

Justice Committee

Human Trafficking and Exploitation (Scotland) Bill

Written submission from Migrant Help

1.0 Introduction

1.1 Migrant Help (MH) is a UK charity established in 1963, possessing over 50 years' experience of delivering support and advice services to migrants in the UK. MH provides individuals with the resources and support they need to find safety, access appropriate services and information, and develop greater independence.

1.2 The charity acts to help equip and empower migrants to address challenges faced whilst in the UK, advance understanding of migration complexities, social and economic development, local integration and governance, and work towards effective respect for the human rights and well-being of all migrants.

1.3 Our mandate permits us to work with migrants, asylum seekers, victims of human trafficking (VoTs), foreign national offenders, Roma and Ghurkha communities and others in need of migration-related services or assistance. With over 27 locations nationwide and numerous ongoing projects and programmes, the development of the new UK Immigration Research Institute (UK-IMR) with Christchurch Canterbury and over 50 years of successful collaboration with both statutory, private and third sector partnerships, MH is in a strong position to offer advice to governments and bring best practices from experience in other countries through its recently acquired International Organization for Migration (IOM) observer status.

2.0 Migrant Help's Involvement with the Issue of Human Trafficking

2.1 MH has been at the forefront of anti-trafficking awareness raising and victim support since 2009. The charity is the lead contractor for victim support in Scotland and Northern Ireland and continues to be one of the leading sub-contractors to The Salvation Army in England and Wales.

2.2 Furthermore, MH has offered support within the UK with a range of capacity-building initiatives, which include training London based solicitors and barristers (organised in conjunction with 1 Gray's Inn Square Chambers); Sussex Police Human Trafficking Leads; Lawyers and law students in Kent (organised by the University of Kent); Law enforcement delegates from East of England (UKBF, Kent Police, Home Office, Gangmasters Licensing Authority) in conjunction with Christchurch Canterbury University; Manchester Metropolitan University Law Society; Sheffield University Law Society; Human Rights Lawyers Association (in conjunction with Anti-Slavery); Training to Co-operative/Bakkavor and Strategic Migration Partnerships (SMP) London and Glasgow; Scottish MEPs/Scottish MPs, Stirling Council and local police conference Scotland; Belfast City Council.

2.3 MH has been delivering training to First Responders and other frontline professionals on the issues associated with human trafficking within the UK; this includes the key indicators, the National Referral Mechanism (NRM), and the related work of the UK Human Trafficking Centre (UKHTC) and the Home Office. To date, we have delivered this training course to over 500 frontline professionals, many within First Responder organisations. Additionally, MH is a founding development member and partner for the Stronger Together initiative (<http://stronger2gether.org/>), providing a specialist trainer for the workshops. This initiative provides guidance, resources and a network for employers, labour providers, workers and their representatives to work together to reduce hidden labour exploitation.

2.4 MH has also partnered other organisations to host awareness raising events to mark Anti-Slavery Day in the UK, such as the 2014 'Fashioned for Freedom' event in London. The events draw the attention of the public, as consumers, to the use of trafficked and exploited labour within the production lines of everyday items, such as clothing.

3.0 Trafficking & Exploitation (Scotland) Bill

3.1 MH values the efforts and shares the legitimate interest of the Scottish Government in combatting human trafficking. MH welcomes the Human Trafficking and Exploitation (Scotland) Bill, with the Policy Memorandum stating the aim of consolidating and strengthening 'the existing criminal law against human trafficking and the offence relating to slavery, servitude and forced or compulsory labour and enhance the status of and support for victims' (2014, p. 5).

3.2 MH welcomes the opportunity to provide its views on the general principles of the Bill.

In doing so, MH's comments will address the following sections raised in the Human Trafficking and Exploitation (Scotland) Bill:

- *Placing a duty on Scottish Ministers to secure the provision of relevant immediate support and recovery services for VoTs;*
 - Repatriation
- *Placing a duty on public bodies to provide anonymised data about potential human trafficking and exploitation victims to Police Scotland.*
 - Data Sharing

4.0 Comment 1: Repatriation

4.1 In reference to Subsection (4), a non-exhaustive list of the kind of support and assistance that may be provided under Section 8.

4.2 Presently, there is no long-term strategy or framework to providing specialised voluntary return and reintegration assistance to VoTs who choose to return home to their countries of origin. MH has noted up to ten separate, dissimilar options to

return with no coordination, no data or best practice sharing and little cooperation between the delivery agencies.

4.3 With numerous pathways to return for VoTs, the lack of framework and consistent standards to ensure a safe return and limited access to reintegration or shelters is of considerable concern.

4.4 Issues faced are thus:

- Land transportation offers a cheaper travel option but there is no guarantee the returnee will make it to their destination and could depart the journey en route. Many VoTs who have returned have done so via bus/coach due to costs involved, despite the aforementioned issue;
- As with others who are assisted to return home, the issue of difficult, corrupt or limited understanding of non-UK immigration officials on arrival into the country of origin can severely distress the returnee or hinder the voluntary return when no 'meet and greet' system is in place;
- Limited to no ongoing contact with UK Law Enforcement agencies severely hinders or often terminates ongoing investigations against Organised Crime Groups (OCGs);
- Risk assessments are rarely, if ever conducted in the returnee's home country;
- When a return with no ongoing support occurs, there is a higher chance of re-trafficking
(http://publications.iom.int/bookstore/free/causes_of_retrafficking.pdf)

4.5 As a UK based Non-governmental Organisation (NGO) who are contracted to assist victims of trafficking in the UK, we have experienced many instances where either the VoT wishes to return home or they have no option but to return home, due to the change in welfare legislation. As previously stated, ad hoc assistance is available through various projects, but no consistent framework is available and MH fears many vulnerable victims will end up in the same socio-economic situation which contributed to their original experience of trafficking.

4.6 MH welcomes the Home Office's decision to extend the current Assisted Voluntary Return (AVR) programme to encompass EU or EEA VoTs but there are concerns as to current capacity to properly reintegrate returnees in countries where they have no existing presence or specialist staff/programmes. Concerns exist pertaining to whether returnees will be met immediately post disembarking the plane (pre-immigration checks), onward referral agencies and links to local law enforcement/authorities who could assist in the recovery and reintegration of VoTs.

5.0 Recommendation: 1

5.1 A specialised voluntary return and reintegration programme for VoTs (both EU and non-EU nationals) who wish to return home should be established and offered on a case-by-case basis and in accordance with individual needs.

5.2 For VoTs from within the EU, there is no mechanism in place to facilitate their return and provide reintegration assistance. This is particularly important given the increase in the trafficking of EU/EEA nationals and the number of European victims within the NRM. These VoTs are entitled to receive the support they need should they choose to remain in the UK but such provisions are lost if they choose to return home.

5.3 A victim-centered voluntary return and reintegration programme provides individuals with the ability to access education, skills training, employment, or medical, housing and psychosocial assistance in their country of origin. Such support will provide a safe, dignified and sustainable return process and to address the socio-economic conditions that may have contributed to a trafficking situation in the first place. Reintegration assistance should be linked to other social support services that may be provided in a given country by the Government or NGOs. Finally, a specialist programme will provide a much needed consistent link between Police Scotland and returnees, benefiting ongoing investigations.

6.0 Comment 2: Data Sharing

6.1 *'Placing a duty on public bodies to provide anonymised data about potential VoTs to Police Scotland'*.

6.2 There is currently no system in place by which information is shared on behalf of service providers to a central coordinating body that would process this information. If service providers are able to share vital information, it will foster a more transparent understanding of the scale and depth of trafficking in Scotland.

6.3 Based on the UK National Crime Agency, UKHTC NRM End of Year summary 2014, (Scotland NRM subsection), 111 cases of potential VoTs were referred from Scotland. The information published from the NRM report outlines age, gender, country of origin, type of exploitation and decisions made. No information is held on the pre-trafficking experience or socio-economic context of the individual in question, prior to their being trafficked. It is vital to understand from the victims themselves what circumstances contributed to their subsequent trafficking and exploitation in order to better identify and implement a prevention strategy in source countries, tackling the problem at the root cause. Furthermore, within the NRM no information is held regarding the profile of the traffickers, facilitators, recruiters or transporters.

6.4 MH affirms that the development of evidence-led ideas in the UK are vital in order to move forward in combatting and stopping human trafficking/modern day slavery. Data collection in the UK is currently constrained to the information held within the NRM form. This information is collated by UKHTC itself, which does not allow for comparable indicators to ensure standards and identify gaps. Additionally, the statistical data held is not a true reflection of the extent of trafficking in the UK or

the number of individuals who have been VoTs in the UK. The 'Review of the National Referral Mechanism for Victims of Human Trafficking' (2014) highlighted this issue, dedicating Section 9, 'Data and Intelligence' of the aforementioned review to illustrate issues, findings, options and recommendations.

7.0 Recommendation: 2

7.1 Sharing data with Police Scotland would be well received and endorsed by MH. A comprehensive data collection system will allow for statistical comparisons with the NRM data which in turn will facilitate the identification of gaps and setting standards to improve the overall system of victim care and response. A body collecting the data, independent of migration related duties, will aid in the identification of evolving routes and national trends (e.g. standard data collection and sharing will make the process by which one identifies new trends, and thus address them, much quicker). This will foster and create a more transparent and collaborative working relationship with First Responders, Competent Authorities and all other relevant actors in the counter-trafficking field.

7.2 Additionally, resourcing and equipping Police Scotland with fit-for-purpose data as well as receiving disclosure training, guidance and advice from Police Scotland to care providers such as MH, would not only increase success rates of prosecutions, but also commence readdressing trust between the beneficiary group and law enforcement.

Migrant Help
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