

Justice Committee

Human Trafficking and Exploitation (Scotland) Bill

Written submission from Scottish Youth Parliament

Background of the Scottish Youth Parliament

1. The Scottish Youth Parliament (SYP) is the democratically elected voice of Scotland's young people. We listen to young people, recognise the issues that are most important to them, and ensure that their voices are heard. Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.
2. The Scottish Youth Parliament believes in a rights-based perspective for the purposes of policy development and implementation. We would encourage that this legislation adopts a similar approach.

Methodology

3. The Scottish Youth Parliament, by its nature, is committed to a youth-led structure. As such, this submission is based on direct consultation with young people through an online focus group.¹ Our response is based on the genuine views of young people, collected through consultation with the democratically elected representatives of young people, the Members of the Scottish Youth Parliament (MSYPs).

Response and Recommendations

Strong Agreement

4. Overall, the Scottish Youth Parliament is largely agreeable with the proposals of the Bill. The MSYPs surveyed were most in support of:
 - Placing a duty on Scottish Ministers to prepare, publish, and review and update a trafficking and exploitation strategy (93% in favour);
 - Placing a duty on public bodies to provide anonymised data about potential human trafficking victims (93% in favour);
 - Increasing the maximum penalty to life in prison for human trafficking offenders (86% in favour);

¹ The online focus group was facilitated through SurveyMonkey, and contained ten questions based on the consultation document. The questions were adapted to ensure they were conducive for consultation with young people. The survey was sent to all MSYPs, who consulted with their constituents before responding.

- Establishing statutory aggravations to criminal offences connected with human trafficking (85% in favour);
 - Placing a duty on Scottish Ministers to secure the provision of support and recovery services for victims of trafficking (80% in favour);
 - Placing a duty on the Lord Advocate to publish guidance about the prosecution of credible trafficking victims who have committed offences (75% in favour); and,
 - Establishing trafficking and exploitation prevention and risk orders (74% in favour).
5. The young people also recommended that Scottish Ministers consult with organisations that specialise in support for trafficking and exploitation victims, and with young people in the development and reviews of the trafficking and exploitation strategy. The MSYPs emphasised that young people have ideas to put forward on the matter.
 6. It was also suggested that anonymised data gathered about potential trafficking victims should be reviewed with an aim of noting high risk areas and demographics. Furthermore, MSYPs thought that a database of statutory aggravations could be kept to identify possible links and connections.
 7. The MSYPs also believed that those organisations and individuals with expertise in supporting trafficking victims should inform the Scottish Government's provision of support and recovery services. It was also suggested that the creation of a specific body to support victims would demonstrate the importance of this work.
 8. The young people also hoped the guidance provided by the Lord Advocate would make clear that credible trafficking victims should not be charged with crimes committed, and believed that a Scotland-wide practice would be beneficial.
 9. Finally, the MSYPs stated that trafficking and exploitation prevention and risk orders should be strong, especially regarding contact with children and young people.

Partial Agreement

10. A strong majority of MSYPs – 89% - agreed with the description of the human trafficking offence given in the draft Bill. While 73% agreed that the Bill should create a single offence of human trafficking, 20% preferred that the Bill more strongly replicate international definitions of human trafficking.
11. Respondents believed that a particular legal definition in addition to a specific criminal offence could provide clarity for victims and the wider public as to what constitutes human trafficking. Additionally, it was suggested that given the nature

of the crime, it may be beneficial to align with international definitions to promote international work.

12. The Scottish Youth Parliament supports the creation of a single human trafficking offence and agrees with the description offered, and would suggest that the possibility of introducing a legal definition of human trafficking in line with recognised international definitions be considered.
13. Finally, the MSYPs were also consulted on the proposal for support for children and young people who are victims of human trafficking to be offered through frameworks such as Getting It Right for Every Child (GIRFEC) and the Children and Young People (Scotland) Act, rather than the Bill.
14. Only 31% of MSYPs believed this was the correct approach, with 66% preferring that support for children and young people be incorporated into the Bill itself, or that the statutory guidance and secondary legislation for the Bill explicitly reference how GIRFEC and the Children and Young People (Scotland) Act should work to support victims of this age.
15. Victims of human trafficking, including children and young people, have particular support and recovery needs, and it is important that other frameworks, such as the Children and Young People (Scotland) Act's statutory guidance, recognise and advise on this in the event that the Bill does not provide for it specifically. At the very least, guidance for existing frameworks or for the Bill should note the specific support children and young people may need, and offer advice for the identification and support of victims.
16. Several respondents noted that, given the grievous nature of human trafficking, specialised support may be needed, and that all should be done to ensure all victims – adults, children, and young people - receive the recognition and support they need.
17. The Scottish Youth Parliament would ask that the Scottish Government consider detailing support for victims who are children and young people in the Bill, and consult organisations which support these victims and which specialise in the rights of children and young people on this matter.

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