

Justice Committee
Human Trafficking and Exploitation (Scotland) Bill
Written submission from the Salvation Army

Introduction

The Salvation Army has a long history of supporting victims of human trafficking and pressing for their legal protection, dating back to the late nineteenth century. In more recent years, since July 2011, we have managed the Adult Human Trafficking Victim Care and Coordination contract in England and Wales. The contract, which is jointly funded by the Home Office and the Ministry of Justice, makes us responsible for the oversight of delivery of specialist support services to adult victims of human trafficking identified in England and Wales. During the first three years of the contract a total of 1,817 people were supported by us and our partner organisations.¹ In addition to the contract we have established a Victim Care Fund through which we have been able to increase the level of support to survivors of human trafficking – particularly at the critical point when they move on from the service – and to fund innovative schemes for improved support and additional bespoke training for staff. It is from the perspective of our experience in victim support that we offer a response to the current call for evidence.

Responses to the Bill's proposals

We believe that the needs of victims should be central to any response to human trafficking, whether legislative, strategic or operational. These proposals are welcome because they do keep victims central, both by tackling offenders and supporting victims.

1. The creation of a single offence

We welcome the proposal to create a single human trafficking offence for all forms of exploitation. This should clarify the legislation and help to avoid any potential loopholes.

2. The maximum penalty

We regard the trafficking and exploitation of people as a grave and highly detrimental offence. The increase of the maximum penalty from 14 years to life imprisonment recognises this and is therefore welcomed.

3. Statutory aggravations

Given the gravity of human trafficking, we agree with the proposal to establish statutory aggravations to any criminal offence connected with it. Human Trafficking is often part of a wider range of serious organised crime, which can include drugs, money laundering, benefit fraud etc. It is also linked directly to what could be regarded as less serious crimes, such as when a border official accepts a bribe to turn 'a blind eye'. To establish statutory aggravations to any and every connected

¹ <http://news.salvationarmy.org.uk/62-rise-human-trafficking-victims-seeking-support>

criminal offence, including those committed by public officials in the course of their duties, is welcome.

4. Guidance about prosecution of credible trafficking victims who have committed offences

We recognise that victims are sometimes compelled to carry out criminal activity by traffickers. Given the exploitative situation in which they find themselves, it is often difficult to blame them for this. However, the situation becomes more complicated when, for example, a trafficked labourer is 'promoted' to a position of reporting on others and perhaps keeping them working. In a brothel one of the trafficked victims may take a similar role. There are examples also of previously trafficked people then themselves becoming traffickers. In our experience there is a lack of consistent guidance leading to a variety of outcomes. Therefore we welcome the proposal for such guidelines to be published by the Lord Advocate.

5. The provision of immediate support and recovery services for victims

We believe measures that secure victim protection and support should be at the heart of the legislation and therefore agree with placing a duty on Ministers to ensure there is immediate support and recovery for victims of trafficking. We note in the draft Bill (Part 2, Section 8, paragraph 2) that it will be up to Ministers to set the length of the relevant period of support and recovery, but that support can be extended until and beyond the date when it is conclusively determined that the adult is or is not a victim (Part 2, Section 8, paragraph 3). We welcome this flexibility and would recommend that there be a readiness on the part of Ministers to extend this support. We also recommend that the same level of support, particularly in terms of standards of accommodation, is awarded to all victims, irrespective of their immigration status.

6. Trafficking and exploitation prevention orders and risk orders

We welcome this proposal as it should make arrests easier for police. We wonder, though, who would set the framework and benchmark for these orders – and in consultation with whom.

7. The preparation, publication and review of an exploitation strategy

Given the level of organisation and increasing prevalence of trafficking and exploitation, we regard such a strategy as absolutely essential. The Bill states that the strategy should be reviewed 'before the end of the period of 3 years', but we wonder whether an annual review would be better – at least in the early years. Also, we assume that Ministers will monitor the effectiveness of the strategy on an ongoing basis.

8. The provision of anonymised data to Police Scotland.

We welcome the proposed introduction of a duty for public bodies to provide the police with anonymised data about potential human trafficking and exploitation of victims. In order to do this, front-line professionals would need to be properly supported and trained to provide accurate data. Parameters would need to be carefully considered, because it may not be appropriate for all calls concerning potential victims to be included in the data. There would need to be a unified reporting system, and a way to ensure there is no 'double counting'. Without this there could be situations where, for example, immigration staff pick someone up then

pass them to police, who then pass them to the victim care provider, and the same person is counted three times.

Additional recommendation

9. The criminalisation of the purchase of sexual services

The Northern Ireland Assembly recently passed the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, which includes the offence of 'paying for sexual services of a person'. This is known as the Nordic model due to it being first introduced in Sweden in 1999, then subsequently in Norway, Iceland and Canada. By criminalising the purchase of sexual services it appears to have reduced prostitution – and therefore trafficking – in these countries. Although it is not uncontroversial, we would recommend that the Scottish Government considers including this provision in the Bill.

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