

Human Trafficking – Trafficking and Exploitation Strategy

Purpose

1. The report is to invite comment and agreement from the Executive Group on a COSLA response to the consultation on the Trafficking and Exploitation Strategy and consider the proposal in a second consultation, that 45 days should be set as the relevant period for which Ministers must secure support for adult victims of trafficking.

Recommendations

2. The Executive Group is invited to:
 - i. Broadly welcome the draft Strategy;
 - ii. Provide comments and agree a response based on key issues set out below in paragraphs 8 to 12; and
 - iii. Agree that 45 days should be set as the relevant period for which Ministers must secure support for adult victims of trafficking.

Background

3. In October 2015 the Scottish Parliament passed the Human Trafficking and Exploitation (Scotland) Act 2015. This was the culmination of significant work between agencies and across the political spectrum. Scottish Local Government and COSLA have had a long-standing commitment to contribute towards ending human trafficking. In November 2006 COSLA Leaders backed international action by committing to the principles set out in the Council of Europe's Declaration on the Fight Against Trafficking in Human Beings and agreed that COSLA should progress an anti-trafficking agenda. Additionally, COSLA was heavily involved in the Scottish Anti-Human Trafficking Summit work, which began in 2012. COSLA therefore welcomed the Act, recognising that human trafficking requires a multi-agency response, across all spheres of government with strong overall leadership.
4. One of the requirements of the Act is for the Scottish Government to prepare a Trafficking and Exploitation Strategy to be laid before Parliament. This Strategy will be reviewed in three years and redrafted to reflect the progress made. The Scottish Government is now consulting on the first draft Strategy (link [here](#)), which closes on 7 December 2016. Officers have agreement that COSLA can submit a response after the deadline if there are significant comments from the Executive Group.
5. The Scottish Government is also consulting on the provision relating to the support and assistance to adult victims of trafficking (link [here](#)), which requires Ministers to secure such support in certain circumstances. It asks for views on the period during which adult victims of trafficking must be provided with support. This closes on 23 December.

Trafficking and Exploitation Strategy

6. The Strategy sets out the aim and identifies three high level action areas, which form the basis of the strategy:
 - Identify victims and support them to safety and recovery.
 - Identify perpetrators and disrupt their activity.
 - Address the conditions, both local and global, that foster trafficking and exploitation.

7. The Executive Group is asked to agree that the COSLA response should be based on the following lines.
8. COSLA and Scottish local authorities are committed to the anti-trafficking agenda and therefore broadly welcomed the Act and the draft Strategy. COSLA has long recognised that human trafficking requires a multi-agency response, across all spheres of government with strong overall leadership.
9. The key changes we would like to see in the Strategy are.

Approach

- The Strategy should recognise that one size does not fit all – there are different types of trafficking and exploitation which will require different responses, and these are likely to vary across the country. The Strategy should support appropriate local approaches to tackling trafficking and exploitation.
- There should be clearer reference to fact there are victims of trafficking who are British, the Strategy focuses too heavily on the international trafficking.
- The Strategy recognises there are different forms of exploitation and will therefore need a wide range of partners to be involved in the implementation.
- The Strategy has surprisingly little mention of perpetrators – there should be more around how to identify and what to do when a perpetrator is identified.

Children

- The Strategy must recognise the role local authorities have regarding trafficked children.
- There is confusion between the Independent Child Trafficking Guardians, which will be introduced through the Act, and the current Scottish Guardianship Service – these are not necessarily one and the same thing as the Scottish Government will be tendering for providers once this section is commenced.
- The Independent Child Trafficking Guardians, the functions of whom will be consulted on at a later date, must complement the work of local authorities and recognise the statutory duties they hold.

LAs

- Greater recognition of the role of local authorities, and other agencies, in contributing to this agenda
- Local authorities and other agencies must be given the support, resources and tools needed to contribute to the Strategy e.g. support services for victims should be sufficiently funded to facilitate appropriate support during the 45 day period and these need to be available across Scotland, not just in the central belt.
- The Scottish Government should work with local authorities on the conditions to be attached to licences for Sexual Entertainment Venues and commence the provisions in the Air Weapons and Licensing (Scotland) Act 2015 so local authorities have this tool at their disposal.

10. Further, the Executive Group is asked to provide any additional points that should be included in the COSLA response and due to the deadline for the consultation are welcomed to do so prior to the meeting for inclusion in drafting.
11. The second consultation simply asks whether setting the relevant period for Ministers to secure support for trafficking victims at 45 days is suitable. This exceeds the 30 days required by the Convention on Action against Trafficking in Human Beings and has been accepted by GRETA (Group of Experts on Action against Trafficking in Human Beings). It

also matches what is currently provided in other parts of the UK ensuring a level of consistency. Section 9(3) of the Act provides flexibility for Ministers to provide support before and after the relevant period, where required as a result of a victim's individual circumstances and needs.

12. The Executive Group is therefore asked to agree that 45 days should be set as the relevant period for which Ministers must secure support for adult victims of trafficking.

Conclusion

13. The Scottish Government is required by the Human Trafficking and Exploitation (Scotland) Act to lay a Strategy before Parliament. COSLA and Scottish local authorities are committed to the anti-trafficking agenda and therefore broadly welcomed the Act and the draft Strategy.. The Executive Group is asked to comment on and agree a response to consultation on the draft Strategy. The Executive Group is also asked to agree that 45 days should be set as the relevant period for which Ministers must secure support for adult victims of trafficking.

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