



THE LAW SOCIETY OF SCOTLAND

Scottish Executive Consultation 'Tackling Human Trafficking – Proposals for a UK Action Plan'

The Law Society of Scotland's Response

March 2006

INTRODUCTION

The Criminal Law Committee of the Law Society of Scotland (“The Committee”) welcomes the opportunity of commenting on the Consultation on the proposals for a U.K. Action Plan for Tackling Human Trafficking.

Question 1 – Have we got the scope of the plan right? Have we adequately covered the various forms of exploitation which can arise in the trafficking context?

The Consultation paper makes reference¹ to specific regions from which trafficked victims originate from. The Committee believes that the scope of the plan should be truly international in focus, to ensure that other regions are not overlooked, i.e. Africa.

The Committee considers that citizens of African states may be entering the U.K. within the EU, using a member state that their country has historical and cultural links with (i.e. former colonial power) as a transit point.

The various forms of exploitation have been adequately covered by the plan but the police authorities would be better placed to advise on the scale and nature of each manifestation of exploitation in the U.K.

Question 2 – Are there any areas for action or specific actions missing from the proposals?

One potential omission from the proposal is any plan to counteract the general perception amongst aspirant migrants and would-be traffickers, that their material position will improve if they come to the U.K. However, the Committee also acknowledges that it may not be possible to tackle this problem in an effective manner.

¹ Page 5, column 2, para 1

Question 3 – How can we measure the extent to which trafficking is taking place into and within the UK? In particular, how can we improve our knowledge on the scale of child trafficking and trafficking for labour exploitation into and within the UK?

The Committee believes that all relevant agencies, such as UK representatives abroad (FCO), international law enforcement agencies (i.e. Interpol and Europol), the Home Office, as well as police and social work authorities, all have roles to play in this respect.

The Committee also considers that due to the underlying nature of the problem, any effort to monitor trafficking more effectively would have to involve, in the first instance, raising public and community awareness here and in source countries in order that the relevant agencies could receive adequate information to assist them in tackling trafficking.

Question 4 – Does your organisation have information on cases of trafficking in the UK, in particular trafficking for forced labour including domestic service?

The Committee does not hold data of this nature.

Question 5 – How can we raise awareness among potential trafficking victims about the risks and realities of the exploitation they are likely to suffer through being trafficked?

The Committee considers that the vital points at which to raise awareness amongst potential victims of trafficking should be the exit points (from country of origin) and entry points (into the UK), with adequate signage provided at airports, ports and railway stations in a number of languages, including adequate contact details. With regard to appropriate signage, the Committee consider that provision for this would be much more readily facilitated in EU member states rather than other source countries.

Question 6 – How do we ensure that victims are identified at the earliest opportunity particularly in source countries (prior to departure) and at our borders where the victims themselves may not be aware that they are being trafficked?

The Committee believes that heightened awareness of the problems amongst all relevant personnel and the general public would be a good starting point in this respect.

More specifically, the training of immigration and customs officials and liaison with other front line organisations, such as travel agents, could be extended to ensure that all suspicious activity encountered, will be notified to the police accordingly.

Furthermore, the Committee considers that a nominated liaison officer within each police authority would help to educate the public about the problem and to liaise with other forces throughout Scotland and the U.K. Such an officer would also provide one point of contact and reference for all relevant stakeholders such as hospital workers and travel agents, amongst others.

The Committee believes that the emphasis throughout should be upon increased vigilance at UK entry points rather than source countries for practical reasons.

Question 7 – How can we reduce the demand for the services of trafficked persons, in particular for forced labour, including domestic service?

The Committee believes that the best method to reduce demand in this area would be to raise public awareness in the UK of the current criminal penalties for trafficking and also to consider making it an offence to knowingly employ trafficked persons, as per section 21 of the Immigration, Asylum and Nationality Act 2006.

Question 8 – How should we tackle the specific problem of child trafficking?

It is difficult to monitor child trafficking, in particular, due to the fact that the children concerned are not usually placed in mainstream schooling and are frequently rendered 'invisible' shortly after entry into the UK to all potential agencies concerned.

To tackle the problem, the Committee agreed that more details (i.e. addresses) should be taken from arrivees at UK entry points, but they also acknowledge that this would be

potentially difficult in terms of arrivals from other EU states, as it may contravene the EC principle of free movement of persons.

The Committee is also of the view that consideration should be given to the possibility of creating enhanced penalties, as a specific aggravation in any complaint or indictment.

Question 9 – We have provided for heavy maximum penalties for trafficking offences. Are we achieving the right sentences in these cases?

The Committee agrees that the right sentences are and can potentially be achieved through the relevant changes provided for in the Sexual Offences Act 2003 and with the reference to the case study on page 13 of the Consultation document.

Question 10 – What more needs to be done to get trafficking into core police business?

Question 11- What more needs to be done to raise awareness of organised immigration crime, including trafficking, among police forces?

With regard to the above questions, the Committee believes that increased vigilance amongst officers, accentuated with specific training programmes, should achieve the desired results.

Question 12 - How could support services provided to victims of trafficking be replicated or expanded?

The Committee believes that other organisations with an interest in the proposals would be better placed to respond to the above question.

Question 13 – Do you know of organisations that could provide specialist care and support to victims of trafficking?

The Committee is of the view that the Victim Information Advice (VIA) service, which is available through the Crown Office, could help with the provision of specialist care in this regard.

The Committee also supported the development of the poppy scheme in Glasgow, as per paras 1 and 2 of the Consultation document, in this regard.

Question 14 – How do we identify vulnerable child victims?

The Committee made reference to the provisions currently contained in Section 1 of the Vulnerable Witnesses (Scotland) Act 2004² as an appropriate tool for identifying vulnerable child witnesses in this regard.

The Committee also reiterated its point about the requirement for all agencies to be more vigilant in the first instance, as trafficked children will regularly disappear ‘underground’ shortly after their arrival in the UK.

Question 15 – What are the benefits and drawbacks of providing reflection periods and/or residence permits to victims of trafficking?

The Committee had general concerns about the efficacy of pegging such periods/permits to the potential status of a trafficked person, in line with the concern, stated in the consultation document on pages 17 to 18.

Question 16 - How can we ensure that vulnerable victims returning to their countries of origin are not re-trafficked?

Question 17 - How can we ensure safe sustainable return and reintegration of victims into their home communities?

Question 18 - How do the support needs of those trafficked for labour exploitation

differ from the needs of those trafficked for sexual exploitation?

The Committee believes that other organisations with an interest in the proposals would be better placed to respond to the above questions.

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