

A Hidden Trade

Child trafficking research in Scotland 2005/6



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Acknowledgements

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1.0 INTRODUCTION

1.1 Introduction to this report

This report covers a time-span from early 2005 to early 2006. In Chapter 1, the background to why this current Scottish research was undertaken is covered, as well as definitions of trafficking.

Chapter 2 delves into the overall issue of trafficking as a human problem, internationally, in the UK and locally. It looks at changes in legislation internationally and activities that have taken place in Britain to try and identify the extent and knowledge of trafficking.

Chapter 3 looks briefly at the aims of the research and the methods used. More detailed information on this is available in Appendix 3.

Chapter 4 looks at the findings from the research under the five headings from the Brief and Chapter 5 identifies conclusions and recommendations.

Appendix 1 contains very detailed legislative updates on related issues in Scottish law, since 2003. In Appendix 2 there are case studies of young people who have been trafficked and Appendix 3 covers the research methods.

1.2 Background to this study

In 2005 Save the Children, as part of its work with refugee and asylum seeking families in Scotland, commissioned research into child trafficking that would build on our earlier investigations in England and Scotland¹. This report summarises the findings from our Scottish investigations in 2005 and outlines the background and main legislative changes introduced to counteract people trafficking in Scotland since 2003.

The 2003 study took the form of a desktop review of organisations or groups that might have come into contact with trafficked young people, with follow up interviews where there was some actual experience in Scotland. While many people had knowledge of the issue, largely from the press, very few had had direct contact with a child who had been trafficked. The report was for internal Save the Children purposes and was not published.

As this earlier study had predominately involved contact at an agency level and did not include any direct contact with young people, Save the Children felt that the 2005 study should pay closer attention to this age group. We felt that it would be helpful to be in contact with 'separated' or 'unaccompanied' children arriving without a parent or close relative to

claim asylum as it was likely that they would have been brought here by people smugglers or traffickers, using the same routes that we wanted to investigate. They might also have more knowledge of other young people who had been trafficked.

It became clear during the research that the enlargement of the European Union in 2005 and subsequent arrival of people from EU accession countries had also introduced an additional feature to the movement of families with children into Scotland. This development was separate from the normal UK immigration or asylum procedures and created new issues around children moving between countries.

Our previous experience had indicated that child trafficking activity inside the UK appeared to originate in the South East of England, particularly around London and Dover. Save the Children is part of End Child Prostitution and Trafficking UK (ECPAT), which monitors and investigates child prostitution and trafficking and they were interviewed as part of this research. It was considered appropriate to study the Scottish situation because of our separate criminal and child law systems (see Appendix 1). Our 2003 study showed that Scottish groups such as Association of Chief Police Officers in Scotland² was not aware of any reported incidents in relation to the trafficking of young people into Scotland.

Save the Children chose to conduct a qualitative study in Scotland to collect information from young people and statutory and voluntary agencies. While background detail would be collected from agencies dealing with 'vulnerable children' throughout Britain the focus would be on Scotland. The charity has considerable experience with unaccompanied or separated children claiming asylum in the UK, although the majority of the group (approx 5,000 in the UK³) at present reside in the South East of England. The Convention of Scottish Local Authorities' figures available indicated that the majority of this group in Scotland were in Glasgow and Edinburgh.

There is currently no structure to collect, collate or analyse information on child trafficking in the UK by any statutory or voluntary body. This lack of framework or statistics makes it difficult to properly quantify, analyse or evaluate both adult and child trafficking issue. While the UK Government lacks information or figures about human trafficking it is not because it is a new phenomenon. Legislation dates back to the early 20th century on limiting enslavement⁴. Internationally there is awareness of considerable facilitated movement of people

from poor, unstable regions to rich, stable countries⁵ with the UK being a 'destination country' for trafficked people.

As an international charity Save the Children works on child trafficking in many of the countries where it has staff and we run extensive prevention programmes to make children aware of the hazards of becoming involved in 'tempting' schemes of migration to rich countries. In Europe we were also involved in work during 2003/4 with our federated members in Spain, Denmark, Romania, Italy and Bulgaria (ENACT) to focus on child trafficking funded through the European Commission STOP II programme⁶.

1.3 Definitions of trafficking

In International law:

The **United Nations Convention against Transnational Organised Crime**⁷ is supplemented by two protocols, one on trafficking in persons and one on smuggling in persons. The Trafficking Protocol is intended to cover cases of human beings being exploited by **organised criminal groups**, where there is an **element of duress**, and which have a **transnational aspect**. It is intended to 'prevent and combat' trafficking and to facilitate international cooperation:

*'Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability Or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.'*⁸

This is commonly known as the Palermo Protocol. The UK Government signed up to the Protocol in 2000.

Trafficking or smuggling?

A distinction can be drawn between human smuggling and trafficking. Smuggling may be seen as a form of assisted migration, whereas trafficking is **non-consensual** in nature and involves human rights violations such as kidnapping, deception, and debt bondage. In practice, there is considerable overlap between these definitions since many families have no real choice but to deal with smugglers or agents. Such agents exercise power over the person and their extended family in the 'home' country and may subject the victim to deception, abuse and inhumane treatment during

and after their journey. There is also experience of adult family members cooperating or colluding with smugglers or traffickers to move their child without their understanding to a prosperous country for opportunities that may involve some form of enslavement.

Definition of children

A **child** is defined as someone under the age of eighteen⁹.

The Palermo Protocol states that in the case of children, trafficking occurs even if it does not involve deception, coercion, fraud etc., i.e. consent can never constitute defence to a charge of trafficking in children.

Types of trafficking

Much public perception of trafficking is focused around the sex trade due to the type and amount of media publicity this feature attracts. Trafficking and child trafficking can arise in different forms and for different reasons. Examples of it may occur within the following areas:

- a) Adoption (inter country): provides a legal basis for the assumption of parental responsibilities of a particular child, by someone who is not their natural parent. The issue of how the child came to be available for adoption can be part of a trafficking scenario.
- b) Benefit fraud: an adult uses a child who is not their own to gain additional state benefits. After the child is beyond the age for the adult to claim the benefit, s/he may be ousted from the household and made homeless.
- c) Bonded labour or debt bondage: most widely used form of forced labour where a person must work to repay a loan and for children, when they are bound to do the same jobs as their parents with no real chance of release.
- d) Child minding/babysitting: a form of forced labour where a child is made to live in another family's house and look after their children.
- e) Domestic servants: a form of forced labour where children are required to live in another family's house as a servant and work by cleaning and cooking.
- f) Private fostering: where a child is placed with other adults or another family who are not close relatives. The arrangements

between the family and the child are likely to be unregulated and unrecorded.

- g) Removal of organs: organ trafficking is a known to be a lucrative global business. It frequently comes to light when patients need further treatment due to post transplant complications.
- h) Sexual exploitation: where the child is enslaved in prostitution.
- i) Slavery: when a person is treated as if they are owned by a third party.

¹ AMA Consultants, Save the Children internal UK report 2003.

² ACPOS letter, 23.06.03.

³ J. Adams, Home Office UASC Reform Programme, 12.01.2006.

⁴ League of Nations Slavery Convention 1926, www.antislavery.org/homepage/antislavery/history.htm.

⁵ International Labour Organisation: a global alliance against forced labour. 93rd Session 2005, p.46, 219.

⁶ ENACT, European Network Against Child Trafficking: a report on child trafficking. Bulgaria, Denmark, Italy, Romania, Spain, United Kingdom; March 2004.

⁷ United Nations Office on Drugs and Crime, Signatories to the UN Convention against Transnational Crime and its Protocols, www.unodc.org/unodc/crime_cicp_signatures.html (Palermo Protocol).

⁸ Ibid., Article 3.

⁹ Ibid., Article 3.

2.0 BACKGROUND TO TRAFFICKING

2.1 An international problem

Trafficking in people worldwide occurs on a huge scale with the International Labour Organisation (ILO) estimating:

- 2.45 million people are trafficked for forced labour at a given time comprising 43% for commercial sexual exploitation, 32% for economic exploitation and 25% for mixed or undetermined reasons,¹
- an estimated annual worldwide profit from the trade of \$32 billion and half of this sum made in industrialised countries,²
- children comprise 40–50% of those currently trafficked.³

The UK Government has introduced new legislation and enforcement processes in the last five years (see Appendix 1). Some of this originated from the obligation under the 2002 EU Council Framework Decision on Combating Trafficking in Human Beings, which required UK legislation to be updated by August of 2004.

2.2 The UK response

Many of the initiatives have emanated from an immigration crime perspective and an emphasis on the prevention of such crimes with limited acknowledgement that there are victims who may require protection. Since 2000, 'Reflex', a multi agency task force with a 5-year budget of £20m per annum⁴ comprising the Police, National Criminal Intelligence Service, Home Office Immigration and Nationality Directorate and the Passport service has existed with the aim of combating organised immigration crime. One of its three key objectives is to target people trafficking. Their priority in the first five years was summarised by the charity Anti Slavery International as:

'Prevention and Prosecution with little attention given to Protection of victims'.⁵

There has also been limited interest from the UK Government to investigate or resource research about child trafficking despite the commitment of large budgets to the general trafficking issue through 'Reflex' over the last five years. It was only in 2006 that the Home Office commissioned the Child Exploitation Online Protection Centre to commence an intelligence gathering project on child trafficking. Much of the public, Police and policy debate has been dominated by a focus on female trafficking for the sex industry. Whether this makes up the largest element of trafficking is unknown but is a 'conventional wisdom' that is challenged by a London based African charity called AFRUCA. It has

regularly expressed the view that child trafficking for domestic servitude, child minding and benefit fraud is as common as trafficking for sexual exploitation⁶.

The first half of 2006 saw a flurry of activity with the House of Commons/House of Lords Joint Parliamentary Committee on Human Rights investigating trafficking and the Home Office and Scottish Executive commencing consultation on human trafficking with a commitment to produce a national action plan by the end of 2006.⁷

In 2006 Reflex initiated Operation Pentameter, a UK wide effort over 3 months in 55 Police forces to:

'deliver a coordinated programme of activity that would enable the UK law enforcement community and its partners to demonstrate that the UK is a hostile environment for those engaged in trafficking activity for sexual exploitation'⁸.

At the same time the Police indicated they wished to change their approach to victim support:

'Victim support was a key area of concern for us. We wished to change the way the Police treated potentially trafficked victims'⁹.

2.3 The Council of Europe

The UK Government has demonstrated ambivalence to the awarding of minimal protection and redress to victims of trafficking. This is illustrated by their wary reaction to a new Council of Europe Convention on Trafficking approved in May 2005. The new Treaty on 'Action against Trafficking in Human Beings'¹⁰ is open for signature and ratification. It would, if it came into force, introduce a range of safeguards for victims of trafficking that are not provided in current UK law or in agency practice. The UK Government has reservations about signing the Convention because they suggest it might encourage people to come to the UK illegally:

'we have concerns that some of the provisions, such as the automatic granting of reflection periods and residence permits for trafficking victims, may act as 'pull' factors to the UK'¹¹.

This response indicates a reluctance to prioritise the potential human rights protection that could be given to victims by ratification and incorporation of safeguards in UK law. The Immigration Law Practitioners Association summarise these in their submission to the Joint Committee on Human Rights inquiry into Human Trafficking in January 2006¹².

During its short period of operation in 2006, Operation Pentameter discovered 84 cases of trafficking of which 12 were minors aged between 14-17 years and most of the adult victims were aged between 18-22 years of age.¹³ Despite this, the current Home Office Minister indicated in June 2006 that the UK Government was still undecided on whether or not to sign the Treaty:

*'We fully support the aims of this Convention and are hoping to make a decision on signature in the course of developing the national Action Plan'*¹⁴.

2.4 Restructuring of Government investigative and enforcement structures

Four new agencies were given a trafficking remit during 2006: The new Serious Organised Crime Agency (SOCA) was established by statute on April 1st 2006 as an Executive Non-Departmental Public Body operationally independent from the Home Office. It reports to the Home Secretary and has a particular remit on human trafficking. There will be a complementary agency established in Scotland called the Scottish Crime and Drug Enforcement Agency. This will take a Scottish lead on trafficking, reporting to the Scottish Minister of Justice after the Police, Public Order and Criminal Justice (Scotland) Act 2006 is brought into operation.

The Home Office also announced the establishment of a UK Human Trafficking Centre to develop Police expertise and operational coordination following on from Operation Pentameter. They indicate that this centre will 'complement' the new Serious Organised Crime Agency. Another agency affiliated to SOCA but with full operational independence, 'the Child Exploitation Online Protection Centre', has been commissioned in 2006 by the Home Office to collect intelligence on the extent of child trafficking into and within the UK.

2.5 UK commitment to victims

Whether trafficking victims will be awarded reasonable support and residency rights in future is still unclear and wariness of the UK Government's approach to the issue was summed up by the Chairman of the Joint Committee on Human Rights in his questioning of the Home Office Minister responsible for human trafficking:

'Thank you for your evidence, Minister and the other witnesses. It is an appalling thought that over two hundred years after Wilberforce thought he had abolished slavery, not only in Britain but throughout the Empire, that here, 200 years later, in the 21st century we see the most appalling forms of slavery in terms of sexual exploitation and prostitution, of children being enslaved to look after the growing of cannabis and of people

*'effectively being enslaved into debt bondage through working for a pittance. You have answered our questions very frankly and explained how little we know and where you are trying to go. I have to say that I have yet to be convinced we have a genuine victim-focus towards what we are trying to do. Somehow we still see some of these people as perpetrators rather than the true victims that they are'*¹⁵.

2.6 Facts and figures

Lack of hard information

There are no UK Government published figures about trafficking or systems to collate information on human trafficking in the UK or Scotland. The Home Office have given a snapshot figure of 4,000 women trafficked for prostitution in 2003 in their 2006 evidence to the Joint Parliamentary Committee on Human Rights,¹⁶ when the Minister stated in relation to child trafficking:

*'That is what we are trying to establish with this piece of research, how big the problem is and what we need to do in order to tackle it'*¹⁷.

ECPAT UK commented in their submission to this Committee in January 2006:

*'As can be seen throughout this report, evidence of child trafficking is usually anecdotal but there are now sufficient case studies to confirm that children are being trafficked into the UK, with the likelihood that it has increased in the last two years. It occurs as both a highly organised activity as well as ad-hoc with two or three person involvement, sometimes even family members. It involves children of all ages, both male and female, who enter the country as both accompanied and unaccompanied minors'*¹⁸.

Save the Children concurs with this view and suspects it will be a number of years before we discover the extent of child trafficking. It is likely that dramatic cases, involving major criminal networks, will come to public attention and provide us with some insight into the trade. However, this element of trafficking may not constitute the majority of cases. Informal and extended family movement of children is a less dramatic, but potentially larger proportion of human trafficking.

There has been ongoing public debate about the accuracy of UK Government statistics in the field of immigration but the lack of a system, at local and central level, to collate intelligence and case studies make it currently impossible to measure the phenomenon. The Police have announced figures from Operation Pentameter which show that 14% of the confirmed cases involve minors but as significantly the majority of adult cases

involve women between 18–24,¹⁹ raising the question of whether a proportion of these adults were trafficked prior to their 18th birthday but only discovered in this 2006 exercise. In Appendix 2 to this report we include four Scottish case studies that had come to the public authorities' notice during our research.

Operation Paladin

Following on from a small survey at Heathrow airport, which found that approximately 100 unaccompanied young people went missing over a four year period, it was decided to carry out a multi-agency child operation to monitor non-European children coming to the UK via Heathrow airport called 'Paladin Child'. During a three-month period of operation in 2003 they referred 551 young people to Social Services of which 14 disappeared completely. As a consequence there is now a multi-agency Sub Committee set up in the London area on the issue of trafficking in general and a Joint Paladin Team is still based at Heathrow. Some additional research was being carried out with Immigration Intelligence both here and in the originating country to try and trace children and their sponsors while their flight to Britain is in progress. A risk Protocol is also in place to help Immigration in external countries identify trafficking from their areas.

Since Operation Paladin, the authorities have monitored children arriving at Heathrow Airport. The numbers arriving there have subsequently fallen while the numbers claiming asylum directly at the Home Office in Croydon has risen greatly.

Private fostering

Accurate figures on private fostering are not available. Currently the duty lies with the adult to inform the Local Authority of a private fostering arrangement.²⁰ There is a commonly held view that this requirement is rarely met. It may be significant that two of the case studies identified during our research may involve such an arrangement.

⁸ Assistant Chief Constable Bill Skelly, Pentameter Conference, 21.06.06.

⁹ Deputy Chief Constable Grahame Maxwell, Pentameter Conference, 21.06.06.

¹⁰ www.conventions.coe.int/Treaty.

¹¹ Home Office and Scottish Executive, 'Tackling Human Trafficking—Consultation on Proposals for a UK Action Plan', January 2006, p.6.

¹² www.ilpa.org.uk/submissions/JCHRInquiryHumantrafficking.htm.

¹³ Deputy Chief Constable Grahame Maxwell and Assistant Chief Constable Bill Skelly, joint presentation page 16 and 17, Operation Pentameter Conference, 21.06.2006.

¹⁴ Vernon Coaker MP, Under Secretary Home Office, Pentameter Conference, 21.06.06.

¹⁵ Mr Andrew Dinsmore MP, House of Commons, minute of evidence, JCHR, 26.06.06, Question 158.

¹⁶ Vernon Coaker MP, Under Secretary Home Office, Evidence to the Joint Committee of Human Rights, 26.06.2006, Question 90 and 91.

¹⁷ Vernon Coaker MP, Under Secretary Home Office, Evidence to the Joint Committee of Human Rights, 26.06.2006, Question 92.

¹⁸ ECPAT UK submission to the Joint Parliamentary Committee on Human Rights in January 2006, p.5:1.

¹⁹ Deputy Chief Constable Grahame Maxwell and Assistant Chief Constable Bill Skelly, joint presentation page 16 and 17, Operation Pentameter Conference, 21.06.2006.

²⁰ BAAF Position Statement 3: Registration of Private Fostering, April 2004.

¹ International Labour Organisation: a global alliance against forced labour. 93rd Session 2005, pp.14:56 and 59.

² Ibid., p.55:264–5.

³ Ibid., p.15:61.

⁴ N. Brown, Head of Reflex Secretariat, Trafficking for Sexual and Labour Exploitation Conference, London Garden Court Chambers, 10.03.2006.

⁵ M. Kaye: Trafficking for Sexual and Labour Exploitation Conference, London Garden Court Chambers, 10.03.2006.

⁶ D. Ariyo (Afruca), 'Safeguarding our Children, Engaging our Community', April 2006, www.afruca.org.

⁷ Home Office, Scottish Executive, Tackling Human Trafficking - Consultation on Proposals for a UK Action Plan, January 2006.

3.0 THE BRIEF AND METHODS

3.1 Aims of the research

The research was designed as a qualitative study to further explore the issue of child trafficking in Scotland and follow on from the research carried out by Save the Children in England and Scotland in 2003. Action Research was the model adopted to enable information gained to inform our ongoing work in this area. A full summary of the methods is included in Appendix 3

The research had three main aims

- a) To update our understanding about the situation of trafficked children in Scotland.
- b) To establish information, communication and working links with statutory bodies, police, voluntary agencies and individuals in relation to trafficked children in Scotland.
- c) To identify gaps in knowledge, skills and services and make recommendations for future actions, including the sharing of our research findings.

3.2 Research methods

The three research methods applied were in-depth interviews, group discussions and desk/web based research.

3.2.1 Interviewing Agencies and young people

During this research, consultation took place with 58 individuals from 18 agencies and 18 young people.

All individuals and agency representatives willingly gave time for interview. Due to the sensitive and confidential nature of the topic, we have not attributed comments to individuals. Case studies in Appendix 2 illustrate some Scottish cases.

In the previous research commissioned by Save the Children in 2003 there was little direct contact with unaccompanied young asylum seekers/refugees. It was strongly felt that for this research there should be direct contact with young asylum seekers. In order to identify their journeys to Britain and

Scotland and to find out if they had any knowledge of trafficked young people.

In preparing our interview processes it became evident that there would need to be some adjustment to our standard child protection procedure. This modification would allow our staff to engage with young people in unusual circumstances without immediately involving the local Social Work Department.

A protocol, previously used by Save the Children Wales for work connected to the sex trade, was modified and approved by Glasgow City Council Social Work Department.

3.2.2 Young researchers and their training

Two female and two male researchers were recruited. They were in their mid 20s and came from various cultural backgrounds and countries (Iran, Iraq, Sierra Leone and Sudan). They spoke 5 languages in addition to English.

3.2.3 Specialised approaches

In May 2005 we also attempted to contact young asylum seekers/refugees through music events organised by young refugees in nightclubs. The researchers attended two of these events to make themselves known to the young people and one of the organisers of the event was also asked to contact people he knew who would talk to us. This route produced only one false response.

During interviews with various organisations and individuals, concerns were raised regarding Somali and Chinese movements of people and 'unusual' behaviour. It was decided that we should investigate further to clarify if there was any evidence of young people being trafficked into Scotland. The indication from the statutory authorities was that people trafficking within the Chinese community was linked to other criminal activity and the agency decided it did not have the skills or expertise to pursue this line of investigation. In relation to the Somali community a female researcher made enquiries within their networks.

4.0 Findings

4.1 How is the group provided for and protected in Scotland by agencies?

Our findings were that separated or unaccompanied children under 18 are dealt with by a number of processes that link the local Social Work Department with Scottish Refugee Council (SRC) and the Home Office Immigration and Nationality Directorate (IND) in a triangle of cooperation. Where children in families have a right to reside in Britain and do not require any immigration 'approval' (usually EU residents or EU accession states) the collaboration will not involve Scottish Refugee Council but may include the Health Board, the Social Work Department, Department of Work and Pensions and sections of the local authority concerned with housing and education.

Scottish Refugee Council provides a Scottish signposting service to the Home Office IND for any initial 'vulnerable' arrivals in the country wishing to claim asylum. Applicants who arrive at Scottish Refugee Council premises and say they are under 18 will be interviewed and then passed to the appropriate Social Work authority. In recent years Glasgow City Council has dealt with the majority of cases. Dumfries and Galloway Council, who have the main port to and from Ireland (Stranraer) in their area, have also been dealing with a more regular group of applicants in the last year. Within Glasgow, which has the largest number of migrant children in Scotland the Child Protection committee had no centrally recorded cases involving trafficking.

With the majority of separated applicants appearing to be in the age group 16–17 years of age the child is normally dealt with by a local authority under section 22 of the Children (Scotland) Act 1995 as a voluntary referral. This can result in a type of care that would not always satisfactorily deal with the vulnerability of such children. In cases where a 16–17 year old is particularly vulnerable they can also be assessed under the Community Care and Health (Scotland) Act 2002 and placed in more suitable, supported accommodation.

If a child appears to be under 16 years of age they will be dealt with under section 25 of the Children (Scotland) Act 1995 and cared for by the Social Work Department in a Residential Child Care Unit or a fostering setting. The exception to this would be if the child under 16 is part of a larger sibling group with an older sibling who is assessed as being able to act as a main carer in an appropriate setting.

The Children's Reporter Administration can only deal with children who were under 16 at the time of their arrival in Scotland. A Sheriff or a Children's Hearing can appoint a 'safeguarder' under section 41 of the Children Scotland Act of 1995 to report back to them on the best interests of the child but this does not appear to be a common practice.

In recognition of additional duties and services that Glasgow City Council have provided for asylum seekers they received a 'one-off' grant of £1 million in 2004/5 from the Scottish Executive towards these additional devolved costs which are provided through Westminster per capita grant schemes to English local authorities. In 2006/7 the Executive awarded a further £1.4 million to Glasgow in recognition of their additional responsibilities from their asylum seeker/refugee contract with the Home Office. Part of this award assisted towards the costs incurred by the Council in the execution of their duties towards separated asylum seeking children.

Health Services

The NHS provides a free health service to all child asylum seekers and has proactive teams of specialist staff dealing with children in Glasgow because of the number of asylum seekers being dispersed to the city by the Home Office.

Legal Services

A number of Scottish Law centres and private practices provide specialist advice and support to child asylum applicants with grant assistance from the Scottish Legal Aid Board and local authorities. The *Legal Services Agency* has a specialised women's unit within their Refugee Legal Project that has dealt with cases involving trafficking and the UK legal charity *Immigration Advisory Service* has specialised staff who deal with separated or unaccompanied young people.

Interpreting and Translation Services

Good quality interpreting and translation services are crucial when working with young people who have English as an additional language. In Scotland these services have developed dramatically during the last six years with the Home Office 'dispersal' contract to Scotland. In the West of Scotland the main public sector agencies have access to such services through Glasgow Translation and Interpreting Services.

Immigration Services

The Home Office provides a specialist interviewing service for child applicants at their Scottish office in Glasgow.

Police

The Police forces have a variety of specialist units, which deal with children or collect intelligence about immigration crime. In Scotland the Scottish Crime and Drug Enforcement Agency will have a lead role linking with the Serious Organised Crime Agency and the newly created UK Human Trafficking Centre. Individual Forces such as Strathclyde and Lothian and Borders have had 'Reflex' teams investigating immigration crime with an interest in human trafficking. There are also Child Protection teams and specialist Asylum/Refugee liaison officers who are aware of potential trafficking issues.

4.1.1 Age assessment

Age assessment has been and is a crucial issue for children/young people particularly as they approach the 15-19 age group. The majority of statutes and connected government duties and obligations originate from whether someone is defined as a child or an adult. There is no definitive method of assessing a young person's age and there is no inter-agency protocol in Scotland similar to that existing in England. Glasgow City Council is currently amending the Association of Directors of Social Services guidelines for a Scottish context.

In special cases, including some of our case studies, lawyers or local authorities have obtained a paediatric assessment but, in general, the Health Service does not wish to test to assess age. There can be large age variations on such opinions (up to 5 year variation).

The Association of Directors of Social Services (ADSS) have a protocol with the Home Office and various court judgements in England have informed local government practice but there has been no test case in Scotland on 'age' that has required central guidance to be produced. English court judgements are 'persuasive' rather than binding under Scottish jurisdiction.

From our research, agencies identified five particular problems around the issue of age assessment:

- Staff are rarely familiar with the culture and background of the young person, and are consequently less able to assess age. It therefore may be presumptuous to conclude that our Scottish experience of young people can accurately inform our assessment of young people from other cultures.
- Some young people do not know their age.

- There are issues around the calendar, for instance Lunar or Gregorian calendars that are used by different cultures.
- Some countries use their own version of a calendar.
- Many countries in the world do not register births: hence there is no 'Date of Birth' or birth certificate to prove age.
- Young people rarely have official papers when they arrive and claim asylum (if they do this can also raise concern about false papers).

It is generally accepted that a developmental assessment is possible over time when carried out by individuals who know the young person well such as their social worker, teacher, residential staff or foster carer. Glasgow City Council is developing a service that will centralise the expertise and knowledge of asylum seeking children within a specific staff group.

The implications of assessing age incorrectly are significant, either for the child itself, if placed amongst adults, or for the 'child setting' that a person who is older could be placed amongst.

4.1.2 Private fostering

A number of agencies consider private fostering to be one of the largest elements of child trafficking but because it occurs within 'normal families' and is a common practice in certain countries it does not come to the attention of enforcement agencies such as Immigration, Customs and Excise, Police etc. Our research discovered cases in Scotland that may fit this category but they cannot be confirmed at the date of writing.

The Lamming Report (2003) into the death of Victoria Climbié recommended review of the registration of private foster carers. New sections of the Children Act 2004 applicable in England increased the regulation leading to a new statutory instrument The Children (Private Arrangements for Fostering) Regulations 2005. This required the local authority to be notified of any private fostering arrangement and for them to make an assessment of the situation that includes the child's wishes and feelings about the arrangement. These regulations are viewed as weak due to their lack of sanction. The compromise allowed by government at the legislative stage is clause 45 of the 2004 Act, which allows the introduction of a new compulsory registration scheme with sanctions for adults who fail to register the child. This could be introduced if the new regulations are seen to be ineffective but will fall as a clause if not commenced within four years of the Act coming into operation.

In Scotland the Foster Care (Scotland) Act 1984 and the Foster Children (Private Fostering) (Scotland) Regulations 1985 govern this area. The Scottish Executive's adoption policy review group in 2003 commented:

'Overall, this whole area of law and practice would benefit from reconsideration. The legislation is almost 20 years old and does not reflect current trends in society or welfare concerns about the children for whom such arrangements are made'¹.

A new adoption bill is currently before the Scottish parliament but no proposals are made in relation to private fostering. The British Association for Adoption and Fostering (BAAF) has noted that in Scotland the Regulation of Care (Scotland) Act 2001 gives the Care Commission responsibility for the regulation of local authorities' functions with regards to private fostering arrangements. However no date has been set for registration and inspection nor have national care standards for private fostering been produced.

4.1.3 Local care regulation

Separated or unaccompanied children under 16 are usually provided a foster placement or placed in a Residential Child Care Unit. They will be dealt with in the same way as UK children who are alone *with the significant exception* that their permission to stay in the UK is usually limited by the Home Office Immigration and Nationality department until their 18th birthday.

Children of 16 and 17 years have been accommodated in a variety of places, such as hostels or bed and breakfast accommodation until their asylum case has been processed and they have been given permission to stay for a limited amount of time. Since the end of 2005, Glasgow City Council has provided an asylum hostel for 16–18 year olds partly funded by the Home Office. It is fully functional and currently houses around 29 young males at any one time. This new hostel development generated debate and questions around its size and levels of staff support. It currently provides accommodation only for young males assessed as not requiring significant support.

4.2 What are the obstacles to providing appropriate services to the group and are there any funding mechanisms for local authorities to provide these?

Our research found there were eight specific barriers to providing appropriate services. The overarching obstacle appears to be that of 'low

visibility' or lack of awareness of the possibility of children being trafficked to Scotland amongst public agencies. The low prioritisation starts at the Scottish Executive where the issue of child trafficking appears to fall between two main departments—Education & Training and Justice, with the Crown Office also reluctant to indicate its position or practice. Despite the publication of a Home Office /Scottish Executive consultation on human trafficking in January 2006, the lead agency appears to remain the Home Office with little clarity about how Scottish government institutions could coordinate a suitable devolved agency framework and, if necessary, appropriate services. During 2006 the Home Office has been considering the development of a national phone helpline for agencies. Whether such a resource would take account of Scottish legislation differences remains to be clarified.

The exception to this general comment is the third Scottish Executive department dealing with the issue—the Development Department Voluntary Issues Unit. They award grant aid to Glasgow City Council under their 'Violence Against Women Fund' to fund counter-trafficking work for Glasgow women within the sex trade recently retitled the 'Tara' project.

In local government the Convention of Scottish Local Authorities hosted a seminar in September 2006 on the subject. It then agreed to support the Council of Europe Declaration on the fight against human trafficking in November 2006.

An existing project that has potential to develop its remit to record missing vulnerable children is the 'Child missing from education' project, which is part of the Scottish Executive. It works through local authority education departments and tracks children (only between 5–16 years of age) who move out of one local authority school into another or are identified as missing by a local authority.

The eight specific obstacles we identified through the research were:

- The Home Office's National Register of Unaccompanied Asylum Seekers is not accurate because many local authorities do not submit returns. This may be due to the data collection being tied to grant awards. It is unlikely to be kept up to date by Councils who have a small number of children.
- No formal protocol exists regarding information sharing (including voluntary and public organisations).
- There is no high quality receiving project for 14–17 year old unaccompanied asylum seekers, which could provide a good

assessment and information gathering source.

- Organisations lack one point of contact for referral and intelligence gathering in relation to unusual movements of accompanied or unaccompanied children.
- No in-depth training for professionals dealing with asylum seeking young people (in relation to a wide variety of issues).
- A lack of adequately trained interpreters who have experience in relating to young people.
- A number of families were arriving in Scotland legitimately (EU accession countries) but statutory bodies have little or no information about the children accompanying the adults due to their initial exclusion from state systems and financial assistance.
- There is no identifiable category of 'smuggled or trafficked' on governmental information systems.

4.3 Has the situation changed since the original Save the Children 2003 study and do UK, European or Scottish institutions perceive any growth in trafficking?

Save the Children Scotland commissioned its first Scottish study in relation to the trafficking of children, to inform its UK Scoping Exercise on Trafficking, both of which were conducted in early 2003 and were internal Save the Children reports.

The Scottish scoping exercise had the dual aims of gathering information to allow a 'situation analysis' to be made and of raising awareness of the issues surrounding trafficking with a range of agencies.

Thirty-one relevant agencies and organisations were contacted about their knowledge of trafficking in Scotland, with six responding that they had some experience. Follow up interviews were conducted with three agencies that had some knowledge of children in this situation. However, all of the information gathered was anecdotal, uncorroborated and from non-government organisations.

4.3.1 Increase in unaccompanied asylum-seeking children (UASC)

Statistics

From a position of few separated, asylum-seeking children presenting in Scotland in 2000 there are now approximately 50 - 70 per year arriving. At a time when general asylum applications to the UK are dropping the number

of single, separated child applicants is reducing at a much lower rate.

The Convention of Scottish Local Authorities (COSLA) noted that there were 57 separated children in Glasgow in 2004 and Scottish Refugee Council figures record 51 child applicants arriving between January and July 2005¹.

The Home Office recognises that these children are in need of special attention and are vulnerable and therefore they are allowed to register their asylum case in Scotland (whereas someone of 18 years or older is sent to Liverpool to register and could then be dispersed anywhere in the UK). From our agency interviews it is clear that many unaccompanied young people arriving in Scotland have been brought to Scotland from another part of the UK by an adult and then, initially, abandoned. In addition the route used to bring young people to Glasgow to claim asylum will change periodically. For example, for a period of time, UASC children would be left alone in Glasgow Central Station with a piece of paper with the name and address of Scottish Refugee Council on it. For another period of time it was common for young children to be abandoned outside Scottish Refugee Council's front door, thinking that the person who brought them to Glasgow was coming back for them. Occasionally a child would be put in a taxi with £5 and a note of Scottish Refugee Council's address.

The countries of origin of these young people have changed dramatically over the last six years. During 2005 there was an increase from African countries.

Table 1 shows registrations with Scottish Refugee Council for a seven-month period in 2005, listing the date claiming asylum, country of origin, age and gender. It should be noted that these are not all claims for asylum being registered in Scotland at that time. It was not possible to obtain a Scottish Home Office figure for this period. Some children apply directly through their solicitor and some through the appropriate Social Work Department.

Table 1 shows there were 41 unaccompanied children who appeared at Scottish Refugee Council and registered an asylum claim. The proportion of young males was slightly higher than young females at 59:41. The majority of the young people were 16 and 17 (68%) and there were 32% who were younger, between the ages of 8 and 15. January was the busiest month for registrations during this period and the commonest country of origin was Somalia.

Table 2 shows the number of unaccompanied asylum seeking children being supported by Glasgow Social Work Department for the same period as the table above. There are 51 in total with the same proportion of young males to young females at 59:41. The majority of the young people were 16 and 17 (61%) and there were 39% who were younger, between the ages of 8 and 15. This is a higher proportion of younger people than in the figures above. January was the busiest month for registrations and the most common country of origin was Somalia, for this period of time, as above.

¹ www.scotland.gov.uk/Publications/2003/09/18213/26634, Chapter 12, p.2.

Table 1 Figures from Scottish Refugee Council: January to July 2005

Unaccompanied Asylum Seeking Children (UASC)

Contact Date	Gender	Nationality	Age
07/01/2005	F	Somalia	16
14/01/2005	M	Somalia	15
17/01/2005	M	Somalia	16
17/01/2005	M	Dem.Rep.Congo	15
17/01/2005	M	Sierra Leone	16
17/01/2005	M	Sierra Leone	16
18/01/2005	F	Burundi	16
20/01/2005	F	Somalia	16
21/01/2005	F	Sierra Leone	14
24/01/2005	M	Palestine	16
27/01/2005	M	Afghanistan	13
28/01/2005	F	Kenya	16
01/02/2005	F	Burundi	16
08/02/2005	M	Angola	15
09/02/2005	M	Afghanistan	16
21/02/2005	M	Algeria	16
28/02/2005	F	Dem.Rep.Congo	16
09/03/2005	M	Iraq	16
11/03/2005	M	Somalia	17
18/03/2005	F	Somalia	17
23/03/2005	M	Somalia	17
29/03/2005	M	Dem.Rep.Congo	17
04/04/2005	F	Gambia	15
07/04/2005	F	Burundi	15
08/04/2005	M	Iran	17
28/04/2005	M	Somalia	16
28/04/2005	F	Somalia	15
29/04/2005	M	Somalia	16
12/05/2005	F	Uganda	16
17/05/2005	M	Somalia	17
18/05/2005	M	Somalia	16
19/05/2005	M	Somalia	14
19/05/2005	F	Somalia	12
19/05/2005	M	Somalia	8
19/05/2005	M	Somalia	17
20/05/2005	F	Zimbabwe	16
27/06/2005	F	Somalia	13
15/07/2005	F	South Africa	17
19/07/2005	F	Somalia	16
20/07/2005	M	Iran	14
28/07/2005	M	Somalia	17

By Gender	
Female	17
Male	24

By Age		M	F
8 year old	1	1	0
12 year old	1	0	1
13 year old	2	1	1
14 year old	3	2	1
15 year old	6	3	3
16 year old	18	10	8
17 year old	10	7	3

By Nationality		M	F
Somalia	19	12	7
Dem.Rep.Congo	3	2	1
Sierra Leone	3	2	1
Burundi	3	0	3
Afghanistan	2	2	0
Iran	2	2	0
Angola	1	1	0
Algeria	1	1	0
Gambia	1	0	1
Kenya	1	0	1
Iraq	1	1	0
Palestine	1	1	0
South Africa	1	0	1
Uganda	1	0	1
Zimbabwe	1	0	1

7 months = 41

Supplied by Scottish Refugee Council

October 2005

Table 2 From Glasgow Social Work Department: January to July 2005

Unaccompanied Asylum Seeking Children (UASC)

Contact Date	Gender	Nationality	Age
January 06	M	Dem.Rep.Congo	U16
January 06	F	Burundi	16
January 06	F	Sierra Leone	U16
January 06	M	Somalia	U16
January 06	F	Somalia	U16
January 06	F	Somalia	U16
January 06	F	Somalia	U16
January 06	M	Somalia	16
January 06	F	Somalia	16
January 06	M	Somalia	17
January 06	M	Somalia	17
January 06	F	Ethiopia	16
January 06	M	Palestine	17
February 06	F	Congo	16
February 06	M	Somalia	17
February 06	M	Angola	U16
February 06	M	Algeria	16
February 06	M	Afghanistan	16
March 06	M	Dem.Rep. Congo	16
March 06	M	Somalia	16
March 06	M	Somalia	17
March 06	F	Somalia	17
March 06	M	Iraq	U16
April 06	M	Iran	17
April 06	F	Burundi	U16
April 06	M	Somalia	U16
April 06	M	Somalia	16
April 06	M	Somalia	16
April 06	M	Somalia	16
April 06	F	Gambia	U16
May 06	M	Somalia	U16
May 06	M	Somalia	U16
May 06	F	Somalia	U16
May 06	M	Somalia	16
May 06	M	Somalia	16
May 06	M	Somalia	16
May 06	F	Uganda	16
May 06	F	Zimbabwe	16
June 06	F	Somalia	U16
June 06	F	Somalia	U16
June 06	F	Somalia	U16
June 06	M	Somalia	16
June 06	F	Somalia	16
July 06	M	Iran	U16
July 06	F	Somalia	U16
July 06	F	Somalia	U16
July 06	M	Somalia	16
July 06	M	Somalia	17
July 06	M	Somalia	17
July 06	F	South Africa	16
Jul-06	M	Iraq	16

By Gender	
Female	21
Male	30

By Age		M	F
Under 16	20	8	12
16 Year Old	22	14	8
17 Year Old	9	8	1

By Nationality		M	F
Somalia	32	20	12
Congo	3	2	1
Burundi	2	0	2
Iran	2	2	0
Iraq	2	2	0
Afghanistan	1	1	0
Algeria	1	1	0
Angola	1	1	0
Ethiopia	1	0	1
Gambia	1	0	1
Palestine	1	1	0
Sierra Leone	1	0	1
South Africa	1	0	1
Uganda	1	0	1
Zimbabwe	1	0	1

Supplied by GCC Social Work

October 2005

4.3.2 Trafficking into UK and Scotland

The following views and experiences were found during the research:

Representatives from the London Metropolitan Police and the Home Office Immigration and Nationality Directorate in Glasgow indicated during the research that the majority of separated children making a claim for asylum in London and Glasgow were smuggled or trafficked. These agencies' staffs' perceptions that such a high proportion of young people were arriving the UK in this way was not recognised in internal statistics or at a policy level in the Home Office.

Representatives from the London Metropolitan Police also indicated that in their view, the majority of separated/unaccompanied young people presenting in the UK were brought in by an adult and their journeys/stories were inconsistent and lacked credibility.

Oxfordshire Social Services carried out a small research project in 2004/5 with their social workers who had contact with separated young people. They interviewed 19 members of staff and 14 indicated that young people they had dealt with had been trafficked. They also considered they had a number of live cases.

In Scotland, Glasgow was the only local authority that had a significant number of new, unaccompanied young asylum seekers applying for assistance. Their Child Protection committee had no cases of trafficking recorded centrally. At field offices normal child protection procedures and recording systems were used for such applicants with the exception of particularly vulnerable 16–17 year olds being assessed and possibly supported under relevant sections of the Community Care and Health (Scotland) Act 2002.

Agency staff dealing with front line services were aware of missing information or incomplete stories provided by young people but these opinions or judgements were not followed up in a systematic way.

4.3.3 Increase in cases of children who have been trafficked

When Save the Children carried out its Scottish research in 2003 there were very few individuals who felt they had any direct knowledge of trafficked children locally.

While conducting the research in 2005 it became clear that there was an increase in individuals who had concerns about potential trafficking cases and front line staff could identify young people whose

stories lacked credibility. The time to investigate further was often sidelined by the need to deal with young people's immediate housing and emotional needs. Some staff had direct contact with young people who had been trafficked into Scotland. These included: solicitors acting for clients who were claiming asylum and who had been trafficked; housing workers in relation to accommodating the trafficked child; IND caseworkers registering asylum claims; a social worker and a befriender.

Despite these experiences there is no identifiable record of trafficked children, because of limitations or weaknesses in current information systems and databases.

Prior to Operation Pentameter police action in relation to the sex trade had uncovered very few children admitting to be under 18 years in brothels or sauna parlours. The discovery of 14% of cases being children during the three month Pentameter investigation plus a significant percentage of the remainder being women in the age group 18–24 raises the question of how many children/women commence their journey from another country as a minor.

4.3.4 Relevant legislative changes since 2003

There have been a number of changes since 2003 in relation to trafficking legislation in both Scotland and England and Wales. A number of the laws have been introduced to ensure Scottish criminal law was compliant with the EU Council framework decision on combating Trafficking in Human Beings 2002. New legislation in Scotland, passed since 2003, has been itemised by a legal researcher and is attached as Appendix 1

4.4 Would Scotland benefit from standard procedures or guidance notes on the group?

4.4.1 National Register of Unaccompanied Asylum Seeking Children

The potential benefits of a National Register of Unaccompanied Asylum Seekers/Young People are thought to be important but the ability of the Home Office or Local Authorities in Scotland to deliver an accurate, ongoing register appears slight. Glasgow City Council notify the destination Council if a young asylum seeker over 16 years of age leaves their area and will follow the case up when someone disappears. Glasgow City Council updates relevant information known to their Social Work Services. This can be checked as part of the Home Office immigration process and would be checked by the Council if an unknown asylum seeking child/young person presented to them. It is not clear whether other Councils necessarily follow a similar procedure.

4.4.2 Age assessment issues

There is no definitive method of assessing a young person's age and there is no inter-agency protocol in Scotland similar to that existing in England. The majority of legal precedents will continue to occur in England due to the considerably larger number of unaccompanied asylum seekers resident there.

The issues surrounding age assessment for unaccompanied children and decisions within the asylum system as to whether an applicant is dealt with as an adult or a child create significant inter-agency practice issues for staff. Scottish guidance that referenced the Scottish legal child care system would allow staff to deal with cases systematically.

Glasgow City Council Social Work Services are currently preparing a protocol on age assessment for their staff.

4.4.3 New migrants

There has been a new movement of other vulnerable groups into Scotland particularly through the new European Union accession countries since 1st May 2004. The Scottish Executive has funded research into this new group and Glasgow City Council has also commenced local research in 2006 but some attention has to be given to the 'movement' of children within this group by front line staff with adequate time and international links to confirm information. While 'normal' child protection procedures can be applied it has to be recognised that EU expansion has created new scenarios that involve additional staff time. The number of children from EU accession states has averaged 140 registering in Glasgow schools¹. This group is not static therefore the average number hides the turnover of children and families during the period. Statutory agencies in the West of Scotland are concerned about the issues relating to trafficking and sexual exploitation within this group.

4.5 Are there networks for trafficking available to national groupings currently in the UK?

4.5.1 Anecdotal

The evidence of trafficking in relation to specific nationalities was lacking in Scotland. It is a feature of trafficking recognised in other parts of the UK by a number of organisations that were interviewed for the research project. The information was anecdotal and could not be corroborated.

Sexual exploitation

The officers from the temporary Reflex Project in Strathclyde felt strongly that there was significant

trafficking into Scotland and particularly in relation to Chinese people into Glasgow. The Police, UNHCR and ECPAT felt that trafficking was a 'premier league' crime. Trafficking for the purpose of sexual exploitation is a very lucrative part of the crime business and until recently has been relatively free of risk.

During 2005 both the Home Office and the Metropolitan Police indicated they could not find any supply of under-age sex services. The Metropolitan Police carried out a series of raids in 2004 on 330 brothels in London and found nine minors aged 16 and 17. It was felt that there was no commercial market for under-age prostitution. This picture has been overtaken and contradicted by the cases and intelligence discovered during Operation Pentameter in 2006.

The countries of origin of people trafficked for sexual purposes (although not particularly minors) are known to be:

Eastern Europe

Lithuania, Belarus and Ukraine—ironically, people from Lithuania are now eligible to work in Britain and have no need to be smuggled. A representative of the Home Office advised that Albanian gangsters were thought to control 75% of the vice trade in Britain. Operation Pentameter was clear that Poland was a source country when they were active in early 2006.

China/Indonesia/Thailand/Vietnam

All of these countries are regularly mentioned in relation to the possibility of trafficking. Vietnam has been in the news in relation to being the country of origin for young women being forced to work in nail bars and people who are maintaining cannabis factories.

4.5.2 Domestic servants/child minding

According to the charity AFRUCA (Africans Unite Against Child Abuse) a large number of African children are trafficked to Britain for the purpose of carrying out domestic household chores. This is a South of England charity defending the rights of African children and which operates by educating both Africans in the UK and the authorities.

There are cultural issues associated with this form of servitude. It is extremely common and encouraged for wealthier families in African countries to house and feed young extended family members who are poorer, in return for their participation in domestic chores. Complications occur in the UK for the host family when they have to adhere to UK legislation that they may not be aware of, such as a requirement for the young person to attend school.

4.5.3 Benefit fraud

A number of agency representatives mentioned the issue of children being used to commit benefit fraud. In Scotland, groups from a Somali background, which originated from Holland, caused concern in the Sighthill area of Glasgow and in Edinburgh. Once the group became known to the authorities in Glasgow, it quickly left the area.

There are a number of situations recounted where children were claimed to be part of someone's direct family but were later reclaimed by their own parent. While some of these situations may be to do with benefit fraud, they could also be for a number of other reasons such as: to assist someone's asylum case, as domestic labour or just to relieve a mother from childcare duties.

¹ Glasgow City Council, Policy and Resources (Equalities) Subcommittee Report; A8 Nationals in Glasgow, April 2006.

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

This section outlines our conclusions from the findings and details recommendations for addressing the issues raised.

- In 2003 we completed agency research on child trafficking in Scotland and in 2005 it was clear that awareness of the issue had grown leading to a greater recognition of potential cases.
- Children are arriving in Scotland with and without adults in unusual circumstances. Over the two years between the studies this is a slowly increasing trend. With EU expansion and a continuing NASS dispersal programme to Glasgow for the next five years this pattern is likely to continue or expand.
- Frontline staff often notice unusual situations amongst asylum seekers but while this can be recorded it would not necessarily be analysed and followed up to clarify the journey/story. Other children arrive without initial contact with UK or Scottish statutory authorities and only come to notice through actions of the young person or staff making home visits or when registering for education or health care.
- Statutory bodies do not know the scale of the problem because there is no national system (UK or Scottish) for collection of actual cases or 'suspicious' cases.
- Children from EU accession countries who arrive in Scotland do not necessarily become registered with Scottish child care or education systems. This movement of children will require further investigation or research utilising agencies with international links such as the Scottish Crime and Drug Enforcement Agency.
- A Scottish national database of children whose circumstances are unusual or suspicious in relation to their arrival or pattern of movement is now necessary. This is because of the UK trends in human trafficking, the increased movement of asylum seekers/refugees between England and Scotland and the expansion of the EU with a consequent rise in the number of families arriving from EU accession countries. The Home Office currently has a *National Register for Unaccompanied Children* but it is not used by many local authorities in Scotland. Both its 'asylum' and 'unaccompanied' definition combined with its grant aid function make it an inappropriate vehicle for such an information source.
- Our research in Scotland did not uncover a large number of cases but such a finding does not mean that a reporting structure and training for staff is not required. At this point in time we do not wish to exaggerate the problem but government effort is required to produce a more rounded picture of the Scottish situation.
- There is a specific need to provide more guidance and training for frontline staff supported by a clear Scottish reporting structure. Thereafter a time limited, intelligence gathering initiative by a multi-agency team with health, social work, education and immigration staff at the core of delivery would help create an accurate snapshot of the situation.
- Some NGOs hold the view that domestic servitude constitutes a significant proportion of children trafficked into the UK. Recent work through the Reflex team has produced specific figures for the sex trade but this does not touch on other types of trafficking such as domestic servitude. Due to the family or domestic nature of this abuse it is unlikely that special Police events such as Operation Pentameter will produce meaningful intelligence. There is currently limited evidence to back up this underlying, predominately London, view of this sector of exploitation. The new fostering regulations in England may produce a more accurate picture of this grouping but there is a view that unless the Government introduce penalties for the non-reporting of private fostering arrangements it will remain a hidden phenomenon.
- Scottish legislation in relation to children abused or exploited in domestic settings needs to be reviewed. England appears to have moved faster since the Lamming report with a new Children's Act in 2004, new private fostering regulations in 2005 and a Green paper on children in local authority care 'Care Matters' in 2006. The purpose of this would be to ensure there are appropriate victim care duties in place to provide adequate protection within devolved responsibilities.
- Child trafficking currently falls between a number of Scottish central government departments and bodies with a lack of clarity about the lead agency or department and how the Scottish dimension is communicated to UK departments of Government.

- There is a lack of Scottish Executive guidance for local authorities, health boards etc in relation to devolved services,—such as Police, Social Work/Children Services, Education etc.
- An age assessment protocol should be prepared and agreed between the Scottish Executive, Home Office and Association of Directors of Social Work in Scotland for newly arrived children resident in Scotland lacking verifiable birth documentation.
- Vulnerable children who arrive in Scotland under unusual or suspicious circumstances are not provided, in general, with an independent advocate or guardian either through the English Refugee Council panel of advisers or by the appointment of a safeguarder under section 41 of the Children (Scotland) Act 1995. This places an onus on the local Social Work Department on which they do not always have the resources to deliver.
- A Scottish plan for victim protection in relation to child trafficking should be created with adequate funding to ensure cases are properly managed and resourced.
- The Crown Office was reluctant to clarify their policy on human trafficking matters.
- The work by Glasgow City Council counter-trafficking section (Tara)—funded through the Scottish Executive—provides a firm basis on which central government can build guidance and support to other local authorities.
- Specialised lawyers can have insights in cases which have been shared with statutory bodies but is not always recorded or used in a decision making process.
- The future proposed national advice line on trafficking would require a Scottish contribution to ensure there is a network to enable intelligence to be disseminated.
- Vulnerable 16–17 year olds should be placed in better receiving facilities until they are granted leave to remain.

5.2 Recommendations

1. A national reporting facility for children whose arrival (or departure) in Scotland is unusual or suspicious should be

established. This facility should be within a statutory body and be staffed by a multi disciplinary team with information sharing protocols between all government agencies.

2. The Scottish Executive's '*Children missing from education*' project may be an appropriate structure if their age definition and scope of their remit was widened to include children potentially trafficked resident in Scotland. The Scottish Crime and Drug Enforcement Agency could also provide an appropriate vehicle for such an intelligence gathering unit.
3. The Scottish Executive should:
 - nominate a lead officer within an appropriate department to coordinate the devolved Government's response to the issue;
 - develop guidance for local authorities on child trafficking and age assessment;
 - ensure a full report is published on Operation Pentameter's operation in Scotland.
4. The Scottish Executive should fund and commission research:
 - into the movement of children from EU accession countries into Scotland;
 - that surveys child movement/trafficking over a fixed time period involving a multi-disciplinary team led by a child care professional. This would take account of any findings from the current Child Exploitation and Online Protection centre UK study and Operation Pentameter.
5. Training for front-line staff on age assessment, child trafficking and private fostering should be funded by Government either through the Home Office, Scottish Executive or local authorities.
6. The Crown Office and the Scottish Executive should:
 - produce guidance on cases relating to child trafficking and potential witness/victim support;
 - appoint a short life working group to review any changes required in child law/practice in relation to child trafficking.
7. The Convention of Scottish Local Authorities should maintain its involvement in the issue and facilitate the production of appropriate guidance and advice to local authorities

Appendix 1

Child Trafficking—Scottish Legislation Update

This is not legal advice or opinion and should not be relied upon as such.

The [Protection of Children \(Scotland\) Act 2003](#) aims to improve the safeguards for children by preventing unsuitable people from working with them. Section 1 of the Act allows Scottish Ministers to set up the Disqualified from Working with Children List (DWCL) which came into operation on 10 January 2005.

The Act introduces [new duties and offences](#) which apply equally to the statutory, private and [voluntary](#) sectors and covers work in both paid employment and unpaid voluntary service.

Summary of The Act

- The Act plugs a gap in existing safeguards which allows unsuitable people to move from one child care post to another without detection if they have not been convicted of an offence.
- The Act provides for Scottish Ministers to keep the Disqualified from Working with Children List (DWCL).
- An individual working in a child care position, whether paid or unpaid, is to be referred to Scottish Ministers for inclusion on the DWCL, when they have harmed a child or put a child at risk of harm **and** have been dismissed or moved away from contact with children as a consequence.
- Organizations have a duty to refer such individuals to Scottish Ministers for possible inclusion on the DWCL.
- Failure to make a referral is an offence under the Act.
- The DWCL will also include those convicted of an offence against a child, when the court has referred them because it considers them to be unsuitable to work with children.
- Those on the DWCL (other than provisionally) are disqualified from working with children and will commit a criminal offence if they apply to or work with children.
- The Act extends disqualifications which already exist in England and Wales to Scotland too, except for those listed provisionally on the list kept for England and Wales under the Protection of Children Act 1999.
- It will be an offence for an organization to knowingly employ a person to work with children if that person is disqualified from working with children.

- The Act provides safeguards for an individual including the right to appeal to a sheriff against inclusion on the DWCL.
- The fact that someone is disqualified from working with children will be released as part of a Disclosure for a child care position available from Disclosure Scotland.

Section 11(3)(a) of the Act came into force on 11 April 2005. It is now an offence for an organization to knowingly employ a person in a child care position, if that person is disqualified from working in such a position. A date for the commencement of section 11(3)(b) has not yet been set. This Section creates a new offence which organizations will commit if they fail to remove a disqualified individual from a child care position. This Section has not been commenced because it raises the need for checks on existing staff and volunteers¹.

Schedule 1, which was introduced by section 10(9), sets out the offences to which the Act refers, which are as follows:

- (a) an offence under section 12 (cruelty to children under 16) of the Children and Young Persons (Scotland) Act 1937;
- (b) an offence under section 15 (causing or allowing children under 16 to be used for begging or procuring alms) of that Act;
- (c) an offence under section 22 (exposing a child under 7 to risk of burning) of that Act;
- (d) an offence under section 33 (causing or allowing children under 17 to participate in performances which endanger life or limb) of 1937 Act;
- (e) an offence under section 2 (intercourse with a step-child) of the Criminal Law (Consolidation) (Scotland) Act 1995;
- (f) an offence under section 3 (intercourse of person in position of trust with child under 16) of the above Act;
- (g) an offence under section 5 (intercourse with girl under 16) of that Act;
- (h) an offence under section 6 (indecent behaviour towards girl between 12 and 16) of that Act;
- (i) an offence under section 8 (abduction and unlawful detention of unmarried girl under 18) of that Act;
- (j) an offence under section 9 (permitting girl under 16 to use premises for intercourse) of that Act;
- (k) an offence under section 10 (causing or encouraging the seduction of, the prostitution of, unlawful intercourse with or

¹ <http://www.scotland.gov.uk/Topics/Young-People/children-families/17834/10227>.

the commission of an indecent assault on a girl under 16) of that Act;

- (l) an offence under section 12 (allowing child who is 4 or over but under 16 to be in a brothel) of that Act;
- (m) an offence under section 13(5)(c) (homosexual acts with a boy under 16) of that Act.

An individual falls within this paragraph if the individual:

- (a) commits an offence under section 1 (incest) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39) by having sexual intercourse with a child;
- (b) commits an offence under section 7 (procuring unlawful intercourse etc.) of that Act in relation to a child;
- (c) commits an offence under section 11 (trading in prostitution and brothel-keeping) of that Act in relation to a child;
- (d) commits an offence under section 13(6) (procuring commission of homosexual act between males) by procuring, or attempting to procure, a child to commit a homosexual act.
- (e) commits any other offence which caused, or was intended to cause, bodily injury to a child;
- (f) commits any other offence by engaging in lewd, indecent or libidinous practice or behaviour towards a child.

Commissioner for Children and Young People (Scotland) Act 2003

Section 1 creates the post of Commissioner with the remit of safeguarding the rights of children and young people. Of particular relevance are sections 4–5.

Section 4: Promoting and safeguarding rights

- 1) The general function of the Commissioner is to promote and safeguard the rights of children and young people.
- 2) In exercising that general function the Commissioner is, in particular, to:
 - (a) promote awareness and understanding of the rights of children and young people;
 - (b) keep under review the law, policy and practice relating to the rights of children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice;
 - (c) promote best practice by service providers; and
 - (d) promote, commission, undertake and publish research on matters relating to the rights of children and young people.

Section 5: United Nations Convention and equal opportunities

- (1) In exercising functions under this Act, the Commissioner must comply with subsections (2) to (4).
- (2) The Commissioner must have regard to any relevant provisions of the United Nations Convention on the Rights of the Child.
- (3) The Commissioner must, in particular:
 - (a) regard, and encourage others to regard, the best interests of children and young people as a primary consideration; and
 - b) have regard to, and encourage others to have regard to, the views of children and young people on all matters affecting them, due allowance being made for age and maturity.
- 3) The Commissioner must act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements.

Criminal Justice (Scotland) Act 2003

Section 22 (in force 27th June 2003) deals with trafficking and creates an offence of arranging or facilitating the arrival in or departure from the UK of an individual where the person intends to exercise control over prostitution by the individual or involve him/her in the production of obscene material or believes that another person is likely to exercise such control over the individual in question.

Section 22(2) states that exercising control in this context refers to directing or influencing the prostitute's movements in a way in which shows that the person is aiding, abetting or compelling the prostitution.

Section 22(5) specifically provides for the extra territorial application of the section. Where an offence is committed outside the UK, proceedings may be taken in any place in Scotland and the offence may for incidental purposes be treated as having been committed in Scotland in the place where the proceedings have been brought.

Vulnerable Witnesses Scotland Act 2004

In Scotland children of any age have traditionally been regarded as competent² to give evidence.³

² Witnesses are deemed competent to give evidence or under affirmation when they are permitted by law to testify. Raitt F., *Evidence* (3rd Ed, 2001, W. Green: Edinburgh) p.231.

There are no automatic grounds for excluding evidence and whether or not a person was competent depended on the nature and extent of any incapacity suffered or in the case of children (until the 2004 act) their ability to understand and relate what they had witnessed and the duty to tell the truth⁴.

Since 1995 children under 16 and other vulnerable witnesses have been afforded protection by section 271 Criminal Procedure (Scotland) Act 1995 which gives a statutory definition of a vulnerable person⁵ and introduced special provisions which allowed an application to be made for children and other vulnerable witnesses to give evidence by live television link⁶.

The Vulnerable Witnesses (Scotland) Act 2004 substitutes a new version of section 271, special measures afforded to child witnesses are listed in section 271A and B, a party who intends to cite a child witness must lodge a child witness notice at least 14 days before the trial date, which specifies the special measures which they believe to be appropriate in order to secure the evidence⁷. This notice must also contain a summary of the views expressed by the child or their parent and any other required information⁸. The court must then consider the child witness notice within seven days of it being lodged and if this specifies the use of standard special measures such as live television link, screen or person to support the child, an order shall be issued to that effect. If the special measures are unusual the court will order their use only if it is satisfied that those measures are appropriate.

The Competence Test

Until the 2004 Act a judge carried out a preliminary two stage competence test to ascertain if a child knew the difference between truth and lies, if so, the child would be admonished to tell the truth. The importance of carrying out both stages of the test was recognised and a conviction could be quashed if this was not done⁹. Controversially section 24¹⁰

abolishes the competence test for witnesses in civil and criminal trials, which means that the court cannot take steps to ascertain if the witness understands the duty to tell the truth or the distinction between truth and lies. The test was abolished on the basis that '*some witnesses such as young children may not understand the difference between abstract terms such as truth and lies but may be perfectly capable of giving a coherent account of real events*'¹¹.

As a result, the judge or jury determines the reliability and credibility of the child witness in the same way as any other.

Criminal Procedure (Amendment) (Scotland) Act 2004

Section 4 amends the existing provisions in the 1995 Act which prohibit an accused from conducting his or her own defence at the trial in certain cases so as also to preclude such an accused representing him or herself at the preliminary hearing.

Subsection (3) amends section 288E of the Criminal Procedure (Scotland) Act 1995 as inserted by section 6 of the Vulnerable Witnesses (Scotland) Act 2004 so as to provide that an accused in cases involving a child witness under the age of 12 years is also prohibited from conducting his or her case at or for the purposes of a preliminary hearing.

Similarly, subsection (4) amends section 288F of the 1995 Act as inserted by section 6 of the Vulnerable Witnesses (Scotland) Act 2004 so that if the court in cases involving vulnerable witnesses has, before the preliminary hearing, made an order prohibiting the accused from conducting his defence in person at the trial, the accused will also be prohibited from conducting his case at the preliminary hearing.

Section 24(1) of the above amends section 10 of the Protection of Children (Scotland) Act 2003 (referral of person convicted of offence against a child for inclusion on list of persons considered unsuitable to work with children).

For paragraphs (a) and (b) of subsection (6) (dealing with the procedure on appeal against a proposed reference) substitute:

“(a) the period during which an appeal against the proposed reference may be brought has expired without an appeal being brought; or

³ Millar (1870) 1 Coup. 430 a child of three allowed to give evidence of sexual assault

⁴ Raitt F., *Evidence* (3rd Ed, 2001, W. Green: Edinburgh) p.231.

⁵ Section 271(12) vulnerable person is any child; any person over the age of 16 who is suffering from mental disorder and any person who is suffering from significant impairment of intelligence and social functioning.

⁶ Section 271(7).

⁷ Ferguson P., *Criminal Evidence Legislative Comment on Vulnerable Witness (Scotland) Act 2004* SLG 72(3) 2004 p.75–6.

⁸ Section 271A(2)–(3).

⁹ Rees v Lowe 1990 SLT 507.

¹⁰ Vulnerable Witnesses Scotland Act 2004.

¹¹ Vital Voices : Helping Vulnerable Witnesses Give Evidence. The Scottish Executive, para 2.13.

(b) where an appeal is brought within that period, it is dismissed or abandoned.”

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005¹²

The primary policy objective of the Bill is to better protect children from sex offenders by introducing new criminal offences and associate orders.

Key provisions in the Act

Section 1: meeting a child following certain preliminary contact

This offence strengthens the law by creating a specific offence to deal with those who groom children (a person under 16) for the purposes of carrying out unlawful sexual activity.

The offence will be committed by a person where all the following elements are present:

- A person who travels to meet, or actually meets, with a child who is 16 or younger, or arranges for the child to travel to the meeting.
- The person intends to carry out unlawful sexual activity against the child—evidence for this might be from materials brought by the person such as condoms or the nature of previous communications on the part of the adult.
- The person has communicated with the child on at least one previous occasion beforehand.
- The person does not reasonably believe that the child is 16 or older.

Under section 1(1)(e) at least one of the following must also be the case:

- i) the meeting or communication on an earlier occasion referred to in paragraph (a) of S1 (or, if there is more than one, one of them) has a relevant Scottish connection;
- ii) the meeting, travelling or making arrangements has a relevant Scottish connection;
- iii) The perpetrator is a British citizen or resident in the United Kingdom.

This offence carries a maximum penalty of 10 years' imprisonment.

‘Grooming’ is the use of contact with a child to facilitate the commission of a sexual offence against that child.

The offence is intended to cover situations where an

adult establishes contact with a child through, for example, meetings, telephone conversations or communications on the internet, and gains the child's trust and confidence so that the adult can arrange to meet the child for the purpose of committing a ‘relevant offence’ against a child.

Grooming can already be prosecuted under existing Scots law. This Act makes sexual grooming a specific offence.

Risk of Sexual Harm Orders (RSHOs) (sections 2–7)

These civil orders are designed to protect children (under 16) from those who display inappropriate behaviour towards them. A chief constable can apply to the sheriff court for an order to restrict the activities of individuals believed to pose a risk of sexual harm to children. The orders will be imposed on individuals who have not been convicted of an offence, due to lack of proof or corroboration.

The four categories of behaviour that can trigger a Risk of Sexual Harm Order (RSHO) are:

- engaging in a sexual activity involving or in the presence of a child;
- causing a child to watch a person engaging in sexual activity—including still or moving images; or
- giving a child anything that relates to sexual activity;
- communicating with a child where any part of the communication is sexual.

The orders will apply for a minimum of two years and will set out specific activities that the person in question must not do, for example prohibiting them from visiting public swimming pools. Breach of an order is a criminal offence.

RSHOs are already operational in the rest of the UK under the Sexual Offences Act 2003 (ss 123–29). Section 7 of the Act brings Scotland into line with the rest of the UK.

Where an order made under section 123 or 126 of the 2003 Act (which make provision for England and Wales and Northern Ireland corresponding to that made by sections 2 and 5 above) prohibits a person from doing a thing throughout the relevant place, the person commits an offence if the person, without reasonable excuse, does the thing in Scotland.

Abuse of children through prostitution and pornography (sections 9–12)

Section 9 introduces a new offence of paying for sexual services from a person under 18. The definition of sexual services in the bill refers to any activity that a reasonable person believes to be sexual or for the purposes of sexual gratification, for example prostitution or sex-chat lines. ‘Payment’

¹²

<http://childpolicyinfo.childreninscotland.org.uk/index/news-app?story=2712&category=12>.

means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.

Section 10 creates the offence of causing or inciting provision by child of sexual services or child pornography

- (a) A intentionally causes or incites another person ('B') to become a provider of sexual services, or to be involved in pornography, in any part of the world; and
- (b) either-
- (i) B is aged under 18, and A does not reasonably believe that B is aged 18 or over; or
- (ii) B is aged under 13.

Section 11: controlling a child providing sexual services or involved in pornography

- (1) A person ("A") commits an offence if-
- (a) A intentionally controls any of the activities of another person ("B") relating to B's provision of sexual services or involvement in pornography in any part of the world; and
- (b) either-
- (i) B is aged under 18, and A does not reasonably believe that B is aged 18 or over; or
- (ii) B is aged under 13.

Section 12: arranging or facilitating provision by child of sexual services or child pornography

This mirrors the provisions of sections 10 and 11 above in relation to age limits and the way in which the offence is committed.

- (1) A person ('A') commits an offence if-
- (a) A intentionally arranges or facilitates the-
- (i) provision of sexual services in any part of the world by; or
- (ii) involvement in pornography in any part of the world of a person

Indecent images of children (section 16)

The Act amends current legislation criminalising the taking, possessing and distribution of indecent images of children and young people so that it applies to images of people under 18 rather than under 16.

The provisions however allow a defence to the charge if:

- the picture is of a 16 or 17 year old;
- the 16 or 17 year old consents to the picture being made and/or possessed;
- the picture is not distributed;
- the accused person and the 16 or 17 year old are married, civil partners or in an established relationship.

The Act relies on the existing definition of an indecent picture, as established by the courts, of a picture that tends to corrupt or deprave the viewer.

Unlawful intercourse with girl between 13 and 16

Subsections (4) and (7) of section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995 (unlawful intercourse with a girl under 16) are repealed.

Sexual Offences Prevention Orders

Sexual Offence Prevention Orders (SOPOs) specify activities that an individual must not do. They are placed on an individual who has been convicted of crimes with a sexual/violent element if the offenders behaviour after conviction continues to present public risk. The orders are made at the request of a Chief Constable and were introduced through the Sexual Offences Act 2003.

The Act has extended their use so that a sentencing judge can impose a SOPO without the need—as at present—for further evidence of threatening behaviour post conviction.

The orders apply for a minimum of five years and require offenders to register under the Sexual Offences Act 2003.

Breach of a SOPO is a criminal offence.

Prohibition of Female Genital Mutilation (Scotland) Act 2005

In force 1 September 2005.

The Act creates an offence to send a girl abroad for the purpose of female genital mutilation. The Act repeals and re-enacts the provision of the Female Circumcision Act 1985 for Scotland giving those provisions extra-territorial effect and increasing the maximum penalty. The policy objective of the Act is to strengthen the existing legal protection against FGM in Scotland.

Female genital mutilation (FGM) involves procedures which include the partial or total removal of the external female genital organs for cultural or other non-therapeutic reasons.

In England, Wales and Northern Ireland, the Female Genital Mutilation Act 2003 repealed and re-enacted the provisions of the Female Circumcision Act 1985. The relevant provisions of the 2003 Act had extra-territorial effect and increased the maximum penalty for FGM.

Main provisions

Section 1—Offence of female genital mutilation

This section sets makes it an offence for a person to carry out the FGM procedures specified in the Act on another person.

Section 2—Modification of section 1

This allows for the Scottish Minister add or remove an action to or from those actions for the time being listed in subsection (2) of that section; b) vary an action for the time being listed in that subsection;

Section 3—Aiding and abetting female genital mutilation

This section makes it an offence for a person in Scotland to aid, abet, counsel, procure or incite another person to carry out FGM in Scotland.

Section 4—Extensions of sections 1 and 3 to extra-territorial acts

Section 4 extends sections 1 and 3 so that any of the prohibited acts done outside the UK by a UK national or permanent UK resident will be an offence under domestic law and triable in the Scottish courts.

Section 5—Penalties for offences

Section 5 increases the maximum penalty from 5 to 14 years imprisonment on conviction.

European Convention on Action against Trafficking in Human Beings¹³

The Council of Europe Convention on Action against Trafficking in Human Beings (CETS N° 197) was adopted by the Committee of Ministers on 3 May 2005 and opened for signature in Warsaw on 16 May 2005, on the occasion of the 3rd Summit of Heads of State and Government of the Council of Europe.

The Convention is a comprehensive treaty mainly focused on the protection of victims of trafficking and the safeguarding of their rights. It also aims at preventing trafficking as well as prosecuting traffickers.

The Convention applies to all forms of trafficking; whether national or transnational, whether or not related to organised crime. It applies whoever the victim: women, men or children and whatever the form of exploitation: sexual exploitation, forced labour or services.

The Convention provides for the setting up of an independent monitoring mechanism guaranteeing parties' compliance with its provisions.

Article 4 of the Convention defines trafficking in human beings as '*recruitment, transportation, transfer, harbouring or receipt of persons¹⁴ by means of the threat or use of force or other forms of coercion, of abduction of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other*

forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.¹⁵

The Convention requires 10 ratifications including those of 8 member states to come into force. As of January 2006 the UK has not signed¹⁵

Putting legal instruments in place at regional level valuably reinforces action at world level. In the European context, the *Council Framework Decision of 19 July 2002 on combating trafficking in human beings* and the *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities* regulate some of the questions concerning trafficking in human beings. The *Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings* would also be relevant in the field of trafficking in human beings.

UNHCR

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (hereafter 'the Palermo Protocol') laid the foundations for international action on trafficking. The Council of Europe Convention, while taking the Palermo Protocol as a starting point and taking into account other international legal instruments, whether universal or regional, relevant to combating trafficking in human beings, seeks to strengthen the protection afforded by those instruments and to raise the standards which they lay down.

The Palermo Protocol contains the first agreed, internationally binding definition (taken over into the Council of Europe convention) of the term 'Trafficking in persons'. It is important to stress at this point that trafficking in human beings is to be distinguished from smuggling of migrants. The latter is the subject of a separate protocol to the *United Nations Convention against Transnational Organized Crime (>Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Crime)*. While the aim of smuggling of migrants is the unlawful cross-border transport in order to obtain, directly or indirectly, a financial or other material benefit, the purpose of trafficking in

¹³ <http://conventions.coe.int>.

¹⁴ Includes children.

¹⁵

<http://conventions.coe.int/Treaty/EN/Reports/Html/197.htm>.

human beings is exploitation. Furthermore, trafficking in human beings does not necessarily involve a transnational element; it can exist at national level.

There are other international instruments that have a contribution to make in combating trafficking in human beings and protecting its victims. Among United Nations instruments the following can be mentioned:

— the Forced Labour Convention (No. 29) of 28 June 1930;

— the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949;

— the Convention relating to the Status of Refugees of 28 July 1951 and its 1967 Protocol relating to the Status of Refugees;

— the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979;

— the Convention on the Rights of the Child of 20 November 1989;

— the International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 17 June 1999;

— the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000.

— Convention against Transnational Organised Crime 2000 (in force 29 September 2003) and supplementary Protocol to Prevent, Suppress and Punish Trafficking in persons especially Women and Children (in force 25 December 2003).

UNHCR takes the view that women and girls who have endured sexual violence or other gender related persecution should have their claims considered under the 1951 Convention on the Status of Refugees Article 1A(2) which states *'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events,*

is unable or, owing to such fear, is unwilling to return to it'.

Under the convention the well founded fear of being persecuted must be related to one or more of the Convention grounds although it need not be the sole cause of the persecution.

Membership of a particular social group which is one of the grounds listed in Art 1A(2) is defined in the guidelines as 'a group of persons who share a common characteristic other than the risk of being persecuted, or who are perceived as a group by society'. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one's human rights.

The social group construction could be applicable to men, women or children.

Current guidance on this issue is given in the UNHCR's *Guidelines on International Protection: Gender Related persecution within the context of Article 1A(2) of the 1951 Convention and/ or its 1967 Protocol relating to the Status of Refugees (May 7 2002)* and also *Guidelines on International Protection: Membership of a Particular Social Group (May 7 2002)*

Asylum and Immigration (Treatment of Claimants Act) 2004

Offences

- amend the existing offence of facilitating the commissioning of a breach of immigration law;
- create a new offence to deal with those arriving in the UK without a valid immigration document and who cannot show that they have a reasonable excuse;
- amend the offence of the forgery of immigration documents;
- create a new offence of trafficking a person for non-sexual exploitation;
- amend the offence prohibiting the employment of illegal migrant workers; and
- impose a duty on the Director of Public Prosecutions to give advice to immigration officers on matters relating to criminal offences.

Section 4: Trafficking people for exploitation

Section 4 introduces new criminal offences of trafficking people into, within or out of the UK for the purpose of exploitation. A person found guilty of an offence under section 4 is liable, on conviction on indictment, to imprisonment for up to fourteen years,

to a fine or to both, or on summary conviction, to imprisonment for up to twelve months, to a fine not exceeding the statutory maximum or to both. A person commits an offence if he arranges for a person to arrive in or depart from the UK and he intends to exploit that person or believes that another person is likely to do so. The offence is also committed if a person arranges travel within the UK by a person if he believes that the person has been brought into the UK to be exploited, and he intends to exploit that person or believes that another person is likely to do so. For the purposes of the offence, a person is exploited if he is:

- the victim of behaviour contravening Article 4 of the ECHR (slavery or forced labour);
- encouraged, required or expected to do something which would mean an offence is committed concerning organ removal;
- subjected to force, threats or deception designed to induce him to provide services or benefits or enable another person to acquire benefits; or
- requested or induced to do something, having been chosen on the grounds that he is ill, disabled, young or related to a person, in circumstances where a person without the illness, disability, youth or family relationship would be likely to refuse or resist.

Section 5: Section 4: supplemental

Section 5 is supplemental to section 4.

Subsection (1) provides that the offences in subsections (1) to (3) of section 4 apply to anything done: (i) in the United Kingdom; or (ii) outside the United Kingdom by: (a) a person to whom subsection (2) applies (e.g. a British citizen), or (b) a body incorporated under the law of a part of the United Kingdom.

Subsection (4) provides that sections 25C and 25D of the Immigration Act 1971 shall apply in relation to an offence under section 4, as they apply in relation to an offence under section 25 of the 1971 Act. Sections 25C and 25D of the 1971 Act provide for the forfeiture and detention respectively of vehicles, ships or aircraft in certain circumstances.

Subsection (6) amends the Criminal Justice and Court Services Act 2000 to make each of the offences in section 4 capable of being an "offence against a child" for the purposes of the 2000 Act. Under the 2000 Act, in certain circumstances a court must disqualify a person convicted of such an offence from working with children. Subsection (10) makes a similar provision in relation to Northern Ireland.

Subsection (7) adds the offences in section 4 to the list of lifestyle offences in paragraph 4 of Schedule 2 to the Proceeds of Crime Act 2002. This has the effect that a person who has been convicted of an offence under section 4 is held to have a criminal lifestyle for the purposes of the Proceeds of Crime Act 2002. Subsections (8) and (9) make equivalent provision in relation to Scotland and Northern Ireland.

Subsection (11) provides that until the commencement of section 154 of the Criminal Justice Act 2003, the reference to twelve months in section 5(5)(b) should be read as if it were a reference to six months. Subsections (12) and (13) also provide that the reference to twelve months in section 5(5)(b) shall be read as a reference to six months in Scotland and Northern Ireland respectively. It is anticipated that at the time section 154 of the Criminal Justice Act 2003 comes into force a similar amendment will be made by the devolved administrations.

Section 8: Claimant's credibility

Section 8 sets out various behaviours which a deciding authority is required to take account of (as being damaging to credibility) when deciding whether to believe a statement made by or on behalf of a person making an asylum or human rights claim. A 'deciding authority' is an immigration officer, the Secretary of State, the Asylum and Immigration Tribunal (or an adjudicator and the Immigration Appeal Tribunal until such time as the Asylum and Immigration Tribunal is established) and the Special Immigration Appeals Commission.

Subsection (2) provides that behaviour which a deciding authority thinks:

- a) is designed or likely to conceal information,
- b) is designed or likely to mislead, or
- c) is designed or likely to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the claimant, is behaviour which damages the claimant's credibility and should be taken into account when determining whether to believe a statement made by a person who makes an asylum or human rights claim

Subsection (3) provides that various behaviours relating to the non production of passports (without reasonable explanation), the production of false passports as if they were valid, and the failure to answer questions (without reasonable explanation), will be treated as behaviours which damage credibility.

Subsection (4) similarly provides that a person's failure to take a reasonable opportunity to make an asylum or human right claim whilst in a safe third country will be treated as behaviour that damages his credibility. For the purposes of this section a 'safe country' means a country to which Part 2 of Schedule 3 applies.

Subsections (5) and (6) provide that it is also behaviour which damages credibility where a person makes an asylum or human rights claim only after they have been notified of an immigration decision or extradition proceedings and that claim does not rely wholly on matters arising after the notification; or where the claim is made after a person has been arrested under an immigration provision and there was a reasonable opportunity to make the claim before arrest and the claim does not rely wholly on matters arising after the arrest. Subsection (7) sets out the meaning of an 'immigration decision' and an 'immigration provision'.

Subsection (12) provides that section 8 does not prevent a deciding authority from determining not to believe a statement on the grounds of behaviour to which the section does not apply.

Section 2

This creates two new criminal offences. If a person is unable to produce an immigration document at a leave or asylum interview in respect of either himself or a child with whom he claims to be living or travelling then he will commit an offence. A person does not commit the offence if the interview takes place after the person has entered the United Kingdom and within the period of three days beginning with the date of that interview the person provides an immigration document to an immigration officer or to the Secretary of State

There are various defences to the charges. In respect of a person's failure to produce his own document it will be a defence for him to prove that:

- (a) he is an EEA national
- (b) he is a member of the family of an EEA national and he is exercising a right under the Community Treaties in respect of entry to or residence in the United Kingdom,
- (c) he has a reasonable excuse for not being in possession of an immigration document, or
- (d) he travelled to the United Kingdom without, at any stage since he set out on that journey, having possession of an immigration document.

It is also a defence for a person to produce a false immigration document and to prove that he used that document as an immigration document for all

purposes in connection with his journey to the United Kingdom.

In respect of a person's failure to produce a document for a child with whom he claims to be living or travelling it will be a defence for him to prove that:

- (a) the child is an EEA national,
- (b) the child is a member of the family of an EEA national and that he is exercising a right under Community Treaties in respect of entry to or residence in the United Kingdom,
- (c) the person has a reasonable excuse for not being in possession of an immigration document in respect of the child, or
- (d) that he travelled to the United Kingdom with the child without, at any stage since he set out on the journey, having possession of an immigration document in respect of the child.

It is also a defence for a person to produce a false immigration document and to prove that it was used as an immigration document for all purposes in connection with the child's journey to the United Kingdom.

Gangmasters (Licensing) Act 2004

In force 1 April 2005.

The Gangmasters Licensing Authority (GLA)¹⁶ was established on 1 April 2005 to curb the exploitation of workers in the Agriculture, Horticulture, Shellfish Gathering and Associated Processing and Packaging Industries. These sectors are being licensed and in general terms, a person is acting as a Gangmaster if they:

- supply a worker to do work to which the Act applies;
- use a worker to do work to which the Act applies in connection with services provided to them by another person, e.g. subcontracting;
- use a worker to do certain types of work (in particular gathering shellfish).

If you do supply labour to the above sectors and are classed as a Gangmaster

Even if you do supply labour to the above sectors and are covered by the definition of a Gangmaster, there is still a possibility that you will not need a licence.

Defra is currently developing the Gangmasters (Exclusions) Regulations. These Regulations will

¹⁶ <http://www.gla.gov.uk>.

define specific circumstances when a licence will not be required. The Exclusion Regulations will ensure that licensing targets those areas where labour is used and where there are known to be cases of exploitation.

[Detailed guidance on who is required to be licensed will be provided when these Regulations have been finalised.](#)

From Autumn 2006 it will be an offence to:

- operate as a Gangmaster without a licence;
- use an unlicensed Gangmaster.

The maximum penalty for operating without a licence is a prison sentence of 10 years and a fine.

The maximum penalty for using workers or services by an unlicensed Gangmaster is a prison sentence of 51 weeks and a fine.

A Labour Provider would also commit an offence if they held:

- a relevant document that is known or believed to be false;
- a relevant document obtained by deception and known or believed to have been so obtained;
- a relevant document that relates to someone else with the intention of causing a third party to believe that the person in possession of the documentation or another person is a licensed Gangmaster.

It will also be an offence to obstruct a GLA officer in the course of their duties.

The GLA will be working closely with a range of Government Departments and the Police to ensure that all legal requirements are met and enforced in the licensable sectors.

The new licensing scheme will ensure that the conditions for workers meet the standards required by law.

From Autumn 2006, it will be illegal for a Labour Provider to operate without a licence. To obtain a licence Labour Providers will have to comply with the legal requirements in areas such as health and safety, tax and pay. The complete scope of compliances is set out in the licensing standards, please see the GLA [consultation page](#) for more information.

Workers

Workers must be legally entitled to work in the UK and should have, or applied for, a valid National Insurance number.

Your rights

All employees, whether full or part time, temporary or permanent, are legally entitled to number of basic rights which cover the different areas of employment.

For example, all workers have the right to:

- work in a safe environment, where health and safety risks are properly controlled;
- have protective clothing when needed;
- be paid the national minimum wage;
- give written consent before deductions, except income tax and national insurance, are made from their wages;
- work free of physical or mental abuse, harassment or intimidation.

Compliance

The GLA will conduct inspections to ensure compliance with the Licence Standards. These will either be at the application stage (with a Application Inspection) or once the licence has been issued (with a Compliance Inspection).

The GLA will use risk-based techniques to determine whether a Application Inspection or Compliance Inspection is necessary.

For both Application Inspections and Compliance Inspections, evidence of compliance are likely to be gathered from a range of sources:

- face to face interviews with Workers;
- data collected from the Labour Provider;
- interviews with the Labour Provider;
- evidence collected by the GLA's own officers;
- data provided from other Government sources;
- data collected from the application process;
- other intelligence sources.

Appendix 2

Scottish Case Studies—Trafficking March 2006

Case Study 1, January 2005: Molly was a 14 year-old from West Africa. She had been living on the streets there during and after the war. A white lady that she met offered to bring her to the UK. Molly accepted, but when she arrived, the lady explained that she was going to have to sleep with men to earn her keep.

A man brought her to Glasgow from the airport. She was locked in a house and had to have sex with him. She was told that another man was coming for her the next day. She knew she was expected to sleep with him. When the first man popped out for cigarettes, she ran away. This was in a tenement area near the city centre. She spent the night on the streets begging for money. A lady happened upon her and brought her to the Refugee Council.

Social Work was advised of the situation before a Scottish Refugee Council person accompanied her to their office, because of her distress. The Police were also involved and came to talk to SRC staff afterwards.

Case Study 2, 2003: Michael claimed to be 18 but was not believed by the social worker. He was thought to be aged 20 years of age by the Home Office. He was brought to the UK by another man from Uganda. His mother and other members of his family were killed in the war. He came of his own free will by plane and then car.

When he arrived, the 'agent' kept him captive in a house and forced him to have sex with other men. He wanted him to take part in a pornographic film. He managed to escape from a 2nd floor bathroom window. He was found running in the street and an Asda delivery man took him to the Police. They investigated and took him out in a car a few times to try and identify where he had been held.

He continues to suffer ongoing mental health problems as a result of his experiences. He is in supported accommodation at present.

Based on information from three staff at Scottish Refugee Council One Stop Shop.

Case Study 3, May 2004 child under 10 found in an area outside the West Of Scotland: Child A is from Bangladesh (estimated as 8 years old by a paediatrician's assessment). He arrived in a Scottish location in May 2004 apparently by train from London. The adults of the house (who were not

related to the child) contacted Social Work Department voluntarily after a period—possibly at the recommendation of a Health Visitor.

After interview by Social Work and Police the child was left in the care of these adults for four months. There was some indication that the child may have had phone contact with a parent or relative during his time with these adults. After the involvement of a different Social Work staff member in July 2004 the child was taken into care in August 2004 followed by a Hearing in February 2005, which placed him under the supervision of the local authority. He is currently in Foster care.

His initial permission to reside in the UK, made while in local authority care, was temporary for 1 year. A further, improved application will be made via a new legal representative to the Home Office.

There has been an approach to the Social Work Department during the process from a London family to 'adopt/foster' the child as they had heard about his case from 'someone' (possibly the interpreter).

The child is prospering in his foster placement and may well have additional information to divulge as he becomes more settled. He has recently disclosed that the family with whom he was originally living knew how to contact his mother by phone.

Case Study 4, January 2006, West of Scotland:

Child B was escorted by an agent to this country from Kenya. She arrived at London Heathrow and thereafter was transported to Glasgow. She was handed over to a family who spoke a language she did not understand. Family comprised two adults and a young baby. Child B was required to fulfill household duties and look after the baby. She was not allowed to leave the house and the doors and windows were locked.

After four weeks the male approached her asking her to behave as his wife. On a number of occasions he made sexual advances to her but she managed to prevent anything occurring. Child B managed to escape when the couple argued and the adult female stormed out of the house leaving the door ajar.

Child B ran down the street and finally arrived at a local Police station where she was interviewed in the Family and Child Unit. Attempts were made to identify the location of the property with no success.

She was passed on to the local authority Social Work Department.

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Appendix 3

Research Questions and Detailed Methods

There were five research questions posed in the Research Brief:

- a) How is the group provided for and protected in Scotland by statutory agencies?
- b) What are the obstacles to providing appropriate services to the group and are there any funding mechanisms for local authorities to provide these?
- c) Has the situation changed since the original internal 2003 study and do UK, European or Scottish institutions perceive any growth in trafficking?
- d) Would Scotland benefit from standard procedures or guidance notes on the group?
- e) Are there networks for trafficking available to national groupings currently in the UK?

3.1 Research Tasks

There were five research tasks outlined in the brief:

- a) To collect the experience and knowledge of young people and adults in Glasgow/Scotland.
- b) To obtain the views of the statutory agencies that deal with family welfare in this sector: health, social work, education, police, Glasgow Asylum-Seeker Support Project (GASSP).
- c) To produce a written report on the findings of the above consultations with detailed breakdown in relation to gender, age, immigration status and length of time in the UK.
- d) To make recommendations pertaining to the findings for relevant Government and non-statutory agencies.
- e) To contextualise the report within the current UK Government policies and practice in relation to the group and any Scottish Executive or Crown Office policy in Scotland.

3.2 Research Methods

There were three research methods used for the project.

3.2.1 In-depth interviews with:

- (a) Young unaccompanied asylum seeking children: to collect the experience and knowledge of how unaccompanied children come to reach the West of Scotland; to find out if they had any knowledge or experience of trafficking; to find out how they found the process of settling into

Glasgow. (Method of interviewing detailed at 3.3.1).

- (b) Individuals who come into contact with young people who could have been trafficked. This was to collect these individuals' experience and knowledge of numbers of known trafficked young people and any changes that have been noticed over the years in relation to unaccompanied young asylum seeking children. (Methods detailed at 3.3.2).
- (c) Representatives of statutory and voluntary agencies who deal with family welfare. This was to collect their knowledge in relation to trafficked young people in Scotland; to obtain their views on any relevant changes that had taken place over the last few years and to gather any suggestions for policies and procedures that could be further developed or introduced. (Methods detailed at 3.3.2).

3.2.2 Discussions with groups:

- (a) Private seminar with sixteen agencies in Scotland
- (b) Save the Children meeting with Unaccompanied Asylum Seeking Children
- (c) Meetings of:
 - Scottish Refugee Council One-Stop Shop Caseworkers who process most of the initial asylum claims in Glasgow.
 - The Vulnerable Children's sub group of Glasgow City Council's Child Protection Committee.
 - Glasgow Health Visitors with a remit to work with asylum seeker families.

3.2.3 Information Gathering:

- (a) Relevant information was gathered from a variety of sources: the media, research papers, the Internet, and e-mailing systems. Relevant items of interest are listed in the Appendix to this report.
- (b) New legislation in Scotland passed since 2003 was summarised and is attached as Appendix 1.
- (c) Information gathered from updating the original 2003 Save the Children study.
- (d) The researchers attended three seminars on prostitution or trafficking.

These seminars were:

- Edinburgh City Council's 'Information Evening on Prostitution in the City' on March 10th 2005.
- Glasgow City Council's Counter Trafficking Project showing of the film 'Ilya 4ever' which is a film about a trafficked young person from Eastern Europe.
- Immigration Law Practitioners Association and Garden Court Chambers, London, March 2006, Seminar 'Trafficking for sexual and labour exploitation'.

- (e) Informal research within one national grouping in Scotland about trafficking.

3.3 Methods of interviewing

3.3.1 Interviewing young people

Introduction

In the previous research that Save the Children commissioned in 2003 there was little direct contact with unaccompanied young asylum seekers/refugees. It was strongly felt that there should be direct contact with young asylum seekers. The aim being to try and identify their journeys to Britain and Scotland and to find out if they had any knowledge of trafficked young people (whether themselves or others).

In preparing our interview processes it became evident that there would need to be some adjustment to our standard child protection procedure. This modification would allow our staff to engage with young people in unusual circumstances without immediately involving the local Social Work Department.

A protocol, previously used by Save the Children Wales for work connected to the sex trade, was modified and approved by Glasgow City Council Social Work Department.

Young researchers and their training

Two female and two male researchers were recruited. They were in their mid 20's and came from various cultural backgrounds and countries (Iran, Iraq, Sierra Leone and Sudan). All of the researchers were Disclosure Scotland checked. They spoke 5 languages in addition to English.

In depth training took place in February 2005. Basic information regarding the project regarding the principles of the project and the particular information that the new researchers would be looking for.

Information on Save the Children's Child Protection and Health and Safety principles were discussed and the protocol that had been agreed with Social Work Department was discussed in relation to how our particular situations could be dealt with. An A5 introduction sheet with information about the researcher and the project was prepared for every young person interviewed.

A method of conversational interviewing without note taking had been prearranged. The crucial information that was required was encapsulated in the acronym CAJLP help the researcher's memory.

- C = Country of origin
- A = Arrangements for the journey, both from the country of origin and inside Britain

- J = The actual journey
- L = Link between original country and journey to Scotland/contact with anyone
- P = Problems—what would happen if something should go wrong, once the person arrived in the UK/ Scotland.

The interviews

Sixteen young people were interviewed through this process with two other individuals having information supplied by their representative.

Music

In May 2005 we attempted to contact young asylum seekers/refugees through music events that were organised by young refugees themselves in nightclubs. The researchers attended two of these events to make themselves known to the young people and one of the organisers of the event was also asked to contact people he knew who would talk to us. This route produced only one immediate false response.

3.3.2 Interviews with individuals and representatives of organisations

The two main researchers on this project carried out in-depth interviews. A format of questions to be asked and leads to be followed were used. A total of twenty three interviews have been conducted.

3.3.3 Discussions groups

- (a) Seminar on trafficking for professionals:
After 9 months of the research project it was decided that, in conjunction with the Child Protection sub-group of Glasgow Social Work Department that it would be appropriate to hold a Seminar about the issue of trafficking of young people into Scotland. This took place in October 2005 and was attended by (24) individuals who had direct experience or links with either trafficked young people or unaccompanied asylum seeking children. The Seminar was by invitation only and was well attended. A number of our findings and recommendations came from the Seminar.
- (b) Response to UK government consultation on trafficking:
A discussion group was held in March 2006 with representatives of 4 organisations with experience in the issue of trafficking in Scotland to respond to the Government's consultation paper on trafficking.
- (c) Seminar for young people:
The Home Office proposed a new policy of returning separated young asylum seekers to their 'home' country. In February 2005 we held a meeting during the school holidays for young

people to hear about the proposal and discuss its implications for them with an asylum lawyer.

This Seminar provided the opportunity for the researchers to hand out leaflets advising about the research that was being carried out and asking people to get in touch if they had any information they could share.

- methods of introducing themselves to the community;
- finding out about the journeys of young people to Scotland;
- asking for information about problems for Somali children and young people in Scotland;
- asking people if they had heard about any young children who had arrived through a country connection.

(d) Information sessions with groups of professionals:

Three staff groups were given a presentation about the issue of trafficking and then took part in a discussion about their knowledge and experience of trafficked people, particularly young people. Helpful suggestions were often raised regarding other groups or individuals who could or should be contacted.

Information sheets about the project and trafficking were given to all of the organisations and individuals that were contacted.

In addition, A5 sized Notification Sheets were distributed to particular groups of people who had the possibility of overlapping with trafficked young people. One side of the A5 sheet gave a definition of trafficking and information about types of behaviour, which might point to the possibility that someone had been trafficked. The other side asked some basic questions about the trafficked person with details of their story.

3.3.4 Particular country connections

Introduction

During interviews with various organisations and individuals, concerns were raised regarding Somali and Chinese movements of people and 'unusual' behaviour. It was decided that we should investigate further to clarify if there was any evidence of young people being trafficked into Scotland. The indication from the statutory authorities was that people trafficking within the Chinese community was linked to other criminal activity and the agency decided it did not have the skills or expertise to pursue this line of investigation. In relation to the Somalian community a female researcher made enquiries within their networks.

She was from a major Somali clan and spoke Somali and a little Arabic.

The researcher was also employed in a project for young people through another agency and had additional contacts through that as it supported unaccompanied young asylum seeking people.

The training for the researcher centred round:

- definitions of trafficking;