better life. They are transported to a strange place where they have no friends and usually do not speak the language. They lose their freedom and are abused, battered and forced into the daily service of countless punters. Not surprisingly they live in a state of constant mental anguish.

Hearing the tragic stories of the women who are prepared to talk about their trauma is excruciating. There was no invention in the shaming detail given to us by the women with whom we met. No question as to the truth of their victimisation was tenable. I have listened to people lie too often in courts not to recognise honest recounting of searing events.

What was shocking was the culture of disbelief some victims claimed to have met from immigration officialdom, which informed our belief that there should be an independent system with a *raison d'être* to decide whether or not someone

has been trafficked. Another shock is that women are often inducted into this subterranean world by boyfriends, parents and family members, all willing to take an 'introduction' cut. And most alarming of all is that many of the traffickers are themselves women.

It is important to distinguish between trafficking and smuggling of migrants. There are many people who will give their life-savings to be transported across the world in the interstices of vehicles so that they can make a life elsewhere, evading the complications of visa requirements.

The Chinese migrants found suffocated in a secret compartment within a container lorry paid the ultimate price for the smuggling of human beings.

Many of those who boarded the lorry perhaps did so with the belief that they were heading to a better life. Tragically, they lost their lives and the conditions they were found in were appalling.

However, trafficking is fundamentally different. Those who are trafficked are owned like commodities by those who bring them here. Even if the trafficked woman initially consented to travel, she does so under false illusions of what will be on offer. Once in the country she remains a victim of exploitation, often sold on from owner to owner.

**The industry generates huge sums of money with commissions at every level.**

Profits have been estimated by the International Labour Organisation at between \$12 billion and \$17 billion per year.

Many of the trafficked women we met had not been trafficked directly into Scotland, but had either been transferred here or were escapees who had miraculously received help from a client or mere acquaintance to flee their captors. There was also some evidence that Scotland was becoming an initial destination for sex trafficking.

**It is inevitable that trafficking of all kinds operates below the radar and is kept there through fear.**

However, sex trafficking is also covered with the taboos of shame and dishonour that blight the investigation of almost all sexual crimes. For many of these women, mere exposure of their lives as prostitutes will make it impossible for them ever to return to their communities back home.

One young woman tearfully described the revulsion expressed by her brother at her being engaged in prostitution and his outrage at the shame she would visit on the family, despite the police confirming her status as a victim of desperate cruelty. The stigmatisation of victims is one of the factors that make it so difficult for them to testify.

It is also important not to underestimate the power of traffickers. At the top end of the scale are large criminal networks, Chinese snakeheads or Eastern European mafias,

who are also involved in blackmarket drugs and arms. Then there are the smaller more localised cartels. But all are ruthless in dealing with informants or their family members. Their victims are left in no doubt as to their capacity for violence and as a result are terrorised into silence.

Police who had investigated trafficking cases spoke about the near impossibility of securing courtroom testimony from witnesses, especially when their immigration status was uncertain, and they could face deportation back to their countries of origin at the end of the process.

Scottish prosecutors also face an additional hurdle as there is a requirement in Scots law for corroboration in criminal cases; this raises the evidential bar for a successful prosecution even higher than in other parts of the UK or abroad.

Trafficked women are found working as prostitutes in saunas, brothels, clubs, bars and massage parlours. They are also set up by pimps in private flats with clients finding them via the internet. A travelling sales executive only has to enter the name of a town in Scotland and up come details of sex workers with a whole prospectus of sexual offerings.

Posing as punters, the police have on occasion been able to break into the rings which run the women. However, lack of clarity as to which agency leads the next stage of an investigation – police or immigration officers – can diminish the prospect of successful prosecution.

Even within women's organisations there are different attitudes about how to deal with trafficking. Some women's organisations have been campaigning to criminalise the buying of sex for many years. They argue that sex trafficking is simply the furthest end of the spectrum of prostitution, which is in itself a fundamental human rights violation. For them, the simple solution is the banning of prostitution and the criminalising of the demand side, namely the men.

On the other hand there are those who argue that there is a difference between forced and voluntary prostitution, and that sex work can be a choice made by some women which should not be penalised either morally or legally. For this group, banning is off limits.

The key difference is what is meant by coercion and whether women ever really consent to sex work or are forced to do so out of poverty, violence or some level of self-loathing. I take the view that the vast majority of women do indeed become prostitutes out of complex combinations of negative experiences, but for me the law should not make the judgement that, when a woman claims autonomy, she is in fact misguided.

From the outset, I made clear to all organisations that banning was not going to be included in my recommendations, as in my view it was both unworkable in law and in practice. Coercion and deception are central to the UN's definition of

trafficking in the Palermo Protocol and central to the Inquiry's recommendations.

The Inquiry found it impossible to establish the extent of trafficking in Scotland. Reliable figures are impossible to come by and some support organisations give numbers that are hard to verify. However, trafficking undoubtedly exists and any level has to be taken seriously. The question is how should it be effectively countered?

**Scotland should be taking steps to make it clear that it has established an environment which is totally hostile to trafficking and that the police, border agency and all other parts of the state apparatus are geared up to stamp it out.**

It is important that this is done well in advance of the Commonwealth Games, which will take place in Scotland in 2014. Such international sporting events can be magnets for traffickers because of the huge numbers of male attendees who seek out prostitutes whilst away from home.

A number of questions arose for us as we traversed the terrain of trafficking in Scotland. Many of the questions coalesced around the fundamental issue of awareness of the signs of human trafficking amongst professionals, amongst punters and those that benefit from trafficked labour, and amongst the public:

- Do the police recognise trafficked women and children in a household when they are involved in a drugs raid or when they enter a massage parlour or sauna?
- Are their antennae sufficiently well developed to query the nature of power relationships?
- Do they understand that women traffick other women?
- Do they recognise trafficking as a crime and not just an immigration issue ?
- Do they understand that sensitivities about race must not cloud assessments about exploitation?
- Do the police have adequate resources and training to deal with the issue?
- Is there a problem with attitudes to prostitution and assumptions that most women ‘on the game’ do so through choice?
- Has the attempt in Scotland to end street prostitution driven the provision of sex work into flats and suburban houses, therefore making the investigation of sex trafficking more difficult? How should policing change to reach such women?
- Are other professionals such as health workers, social workers etc. alert to the signs that someone with whom they have contact is in fact a trafficked person?
- Are members of the public sufficiently aware of the phenomenon of trafficking to recognise that a woman living in an adjacent flat might be subjected to enforced prostitution?
- Do men who use prostitutes contemplate that the young Asian or Eastern European woman providing them with pleasure is in fact doing so because she is owned?
- Does it occur that the au pair or nanny or other home-help fleetingly seen around a neighbours home is in fact living in domestic servitude, sleeping on a mat in the kitchens of comfortable suburbia?
- Is the Border Agency so alert to the issue of illegal immigration that a culture of disbelief is the default position when hearing the accounts of those who may have been trafficked?
- Are the prosecution authorities equipped to deal with the cases that do come to light or does the law need to change?
- Were there shortcomings that explained the fact that, until very recently, there had been no convictions or were there deeper explanations?

As a result of our Inquiry we have come to some clear conclusions as to why there has been only one successful prosecution for trafficking in Scotland. We have also determined that there is lack of clarity as to whether this is essentially an immigration or a policing issue. The answer is that trafficking is primarily a criminal and human rights issue.

Uncertainty amongst police about who leads on cases where trafficking is suspected may undermine the opportunity to gain the confidence of those who have been trafficked. And it is this carefully won confidence that give trafficked people the courage to confront their abusers.

There is now more information and debate about those who are trafficked. However, there is less discussion about the users – the employers whose profits are increased by exploitation of cheap labour or the men who pay for sex with little thought of whose pocket will ultimately be lined and whose lives destroyed.

According to police, the new phenomenon of easy foreign travel to exotic places, from Eastern Europe to Thailand, often for stag nights, and the proliferation of

pornographic and sex sites on the internet, introduces large cohorts of young men to prostitution who had never before contemplated the purchase of sex. Men have to be faced with the effects of their conduct and their role in maintaining the profitability of this vicious trade.

**Trafficking largely operates in an underworld of failing economies, poverty, discrimination, patriarchal attitudes, corruption and violence.**

Confronting it involves collaboration: collaboration internationally between governments and nationally between agencies.

It also involves a determined effort to engage with deeply held attitudes to women, labour relations and cultural practices.

It is also crucial that those discussions come out into the public domain.

Human trafficking is one of those pressing contemporary issues which speaks to the nature of our societies. It tests the value we attach to the humanity of others.

That is why it is so important to develop effective strategies to combat trafficking. It speaks to who we are as a people.

I am hoping that Scotland will pioneer a zero-tolerance approach to human trafficking, leading the way with new strategies, legislation, and the kinds of multi-agency cooperation that enables both the punishment of the traffickers and the identification and recovery of the victims; all underpinned by a comprehensive public awareness campaign about the true nature of this egregious human rights abuse.



Photo by [www.alisterthorpe.com](http://www.alisterthorpe.com)

**Baroness Helena Kennedy QC**

# Part 1: What the Inquiry learned: nature, extent and causes of trafficking

## Nature of human trafficking

Through the Inquiry, it has been possible to meet, listen to, and learn from victims of trafficking. This has greatly enhanced the Inquiry, providing it with an unprecedented insight into the real nature of human trafficking in Scotland.

Each key area of what the Inquiry learned about the nature of victims, the purposes for which they are exploited, and the means by which they are controlled is set out below. Also covered is what the Inquiry learned about traffickers.

### Vulnerability

Evidence from victims of trafficking in Scotland demonstrates they are usually vulnerable through poverty or some other form of marginalisation in their home societies.

“In general (victims) are often selected as ‘prey’ because they are already in a marginalised or vulnerable part of their original community. Examples are those in poverty ...those from a particular ethnic or cultural subset ...those who are already badly treated ...those with substance misuse issues ...those with learning disabilities

or mental health issues ...those with low self-esteem ...(and) those females from countries where women are traditionally, culturally and institutionally abused”<sup>2</sup>.

Such vulnerability is perpetuated by a number of factors including:

- The experience of exploitation itself
- The harmful impact of control techniques such as emotional dependence on traffickers, low/no pay, or violence
- Dislocation from home and support

The experiences of victims both before and during trafficking must therefore be central to informing any future strategic response to trafficking and, particularly, the standard of care required to facilitate recovery from social, economic and psychological vulnerability.

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<sup>2</sup> Evidence from Migrant Help to the Inquiry, February 2011.

## Trafficking purposes

Analysis of data for Scotland reveals that sex trafficking is the most identified trafficking purpose, with trafficking into forced labour, and to a lesser extent, domestic servitude also significant<sup>3</sup>.

Evidence emerged relating to each of the different purposes of trafficking:

- Trafficked prostitution was not on-street but indoors and, in particular, located in private 'sex' flats
- Victims trafficked into forced labour were found to be in restaurants, the hospitality industry, and agriculture. It is also possible that this type of trafficking takes place in social care and the construction industry
- Domestic servitude tended to be contained within ethnic or national groups with victims serving those from their own ethnic or national community

- Exploitation through criminal activities included victims being compelled to run bogus charity collections, to commit benefit fraud, and to cultivate cannabis.

Evidence also highlighted a link between certain trafficking purposes and particular nationalities or areas.

The strongest links are between:

- Nigeria and sex trafficking
- The Baltic states and the Czech and Slovak republics and trafficking into forced labour
- The Indian sub-continent and domestic servitude

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**3** Data from the National Referral Mechanism (NRM). The NRM is a framework for identifying victims of human trafficking and ensuring they receive the appropriate care. Authorised agencies, such as the Police, social services and certain Non-Governmental Organisations (NGOs), who encounter a potential victim of human trafficking, can refer them to the Competent Authority (CA). The initial referrer is known as the 'First Responder'. The UK's CAs are the Serious Organised Crime Agency (SOCA) through its UK Human Trafficking Centre and the UK Border Agency (UKBA). SOCA deals with referrals from the police, local authorities and NGOs. UKBA deals with cases where trafficking is raised as part of an asylum claim or is in the context of another immigration process.

However, such associations between certain trafficking purposes and particular nationalities or areas does not mean victims only come from these countries. Moreover, these associations do not mean, for example, that Nigerians, Estonians, and Bangladeshis are not exploited for other trafficking purposes. The evidence to the Inquiry demonstrates that they are.

The link does, however, touch upon some of the underlying issues in the trafficking process. These include:

- The racialisation of sexual exploitation where individuals want sex from ‘exotic others’. One victim trafficked for this purpose explained

“...that this was because she was both ‘new’ and of a culture which was thought to be highly sexual and therefore attractive to sex purchasers who as a result treated her roughly.”<sup>4</sup>

- The exploitation of poverty-stricken parts of the world. This relates to the supply of poor, trafficked, but legal workers, and the use of these workers to ‘collect’ and produce goods for Central Europe and other poor areas:

“[I was] delivering leaflets and collection bags... for charity ... Save the Children written on the back [but not really for them] ... illegal distributors ... picking up bags and there were people who were turning [the bags] round, certain groups doing certain jobs ... I would get paid maybe £10 to £15 a week” (Interview with victim)

- Status discrimination – when low-status, ostensibly domestic workers are trafficked into domestic servitude:

“I worked for the same gentleman ... in his house as a domestic helper. He just take me from Dhaka ... He has 2 cars, I used to wash his cars ... clean his garden ... his shoes and everything and coloured his hair as well and massaged his body ... He never give me any holiday, he didn’t even allow me to go prayer on Friday ... was almost as if I was in a prison” (Interview with victim)

### **Means of control**

There was evidence of a wide variety of methods for controlling trafficked people including deception, manipulation, debt bondage, the threat of violence, and other forms of coercion.

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4 Evidence to the Inquiry from a victim of sex trafficking, in Easton, H. and Matthews, R., (December 2011) *Investigating the Experiences of People Trafficked into Commercial Sexual Exploitation in Scotland* (Equality and Human Rights Commission). This research can be found at [www.equalityhumanrights.com/humantraffickingfi](http://www.equalityhumanrights.com/humantraffickingfi)

## Deception

Deception is the most common method used to control victims. They can be deceived about the reasons they are being brought to the country. For example, a woman may be offered a job that does not exist or which is substantially different from that promised. This might be where she is promised a restaurant job but is then forced into indoor prostitution.

“She [trafficker] say the work is in a restaurant because my age is quite old so I can work in a restaurant” [but after being debt-bonded and on being told to work as a prostitute]... [trafficker] say I have to work in sex shop.” (Interview with victim)

Alternatively, the victim may know the type of work they will be doing but not its actual conditions. For example, when someone expected to be working as a chef but whose conditions amounted to forced labour.

“Sometimes we are working 22 hours [and] ... [I was doing] painting, everything work ... after finishing the kitchen work we can do this work ... no tea breaks, no time off ... just payslip, only payslip ... and no money.” (Interview with victim)

Nearly all of the victims who provided evidence directly to the Inquiry had been deceived.

In one sense there is nothing surprising about this, as victims are vulnerable and may be anxious to believe what they are told. Moreover, it is easier to gain and

maintain control of a person when they are unaware of the actual exploitation that awaits them.

However, the common use of deception by traffickers should now inform the response to trafficking – particularly in terms of identifying, interviewing and making decisions on presumed victims, as well as when investigating and disrupting the deceptive practices of traffickers.

## Manipulation, debt and violence

Once established, control is maintained in a variety of ways, ranging from the subtle, to the material, and through to the violent. They include:

- Cultivating psychological dependency, grooming, and threats to victims and their families:

“He [the trafficker] already threatened my family back home ... so I don’t know what to do, my wife and children [are there] ... their life is not secure there.” (Interview with victim)

- No or low pay, confiscation of identity documents, debt bondage, and tied accommodation:

“It was a flat and there was at least 10 people in 1 room and you just entered the room and just mattresses, there was no other space ... the ground floor all covered in mattresses.” (Interview with victim)

### ■ Physical violence:

“Madam was always angry with me ... Madam was very bad ... [in response to question on whether Madam was cruel] ... yes.” (Interview with victim)

Some methods seem to be more associated with victims from certain areas. For example, ritual oaths were used against some victims from West Africa, debt bondage with those from south-east Asia, and threats or actual violence with those from Central Europe.

‘I had to take an Oath; I was given this mark on my hand. I was told that if you tell anyone what has transpired you are going to die. They gave me a razor blade to eat, they took my armpit hair, they removed my nails from my toes and my fingers...they removed the hair on my body, they tied it up and put it in this shrine, then they tore my body and told me that if I tell anyone...you will just die...’<sup>5</sup>

Learning the ways that victims are controlled helps undermine stereotypical images which associate trafficking solely with sexual coercion and violence e.g. the woman ‘chained to the radiator’.

“People seem to think that there is this victim who is imprisoned and bound. As soon as the woman has been debt bonded or exploited into doing something she didn't intend to, to me that is a trafficked woman. Now I personally think we have probably got more of these 'victims' out there than we currently are aware of.”<sup>6</sup>

Victims may appear to have free movement and their own money when they are actually being subtly controlled by their trafficker.

It is important that agencies likely to come into contact with victims are aware of this complexity, that they utilise existing guidance on the indicators of human trafficking, develop their own guidance and initiatives, and be equipped to spot trafficking<sup>7</sup>.

### **Traffickers**

Traffickers often recruit, move, and exploit victims from within their own ethnic or national community. As such, the vast majority of the trafficking encountered through the Inquiry was intra-community and was run by organised crime groups, or by smaller networks based on cultural or socio-economic hierarchies in the home society.

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<sup>5</sup> Evidence to the Inquiry from a victim of sex trafficking, in Easton, H. and Matthews, R. *op. cit.*

<sup>6</sup> Evidence to the Inquiry from senior police officer in Easton, H. and Matthews, R. *op. cit.*

<sup>7</sup> See, in particular, the United Nations Office on Drugs and Crime’s ‘Human Trafficking Indicators’ at [www.ungift.org/doc/knowledgehub/resource-centre/UNGIFT\\_HT\\_indicators\\_English.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/UNGIFT_HT_indicators_English.pdf).

For example, the Scottish Crime and Drug Enforcement Agency (SCDEA) told the Inquiry they believed there are organised criminals of African and Chinese background involved in sex trafficking, and criminals from the Czech and Slovak republics involved in a range of trafficking purposes.<sup>8</sup> The victims tended to be of the same background.

This issue is important for a number of reasons:

1. Intra-community trafficking makes it important to provide identified victims with expert and culturally appropriate care which recognises the need to protect victims from traffickers posing as friends or family. At the same time, victims should have access to genuine friends and sources of community support to assist in their recovery.
2. Race equality, cultural knowledge, and focused community relations should be embedded in anti-trafficking policy across Scotland. This applies in particular to law enforcement agencies that need to ensure victims are handled appropriately, not least in order to increase the chance of their acting as witnesses, as well as helping to get the intelligence from communities

necessary to investigate, prosecute, and disrupt the traffickers in their midst.

3. Knowledge of intra-community trafficking should inform wider anti-trafficking work, particularly in terms of:
  - a) Directing priorities for cross-border cooperation and operations by law enforcement<sup>9</sup>
  - b) Providing a focus for preventative attention and resources to those regions, states, and areas where traffickers are from or operate in
  - c) Informing the UK's policy and practice on the voluntary, or forced, return of irregular migrants who may or may not have been classified as trafficking victims. Policy and practice will as a result take more account of trafficking in relation to migration.

### **Scottish traffickers**

It is vital that trafficking is not seen as a 'foreign problem', imported here and perpetrated and suffered by certain ethnic minorities only. Scotland's role is central as a 'destination' state, and as such it is involved and implicated at various levels in the crime of human trafficking. Our response as a society to human trafficking must reflect this.

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<sup>8</sup> Evidence to the Inquiry from the Scottish Crime and Drug Enforcement Agency, February 2011.

<sup>9</sup> This was demonstrated from 2008 to 2011 by the excellent Metropolitan Police – Romanian National Police Joint Investigation Team, in Operation Golf, which effectively disrupted organised child trafficking from Romania to the UK for the purpose of exploitation of criminal activity.

Scots are involved in trafficking, almost certainly in terms of organised crime<sup>10</sup>, and as employers of trafficked labour, users of trafficked sex services, and as unwitting consumers of goods and service provided by trafficked people.

This is reflected by the recent successful prosecution of two Scots under section 22 of the Criminal Justice (Scotland) Act 2003 ('trafficking into prostitution'), for their trafficking activities as part of an organised prostitution ring spanning Aberdeen, Belfast, Glasgow, and Cardiff<sup>11</sup>. The success of Operation Factor demonstrates the effectiveness of multi-agency cooperation to investigate, prosecute, and disrupt traffickers, and to assist victims.

The Inquiry learned that major Scottish institutions with responsibilities in anti-trafficking – the Scottish Government, Scotland's police service, and other law enforcement – may now wish to enhance their work on anti-trafficking by linking it to their legal equality duty<sup>12</sup> and, in particular, to work on race and community relations. Better work on these issues

should translate into better intelligence from communities on both the traffickers and their victims.

### Extent of human trafficking

“In terms of what you uncover, you uncover what you want in terms of the resources you throw at it. With prostitution being underground, the only bit you see is the bit that is overground. There is so much more of it underneath. It is just the tip of the iceberg.”<sup>13</sup>

#### Estimates of victims

Trafficked exploitation tends to be private, hidden from agencies and unseen by the public. Victims are hidden in so far as they are trafficked into private 'sex' flats, workplaces with little regulation, or as domestics in private or diplomatic homes. The fact that awareness of trafficking is low and crimes committed by traffickers, or by victims under duress, remain undetected contributes to maintaining the unseen nature of trafficking.

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**10** The Association of Chief Police Officers in Scotland (ACPOS) define 'serious organised crime' as crime that involves more than person; is organised meaning it involves control, planning, and the use of specialist resources; causes or has the potential to cause significant harm; and benefits the individuals concerned, particularly in terms of financial gain.

**11** Further detail can be found at [www.bbc.co.uk/news/uk-scotland-14857004](http://www.bbc.co.uk/news/uk-scotland-14857004).

**12** Section 149(1) Equality Act 2010 at [www.legislation.gov.uk/ukpga/2010/15/section/149](http://www.legislation.gov.uk/ukpga/2010/15/section/149).

**13** Evidence to the Inquiry from senior police officer, in Easton, H. and Matthews, R. *op. cit.*

Therefore estimates of identified potential victims probably do not reflect what is likely to be a much greater number of unidentified victims.

While the Inquiry welcomed the availability of published statistical data on referrals into the NRM, it was concerned that these were not disaggregated to the nations and regions of the UK, including Scotland. Accordingly, the Inquiry requested and received data for referrals in Scotland, but suggests that the production and publication of disaggregated data now becomes standard practice.

The Inquiry learned that 134 persons were referred into the NRM in Scotland over 21 months from 1st April 2009 to 31st December 2010. Based on this it is reasonable to estimate Scotland has around 75 potential victims of trafficking each year. However, it is important to note that this figure does not include those potential victims that do not consent to enter the NRM or those who have not been identified at all.

### **Gender and trafficking**

Data showed that, during one period<sup>14</sup>, 91 of the 134 Scottish NRM referrals were female and 43 were male<sup>15</sup>. Nearly all sex trafficking cases involved women, with a significant minority being under the

age of 18. This was also true, though to a lesser extent, for trafficking into domestic servitude.

Meanwhile, men were the majority of victims of trafficking into forced labour or labour exploitation, representing 34 of the 50 reported cases.

A major contributory factor to the predominance of females is that they are often more likely to be vulnerable through poverty and marginalisation in ‘source’ countries, while demand for sexual exploitation focuses upon them. It is important therefore that gender analysis informs anti-trafficking strategy and practice.

### **Source countries**

At the time of evidence gathering, five countries accounted for over 65 per cent of Scotland’s suspected and confirmed survivors of human trafficking. Of the 134 presumed trafficked persons referred into the NRM, 86 came from: Nigeria (26), Czech Republic (21), Slovakia (19), China (12), and Somalia (8)<sup>16</sup>. While this concentration may change over time it is clearly noteworthy.

This concentration should inform anti-trafficking activity in the following respects:

- **Prevention:** this evidence should be used to help align international

<sup>14</sup> National Referral Mechanism (NRM) data provided by the Serious Organised Crime Agency (SOCA) and the UK Border Agency (UKBA) for the periods: 1st April 2009 to 31st December 2010 (SOCA), and 1st April 2009 to 31st January 2011 (UKBA).

<sup>15</sup> SOCA and the UKBA *op. cit.*

<sup>16</sup> SOCA and the UKBA *op. cit.*

development priorities with anti-trafficking

- **Identification:** to ensure that border checks are sensitive to indicators of trafficking amongst those countries known to be ‘source’ states
- **Law enforcement:** the use of victim profiling is one way to gather intelligence on, investigate, and disrupt or prosecute organised traffickers. Ideally this should be done through systematic joint investigative cooperation with equivalent bodies in ‘source’ states
- **Co-operation:** with agencies working with victims in ‘source’ states to enable safe reintegration for returning victims

### Trafficking throughout Scotland

The Inquiry learned that trafficking occurs throughout Scotland and is not confined to its major cities. Evidence identified human trafficking in Argyll (forced labour), Glasgow (all purposes), Kirkcaldy (criminal acts under duress), Edinburgh (sexual exploitation and domestic servitude), Skye (forced labour), and Aberdeen (sexual exploitation).

There was further evidence of human trafficking for all purposes in many other parts of Scotland.

“The main areas are Edinburgh, Glasgow and Aberdeen but we’ve seen it in all areas. We’ve seen it in little towns in West

Lothian and we’ve seen it in Falkirk... It’s not restricted.”<sup>17</sup>

Such evidence has a number of implications:

- In the first instance it undermines the view that trafficking is an urban problem located only in, say, the sex industries in Glasgow or Edinburgh
- It also demonstrates that all of the main trafficking purposes are present throughout Scotland in cities, towns, and rural areas. It is not then ‘someone else’s’ problem
- In terms of a national response to trafficking in Scotland it suggests a need for delivery, in part, through local multi-agency groups and communities

### Causes of human trafficking

“The causes and influences of human trafficking are varied and are based largely on a supply and demand economy where demand for cheap labour and increased profit margins leads to the possibility of the exploitation of vulnerable people. The situation in Scotland appears to be similar to that in many developed Western European countries”.<sup>18</sup>

Human trafficking is a global and complex issue. It thrives where there is inequality and where people are vulnerable through poverty and social marginalisation.

<sup>17</sup> Evidence to the Inquiry from senior police officer, in Easton, H. and Matthews, R. *op. cit.*

<sup>18</sup> Evidence to the Inquiry from the Scottish Crime and Drug Enforcement Agency, February 2011.

The Inquiry learned the main drivers of human trafficking in Scotland were:

- (a) The demand for easy to control and exploitable labour
- (b) The lure of profit for organised crime
- (c) The social vulnerability of persons in ‘source’ countries

### **Demand for trafficked people**

Demand is a key driver for human trafficking. This fact underlines the need for ‘destination states’, such as Scotland and the UK, to take responsibility to act to tackle trafficking through targeting demand.

This demand focuses largely on exploitable labour.

### **Exploitable labour**

Demand for exploitable labour has three main aspects:

- Demand in affluent countries like Scotland for cheap goods and services, that drives demand for exploitable labour, which then fuels human trafficking
- Demand from organised crime groups operating and sourcing victims within their ethnic or national community to move them into exploitation
- Legitimate business – i.e. fruit-picking, hotels, and restaurants – employing exploitable labour often supplied by third parties

Exploitable labour relates closely to trafficking purposes in four areas:

### **Sex markets**

There seemed to be a demand in Scotland’s sex markets for ‘exotic others’ notably black women from Africa, ‘oriental’ women from China and south-east Asia, and women from South America, particularly Brazil.

### **Domestic servitude**

Demand for exploitation in domestic work was based mainly on cultural hierarchies (such as gender or caste), and tended to be within communities, with the Inquiry hearing from Bangladeshi and Nigerian victims amongst others.

### **Criminal exploitation**

Demand for victims to commit criminal offences tended to focus on youngsters from China and Vietnam and those marginalised in their own societies through cultural discrimination, such as Roma from the Czech Republic and Slovakia, or through poverty. Demand was also evident for those affected by a learning disability or difficulty, on the basis that they were useful to engage public sympathy in street begging.

### **Legitimate markets**

Demand for exploitable labour in other areas tended to be in low-status employment in certain service industries (hotels, restaurants), in agriculture (farming, fruit-picking), as well as in food cultivation and production (shell-fish gathering, commercial fishing).

### **Organised crime and profit**

Evidence suggested that organised crime groups involved in trafficking ranged from small family-based operations to large, multi-functional, and cross-border networks. In addition, they tended to operate within ethnic or national communities and all were motivated by financial profit and community power. For example, one agency in Scotland told the Inquiry of a serious organised crime group running ten brothels and earning around £2,000,000 per annum<sup>19</sup>.

### **Social vulnerability**

Many victims of sex trafficking who gave evidence were vulnerable, in part, as a result of losing their parents through kidnap or murder, whilst others were motivated to lessen their own and their families' poverty.

“Most of the interviewees came from Africa ... including women from Nigeria, Gambia, Uganda, Kenya and Somalia. One woman came from South America. Six women reported that their parents and other family members had been murdered, kidnapped or had died by natural causes prior to their being trafficked and another was told that her parents had both died after she had been sent to the UK.”<sup>20</sup>

Similarly, victims trafficked into forced labour, domestic servitude, and exploitation through criminal activities were also vulnerable, seeking to alleviate their own or their families' poverty, or were regarded as lower status within their own families or wider community.

## **Summary**

Victims of human trafficking tend to be vulnerable individuals exploited for one of several main purposes, controlled through a variety of means such as deceit, manipulation, debt bondage and violence, and often subject to ongoing control by organised criminals.

The nature of trafficking means much goes unrecorded. The demand for exploitable labour, supplied by – and often for – organised crime drives the harsh reality of human trafficking.

Its brutal impact, along with its diverse nature, hidden extent and variety of causes, means there is a serious and immediate need for a properly strategic and comprehensive approach to tackling it.

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<sup>19</sup> Evidence to the Inquiry from the Scottish Crime and Drug Enforcement Agency, February 2011.

<sup>20</sup> Easton, H. and Matthews, R. *op. cit.*



## Part 2: What needs to change: the Inquiry's pivotal findings and recommendations

The Inquiry found much has been done in Scotland to tackle and respond to human trafficking but that there is room for improvement. The Inquiry has arrived at ten findings each accompanied by a recommendation. These findings and recommendations focus on the issues pivotal to effective anti-trafficking in Scotland.

The Inquiry has focused on strategy, the law and regulation, disruption and prosecution of traffickers, and the identification of, and support for, trafficked people.

### A strategic approach to human trafficking

“We’re talking about a phenomenon [human trafficking] that first of all has been around forever but perhaps even more importantly is now entrenched into the fabric of our societies and our economy and the way that we live.”<sup>21</sup>

#### **Finding 1 – The need for a strategic approach**

**Scotland needs to have a comprehensive strategy to prevent and tackle human trafficking.**

While the Scottish Government has taken important steps in recent years in anti-trafficking there remains room for improvement.

Responsibility for human trafficking in the Scottish Government sits with the victims and witnesses team. Given the myriad of issues implicated in human trafficking this may not be the best approach, and a specialist thematic team with links to justice, health, local government, and other policy areas should be established.

#### **Recommendation**

The Scottish Government should build on its work on research, guidance, funding, and legislation and develop a strategic plan to tackle human trafficking. It should demonstrate leadership in devolved areas and proactively seek cooperation on issues within the competence of the UK Government and international and transnational agencies.

#### **Outcome**

The Scottish Government and partner agencies make Scotland a hostile environment for traffickers through implementing a strategy that uses all relevant policy levers and legislation.

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<sup>21</sup> Evidence to the Inquiry from Dr. Anne T. Gallagher, May 2011.

## **Finding 2 – Low awareness of human trafficking**

**There is little public or professional awareness in Scotland of human trafficking or its indicators.**

There has been an absence of any coordinated effort to increase public awareness of human trafficking in Scotland.

While there were some positive initiatives to raise awareness of human trafficking and its indicators across front-line agencies, these were the exception, meaning that most of the professionals who may come into contact with trafficking are unlikely to identify it.

### **Recommendation**

The Scottish Government should: run an anti-trafficking campaign to raise awareness with the public in Scotland; organise accredited anti-trafficking training for all First Responders<sup>22</sup> and relevant front-line professionals; and encourage front-line agencies to develop their own guidance on human trafficking, particularly on trafficking indicators.

### **Outcome**

There is greater awareness amongst the general public regarding the nature, extent and indicators of human trafficking in Scotland. Frontline professionals are able

to identify the indicators of trafficking and act accordingly. The true extent of trafficking in Scotland becomes clearer.

## **Law and human trafficking**

“A clearer definition of what activities or actions might fit within the definition of exploitation provided within legislation would be helpful for law enforcement agencies to improve their understanding of whether certain activities might be considered trafficking or not.”<sup>23</sup>

## **Finding 3 – Piecemeal and inconsistent legislation**

**Human trafficking legislation in Scotland and in the UK has developed in a piecemeal fashion and is not based on a thorough consideration of how legislation should best deal with the problem. This has left human trafficking legislation in Scotland and the UK inconsistent, both internally and in comparison with international law, and has served to limit its scope and impact.**

Human trafficking legislation has been attached to other legislation, such as sexual offences, asylum or immigration

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<sup>22</sup> First Responders are bodies authorised to make initial referrals of persons presumed to be trafficked into the National Referral Mechanism for decisions to be made by the relevant Competent Authority, SOCA or UKBA, on the relevant person’s trafficking status.

<sup>23</sup> Evidence from Lothian and Borders Police to the Inquiry.

law, rather than flowing from a dedicated analysis of how the law should deal with the crime of human trafficking.

The two main criminal offences related to human trafficking in Scotland have different definitions for fundamentally the same act<sup>24</sup>. This is wrong in principle, undermines legal clarity and certainty, and is problematic in practice.

### Recommendation

The Scottish Government should consider introducing a comprehensive Human Trafficking Bill based upon a review of all its legislation relating to human trafficking. This review should involve close liaison with the UK Government<sup>25</sup> and, in particular, ensure new human trafficking legislation supports any new strategy, while complying with the EU Trafficking Directive and positive human rights duties on human trafficking.

### Outcome

Scotland has dedicated legislation on human trafficking that is consistent in definition, is clear on what trafficked exploitation looks like, and which enables the effective prosecution and disruption of traffickers.

## Investigating and prosecuting traffickers

“Scottish law enforcement and its partner agencies currently hold limited intelligence on how these networks operate and this is still an area where the true nature of the crime is difficult to determine.”<sup>26</sup>

### Finding 4 – Lack of intelligence on human trafficking

**Scotland’s police service has a significant intelligence gap on human trafficking.**

Scotland’s police service acknowledged a lack of intelligence on human trafficking. This is partly due to a need to improve the levels of trust and cooperation between victim support services and Scotland’s law enforcement community.

Such cooperation is vital for many reasons, including ensuring early identification and seamless support for victims, and enabling the intelligence sharing that leads to prompt investigation and disruption of traffickers.

<sup>24</sup> Section 22: *Criminal Justice (Scotland) Act 2003* on trafficking into prostitution or the making or production of obscene or indecent material; and Section 4: *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004* on trafficking for exploitation.

<sup>25</sup> The UK Government’s Human Trafficking Strategy commits to review the criminal legislation in England and Wales by December 2011 to see if it is adequately supporting the prosecution of traffickers.

<sup>26</sup> Evidence to the Inquiry from the Scottish Crime and Drug Enforcement Agency, February 2011.

### **Recommendation**

A multi-agency group dedicated to strategic, operational, and formalised intelligence sharing, analysis, and enforcement action against traffickers should be part of the recommended strategic approach to human trafficking. The group should include law enforcement agencies engaged in anti-trafficking in Scotland and have formal links through protocols to those identifying and those supporting victims.

### **Outcome**

The police service and its law enforcement partners have robust and effective mechanisms for intelligence gathering and sharing, for cooperation particularly in terms of services for victims, and for joint enforcement action against traffickers who are operating in Scotland.

## **Finding 5 – Prosecution, sufficiency of evidence and sentencing**

### **There have been few prosecutions against suspected traffickers in Scotland for human trafficking offences.**

The Crown Office and Procurator Fiscal Service (COPFS) can only prosecute what is reported to them. They have recently secured the first convictions on human trafficking, have had successful prosecutions on other offences where a trafficking background has been suspected, and have developed a specialism in trafficking.

How to obtain sufficient evidence to prosecute traffickers for trafficking remains a fundamental challenge. The requirement for corroboration in Scots law and the likelihood of victims being reluctant to be witnesses necessitate further improvement in COPFS' victim liaison skills.

The review of current legislation recommended above should consider whether to make a 'human trafficking background' a statutory aggravation in the sentencing of those convicted of related criminal offences, such as sexual assault or forced labour.

### **Recommendation**

The Crown Office and Procurator Fiscal Service (COPFS) should continue to proactively develop its specialism in human trafficking to help improve its performance on successful prosecutions for trafficking offences. Particular regard needs given to how best to get sufficient evidence to convict on trafficking, and how to increase the prospects of the judiciary passing adequate sentences against those with trafficking backgrounds who are convicted of related criminal offences.

### **Outcome**

Scotland becomes a centre of excellence in the prosecution of human trafficking crime through a systematic end-to-end service from COPFS. This will start with early advice to potential reporting agencies on evidential and other matters through to the successful prosecution of trafficking offences.

## Disrupting traffickers and regulating markets

“Our most powerful tactic in the fight against serious organised crime is the ability to disrupt criminal networks. For disruption to be truly effective it has to be meaningful, targeting every area of a criminal enterprise by all legitimate means available to restrict and deny them the opportunity to operate.”<sup>27</sup>

### Finding 6 – Disrupting traffickers

**Law enforcement bodies operating in Scotland have experience in disrupting organised crime through the application of asset recovery powers, but there have been few operations specifically targeting organised human traffickers.**

There are ample powers available for asset recovery in Scotland, not least through the Proceeds of Crime Act 2002. These have been used against serious organised crime groups in areas such as drug trafficking, tax and benefit fraud, and cannabis cultivation, and may have affected traffickers indirectly.

However, there seem to have been few disruption operations against criminal enterprises in terms of their human trafficking activities.

### Recommendation

Law enforcement agencies operating in Scotland should collaborate to develop and implement a strategy for the use of disruption and asset recovery powers specifically targeting organised trafficking groups in Scotland.

### Outcome

Scotland is a high-risk and low-return proposition for organised criminals engaged in human trafficking due to the systematic and effective disruption of organised crime through the tracing, seizure, and confiscation of their ill-gotten assets.

### Finding 7 – The role of regulation

**There is a need for the Scottish and UK Governments to encourage and assist organisations responsible for inspecting employment agencies and standards, environmental health and health and safety at work, regulating domestic work, or making licensing decisions, to embed anti-trafficking into their regulatory frameworks and practices.**

The need for anti-trafficking regulation is most acute in sectors associated with poor employment protection, low wages, and poor health and safety records.

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<sup>27</sup> Scottish Crime and Drug Enforcement Agency, (2011) *Protecting Our Communities – Disrupting Serious Organised Crime*, p.8.

The promotion of anti-trafficking in regulatory bodies is a sufficiently important policy goal to merit practical leadership from the Scottish and UK Governments as part of their respective strategic approaches to human trafficking.

### **Recommendation**

The Scottish and UK Governments should encourage, assist, and give practical leadership to those with responsibilities to regulate, such as:

- employment standards in sectors with significant numbers of migrant workers
- employment agencies
- environmental health standards
- health and safety at work
- licensing practices and
- the treatment of domestic workers

This would help to ensure that they embed anti-trafficking into their policy and operational activities, seek First Responder status in the National Referral Mechanism (NRM)<sup>28</sup> and learn from the regulatory model and practices of the Gangmasters Licensing Authority on

labour exploitation, forced labour, and human trafficking.

### **Outcome**

Legitimate sectors and labour markets in Scotland and in the UK are no-go areas for traffickers through nationally consistent, systematic, and evidence-based regulation, which links to services identifying and supporting victims as well as ensuring intelligence is passed to law enforcement.

### **Finding 8 – The role of the private sector**

**Traffickers use commercial products, services, and premises to organise and facilitate the exploitation of victims, including through mobile phones, websites, credit and debit payment facilities, and privately rented or owned accommodation.**

Victims reported how bogus websites enticed them to the UK, while stakeholders gave evidence of mobile phones being important tools used for the

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**28** The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate care. Authorised agencies, such as the Police, social services and certain Non-Governmental Organisations (NGOs), who encounter a potential victim of human trafficking, can refer them to the Competent Authority (CA). The initial referrer is known as the ‘First Responder’. The UK’s CAs are the Serious Organised Crime Agency (SOCA) through its UK Human Trafficking Centre and the UK Border Agency (UKBA). SOCA deals with referrals from the police, local authorities and NGOs. UKBA deals with cases where trafficking is raised as part of an asylum claim or is in the context of another immigration process.

control of victims of sex trafficking and to arrange meetings with users.

There was little evidence of anti-trafficking knowledge or activity in Scotland's private sector, but its involvement now is a prerequisite to a strategic approach to anti-trafficking in Scotland.

### Recommendation

The Scottish Government, as part of a strategic approach to anti-trafficking, should involve relevant parts of Scotland's private sector<sup>29</sup>, and encourage them to raise awareness of human trafficking and include anti-trafficking in their product development and monitoring, and corporate social responsibility practice. They should also be encouraged to take steps to ensure they are not unwittingly enabling the crime of trafficking.

### Outcome

The private sector in Scotland becomes a world leader amongst peers in contributing to preventing and tackling human trafficking.

Identifying, caring for, and enabling recovery of victims:

“My life has changed because I have people like TARA, to have somebody to speak for me when I have no voice. If somebody tries to do something bad to me I can run to TARA who will look at what has happened and say I have to

contact these people. I've made friends too. I'm not on the streets and my baby, especially my baby is safe. A big change and I am happy with what I have”.

(Interview with victim)

### Finding 9 – Trafficking status and human rights

**The current arrangements for identifying victims and deciding trafficked status are too centralised, lack accountability, create a conflict of interest in decision making, and do not lead to the tracking of outcomes for victims or to an analysis that identifies patterns and trends in human trafficking.**

The UK Border Agency (UKBA) and the Serious Organised Crime Agency (SOCA) have sole responsibility for making decisions on whether someone is, or has been, a victim of human trafficking. They do this alongside discharging their respective primary functions of border control or tackling serious organised crime. There is no formal role in the decision-making process for other key bodies, such as police, designated victim agencies, or local authorities.

There is no formal right of appeal available on trafficking status. This means that UKBA and SOCA are unaccountable for a decision that could have significant consequences for those that claim to be, or

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<sup>29</sup> The UK Government's Human Trafficking Strategy includes a commitment to consider how the private sector can and should be involved in anti-trafficking.

are regarded by others to be, victims of human trafficking.

### **Recommendation**

The Home Office should lead a new review of the approach and structures for the identification of trafficked persons. This should consider, in particular, whether the present arrangements are sufficiently independent, are overly centralised, lack accountability, have conflicts of interest in decision making, should provide a formal appeal process, and include the systematic analysis of NRM data which is then shared to enhance anti-trafficking practice across partner agencies.

### **Outcome**

Scotland and the UK have an independent and transparent identification system which recognises that human trafficking is invasive of the dignity and rights of its victims. The system is dedicated to the identification and onward referral of victims, to the making of decisions on trafficking status, and ultimately to victims' recovery.

## **Finding 10 – The need for end-to-end services for victims**

### **Scotland does not yet have comprehensive, end-to-end services for victims of human trafficking.**

The two agencies operating in Scotland to support victims of human trafficking, are the Trafficking Awareness Raising Alliance and Migrant Help, both of whom have demonstrable expertise in supporting

victims. However, neither seems to be enabled to provide victims of trafficking with practical access to an end-to-end recovery service throughout Scotland.

These agencies should be enabled to deliver services for victims through an appropriate mix of their own and other professionals' expertise. These services should all be in accordance with a nationally defined Trafficking Care Standard.

### **Recommendation**

The Scottish Government should develop a Trafficking Care Standard and introduce an end-to-end service for trafficking victims. This should include arrangements for systematically tracking the progress and outcomes for each victim.

### **Outcome**

Scotland is a centre for excellence in providing high-quality services for victims of human trafficking, from their identification through to their physical, psychological, and social recovery.

## Concluding comments

The evidence submitted during the course of this Inquiry shone a light upon the story of human trafficking in Scotland. The experiences of people who had been deceived, manipulated or coerced into coming to Scotland demonstrate the harsh reality of trafficking.

Exploited by organised criminals in the sex industry, often captive in private ‘sex’ flats and systematically abused; forced into criminal acts such as benefits fraud or cannabis cultivation; exploited in fruit picking farms or the hospitality industry; or forced into conditions akin to slavery as domestic servants – trafficked peoples’ experiences here are often nothing short of brutal and, in the main, hidden from society.

Whilst the Inquiry did uncover evidence of much good work at all levels in government, enforcement, prosecution, and, vitally, victim support, the lack of a coherent approach was evident.

The response is insufficiently strategic and the approach of existing law is inconsistent. Intelligence gathering has been hampered by lack of cooperation amongst relevant agencies and prosecutions have been limited. Victim support services are not enabled to consistently deliver the holistic end-to-end services required for survivors.

The recommendations in this report are designed to help develop and inform a response which is both strategic and comprehensive. Such an approach is fundamental in tackling human trafficking. With regard to those recommendations specific to Scotland, it should be led by the Scottish Government and involve law enforcement and prosecution services, victim support organisations, local authorities and the private sector. It must put trafficked people at its centre, seeing them as victims of crime rather than as immigration issues. The Inquiry also made recommendations that will need consideration not just in Scotland, but across the UK.

Such a properly focussed strategic approach will help identify victims and support their recovery while making Scotland a more hostile environment for traffickers.

‘I had to take an Oath; I was given this mark on my hand. I was told that if you tell anyone what has transpired you are going to die. They gave me a razor blade to eat, they took my armpit hair, they removed my nails from my toes and my fingers... they removed the hair on my body, they tied it up and put it in this shrine, then they tore my body and told me that if I tell anyone...you will just die... I was so scared... I think that if anything is happening I am going to die.’

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