STUC Response to the Consultation on a Proposal for a Human Trafficking (Scotland) Bill Lodged by Jenny Marra MSP

Introduction

The STUC is Scotland’s trade union centre. Its purpose is to co-ordinate, develop and articulate the views and policies of the trade union movement in Scotland; reflecting the aspirations of trade unionists as workers and citizens.

The STUC represents over 627,000 working people and their families throughout Scotland. It speaks for trade union members in and out of work, in the community and in the workplace. Our affiliated organisations have interests in all sectors of the economy and our representative structures are constructed to take account of the specific views of women members, young members, Black/minority ethnic members, LGBT members, and members with a disability, as well as, retired and unemployed workers.

The STUC has long been concerned with the consequences of trafficking for sexual exploitation, domestic servitude, and labour. The STUC hosted a Conference in 2007 ‘Tackling Child Exploitation and Trafficking of Women’, which brought together a number of agencies including Barnardo’s, Amnesty International, the Poppy Project, Glasgow City Council, and the Zero Tolerance Trust. Delegates from affiliated unions were able to identify a number of actions for future campaigning and to increase awareness in the workplace.

The 2007 STUC Women’s Conference welcomed the UK Government’s decision in 2006 to ratify the Palermo Protocol and the Council of Europe Convention on action against Trafficking in Human Beings in 2007, and agreed to work with other organisations to develop research and awareness of the extent of human trafficking in Scotland. The possibility of increased trade in trafficked labour in the run up to the Commonwealth Games in Glasgow in 2014 was highlighted and subsequently brought repeatedly to the attention of Scottish Government and all involved in the delivery of the Commonwealth Games.
The 2008 STUC Annual Congress unanimously endorsed a resolution which commended the positive work being undertaken by the TARA Project in Glasgow, the Poppy Project in London, and Amnesty International. The UK Government was urged to implement the European Convention on Action Against Trafficking, and the STUC Congress committed to working with international labour organisations in tackling and eliminating the trafficking trade. The 2008 Congress decision also called for support for ‘moves to ensure service providers are aware of the issues facing trafficked people, and provide appropriate joined up services to support victims of trafficking’ and to ‘campaign for a system of support and protection to reassure victims that they will not be penalised for their exploitation’.

The 2007 STUC Youth Conference, in marking the 200th Anniversary of the passing of the Abolition of Slavery Act in the UK, commented ‘Today it is estimated that at least 12 million people worldwide live or work in contemporary slavery. Human trafficking provides a constant supply for today’s slave trade……. The STUC Youth Committee (is called on) to work with the STUC General Council to urge Government to stem the flow of human traffic by introducing harsher deterrents for people who flout the laws in this area.’

The 2012 and 2013 STUC Congress called on urgent action to ensure the UK Government fully commits to the international Conventions to which it had signed up, and the concerns over trafficking continue to be discussed within the affiliated unions and with other organisations across civic society, including the Scottish Women’s Convention. The STUC is represented on the Scottish Government’s current working Groups on Human Trafficking.

**Responses to the Specific Questions in the Consultation**

**Question 1: Do you agree with the aims and summary objectives of the proposed Bill?**

Yes. All three key objectives are supported by current STUC policy, as outlined previously. To simplify and to bring together powers for tackling trafficking more effectively would be very welcome.
Question 2: Do you agree with the proposal for a legal duty on Scottish Ministers for a Strategy for Scotland against Human Trafficking?

Yes. The consultation and accountability that would accompany the development of a Strategy would increase a co-ordinated response to the increase in trafficking, raise awareness, and the proposal for Ministerial reporting to Parliament will increase public visibility of the attention and resources being given to this important issue.

Question 3: Do you agree with the approach to criminalising human trafficking as proposed (as listed below)?

Yes. Trafficking is a crime and should be duly recognised as such. We would be supportive of further detailed consideration being given to the proposal for a) a single, comprehensive clear criminal offence, reflecting best standards in international law; b) a new associated criminal offence of aiding and abetting trafficking; c) a section dedicated to the criminal liability of legal persons for these new core offences of human trafficking; and d) an enhanced regime of sanctions for legal persons that explicitly includes statutory aggravating factors to be considered, where relevant, in sentencing.

Question 4: Do you agree with the approach to the criminal justice response to human trafficking as proposed?

Yes. We are supportive of the proposal to develop an approach in the context set by European Convention on Human Rights, and the EU Human Trafficking Directive, and the Council of Europe Human Trafficking Convention. The proposal for specialist service provision within the Scottish criminal justice system and in Police Scotland is welcome, and would build on the good practice identified in the EHRC Scotland report Chaired by Baroness Helena Kennedy.

Question 5: Do you agree with the approach on the non-prosecution and the non-penalisation of trafficking survivors as proposed?

Yes. This is entirely in line with STUC policy, as previously outlined.
Question 6: Do you agree with the approach to harnessing regulators, the private sector, and civil society against human trafficking, as outlined?

Yes. The STUC has consistently taken the view that a multi-agency response is needed, and that employers and civil society have roles to play. Trade unions themselves can play an important role in the workplace in raising awareness, identifying bad practice, and supporting vulnerable workers, and we would hope this resource could be supported as the strategy for Scotland is developed.

Question 7: Do you agree with the approach for the Survivors Service and minimum standards for victims as proposed?

Yes. This is an opportunity to use the experience gained in a range of services already covered by the powers of the Scottish Parliament, such as health, social services, housing, education, child protection and Police, and to develop an appropriate and high quality service for survivors of trafficking. Further discussion with those staff likely to be delivering such a service would be beneficial, and sufficient resources should be allocated from the outset to ensure quality and support is maintained. The planning of the service should also take into account a full equality impact assessment, and adjustments to service delivery be made as appropriate.

Question 8: Is the proposed Bill likely to have any substantial positive or negative implication for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

We would agree that the Bill is likely to have a positive impact on women and children, as the majority who are trafficked. The abuse of power and relationships that place women at greater disadvantage in society allow the trafficking to continue, and any success in tightening up the legislation and enforcement should bring improvements and opportunities for those women. Reduction in numbers of those trafficked and exploited for labour will contribute to tackling economic inequality and poverty, but will require additional financial support (and the protection proposed by non-criminalisation of those who are forced to commit offences) to ensure that independent income can be accessed once free from the traffickers.
Question 9: What is your assessment of the likely financial implications of the proposed Bill to you or your organisation; if possible please provide evidence to support your view? What (if any) other significant financial implications are likely to arise?

It is not envisaged there would be significant financial implications for the STUC and its affiliated organisations. Earlier comments in this consultation response have identified some areas where we think costs for others may be incurred or additional resources required in delivering the strategy outlined.

Question 10: Do you have any other comments on this or suggestions that would prevent trafficking in Scotland?

Tighter enforcement of Health and Safety legislation and Employment legislation, with adequately resourced inspection and regulatory bodies, would seriously restrict the use of trafficked labour. Increased support for services that support women and young people in leaving the world of commercial sexual exploitation would also be beneficial. These measures should be included in the development of the Strategy to tackle Human Trafficking in Scotland.

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