

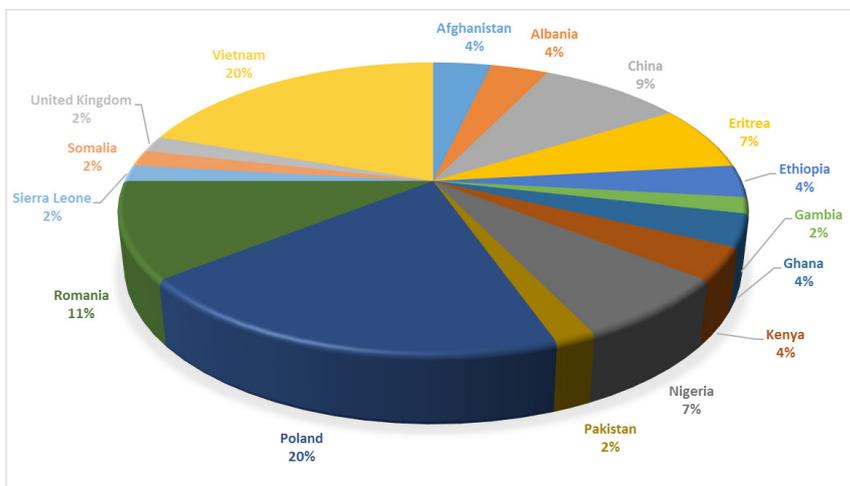
Child Trafficking: A Scottish Perspective

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This information sheet draws on contributions to the above conference held on October 29, 2014. Full presentations can be found at www.cycj.org.uk/resources.

National Referral Mechanism (NRM) figures from January to June 2014 indicate that there have been 41 adults and 15 young people (under 18 years) identified in Scotland as possible victims of trafficking ([Police Scotland](#)), although it has been suggested that this is a significant underrepresentation ([LSA, Aberlour](#)).

Top Source Countries: notice the inclusion of the UK.



Labour exploitation in Scotland has been identified in the agricultural, fishing, construction, demolition, restaurant and cannabis cultivation industry. Workers are usually found in large numbers, very low paid and provided accommodation on site (restricting movement).

Sexual exploitation in Scotland has been found in large cities and towns. Private flats, hotels, lap dancing bars, saunas and online escort sites. Any nationality is susceptible and victims are mostly female, although transgender individuals are also at risk of this form of exploitation.

Domestic servitude in Scotland has been predominately found in Asian, African and middle Eastern cultures. Work includes house servants, child minders and cleaners. Victims are often part of forced or arranged marriages and withholding of travel documentation has been used as a control measure.

Criminal exploitation has been found in large cities and towns in Scotland and has mainly involved vulnerable or young people. The types of crime young people have been forced to commit include: scrap metal theft, shop lifting, forced begging, ATM theft and cannabis cultivation. Victims are normally controlled by organised crime gangs and extreme control measures e.g. rape and torture.

Organ trafficking is mainly seen in the Balkan states and the Far East. Only 2 cases have been identified in the UK.

Practitioners should be familiar with the [indicator matrix](#) for child trafficking. Investigating trafficking is often complicated due to language barriers, the geography of victims and continued movement of traffickers, vulnerability of victims and fear that the victim's family may be harmed if they disclose their situation.

Many victims also believe they need to repay extensive amounts of money before they are free to live their own life. In most cases the interest on the debt bond is so extensive that it can never be repaid. In addition, young people may not identify themselves as a victim of trafficking, distrust authorities, and believe no-one can or will do anything to change their situation.

[The Legal Services Agency](#) provides national legal advice and representation to individuals including refugee and migrant children and young people, through its Young Person's Project, some of whom have disclosed trafficking experiences, as well as advice to organisations and individuals supporting these young people. They operate an advice line 08003168450 on a Tuesday from 2-4pm.

Practitioners should be familiar with the international standards (UNCRC, Trafficking Protocol), European human rights law (trafficking convention, ECHR) and European Union law (trafficking directive, charter of human rights) surrounding Child Trafficking.

In practice this means:

- Scottish public authorities have a duty to identify and protect victims of human trafficking. This has been made clear by the European Court of Human Rights and failure to fulfil this duty is a breach of international law for which states can be held accountable.
- Under international law and the jurisprudence from the European Court of Human Rights, while states cannot be held responsible for the acts of private individuals (traffickers) they can be held to account for their own failures to prevent and prosecute acts of human trafficking.
- In identifying victims of child trafficking, the focus should be the act (what is done) and for what purpose (why it is done - exploitation). International and European standards are clear; where an individual meets this definition, they should be recognised as a victim with all the rights and responsibilities that this entails. This is regardless of whether an individual has been identified as a victim under the National Referral Mechanism. There are particular issues with identifying victims of internal trafficking and trafficking involving family members due to an over concentration on international movement and a lack of understanding regarding the range of exploitative activities that can be involved including criminal exploitation. This underlines the importance of youth justice and criminal justice staff actively exploring the possibility of trafficking in cases they are dealing with (pre and post-conviction) and knowing child protection policy and procedures for trafficking in their area.
- Specifically in respect of children, national legislation specifies the duties on public agencies to promote and safeguard the welfare of children. A child victim of trafficking is a child in need of protection like any other child and where there is a possibility of trafficking, child protection procedures should be instigated. [A Child Trafficking Assessment](#) should be completed in conjunction with a full GIRFEC assessment. A child is defined in international law as under 18 years of age and a victim of child trafficking should be given assistance and support equivalent to a looked-after child. Care and support should be provided as a right and where there is uncertainty about age, the individual should be presumed to be a child in order to receive immediate assistance, support and protection.
- As soon as a child is identified as possibly being trafficked, a guardian or representative should be provided if the parents cannot represent the child because of a conflict of interest between them, or because they are absent. Aberlour and the Scottish Refugee Council provide the national [Scottish Guardianship Service](#). The Service provides child victims of trafficking (and unaccompanied asylum seeking children) with a guardian who will support the young person through immigration and welfare processes, to access supports, provide advocacy, and help them make informed decisions about their future.

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