

Justice Committee

Human Trafficking and Exploitation (Scotland) Bill

Written submission from the Scottish Churches Anti-Human Trafficking Group

Introduction

1. The Scottish Churches Anti-human Trafficking Group was established in June 2011 and has representation from a range of denominations and Christian organisations. The majority of members of the Group support this response. The Group exists to exchange information concerning the member churches' activities and policies against human trafficking and their support for the victims of human trafficking. It also seeks to work toward the formulation of joint policies in the churches concerning human trafficking.
2. The objectives of this Bill are in line with work undertaken by Scottish churches in recent years, in particular the victim centred approach this Bill takes; therefore we offer our support. Our Christian responsibility is shaped by scripture to work towards empowering the weak and vulnerable in society and to challenge those who use their power to hold dominion over others for their own purposes. Therefore it is incumbent upon those who believe in a just and merciful God to work for justice; for power to be shared equally in society. Modern slavery in terms of human trafficking, forced labour and prostitution, organ trafficking and any relationship that fails to respect the fundamental conviction that all people are equal and have the same freedom and dignity, is a crime against humanity. The dehumanising effect of the exploitation of people as commodities is contradictory to the principles of love, humanity and justice that we share with people of faith and no faith in our community. It is completely out of place in today's society with its values of justice, diversity and equality.
3. We support the Scottish Government's practical action and initiative to help eradicate modern slavery and congratulate this Government for introducing the Human Trafficking and Exploitation (Scotland) Bill in the Scottish Parliament.

What is missing from the Bill?

Criminalisation of the purchase of sexual services

4. Prof Hazel Watson, Convener of the Scottish Churches Anti-Human Trafficking Group, wrote to the First Minister on 5 February 2015 calling for an amendment to this Bill. In her letter Prof Watson said:
5. *The Northern Ireland Assembly passed the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2014 in December. This includes the provision for the criminalisation of the purchase of sexual services – sometimes known as the Sex Buyer Law or the Nordic model. This legislation was*

first passed in Sweden in 1999 and has been proven to be a positive way forward in terms of reducing levels of human trafficking and the exploitation involved in prostitution. Following its success in Sweden, this approach has been adopted in Norway, Iceland, Canada, and now Northern Ireland. It is being considered by parliament in France. It would be good to see Scotland incorporating the Nordic model, with a funding package supporting women to leave prostitution, into its anti-trafficking legislation.

6. *Sex trafficking does not just exist because its victims are vulnerable - it exists because there is a demand for commercial sex that traffickers can exploit and profit from. The Nordic model effectively curbs demand and consequently reduces the trafficking for sexual exploitation into the countries that adopt it. Lord Morrow MLA is quoted as saying: 'I do not believe the problem of trafficking can be seriously tackled if we do not take this measure.'*¹

Support for young people of indeterminate age

7. We would welcome a commitment in the Bill that where it is not possible to accurately determine the age of a young person the presumption should be to treat them as a child.

The Scottish Churches Anti-Human Trafficking Group particularly welcomes the following provisions contained in the Human Trafficking and Exploitation (Scotland) Bill:

8. General aggravation offence

We continue to support the introduction of a statutory aggravation as part of a package of measures to reduce and prevent human trafficking in Scotland² and trust that the transfer of these provisions from the Criminal Justice (Scotland) Bill to this Bill will not overly delay their implementation.

9. Exploitation in relation to the removal of organs

We are pleased to see that the Bill specifically references Part 1 of the Human Tissue (Scotland) Act 2006 and the fact that a person who is “encouraged, required or expected” to do anything prohibited under this legislation would be seen as exploited under in the Human Trafficking and Exploitation (Scotland) Bill.

10. Protection of Victims

We welcome the provisions relating to the support for victims including guidelines on the non-prosecution of credible or confirmed victims of trafficking. The criminal justice system should take care to ensure that individuals who are subject to

¹ Letter from faith groups to the First Minister Nicola Sturgeon, 5 February 2015, <http://acts-scotland.org/index.php/activities/anti-human-trafficking/item/190-church-leaders-letter-to-first-minister> accessed 24 February 2015

²Submission to the Criminal Justice (Scotland) Bill Consultation by the Scottish Churches Anti-Human Trafficking Group, 28 August 2013, <http://www.actsparl.org/media/158980/or-acts-traffickingaggravation-aug13.pdf> accessed 24 February 2015

physical or mental coercion should not be prosecuted for actions which they did not freely commit. A victim centred approach must acknowledge the reality of mental coercion for many victims of trafficking who are dependent on their trafficker.

11. We welcome the proposal to introduce a statutory duty to provide support and assistance to victims to ensure that this support ceases to be dependent on short term grants. In addition to the proposals here we would like to see compensation for victims which could potentially be paid for through the seizing of assets of traffickers.
12. **Trafficking and exploitation strategy**
We are supportive of the need for a statutory strategy and would like to emphasise the need for engagement with civil society organisations, such as Churches, in tackling human trafficking. It is in communities that awareness raising and identification of potential victims takes place and therefore crucial that such organisations are included in the preparation of the strategy and its implementation.
13. It is noted that the provisions in this Bill relating to the support for victims of trafficking are specifically focussed on adult victims because the provision of support for child victims of trafficking is covered in other legislation. We understand the need to focus on the needs of child victims in the round, considering all of their needs and not just those directly related to being trafficked. We would welcome a commitment for the needs of trafficked children to be covered in some detail in the strategy.
14. **UK Modern Slavery Bill**
We agree that it would be beneficial for the remit of a UK Anti-Slavery Commissioner to be extended to Scotland. Assurances are sought that such a Commissioner would be able to serve the needs of actual and potential victims in Scotland and would be able to engage fully with the provisions of the Bill.
15. We note that the Modern Slavery Bill will require larger businesses to report how they ensure that their supply chains are free from slavery and exploitation. We are pleased that it is intended to extend these provisions to Scotland.

About the Scottish Churches Anti-Human Trafficking Group

In 2012 this group produced a report and strategy for action around Human Trafficking³. The objectives of this strategy were:

- a. To provide clear and accessible information for congregations and individuals.

³ Church and Society Council, 2013:

[http://www.churchofscotland.org.uk/data/assets/pdf_file/0015/3840/To be silent is to be unfaithful.pdf](http://www.churchofscotland.org.uk/data/assets/pdf_file/0015/3840/To_be_silent_is_to_be_unfaithful.pdf) accessed 24 February 2015

- b. To present a theological rationale for why human trafficking is an issue with which the congregations should engage.
 - c. To encourage the congregations to speak out against human trafficking and prostitution.
 - d. To equip church members with information about sources of help for victims of trafficking.
16. This has been achieved by developing two information leaflets⁴ which have been widely distributed and by delivering talks and workshops to church groups, charitable organisations such as the Rotary, and school pupils of Religious and Moral Education classes.
17. In addition to this report the Church and Society Council of the Church of Scotland has produced a resource pack “To be silent is to be unfaithful”⁵. The pack acknowledges that “Human trafficking is today’s slavery, and the challenge is to build a movement for change by making people aware of what’s happening now.”
18. The Group are currently engaged in:
- a. Using innovative ways of raising awareness by staging a live slave auction as part of the Edinburgh Fringe Festival 2015.
 - b. Developing work in existing projects, such as the Prison Visitor Centres and a project for pre-school children in Glasgow to raise awareness among staff about human trafficking and how to recognise possible signs.
 - c. Working with international ecumenical partners to develop a common understanding from the perspectives of source and destination countries of the reach and complexity of human trafficking. It is hoped that this will facilitate the development of strategies that might contribute to combating human trafficking and to supporting each other in addressing this crime against humanity.

Scottish Churches Anti-Human Trafficking Group
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⁴ Scottish Churches Anti-Human Trafficking Group: <http://www.acts-scotland.org/index.php/activities/anti-human-trafficking/item/6-anti-human-trafficking-leaflets> accessed 24 February 2015