



SCOTLAND'S SLAVES

An Amnesty International
briefing on trafficking
in Scotland



PROTECT THE HUMAN

INTRODUCTION

Trafficking in persons is a worldwide phenomenon. It affects men and boys, as well as women and girls, and victims can be trafficked for a range of exploitative purposes. The scope of this briefing is limited to the treatment and protection of women and girls who are trafficked into the UK for the purpose of sexual exploitation and domestic servitude. However, it identifies problems, needs and recommendations that are relevant to all trafficked persons. Trafficked children are particularly vulnerable and will require additional safeguards in relation to their identification, support and protection which we do not address in this briefing.

In March 2007 the UK Government signed the Council of Europe Convention on Action against Trafficking in Human Beings (referred to as ECAT). Amnesty International UK (AIUK) welcomes this signature and the government's stated intention to ratify ECAT by the end of 2008 as well as the development of the UK Action Plan on Tackling Human Trafficking (March 2007, updated July 2008). AIUK also recognises that the Scottish Government has already demonstrated a commitment to safeguarding the rights of victims of trafficking. However AIUK is concerned about the degree to which the rights under ECAT will become a reality for all victims of trafficking across the UK and believe that the Scottish Government has a significant role to play in ensuring that the rights under ECAT are enforced for all the victims of trafficking under its jurisdiction.

Amnesty International has been working on the issue of trafficking for a number of years and has produced several reports on trafficking in Russia, Israel, Kosovo and Indonesia. We were also involved in the development of the Council of Europe Convention on Action Against Trafficking in Human Beings and have been working on trafficking in the UK since 2004. The UK Section of Amnesty International (AIUK) has been a member of the UK Government's NGO Stakeholder Group on Human Trafficking since the end of 2005 and sits on an advisory group to the UK Human Trafficking Centre.

This briefing has been produced from the Scotland Office of Amnesty International UK and is based on interviews and desk research carried out between April 2007 and March 2008. Those interviewed include police officers in Scotland involved in Operation Pentameter 2, the Association of Chief Police Officers in Scotland (ACPOS) Trafficking Group, practitioners who work directly with victims of trafficking, legal practitioners and workers from relevant service provision agencies. We have followed up a number of newspaper reports of trafficking in Scotland and requested further information directly from the police forces involved.

This briefing looks at our findings on trafficking in Scotland and reviews the responses of both the Scottish Government and Westminster in upholding the rights of victims in compliance with ECAT across four key areas identification, support and accommodation, immigration and asylum protection and non-punishment.

TRAFFICKING: UNDERSTANDING THE VICTIMS

In understanding how to plan prevention and protection strategies it is important for the authorities to recognise the prevalence of different forms of trafficking and the profile of victims who have been or are likely to be trafficked. We know that trafficking for sexual exploitation overwhelmingly impacts women and girls and domestic servitude predominantly affects women. Within forced labour women will also form the majority of victims in certain sectors such as care work and cleaning whilst men have been trafficked into the agricultural and fishing sectors.

Trafficked women and girls come from diverse backgrounds. Nevertheless, there are often important commonalities in relation to personal history, the experience of exploitation and its impact on victims including:

- **Country background and pre-trafficking experiences:** Victims of trafficking often share similar traits in terms of the poor political and human rights situation in their country of origin (particularly in relation to gender inequality), low socio-economic status, restricted or no access to educational or employment opportunities and prior experience of physical or sexual violence. *Stolen Smiles*, a study conducted by researchers at the London School of Hygiene & Tropical Medicine on the health of women trafficked into forced prostitution or sexual exploitation in the context of forced domestic work, found that 60 per cent of the women they interviewed had experienced violence prior to being trafficked including physical violence, rape or sexual assault within their families, communities or a conflict/post conflict situation.¹
- **Common experiences of control and exploitation from traffickers:** All victims of trafficking irrespective of gender will be subjected to exploitation and one or more strategies of control, including withholding travel documents, deprivation of liberty, use of isolation, use of threats against the trafficked person or their family, debt bondage and threats to report the victim to the police or immigration authorities for those with insecure or tied immigration status. For women and girls who are trafficked, there is a much higher exposure to physical and sexual violence by the traffickers and as part of the exploitation itself. *The Stolen Smiles* report found that 95 per cent of the women interviewed had been subjected to physical or sexual violence. Kalayaan have found that whilst at initial interviews only 9 per cent of migrant domestic workers reported sexual violence, when they had the opportunity to conduct in-depth interviews all those interviewed reported experiences of sexual harassment and violence.²
- **Impact on victims:** As a result of the exploitation female victims may develop acute physical and psychological health problems. *Stolen Smiles* reported that in the first fourteen days over 63 per cent of women experienced more than 11 physical symptoms that caused them pain or discomfort. These physical symptoms include fatigue, headaches, memory difficulties, abdominal pain, heart palpitations, muscular-skeletal pain and blurred vision. Psychological reactions were severe and prevalent, and compared to or surpassed symptoms recorded for torture victims. It was only after almost three months that women's mental health showed signs of significant improvement.

¹ Zimmerman, C. (2006). *Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe.*

² Kalayaan is the sole non-governmental organisation working with domestic migrant workers who have been victims of abuse and violence. www.kalayaan.org.uk

- **Vulnerability in country of destination:** Finally although not all trafficking victims have uncertain or illegal immigration status, the reality is a significant number will be restricted either in their rights to remain in the UK or in their right to access public benefits – and this will have an impact on their willingness to approach or engage with the authorities and also on the eligibility for healthcare and support.

THE EXTENT OF TRAFFICKING IN THE UK

By its very definition, trafficking is an underground business and therefore it is very difficult to gain accurate information about its scale in the UK. The following statistics, however, are available:

- In 2000 the Home Office estimated that in one year, between 142 and 1,420 women are trafficked into the UK.³
- By 2003, the UK government estimated that 4,000 victims of trafficking for prostitution were in the UK at any one time.⁴
- Prostitution and the trafficking of women is the third highest 'black market' income-earner globally after drugs and arms.
- A UNICEF report in 2006 suggested that there are at any one time 5000 child sex workers in the UK, most of them trafficked here.⁵

TRAFFICKING: THE PICTURE IN SCOTLAND

There has been little research into trafficking in the UK as a whole and to Scotland in particular. However, a rudimentary picture can be gleaned through the results of the UK-wide police operations which targeted human trafficking, Operation Pentameter 1 and 2, details of the women the TARA Project have dealt with and newspaper reports.

- Since March 2003, 25 women found in Glasgow have been referred to the TARA Project.
- Of these, most were from Eastern Europe and West Africa.
- Glasgow has the highest number of sex workers in the UK outside London. It is estimated that at least 50 per cent of them are from overseas.⁶
- During Operation Pentameter 1 (2006) police forces in Scotland visited 25 premises, made 12 arrests and uncovered 10 women, 5 of whom were confirmed as trafficking victims.⁷
- During Operation Pentameter 2 (2007-8), over 50 premises were visited in Scotland, 59 people were dealt with as victims of trafficking, of whom 15 women from Southeast Asia were victims of sexual exploitation. 35 suspects were arrested and £17,455 cash was seized.

The TARA Project

In Glasgow, the TARA Project provides support and accommodation for women who have been trafficked into commercial sexual exploitation. It has a multi-agency approach, working with Strathclyde Police, the Borders and Immigration Agency, Social Work Services for Women, NHS Greater Glasgow, the International Organization for Migration, the Scottish Refugee Council and the Women's Voluntary Network. The accommodation and services are funded by Glasgow City Council and the Scottish Government.

Amnesty International welcomes the commitment shown by the Scottish Government to tackling human trafficking which has been backed up by funding for TARA to run a pilot extending its remit Scotland-wide. However, the support and services provided by TARA are still limited by strict criteria and, other than the 6-month pilot, are only available for victims of trafficking found within the Glasgow City Council area. The TARA Project can only support women trafficked into sexual exploitation and thus Amnesty International welcomes the funding made available by the Scottish Government for local authorities to support victims of other forms of trafficking. Scotland is the only part of the UK with this provision.

³ Kelly, L. & Regan, L. (2000) 'Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK', Home Office.

⁴ UK Government's Joint Committee for Human Rights, Report on Human Trafficking 2005-6, Chapter 4, p28.

⁵ UNICEF UK (2006), 'Commercial sexual exploitation'.

⁶ Trafficking Awareness Raising Alliance (TARA) Project

⁷ Serious Organised Crime Agency: Scottish Parliamentary Written Answer S3W-14844

⁸ Association of Chief Police Officers in Scotland (ACPOS).

- Nobody has yet been convicted of trafficking in Scotland. Yet six people have been convicted of trafficking for sexual exploitation in Wales and 48 in England.
- Although Scotland should have a 10 per cent share of UK crime figures in proportion to the population, ACPOS estimate that it has 13.5 per cent of the human trafficking trade.⁸

Scotland is also dealing with trafficking survivors who have been recovered in England, claimed asylum and have subsequently been dispersed to Scotland. They will still require the specialist care and risk assessments that would be needed if they had been found here.

For this briefing, Amnesty International has collected information, dating as far back as 2002, on trafficking in Scotland from press reports and interviews. This has included:

- A majority of cases of trafficking into sexual exploitation but also cases of trafficking into domestic servitude, child trafficking and forced labour.
- Cases found in Edinburgh, Glasgow, Dumfries and Galloway, Falkirk, Grangemouth, Stirling and Tayside.
- Victims from Lithuania, Slovakia, Nigeria, China, Estonia, Somalia, Thailand, Guinea and Russia.
- Case information from Dumfries and Galloway Police Force highlighted Stranraer as a possible trafficking route in and out of Scotland. The Irish Human Rights Commission and the Northern Ireland Human Rights Commission are currently holding a joint-investigation into the trafficking of human beings on the island of Ireland, across the border and into or out of the rest of the UK.
- Many of these individuals were here legally but many risked deportation.

THE UK AND SCOTTISH RESPONSE TO TRAFFICKING

PLANNING

In October 2006, as a result of Operation Pentameter 1, the UK Human Trafficking Centre (UKHTC) was established to plan and coordinate police work, intelligence, research and victim care activities for the whole of the UK. The Scottish Government has representatives on groups within the UKHTC. The Home Office together with the Scottish Government Justice Department, has also devised a UK Action Plan on trafficking which tasks various governmental departments, the police and other agencies with developing responses to the problem of human trafficking. The Scottish Government is also soon to publish its Strategic Framework on Violence Against Women that makes reference to trafficking as a form of violence against women. Amnesty International urges the Scottish Government to set up a stakeholder group on trafficking to further co-ordinate services.

POLICE RESPONSE

Scottish police forces have been involved in both Operation Pentameter 1 in 2006 and Operation Pentameter 2 in 2007/8. Operation Pentameter 2 was wider in scope, included police forces in Northern Ireland and had the UK Human Trafficking Centre as the coordinating body.

While Operation Pentameter 1 found women trafficked into prostitution in Glasgow and Edinburgh, Pentameter 2 visited twice as many Scottish premises and also recovered women from Grangemouth, Falkirk, Stirling and the Tayside area. Many of those recovered had to be sent to a Salvation Army project in Durham due to lack of appropriate accommodation in Scotland.

PROVISION

The UK Government has worked with the charity Eaves to develop the POPPY Project in London. With Home Office funding, this project has 35 bed-spaces and provides accommodation for women only who have been trafficked into prostitution. Once accepted into the project, they are allocated a social support worker and offered a range of services, including health assessment, medical treatment, legal advice and counselling. Between March 2003 and December 2007, 820 women were referred to the project. This reflects the small proportion of women who manage to escape or are recovered, and qualify for assistance. Of these, 168 were accepted for accommodation and 111 received outreach services.⁹

Amnesty International understands that a small number of women found in Scotland have been referred to the POPPY Project. The importance of this refuge along with the work of Glasgow's TARA Project should not be under-estimated. Since 2005, TARA and the Legal Services Agency (LSA) have directly supported 27 women but have had contact with more as well as given advice to those outwith the Glasgow City Area.¹⁰ Many of the victims of trafficking found in the UK are officially seen as illegal immigrants, which makes it impossible for local authorities to provide accommodation through the established domestic abuse refuge system.

GOVERNMENTAL RESPONSIBILITIES

Although the problem of human trafficking for sexual exploitation is a UK-wide phenomenon, specific requirements under ECAT fall within the remit of the Scottish Government. Clearly, the asylum and immigration system and some aspects of the prevention of trafficking are a reserved responsibility and a Home Office issue. However, the Scottish Government has direct responsibility for justice issues and the prevention and detection of trafficking through the Scottish Crime and Drug Enforcement Agency (SCDEA). It also importantly has responsibility for the care and support of victims of trafficking and in overseeing local authority provision.

⁹ POPPY Project Outreach Service, Eaves Housing, 'A review of work to date', 2008

¹⁰ At the time of writing the TARA Project only covered the Glasgow City Council area although funding is now available to pilot this project with a Scotland-wide remit.

Amnesty International urges the Scottish Government to take a lead on the implementation of the parts of ECAT for which it is responsible within its devolved powers. These include:

- Article 10 on Identification of victims
- Article 12 on Support and accommodation for victims
- Article 16 on Non-Punishment of victims for crimes they have been coerced into.

Amnesty International also has recommendations for the adoption of Articles 13 and 14 on Reflection Periods and Residence Permits, which come under powers reserved to Westminster.

Amnesty International UK urges the Scottish Government, working with other agencies in Scotland, to provide a coordinating role for work and services in Scotland and consider setting up a stakeholder group to advise on its work.

IDENTIFICATION

The correct identification of victims and their referral to appropriate support services lies at the heart of any system to protect trafficked persons. Under ECAT, identification by competent authorities acts as the access point to a range of rights intended to help a trafficked person escape from the influence of traffickers and begin a process of recovery through healthcare, support and accommodation and access to legal advice. Conversely a failure to be identified will lead to a denial of basic support and in the case of those with irregular immigration status could also lead to immigration detention, criminalisation and removal back to the country of origin without any risk assessment as to the risk of harm or re-trafficking on return.

AIUK welcomes the intention of the UK Government to exceed the standards on identification in ECAT through its commitment to develop a nationwide system of identification and referrals based on the OSCE National Referral Mechanism (NRM) model.¹¹ The Home Office piloted an NRM during Operation Pentameter 2. The NRM model requires the designation of a Competent Authority which is responsible for making preliminary identifications that enable the granting of reflection periods and access to support services, and definitive identifications which may enable trafficked persons to qualify for residence permits.

Under the pilot, the role of the Competent Authority has been split between the UK Human Trafficking Centre (UKHTC) and the Border and Immigration Agency (BIA) along geographical lines, with Scotland covered by the UKHTC. The UK Government is yet to make a final decision on which agency will take on the role of the Competent Authority in the future. AIUK believes that whilst both the law enforcement and immigration authorities have a key role to play in identification, the role of the Competent Authority should not be left solely to either agency. Front line professionals (such as medical professionals) and organisations with a track record of working with trafficked persons (such as the TARA Project and Kalayaan) should have a formal role to play in the identification of trafficked persons.

¹¹ National Referral Mechanism, 'Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook', OSCE, ODIHR, 2004

It is also not clear how Scotland fits into the NRM and the involvement of the UKHTC in identification of trafficking victims found in Scotland. AIUK believes that Scotland is in a good position to enact a multi-agency approach to the NRM given the partnerships already established on violence against women. Consequently we urge the Scottish Government to ensure that this model is followed with the Competent Authority.

AIUK recognises that both the police and immigration authorities have made considerable efforts to improve identification rates through the training of staff, the development of guidance on indicators and the creation of specialist anti-trafficking units. However, practitioners interviewed continue to raise concerns about the failure of the authorities, including immigration, police and social services, to identify trafficked persons. Some of the failures have reportedly been by officials with expertise on trafficking.

Trafficked persons face barriers to disclosing what has happened to them including physical and mental health problems, shame, fear of removal from the UK, fear of being criminalised, fear of traffickers and of the authorities. In case information that AIUK has received trafficked persons have explicitly stated that they would not approach the police, as they do not believe that they will help them and also fear being arrested. Several factors that make it more difficult for police and immigration officers to make positive identifications, including a lack of awareness about diagnostic indicators, especially those relating to non-sexual exploitation. However the failure to identify can also be rooted in a culture of disbelief where officials are less likely to believe that persons with illegal or irregular immigration status are credible¹².

There is no expertise in the identification of other forms of trafficking including forced labour, domestic servitude or child trafficking and we have no estimates as to the extent of any of these forms of trafficking in Scotland. In 2003, Lothian and Borders police detained 14 Chinese workers after they were discovered picking cockles at Cramond Bay. At the time no offence was detected and all were released. Unfortunately, it appears that two were later arrested during the tragedy at Morecombe Bay in February 2004 where 23 trafficked workers drowned. If they had been identified as potential trafficking victims they may have been able to access services to support them.

There is a concern that victims of trafficking are not being identified because they do not fit a 'classic model' of trafficking. However, Amnesty International is aware of a diversity of methods of traffickers in the UK. These include forced marriage, internet marriage agency sites, and front companies posing as work agencies. According to the Council of Europe, the trafficking of women into the UK has been facilitated by both marriage and model agencies, as well as under the guise of employment assistance abroad. The extent of the use of marriage as a mechanism for trafficking is not known, partly because when survivors are recovered, courts will view them as victims of domestic abuse rather than as trafficking victims.

Shakti Women's Aid based in Edinburgh has come across women who have been brought to this country legally, often as wives of UK nationals, only to be subjected to sexual exploitation and degrading and inhuman treatment. Shakti provided us with examples of women brought here through arranged marriages who were treated as domestic slaves, often

CASE STUDY: Mai-Pia

Mai-Pia was from Thailand. She was working in a café when she met a Scottish man who was there on holiday and they started a relationship. Before he left Thailand he told Mai-Pia that he would marry her and bring her back to the UK. She was brought back to Edinburgh through the appropriate immigration channels, they married soon afterwards and at the beginning everything was fine.

Soon however, her husband became physically and sexually abusive towards her, often forced her to have sex, was physically violent and did not let her leave the house unaccompanied. One night her husband brought a few of his friends home, he told Mai-Pia that she had to have sex with them in order to earn her keep and he must not be made to look stupid in front of them.

This became a regular occurrence; Mai-Pia was often forced to have sex with a number of different men a night. This took place in their home and she was expected to clean up the mess before she went to bed.

¹² Taylor, G. (Sept, 2005) 'Evaluation of the Victims of Trafficking Pilot Project – POPPY'. The Evaluation found that the repatriation of immigration offenders remained a primary issue for the Immigration Service when working with POPPY and that they were adamant that women who had been on the scheme needed to be returned to their country of origin, p. 54

being abused by their husband, mother-in-law or other members of the extended family. Some women in this situation believed that this was 'normal' and to be expected. The situation is often characterised by the woman's movement being restricted; she is not allowed out on her own, she is not allowed to use the telephone or maintain contact with her family while her husband openly maintains relationships with other women.

RECOMMENDATIONS

- Amnesty International urges the Scottish Government to review the implementation of the National Referral Mechanism in Scotland to ensure that it is in line with its commitment in the UK Action Plan.
- In Scotland the operation of the Competent Authority should be based on a multi-agency model, where law enforcement and immigration officials share the function of identification with other relevant agencies, professionals and NGOs with expertise across all forms of trafficking in order to reduce the risk of missed identifications.
- Trained and qualified persons within all the relevant agencies must undertake key tasks in relation to identification and referrals.
- When trafficked persons who are reasonably suspected of having been subjected to sexual violence or sexual exploitation are interviewed to establish identification they should be entitled to the same 'best practice' procedures from the police as other victims of rape and sexual violence in the UK, for example female victims should only be interviewed by female officers.
- The Competent Authority must refer on presumed or identified victims to appropriate support services without undue delay.

ACCESS TO HEALTHCARE, SUPPORT AND ACCOMMODATION

The physical and psychological health needs and safety requirements of trafficking survivors are extensive. As health, as well as social services and housing are powers devolved to Scotland, the particular needs of victims of trafficking need to be addressed by the Scottish Government. As referred to above, the *Stolen Smiles* report¹³ found that women trafficked into sexual exploitation suffered numerous physical and mental health problems that required urgent, as well as longer-term care. It is only after almost three months that women's mental health showed signs of significant improvement, although this is improvement that is relative to past symptom status and does not indicate that they regained a healthy psychological state compared to the average female population.

AIUK has also received enquiries relating to male and female victims of forced labour and domestic servitude where the victims have suffered physical injuries due to overwork and breaches in health and safety regulations. Medical practitioners who have spoken with AIUK are sure that they have seen patients with injuries from forced labour but are unaware how to act upon this information.

¹³ Zimmerman, C. et al (2006), 'Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe. Preliminary findings on the prevalence of physical and mental health consequences', LSHTM/IOM/EU Daphne Programme.

The majority of adults trafficked into the UK do not have recourse to public funds.¹⁴ This is not only the case for those with irregular status but also for many who are lawfully in the UK including A8 nationals and workers with valid work permits¹⁵. Persons subject to the restriction on public funds are not entitled to benefits (which are needed to fund spaces in domestic violence refuges) or local authority emergency accommodation for homeless persons. As a result most victims who have escaped their traffickers are vulnerable to destitution, further abuse and exploitation.

In the explanatory report to ECAT the Council of Europe notes that protected shelters are especially suitable for trafficking victims as they provide 24-hour care, stability and security particularly in cases where traffickers may try and gain control. The report states that detention centres are not suitable for children¹⁶.

With only the POPPY and TARA Projects accessing support and accommodation for victims of sex trafficking, services have been expanded through a combination of funding existing domestic abuse refuges and relying on free support and accommodation provided by voluntary faith based organisations¹⁷. In 2007 the POPPY Project developed minimum standards for organisations providing support and accommodation to trafficked victims but it is not mandatory for organisations to comply with these standards. Currently there is no support and accommodation for victims of non-commercial sexual exploitation.

Strathclyde Police report that 5 women were recovered during Operation Pentameter 1 with a marked increase Scotland-wide during Operation Pentameter 2.

Since July 2005, TARA and the Legal Services Agency have directly supported a total of 27 women. The most common countries that these women have been from are: Lithuania, Slovakia, Nigeria, Estonia, Somalia and Russia. TARA has worked with women from Kenya and Nigeria who have been smuggled rather than trafficked and a woman from China who they believed to have been trafficked but with whom they have lost contact. LSA have also handled cases for two individuals trafficked into domestic servitude and a number of children including males. TARA could not handle these cases as these individuals fall outwith their current criteria. TARA Project has so far documented 40 different nationalities of women working in off-street prostitution in Glasgow.

The TARA Project has given advice on suspected trafficking cases to various agencies and local authorities beyond Glasgow. As the only specialist agency working with trafficked women in Scotland their resources are stretched and they currently cannot offer practical or financial support for victims of trafficking found outwith the Glasgow City Council area. However, the Scottish Government announced funding for a six-month pilot project that will have a Scotland-wide remit as part of the 2008 Spending Review.

Many of the women they work with have been dispersed through the asylum system to the Glasgow area. Although, their trafficking experience has not happened within Scotland, the support and services are being delivered here and must be sensitive to the particular needs of victims of trafficking.

Providing the necessary services requires a high degree of cooperation between national and local service providers. Multi-agency partnerships

¹⁴ AIUK has produced a report on women fleeing abuse but with no recourse to public funds; 'No Recourse' No Safety: The Government's failure to protect women from violence, Amnesty International UK, Feb 2008. Available at: www.amnesty.org.uk/norecourse

¹⁵ The A8 countries are those eight countries that joined the European Union in 2004, namely; Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Those with valid permits include workers, students and spouses.

¹⁶ Council of Europe Convention on Action Against Trafficking in Human Beings, Explanatory Report, paragraph 155.

¹⁷ The Home Office has provided the POPPY Project with funds that it can allocate to domestic violence refuges to provide accommodation for trafficked women.

CASE STUDY: Anna

When she was 12 years old Anna's parents died and she and her younger siblings were looked after by her grandmother in a village in Nigeria. She went to work for a family her grandmother trusted as a domestic where she was sexually abused by the father of the family. He told her that if anyone found out, her grandmother would die of shame and that he would kill her and her siblings.

At the age of 15, Anna ran away and too ashamed to go home she had to prostitute to survive. She ended up working in a restaurant that had rooms in the back where men would pay to have sex with the women. Anna had to take part in a ritual oath to make her more attractive to men and which bound her to the brothel. She was told that if she ran away or told anyone she would be killed. Anna was often violently abused by the men who paid for sex.

It was here that Anna was introduced to an English man who told her that he could get her away from the city but it would cost a lot of money. Anna was told that she would pay this back through prostitution but that where she was going she would make much more money and the debt would be paid back quickly. Because Anna was very frightened and desperate she agreed to go.

Anna's travel documents were arranged and they flew together to the UK. Once through passport control the man who had arranged her travel took her documentation. It was only now that Anna found out she was in the UK. From London they took a bus to Glasgow where Anna was taken to a flat where there were other women. Anna was told that she still owed a lot of money and was immediately made to prostitute, along with the other women.

Anna says many men came to the flat at different times during the day and night. She and the other women were allowed out to the shops but they were all too scared to run away as they have no passports, no money and have been told that as they are prostitutes and here illegally the police and will have them deported.

When Anna did finally escape, she was picked up by police and questioned by immigration officials. As she had no travel documentation and was in the country illegally, she was detained in Dungavel detention centre until granted bail.

should be established to ensure that all relevant agencies work together to provide these services in a consistent and efficient way.

A good example of practice in this area already exists. Glasgow City Council and soon City of Edinburgh Council will have multi-agency groups and protocols for dealing with women trafficked into prostitution. The partners in these initiatives have included lead officers from the police, housing departments, health, immigration, the National Asylum Support Service, social work services and relevant voluntary organisations. The specialised trafficking officers in the TARA Project in Glasgow ensure that the identification of a trafficking victim is swift and that all aspects of a woman's care are considered and catered for. This model needs to be applied to other victims of trafficking not just those involved in sexual exploitation and rolled out across Scotland so that all relevant agencies can build an appropriate and effective procedure to respond to all cases of trafficking.

The Scottish Government, through multi-agency partnerships, should help to develop protocols that can be adopted throughout Scotland to deliver a consistent and high level of response to any cases of trafficking. This should involve sharing current best practice throughout Scotland, extending current work being done on trafficking, including training and awareness raising, and ensuring that all areas of Scotland are covered. This work should link up with agencies currently working in the fields of prostitution, violence against women, asylum and immigration, mental health, as well as local authorities, the police, and social services. There will need to be new investment in capacity, and specialist expertise and training in issues relating to all forms of trafficking but particularly child trafficking and sexual exploitation.

Whilst AIUK acknowledges the efforts to expand support services the practitioners we interviewed are concerned that many women and girls are being detained, dispersed or placed by the authorities in inappropriate and/or unsafe accommodation, often without access to support services either because they have not been identified as trafficked or due to the lack of sufficient specialist accommodation and support services for trafficked persons. This can result in the deterioration of the health and well being of victims, who have already had their physical and psychological health severely compromised. It also leaves them vulnerable to reprisals from traffickers. Examples of inappropriate or unsafe accommodation include:

- **The incarceration of trafficked victims in immigration detention or prisons:** For victims of trafficking, detention or imprisonment can be extremely traumatic. Detention is likely to be detrimental to the physical and mental health of trafficked victims, especially those suffering from post traumatic stress disorder as a result of being trafficked. A forthcoming report¹⁸ by the POPPY Project on the treatment of trafficked women in detention found that the whilst all the women displayed varying degrees of mental distress including depression, suicidal ideation and insomnia only 15 per cent received medical treatment in the inadequate form of painkillers or sleeping pills. Victims who are transferred from captivity at the hands of a trafficker to confinement by the UK authorities will find it even more difficult to recover from their experience, to fully disclose their situation or to find the trust necessary to identify others who can help them. AIUK

¹⁸ The report provides information on 55 women who were detained between March 2003 and October 2007 in the UK under the Immigration Act or by custodial powers between 2001 and 2007.

believes that victims who have been trafficked into the UK should never be detained, or suffer imprisonment for any reason which is a direct or indirect result of their situation as a victim of trafficking.

- **Provision of NASS accommodation and dispersal of adult victims of trafficking who have claimed asylum:** Adult victims of trafficking who are able to claim asylum and who are not transferred into immigration detention may qualify for support and accommodation from the National Asylum Support Service (NASS). However, NASS accommodation is basic and does not meet any standard of safe housing for victims of trafficking. The policy of dispersing asylum applicants to different parts of the country can put victims at risk from traffickers who operate in the UK. It also isolates vulnerable women and can remove them from essential contact with their solicitor and specialist medical and/or other services. The Home Office are in the process of setting up a pilot for tailored accommodation for trafficked victims with BIA procurement. AIUK does not have sufficient information about the pilot to assess whether accommodation and support provided under the pilot will meet the safety and support needs of trafficked victims or whether there are any plans to replicate this in Scotland. Until the results of this pilot are known *AIUK recommends that trafficked persons should be entitled to NASS funded spaces in refuges in accordance with the precedent whereby NASS are able to fund places in domestic abuse refuges for asylum applicants or their dependants who are fleeing abuse (see NASS Policy Bulletin 70 for this guidance)*
- **Short-term provision through voluntary sector and charitable sector organisations:** AIUK recognises that any support that enables women to leave their traffickers is important, and that the POPPY Project has developed guidance on the minimum standards that service providers should comply with if they accommodate trafficked victims. However these standards are not binding and organisations do not need to sign up to the standards in order to receive referrals from the authorities to accommodate trafficked victims.

RECOMMENDATIONS

Amnesty International recommends that the Scottish Government should ensure that:

- All victims of trafficking receive access to appropriate, safe and secure accommodation with 24-hour help available, if necessary, in both cities and rural areas throughout Scotland.
- All victims of trafficking are supported by the appropriately trained staff this may include those trained to work with victims of violence against women, with victims of torture or experts in child protection.
- All providers of support and services be screened through a Home Office or Scottish Government Justice Department accredited scheme, must comply with UK-wide minimum standards of care provision for trafficked victims and must be subject to continued monitoring.
- There should be a prohibition on the detention of vulnerable people including those suspected of being trafficked or who have been trafficked.

- The accommodation used should be from organisations that have proven long-term experience in sheltering and assisting women who are victims of gender based violence including domestic abuse and sexual violence.
- Specialist training on human trafficking for all frontline workers likely to come into contact with victims of trafficking is provided. Those who work with victims of trafficking should be certified practitioners.
- Immediate, dedicated and ongoing support services for victims of trafficking be provided including comprehensive physical and psychological health care for the duration of a reflection delay period in order to give victims sufficient time to recover, and to gain an improved level of physical and psychological health.

IMMIGRATION AND ASYLUM PROTECTION

Under Article 13 of ECAT the UK Government will be required to provide a minimum of thirty days for reflection and recovery where there are reasonable grounds to believe that the person is a victim. In its explanatory report the Council of Europe states that the purpose of the reflection period is to enable victims to physically and psychologically recover and escape from the influence of traffickers and to also enable them to make an informed decision about whether they wish to co-operate with the authorities. It is recommended that the duration of the reflection period must be compatible with this purpose.

There is persuasive evidence to show that the trafficking victims who have been subjected to sexual exploitation or sexual violence within forced prostitution or domestic labour can require up to 3 months to recover from physical and mental trauma to reach a stage where they are able to make informed decisions about their future and whether to co-operate with the authorities. *AIUK recommends that the UK Government should provide trafficking victims with a 90-day reflection period in line with the recommendations of the Joint Committee of Human Rights, research on the medical needs of victims of trafficking and best practice*¹⁹.

Under Article 14 of ECAT the UK Government will be required to issue renewable residence permits to trafficked persons where the stay is necessary either due to their personal circumstances or for them to co-operate with a criminal investigation or prosecution. Some may never be in a position to co-operate with the authorities due to trauma and fear of reprisals. Trafficked persons should be treated primarily as victims of crime and the UK Government should have the option of granting residence permits where the physical, mental health and security needs of the victim require an extended stay in the UK beyond the reflection period. *AIUK calls for the use of flexible residence permits after the 90-day reflection period that takes into account the trafficked persons' circumstances or their involvement in continuing investigations.*

The UK asylum system is currently the only legal mechanism which

¹⁹ Italy is an example of best practice where trafficked persons are granted renewable 6-month residence permits instead of reflection periods.

provides long-term protection to victims of trafficking who are able to show that they face the risk of persecution/ re-trafficking on return to their country of origin. AIUK has concerns about the asylum system which are relevant to all asylum applicants in the UK but are of particular significance for trafficked persons and include:

- **Problems in accessing legal advice and representation:** this is a particular problem outwith Glasgow.
- **Poor quality decisions:** In 2004 the AIUK report, *Get it Right: How Home Office Decision-Making Fails Refugees* found that Home Office refusal decisions demonstrated the use of inaccurate country information, unreasonable assertions about individual credibility and inappropriate consideration of torture and medical evidence²⁰.
- **Asylum decision-making at appeals:** Practitioners have reported examples of many cases where judges have arrived at negative decisions based on a lack of understanding about the impact of trafficking on victims, a lack of knowledge about the problems that victims of sexual violence face in disclosing that violence, incorrect information about the support and protection available in country of origin and a disregard for the particular vulnerability of female trafficked victims to future harm and/or re-trafficking.
- **'Safe' countries:** The "white list" of countries from which asylum claims are presumed to be 'clearly unfounded' undermines the principle that every asylum claim should be considered on its individual merits. It is wrong to presume that any country from which a woman has been trafficked for sexual exploitation will be safe for her to return to. Moldova and Albania are on the list, both of which are major source and transit countries for traffickers and suffer corruption to the extent that individual police officers are alleged to have been involved in trafficking activities.

According to Dumfries and Galloway police, a 24-year-old Sudanese woman was arrested at the port of Stranraer by them in April 2007 in relation to immigration offences. The woman said that she had entered the UK illegally via London Heathrow and on arrival was met by a Sudanese man who took her to Bristol where she was forced into domestic servitude. She disclosed that she was beaten by the man, made to sleep on the floor and was not allowed to leave. The woman was housed in Glasgow by the Border and Immigration Agency (BIA) pending her asylum claim. Some victims of trafficking will move around the UK either by escaping the trafficking situation, being moved by their traffickers to avoid detection or being dispersed after making an asylum claim.

RECOMMENDATIONS

- Amnesty International calls for the UK Government to provide trafficking victims with a 3-month reflection period in line with international best practice and the increasing evidence base.
- We urge the Scottish Government to recommend a 3-month reflection period to the Home Office and work with IND and police forces in Scotland to make this standard practice.
- Amnesty International recommends that as part of a human rights approach to the care and treatment of victims of trafficking, residence

²⁰ Amnesty International UK (Feb, 2004) 'Get it Right: How Home Office Decision-Making Fails Refugees'. Available at: www.amnesty.org.uk/content.asp?CategoryID=838

permits should not only be granted to victims who co-operate with the authorities.

- We urge that the UK Government should grant residence permits for a duration of six months. This is in line with the 2004 EU Directive on short-term residence permits for victims of trafficking and in line with best practice in Italy.
- We also call on the Scottish Government to recommend these policies in order to fulfil the duty of care of its agencies and to facilitate police investigations in Scotland.

PROSECUTIONS OF TRAFFICKED PERSONS

Under Article 16 of the ECAT the UK Government is required to provide for the possibility of non-punishment of victims that have been involved in unlawful activities arising out of their situation as a trafficked person. Due to their uncertain immigration status many trafficked persons may have inadvertently broken the law either at the time of entry into the UK, by working illegally, through being in possession of false documentation or no documentation or through forced participation in criminal activity. Such victims will be liable to prosecution and detention either in police and/ or immigration custody. The threat of criminalisation increases the coercive power of traffickers who are known to deter victims from contacting the authorities by telling them that they will be treated as criminals and risk facing imprisonment if they go to the police to seek help.

In December 2007 the Crown Prosecution Service for England and Wales (CPS) issued revised guidance²¹ for prosecutors on how and when charges against trafficked persons may be discontinued if a prosecution is not deemed to be in the public interest. The Crown Office and Procurator Fiscal Service in Scotland has been alerted to this guidance and although there is not an equivalent process in Scotland, the Lord Advocate has assured Amnesty International that the guidance will be reviewed to see if lessons can be learned for Scotland.

Despite this guidance, the POPPY Project reports having to battle on a case-by-case basis to convince prosecutors to discontinue prosecutions. The POPPY Project are particularly concerned that the credibility of victims is assessed not by specialists in trafficking but by whichever police or immigration officer is dealing with the trafficked person's immigration or criminal case. In one case from the POPPY Project the competent authority team at BIA had found that there was a reasonable likelihood that the woman who had entered the UK on a false document had been trafficked. However the UKHTC pushed for the continuation of a prosecution because she had not been a victim of trafficking in the UK.

Amnesty International has been informed by Central Police of one case where a woman was charged and pleaded guilty to running a brothel, the Judge in the case suggested that it was likely that she had been coerced into the crimes she committed. Sheriff William Gilchrist said: "I am satisfied that you are as much a victim as anyone in this case. You are clearly being

²¹ Crown Prosecution Service, (Dec, 2007) "Prosecution of Defendants Charged with Immigration Offences Who Might be Trafficked Victims."

used appallingly. You have spent six weeks on remand which is equivalent to three months in prison.” At the time of writing, this individual was being held in Cornton Vale awaiting a court appearance on immigration charges.

AIUK acknowledges that there may be disagreement over the trafficking status of individuals as there obviously was in the case in Central Scotland and yet without adequate referral mechanisms we cannot be sure as to an individual's status if they have not been seen by a competent authority. AIUK is concerned that these mechanisms are not in place throughout Scotland and believes that there is an urgent need for a multi-agency approach to the identification of trafficking victims.

RECOMMENDATION

Amnesty International recommends that where there are grounds for suspecting that a suspect or defendant has been trafficked in accordance with the definition of a trafficked person under ECAT, a preliminary identification by the Competent Authority should be sufficient grounds to discontinue a prosecution. Officials who do not have a track record of working with victims of trafficking should not make decisions on credibility.

Amnesty International recommends that the Crown Office and Procurator Fiscal Service in Scotland review and extend the Crown Prosecution Service guidance on non-prosecution of offences which trafficking victims have been coerced into and offences relating to documentation and working illegally.

CONCLUSION

There is evidence of more than one form of human trafficking in Scotland. Trafficking victims have been found in cities and in rural communities around Scotland, and their experiences of slavery are truly shocking.

Now that the UK Government has signed the Council of Europe Convention on Action against Trafficking in Human Beings, there is an excellent opportunity to look again at the way in which victims of this trade are treated in Scotland. Given that the regulatory framework will change, the need for secure accommodation and support services in Scotland is likely to rise significantly. Although aspects of trafficking, primarily asylum and immigration, are a responsibility retained by Westminster, the Scottish Government must take responsibility for criminal justice, support and accommodation and prevention.

This is a pivotal time prior to ratification for the Scottish Government to demonstrate its approach to tackling human trafficking and make a commitment to implementing the Convention to the highest standards. Amnesty International looks forward to working with the Scottish Government as it fulfills its commitment to tackling this 21st Century slavery.

SUMMARY OF RECOMMENDATIONS

IDENTIFICATION

- Amnesty International urges the Scottish Government to review the implementation of the National Referral Mechanism in Scotland to ensure that it is in line with its commitment in the UK Action Plan.
- In Scotland the operation of the Competent Authority should be based on a multi-agency model, where law enforcement and immigration officials share the function of identification with other relevant agencies, professionals and NGOs with expertise across all forms of trafficking in order to reduce the risk of missed identifications.
- Trained and qualified persons within all the relevant agencies must undertake key tasks in relation to identification and referrals.
- When trafficked persons who are reasonably suspected of having been subjected to sexual violence or sexual exploitation are interviewed to establish identification they should be entitled to the same 'best practice' procedures from the police as other victims of rape and sexual violence in the UK, for example female victims should only be interviewed by female officers.
- The Competent Authority must refer on presumed or identified victims to appropriate support services without undue delay.

ACCESS TO HEALTHCARE, SUPPORT AND ACCOMMODATION

Amnesty International recommends that the Scottish Government should ensure that:

- All victims of trafficking receive access to appropriate, safe and secure accommodation with 24-hour help available, if necessary, in both cities and rural areas throughout Scotland.
- All victims of trafficking are supported by the appropriately trained staff this may include those trained to work with victims of violence against women, with victims of torture or experts in child protection.
- All providers of support and services be screened through a Home Office or Scottish Government Justice Department accredited scheme, must comply with UK-wide minimum standards of care provision for trafficked victims and must be subject to continued monitoring.
- There should be a prohibition on the detention of vulnerable people including those suspected of being trafficked or who have been trafficked.
- The accommodation used should be from organisations that have proven long-term experience in sheltering and assisting women who are victims of gender based violence including domestic abuse and sexual violence.
- Specialist training on human trafficking for all frontline workers likely to come into contact with victims of trafficking is provided. Those who work with victims of trafficking should be certified practitioners.
- Immediate, dedicated and ongoing support services for victims of trafficking be provided including comprehensive physical and psychological health care for the duration of a reflection delay period in order to give victims sufficient time to recover, and to gain an improved level of physical and psychological health.

IMMIGRATION AND ASYLUM PROTECTION

- Amnesty International calls for the UK Government to provide trafficking victims with a 3-month reflection period in line with international best practice and the increasing evidence base.
- We urge the Scottish Government to recommend a 3-month reflection period to the Home Office and work with IND and police forces in Scotland to make this standard practice.
- Amnesty International recommends that as part of a human rights approach to the care and treatment of victims of trafficking, residence permits should not only be granted to victims who co-operate with the authorities.
- We urge that the UK Government should grant residence permits for a duration of 6 months. This is in line with the 2004 EU Directive on short-term residence permits for victims of trafficking and in line with best practice in Italy.
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- Amnesty International recommends that the Crown Office and Procurator Fiscal Service in Scotland review and extend the Crown Prosecution Service guidance on non-prosecution of offences which trafficking victims have been coerced into and offences relating to documentation and working illegally.

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