



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 20 March 2012

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EQUAL OPPORTUNITIES COMMITTEE

5th Meeting 2012, Session 4

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Stuart McMillan (West Scotland) (SNP)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (SNP)

*Annabel Goldie (West Scotland) (Con)

*Siobhan McMahon (Central Scotland) (Lab)

*Dennis Robertson (Aberdeenshire West) (SNP)

*Jean Urquhart (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Bronagh Andrew (Glasgow Community and Safety Services)

Alison Di Rollo (Crown Office and Procurator Fiscal Service)

Ian Japp (Gangmasters Licensing Authority)

Jim Laird (Migrant Help)

Jenny Marra (North East Scotland) (Lab)

Gordon Meldrum (Scottish Crime and Drug Enforcement Agency)

Shabnum Mustapha (Amnesty International Scotland)

Euan Page (Equality and Human Rights Commission)

Stefan Stoyanov (Scotland's Commissioner for Children and Young People)

John Wilkes (Scottish Refugee Council)

CLERK TO THE COMMITTEE

Douglas Thornton

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 20 March 2012

[The Convener *opened the meeting at 14:03*]

Decision on Taking Business in Private

The Convener (Mary Fee): Good afternoon, ladies and gentlemen, and welcome to the Equal Opportunities Committee's fifth meeting in 2012. I remind everyone to switch off all mobile devices as they can interfere with the sound system even when they are switched to silent.

I start with introductions. This is a round-table session, so members are sitting alongside witnesses round the table. On my left are the clerking, research and official report staff, and at the far end of the table we are supported by broadcasting and security staff. I welcome the observers in the public gallery and I give a special welcome to Jenny Marra MSP. It is good that she has come along to join in with this discussion. She is free to contribute and ask questions.

I am the committee convener. I ask members and witnesses to introduce themselves in turn.

John Wilkes (Scottish Refugee Council): I am chief executive of the Scottish Refugee Council.

Dennis Robertson (Aberdeenshire West) (SNP): Good afternoon. I am the MSP for Aberdeenshire West.

Shabnum Mustapha (Amnesty International Scotland): Good afternoon. I am director of Amnesty International Scotland.

Ian Japp (Gangmasters Licensing Authority): Hello. I am head of operations north at the Gangmasters Licensing Authority.

Siobhan McMahon (Central Scotland) (Lab): I am an MSP for Central Scotland.

Stefan Stoyanov (Scotland's Commissioner for Children and Young People): I am policy officer at the office of Scotland's Commissioner for Children and Young People.

Stuart McMillan (West Scotland) (SNP): I am an MSP for West Scotland and deputy convener of the Equal Opportunities Committee.

Alison Di Rollo (Crown Office and Procurator Fiscal Service): Hello. I am deputy head of the national sexual crimes unit at the Crown Office and lead Crown counsel for human trafficking in Scotland.

John Finnie (Highlands and Islands) (SNP): Good afternoon. I am an MSP for the Highlands and Islands.

Jim Laird (Migrant Help): Good afternoon. I am head of trafficking services at Migrant Help in Scotland.

Annabel Goldie (West Scotland) (Con): I am an MSP for West Scotland.

Gordon Meldrum (Scottish Crime and Drug Enforcement Agency): Good afternoon. I am director general of the Scottish Crime and Drug Enforcement Agency.

Bronagh Andrew (Glasgow Community and Safety Services): Hello. I am assistant operations manager for the trafficking awareness-raising alliance—TARA—project.

Jean Urquhart (Highlands and Islands) (SNP): I am an MSP for the Highlands and Islands.

Euan Page (Equality and Human Rights Commission): I am Government affairs manager at the Equality and Human Rights Commission.

Jenny Marra (North East Scotland) (Lab): I am an MSP for North East Scotland.

The Convener: Thank you.

Agenda item 1 is a decision on taking business in private. Do members agree to take in private item 4, on Gypsy Travellers?

Members *indicated agreement.*

Human Trafficking

14:06

The Convener: This round-table session on human trafficking follows the former Equal Opportunities Committee's December 2010 report on migration and trafficking. There have been two reports on the subject since then—one led by Scotland's Commissioner for Children and Young People and, most recently, one by the Equality and Human Rights Commission. There was also a parliamentary debate on the subject on 29 February.

I thank Amnesty International and the TARA project of Glasgow Community and Safety Services for their written submissions. I am sure that committee members agree that the submissions are excellent, very helpful and informative. The reports that were published contain certain themes. I am sure that members have a number of questions that they want to ask. We have two possible approaches. We can follow the themes that have been set out and ask our questions in relation to them, or committee members can simply ask questions as they come up. I am happy to proceed in whichever way the committee feels most comfortable with.

Dennis Robertson: We should go with the themes.

The Convener: If members are happy to go with the themes, that will give some structure to the debate. Themes that are common to the reports include strategy and leadership. The former committee realised that there was a need for leadership to drive the anti-trafficking agenda in Scotland and help to provide more focus on the issue. The Scottish Government is best placed to provide that leadership and focus through its involvement. There are concerns about how things are being provided and the speed at which they are being implemented, which have been picked up in the reports. Local authorities also make efforts on the issue of trafficking, so we need a strategic plan.

I am happy to throw the discussion open for questions.

John Finnie: To play devil's advocate, I wonder whether, given that the issue is wide ranging, there is a danger associated with the taking of leadership. As the problem crosses a number of ministerial portfolios, we want a situation in which everyone takes ownership of it. The problem is societal.

Perhaps some associations with the terminology create difficulties. There is a perennial association with the sex trade, but we know that that is only

part of the problem. I welcome any comments on that issue.

Shabnum Mustapha: We welcome the Scottish Government's clear leadership on the matter and some of its proposals that were mentioned in the debate on 29 February, particularly Kenny MacAskill's proposal to set up a stakeholder group that brings together key groups. That will get the right people round the table, accelerate how we deal with the issue and give it a clearer focus.

As members know from our submission, Amnesty published a report in 2008 called "Scotland's Slaves". It was the first piece of research to be done that highlighted the prevalence of human trafficking in Scotland and the services that are available to victims. Four years on, although there has been some change, it has been incremental. That is why it is good that the Scottish Government is grasping the nettle, bringing people together and, we hope, accelerating the pace of change.

However, John Finnie is right—we cannot absolve other agencies of responsibility. It is a question of bringing people together, having clear lines of accountability for who should do what and then going back to them about the actions that they have carried out and the outcomes that they have delivered.

John Wilkes: I support that point. The Scottish Refugee Council has been around for 25 years and it has been the receiving agency—the first point of contact—for many vulnerable people who arrive in Scotland fleeing persecution. In 2011, we made more referrals to TARA on the human trafficking issue than any other agency, so we were already aware that human trafficking was an issue in the background.

The three reports shine a light on the fact that the problem exists in Scotland and the fact that we need to deal with it, and they show that it is a complex problem with a number of aspects, including victim support, the pursuit of the perpetrators, and the need to understand the issue better.

We support the creation of some sort of national co-ordination, which is a common recommendation in all the reports. We are less fussed about who does it, but some form of co-ordination is needed because of all the different agencies and perspectives that are involved, because the issue straddles devolved and reserved responsibilities, because it is such a complex issue, and because it is still quite an underground issue.

Given the sort of country that Scotland is and its size, we can co-operate and work together to formulate what needs to be done. We can shift the focus of the issue—at present, people who have

been trafficked are often seen as criminals rather than as victims. For those reasons, we support the creation of some sort of national co-ordination and a national approach, at least for the next couple of years.

Gordon Meldrum: A pan-Scotland leadership role is definitely needed in relation to human trafficking, for all sorts of reasons. As someone has already said, the problem is complex. At one level it is quite sophisticated, but at another it is quite ad hoc. I am absolutely convinced that it affects communities across the country. It definitely affects a whole range of organisations—a complicated patchwork quilt of organisations in the public sector, the private sector and the third and voluntary sectors.

In law enforcement, in the parallel world of organised crime, we have found that having a pan-Scotland strategy to target such crime hard and counter the threat from it acts as a useful co-ordinating platform. It is a way in which to harness all the effort, all the energy and, critically, all the knowledge and intelligence that exists out there in relation to what is a difficult area for many of us. The strategy is designed not just for law enforcement but for the broader public sector, the private sector and the third and voluntary sectors.

What all of that means is that the Scottish Government, given its role in Scottish society, is ideally placed to take on that type of co-ordinating role.

The Convener: Why has there been only one prosecution in Scotland, given that there have been far more in England? I do not believe for a moment that it is because trafficking is not going on in Scotland. Is it because the legislation on the prosecution of trafficking in Scotland is not fit for purpose, as Amnesty International's submission states? Is it because we are not doing something that we should be doing, or is it because there is no co-ordination between agencies?

14:15

Gordon Meldrum: I am happy to have a go at answering that. No doubt my colleague from the Crown Office and Procurator Fiscal Service will wish to say something, too.

I am not trying to wriggle out of answering the question, but there are a number of reasons for the situation that you describe. It is true that there has been only one conviction for trafficking in Scotland, but there have been a number of convictions and prosecutions in related areas, such as living off illegal earnings.

To be honest, I have never subscribed to the idea that more legislation would make the task infinitely easier for all of us who are involved in

policing and law enforcement in Scotland. It is not as simple as that. The legislation has grown up organically as opposed to being delivered as a bespoke human trafficking act. The questions of what constitutes trafficking, how we identify it and how well informed front-line police officers, police staff and a host of other first responders are about it contribute to what is a fairly complex landscape.

The positive factor is that we now have that conviction, which we hope will be a springboard for many more.

The Convener: Alison, do you want to comment?

Alison Di Rollo: I would be delighted. I agree with Gordon Meldrum that there is no simple answer to the problem, because it is a complex area of the law. As you will recall, the previous Lord Advocate said that we can prosecute only what comes through the door and is reported to us. That said, I think that about 10 cases involving human trafficking as a contravention of section 22 of the Criminal Justice (Scotland) Act 2003 have been reported to us over the years. A number of cases are outstanding and a number were prosecuted in relation to different, lesser offences. We have a repertoire of lifestyle offences that we can use.

Where proceedings have not been taken, it was because there was insufficient admissible, credible or reliable evidence to prove the charge. What I have encountered as the national lead who proselytises throughout the country to people on the ground who investigate and report cases is a simple, technical point—trafficking is trafficking, so we need to prove the arranging or facilitating of travel. We get cases in which there is an abundance of evidence relating to brothel keeping and so on, but if we do not have evidence to prove entry into or movement within the United Kingdom, we do not have a case.

I am interested in what John Wilkes said about victim support, because that is key. One reason why we find ourselves with insufficient evidence is that victims do not want to engage with us or are too frightened to give evidence, or their whereabouts are unknown; they might have returned to their country of origin. In the Scottish criminal justice system and in my unit—the national sexual crimes unit—the position of victims as complainers is critical. My case is my victim. Not supporting and understanding the victim's role can therefore lead to our not having a case under section 22 of the 2003 act.

I reinforce the importance of victim support in the investigative process. We are taking increasingly imaginative and flexible approaches to the issue. For example, if a witness has returned to their country of origin and does not

want to come back, we have the technology and the legal provisions to set up a live link from abroad.

I make no apology for referring to the case of operation factor, because it was our one successful prosecution. It was a great privilege and source of satisfaction to be involved in and to direct that case. We had special measures for the 14 victims so that they could give evidence, if required, with the benefit of screens, closed-circuit television, a remote link and so on.

Everything that I have described is important, but ultimately the reason why we have not had more prosecutions for trafficking is that the cases that have been reported to us have not allowed us to take proceedings. As I am sure you can imagine, I could talk all day about this. You must be assured that law officers will prosecute cases to the hilt where we can, but we can prosecute cases only where we have the tools to do so.

Annabel Goldie: I have a point that is directly connected to what Gordon Meldrum and Alison Di Rollo have been talking about; theirs has been a useful contribution. I am not clear about whether, in prosecuting a case under the existing law, in order to prove beyond reasonable doubt that trafficking has been involved, the Crown is entitled to rely on a presumption that, if groups of people are in a location with no explanation as to how they got there or what they are doing there, they must have been trafficked. Is the Crown entitled to put such a presumption to the court as a reasonable discharge of the prosecution's burden of proof?

Alison Di Rollo: No. I do not think that that would be sufficient because, in any case, we have to prove not only that the crime was committed but that the accused committed it. In such a scenario, I would require evidence from which the jury could draw the inference that the accused had trafficked the people.

It does not matter that I can invite the jury to hold that the people were trafficked, because I have individuals on the indictment as the accused and, unless I can bring home guilt to them by specific evidence, I cannot prove my case. Of course, there is room for laying circumstantial evidence before the jury and inviting it to draw inferences from that. However, the presumption that you describe would be to go too far.

Annabel Goldie: That was the only element of the existing law about which I wondered. I am no longer a lawyer, but it seems to me as a layman that, if people are suddenly and without explanation found grouped in a physical location, if there is evidence that they are engaged in certain provable activity but there is no reasonable explanation for how they got there—did they go

there of their own free will and, prior to that, did they live down the road for two years?—and if two or three individuals seem to be responsible for them by providing them with accommodation and food, the inference would have to be that those individuals had been taken there by others for specific purposes. Ergo, they had been trafficked.

Alison Di Rollo: I have no doubt that, were I to go toe to toe with senior defence counsel representing an accused person on specific charges of that kind, I would be unsuccessful in holding that that was sufficient evidence. There would have to be direct or circumstantial evidence to allow the jury to draw the inference that the specific accused person was responsible for facilitating or arranging trafficking of those people. We are talking in generalities and it is perhaps difficult to explain without going into a precise scenario. However, there is no presumption of that kind from which I could benefit.

Annabel Goldie: Does that mean that you remain of the view that we do not require to change the law, that it goes back to the kernel question of getting people to give evidence and preparing them to be witnesses and that, if we do not resolve that problem, we can change the law until the cows come home?

Alison Di Rollo: Absolutely. We are trying to do two things to get better at that. When we have not been able to take proceedings, we give feedback to the investigating agencies. However, when we have been able to take proceedings, we have learned from it. Operation factor was clearly the classic example of that. We have created a small centre of excellence within our specialism and the team that produced the result in operation factor is constantly consulted to give the benefit of its background experience. We learned an awful lot from that case.

Stuart McMillan: In the 10 or so cases that have been brought thus far, has there been any plea bargaining, so that the more serious accusation of trafficking has been removed because of an agreement between the defence and the Crown?

Alison Di Rollo: In operation factor, there were four accused on the indictment. We accepted pleas from the two main protagonists and took human trafficking charges from them. I think that that was the right thing to do, and it was reflected in the sentences and our assessment of the level of culpability. The charges encompassed 18 months and 14 different victims over 16 locations. That approach was perfectly satisfactory from our point of view.

Stuart McMillan: Have there been no other occasions when the more serious action has been removed from the charge sheet?

Alison Di Rollo: No, there have not.

Jenny Marra: Would a lesser burden of proof be useful in trafficking cases? I think that Baroness Kennedy made that recommendation in discussions and press interviews subsequent to her report rather than in her report. Annabel Goldie has talked about people coming forward to be witnesses, but we cannot expect more people to self-identify and come forward because of the fear factor and myriad other factors. That is understandable.

Alison Di Rollo: That is a different question. Whether a lesser burden of proof is appropriate is really a question for policy makers and the legislature. The simple answer is that it would help us to get cases to juries, but I am not so sure that it would help us to get convictions.

The issue touches on the debate about corroboration, to which we may come. One view is that the abolition of the requirement for corroboration makes some sense in modern Scotland. The Lord Advocate has spoken about that. Its abolition would have profound consequences for the criminal justice system, but the Crown case against Stephen Craig and Sarah Ashleigh Beukan, which resulted in pleas and custodial sentences, had a successful outcome because of its strength. There was a myriad of direct circumstantial evidence from 14 victims and people associated with them. I worry that, if we prosecute thin cases or cases that are evidentially weak, we will devalue the currency and jeopardise our success with those prosecutions. We must be careful about making it easier to get cases to juries, because juries are very discriminating and need to be persuaded.

I do not know whether you are talking about altering the standard of proof of “beyond a reasonable doubt”, for example. To get a Glasgow jury to convict beyond a reasonable doubt is no mean feat, and nor should it be. I would prefer to concentrate on making strong cases, good detection, good investigation and good outcomes with our assisting from point 1. As members know, we do that in the national sexual crimes unit from the point of custody. That would be my way forward.

The Convener: Does Jenny Marra want to come back on that?

Jenny Marra: I would like to come back on a separate issue perhaps later, convener, if that is okay.

The Convener: That is fine.

Shabnum Mustapha: I do not doubt the Crown’s and Gordon Meldrum’s unit’s commitment to prosecutions, but Amnesty has concerns. When we published our report back in 2008, Scotland

had no convictions for human trafficking—there has now been one successful prosecution. Even in 2008, Wales had six successful prosecutions and England had 48, and there have now been 150 successful prosecutions in England and Wales; within four years, an additional 100 people have been prosecuted there.

I appreciate that it is not a competition, but I would like to get to the bottom of what it is about the system in Scotland—whether it is identification, the way in which we support victims to give evidence, or the prosecution system—that has led to the massive gap between us and England and Wales. I do not know whether that requires more investigation, review or research. I accept that the figures from the Association of Chief Police Officers in Scotland are from 2008, but it estimates that 13.5 per cent of the UK’s trade in human beings is in Scotland, despite the fact that Scotland has less than 10 per cent of the population of the UK. It is an issue that we need urgently to get right. I am struggling to understand why we have not done well in terms of prosecutions, although I appreciate that it is not just about the count. When we said that the system was not fit for purpose, we meant the wider system of identification, monitoring and supporting victims, and not just the prosecution end of it.

14:30

Gordon Meldrum: I am happy to offer a response to that. The percentages in relation to Scotland—13.5 per cent of victims and 10 per cent of the population—are interesting. To be honest, I do not know where they came from, although I suspect that they are from operation pentameter. As Shabnum Mustapha said, this is not a competition. More recent work that we have done identifies that the number of serious organised crime groups in Scotland involved in human trafficking as a proportion of all groups is incredibly small. Our most recent data sweep, from late 2011, shows that four out of 276 serious organised crime groups in Scotland are involved in human trafficking.

There are a number of issues in there. It is not just serious organised crime groups that are involved in human trafficking; a host of other criminals are involved in it as well. I hope that committee members have seen our executive summary, because we made it public facing. The point that we make there is that whether it is one organised crime group and one victim or 1,000 organised crime groups and 1,000 victims, we should not get too hung up on the debate over how much is enough. Our view is that one is enough, which means that we need to do more than we have done in the past.

From a policing and law enforcement agency perspective, we are doing more to try to focus on how to get a successful case to court in relation to trafficking. I am happy—now or as the debate unfolds—to talk about some of the measures that we are putting in place. I do not know whether it would be helpful for me to continue or whether you want me to be quiet and let others in.

The Convener: I will bring in the people who wanted to comment. I will come back to you at the end of that and you can maybe give us a flavour of what is going on.

Stefan Stoyanov: In relation to the difficulties of investigating cases of trafficking, and child trafficking in particular, another hypothesis came out in the report that we published one year ago. Our researchers interviewed senior police officers and resourcing of investigations into trafficking, and investigations of child trafficking in particular, came up a number of times. Our researchers were told that police have to prioritise investigating different types of crime and that they sometimes have to prioritise crime in which there is more likelihood of a successful investigation and prosecution. That is one issue.

Another issue that we came across, which is specifically related to child trafficking, is that some police tend to differentiate between protecting the children that they have identified as victims and providing them with the services that they need, and investigating the perpetrators. A police officer told our researchers that it is important to save the child and asked why we do not focus on that and make investigating the perpetrators less of a priority. We do not agree with that point of view—first, because we would not approach a child protection case that way in this country and, secondly, because if we keep saving the children and taking them from the hands of traffickers, traffickers will, if they are not prosecuted, bring more children into the country.

Dennis Robertson: The point that I was going to make was raised by Shabnum Mustapha. It is probably to do with the definition of trafficking, and awareness of trafficking among police officers. Gordon Meldrum's explanation was leading where I was going. I have no real question as such, but the question had been asked and Gordon Meldrum was about to answer it.

Gordon Meldrum: That last point about a definition is a very interesting one. I recall that when I gave evidence to the committee's predecessor committee in 2010, thankfully I had the Palermo protocol definition in front of me, because no matter how much I test my memory, recollecting that definition in full is quite difficult because of the level of detail that it contains. I remember having a number of conversations with Baroness Kennedy, when she was leading her

inquiry, about whether there could or should be a working definition of trafficking that would help all the people in the various agencies across Scotland to understand better how to get their arms around the issue in a way that would make sense, so that they could understand it and could put their finger on what trafficking is.

Do I think that the definition makes a huge difference overall to how the police respond? If I am honest, I probably do not, but I think that we can simplify matters for front-line police officers the length and breadth of Scotland. We can tell them quite clearly what constitutes human trafficking under the Palermo protocol, what they should look for and what they might come across. Some explanation is required.

We are doing a number of things. The advantage that we in Scotland have in policing terms is that every police officer goes through the Scottish Police College, both as a probationary officer and when they go back for more senior specialist courses, whether in criminal investigation or other matters. A series of training inputs are provided at probationary level and at different levels of detective and investigative training courses.

We have another opportunity in that, subject to parliamentary process, there is a strong probability that on 1 April 2013 the 10 organisations that are involved in policing in Scotland will be reduced to one organisation—the police service of Scotland. That gives us some opportunities in relation to how we deal with the problem at strategic level and at tactical level.

However, before that, towards the tail end of 2011 I took to ACPOS a proposal, on the back of all the reports, inquiries and investigations that had been carried out. I said that, rightly, there had been a real focus on human trafficking in Scotland over the previous two years, involving the publication of a number of reports—some by the Parliament, and others, as we have heard, by people such as the children's commissioner and Baroness Kennedy—and there was a UK human trafficking strategy and publication by the Scottish Crime and Drug Enforcement Agency of strategic intelligence work. Essentially, my proposal was to the eight police forces in Scotland, but it was also to the UK Serious Organised Crime Agency, the UK Border Agency, the UK human trafficking centre and the Crown. The list now includes the Government. The proposal was that I would chair a meeting—probably four times a year—at strategic level so that we in policing could discuss what the issues are, where the blockages are, what the problems are, what we need to do more of and what we could get better at in terms of training, identification, awareness, victim care, victim support, how to build a case and so on.

The first of those meetings took place at the Scottish Police College just a couple of weeks ago, in February. It was attended by all the agencies that I mentioned, with the exception of the Government, because I did not invite the Government to that first meeting, although we will invite it to the next meeting. The intention is for us in policing to acknowledge that we can do more and that we could get better at standardising our approach across the country. In my humble opinion, the formation of the police service of Scotland in 12 months' time will help with that. In the intervening period, we believe that there is a lot more that we could and should do on trafficking.

There is no magic wand. I hope that the committee does not think that I am saying that it is all a case of jam tomorrow, because we have started the process. We have had the first meeting. A series of actions will flow from that and we are starting that work now. Ultimately, it will get us to a situation in which more cases from across Scotland are presented to Alison Di Rollo's unit for consideration. From our point of view, that is where we would like to get to.

The Convener: I thank you for that useful answer.

Jim Laird: Gordon Meldrum rightly said that police officers' knowledge of trafficking is an issue. We work daily with the police, from whom we get the bulk of our referrals, and we find that there are often difficulties in understanding trafficking at the division level. A force such as Strathclyde, which is the only force in Scotland that has a vice and anti-trafficking unit, gets involved in debates about whether someone has been trafficked. Rather unhelpfully, the UK human trafficking centre will want information from the police before it will make a decision in that regard. It is told by the local police that someone has not been trafficked, and I then have to go back and say we think that that person has been trafficked, and that the centre can speak to the vice and anti-trafficking unit, which will confirm that it thinks that the person has been trafficked. There are issues with police officers' understanding of the legislation on trafficking.

I agree with Gordon Meldrum that new legislation is not always the answer. However, I am attracted by the Equality and Human Rights Commission's conclusion in its report that we need separate Scottish legislation that brings everything together and makes it easier for everyone, including the Crown Office, to understand trafficking so that we can get more prosecutions.

I am hopeful, now that Alison Di Rollo's team is in place, that we will get consistency in referrals, and that the expertise that the team is building up will be used to influence decision making in police

forces. I have been involved in a couple of cases in which the police were adamant—from their understanding of the legislation—that trafficking was taking place, and yet the decision was taken not to proceed on that basis.

A lesser aggravated offence, as Baroness Kennedy recommended, would be helpful given the issues around trafficking. I found it interesting that, at the launch of the EHRC's inquiry, Kenny MacAskill was non-committal about the prospect of new legislation, citing parliamentary timetables and so on, while the Lord Advocate, Frank Mulholland, came out strongly in favour of separate Scottish legislation that would be unique not only in the United Kingdom but in Europe. Such legislation would be helpful for everyone concerned.

With regard to strategic leadership, I believe that the Scottish Government must lead. John Wilkes pointed out that there are problems because some responsibilities are reserved to the Westminster Government while others are devolved to us here. At present, all the UK meetings that take place on serious issues that relate to trafficking completely ignore Scotland and Northern Ireland, and to a lesser extent Wales. Nothing that is done at UK level takes account of Scotland's position.

We need a Scottish Government-led approach that would bring together all the key players in law enforcement and victim support to ensure that we take a strategic approach, not only to support victims of human trafficking but to ensure that we target resources better at doing something about the traffickers. We are dealing with the same organised crime gangs—Gordon Meldrum said that trafficking involves only four gangs out of 207, and we probably know which four those are. They are still operating and involved in human trafficking issues, and their activity has so far not been disrupted very much.

I am glad to hear that the police are doing something separately and not waiting for a Scottish Government lead. There is a lot of good multi-agency work going on in Scotland just now to tackle human trafficking, but we need strategic Government-led intervention.

The Convener: Euan Page has been waiting for a wee while.

Euan Page: Jim Laird has set me up beautifully by referring to the report's recommendations, particularly on the desirability of a comprehensive human trafficking act.

Annabel Goldie asked whether we need more legislation. To reframe that question, it is more about how we consolidate and clarify the various pieces of legislation that pertain to human trafficking in Scotland. We know from the evidence that we took from people who work in the criminal

justice sector that it is a confusing field. I agree completely that legislation will not be sufficient to bring about all the changes that we want, but it is necessary to give us greater clarity on what the law exists to do. As Gordon Meldrum said, if we work to the best international definition and understanding of what human trafficking actually is, it will help with that clarity.

14:45

We are delighted that the Lord Advocate has expressed clear support for the proposal in our report for a statutory aggravation to sit underneath and underpin an act; we need consolidation of and clarity about what the law is there to do in Scotland—arguably, through a human trafficking bill. That would help with the process that Gordon Meldrum outlined, of training officers from division level down to individual attending officers and giving them the confidence to ask the right questions the first time round. That, in turn, will give victims greater confidence and enable them to supply better evidence, which should help prosecutors, who—as Alison Di Rollo said—can prosecute only based on what is put in front of them. Clarity about the law is not a magic bullet, but it is an important first step in driving the attitudinal, cultural and wider systemic change that we want in Scotland.

The Convener: Jenny Marra, Annabel Goldie and Bronagh Andrew have all indicated that they want to speak. After that, I would like to move on, because we do not have a huge amount of time left and there are a couple of other important issues that we should discuss. We touched on awareness raising, but I would like to broaden out the discussion to include that, and we should also discuss victim support, which we have not discussed yet. I ask committee members and panellists to think about commenting on those issues.

Jenny Marra: Thank you, convener. I want to ask about two things, one of which has just been touched on. First, Parliament passed a motion that welcomed

“the Scottish Government’s intention to host a summit with key delivery partners”. —[*Official Report*, 29 February 2012; c 6701.]

As you are all round the table, I ask you whether you have had any correspondence on that summit and whether any progress has been made on it.

The second issue is the proposed statutory aggravation, which Jim Laird mentioned. I would be interested to hear the other stakeholders’ views on whether a statutory aggravation would be useful in Scots law. I am particularly interested in Alison Di Rollo’s take on that.

Alison Di Rollo: I am delighted to comment on that. The answer is that that would be useful. We need to understand what we are talking about. It would not represent a dilution, as people perhaps said earlier, by lowering the burden of proof in relation to an offence. The statutory aggravation would allow us, as a backcloth to another offence, to say to the court, “Look, there is a background of trafficking here.” The evidence that would be required to prove the aggravation would be of a lesser standard than the evidence that is required to prove a freestanding human trafficking charge. To use the analogy of the current racial and sectarian aggravations, the aggravation need not be proved by corroborated evidence.

A statutory aggravation would be helpful. It is not a panacea and it would not enable the detection and prosecution of human trafficking to the hilt, which is what we all want, but in cases where we lack the sufficiency of evidence but we have something that we can take to the court, it would colour offences in such a way that it would magnify and increase sentences. It would be a useful tool for us in such cases, because the evidential availability varies so much and there can be issues, problems and difficulties. The Lord Advocate has already declared that he is enthusiastic about the proposal, and his view is shared by prosecutors, but it would be just part of the armoury that we have.

On the definition and the idea that we need new legislation, there is something to be said for that, if only because one measure of our nation’s success in tackling human trafficking is the conviction rate. There is no getting away from that. It is not a simple exercise.

If that is so, the clearer we are about statutory definitions and the criminal offences, the better it will be for all of us. Given that, at the moment, we have to work to a very wide and disparate range of statutory provisions from different pieces of legislation with different evidential standards, there is something to be said for such a move.

Jenny Marra: It would be useful to bring together all those provisions in a single human trafficking act.

Alison Di Rollo: That would be useful across the board. As prosecutors, we work with what we have in front of us. However, although the current legislation’s terms are clear, and we know what we have to prove, there is something to be said for such rationalisation.

The Convener: Annabel Goldie is next, to be followed by Bronagh Andrew.

Annabel Goldie: You will be delighted to hear, convener, that as a result of the combination of comments from Jenny Marra and Alison Di Rollo, my question has been extensively resolved.

If there is merit in having some codifying or consolidating piece of Scottish legislation, is it pretty well ready to lift and lay from existing statute? Would it simply need to be drafted in Scots law form, or is it technically more difficult than that?

Alison Di Rollo: I am not sure that it is technically difficult, but canvassing all the different pieces of legislation will certainly be a wide-ranging exercise. As you will be aware, we have recourse to all sorts of statutory offences in, for example, the Criminal Law (Consolidation) (Scotland) Act 1995 and the Civic Government (Scotland) Act 1982, and we are trying to be flexible and imaginative. I suppose that you might call it the Al Capone approach—if we cannot get these people on the main human trafficking charge, we will get them for something else. The exercise will be large but not, I think, technically difficult. Of course, that is a matter for the legislators and draftsmen.

Annabel Goldie: I just want to get a sense of the scope involved.

Jenny Marra raised the important issue of the summit. When I pressed Mr MacAskill, the cabinet secretary, on that issue in the debate in the chamber, he confirmed that he hoped to have the summit by the end of the year, which I felt was welcome news. Like Jenny Marra, I am interested in learning whether, following that indication, the Scottish Government has engaged proactively in that respect. After all, the issues that are bubbling up at this meeting are precisely those that the Government should be covering in what will be a very important summit.

Bronagh Andrew: Although we are a support organisation and a first responder for the referral mechanism, we have as yet received no correspondence from the Government about the summit that the cabinet secretary mentioned.

Returning to a number of points that have already been raised, I should say that, on the issue of leadership, we are a member of the anti-trafficking monitoring group, which comprises non-governmental organisations across the UK and came into being to shadow monitor the implementation of the Council of Europe convention. A year or 18 months ago, the group published a report called “Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons”, which was all about identification and the national referral mechanism; it is now finalising for publication its second report, which is on prevention activities. One of its recommendations that applies not only to Scotland but to the other devolved Governments and the UK Government is that consideration be given to appointing an anti-trafficking commissioner along the lines of the model for the children’s

commissioner. The anti-trafficking commissioner would take on co-ordination responsibilities and act as a central point of contact for everyone in the field who wants to share information. Such a move would allow us to get a better handle on the data on the prevalence of human trafficking in Scotland.

With regard to prosecution, my next point probably leads us into the issue of awareness raising that we are about to discuss. There are still quite a few myths about how someone who has been trafficked will present, in particular to law enforcement. The onus is still very much on the woman to say, “Yes, I’ve been trafficked”. People might have many concerns about her and there might be many indicators around her, but the police cannot do much unless she steps up and says that she has been trafficked. The police often feel frustrated at not being able to do much else, and there is an expectation that women in particular will be grateful to be recovered by the police when, for a lot of different complex factors such as threats to friends, family and children, they very often feel unable to come forward. The timescales mean that those individuals do not get referred to us—for a start, they have to opt in and agree to such a referral—and then they simply disappear, which gives the police no opportunity to build rapport and trust and to encourage them to share what has happened to them. Work remains to be done across the board and across agencies on the people who are trafficked, how they present and the potential for reviewing the current indicators.

Alison Di Rollo: Bronagh Andrew makes an extremely helpful point. Something that we have encountered across the board in the national sexual crimes unit is that there is no such thing as a typical victim. We have become used to—and I think good at—presenting cases in which the complainer is vulnerable and does not present in accordance with the stereotype that the public or the jury, if the case goes to court, might expect. We must work all the harder to support witnesses, and we must be alive to the best way of presenting the case to a jury.

If operation factor had gone to trial, a huge range of very different complainers would have given evidence. They had different perceptions and different life experiences and were going to present in a very colourful way. A key component of the trial strategy was to present the case to a jury, persuading the jury that the complainers had been trafficked with the benefit of all the surrounding circumstantial evidence, which would have helped to build up the picture. As investigators and prosecutors, we must have no stereotypes in our own minds—that is a very good point.

Bronagh Andrew: Traffickers are very sophisticated. They change their methods, so the stereotype of someone who has not been paid or who has been locked in a room with no freedom of movement no longer holds true. Traffickers are much cleverer than that. The women have much more freedom, and they are sometimes given money. Although they often have to pay extortionate rents from those funds, they have money in their own hands.

There is still a perception that the women will be pleased to have been recovered. However, if there is pressure on them to remit money home to their parents, they will be most unhappy and will be reluctant to engage with anyone, including support services. As a support service that has direct contact with the women, we have to become better at sharing what we learn from them with other agencies.

Shabnum Mustapha: I agree with Bronagh Andrew and Alison Di Rollo about the role of multi-agency working. We supported the Equal Opportunities Committee's recommendation following its 2010 inquiry into trafficking that a Scottish national referral mechanism should be set up. We think that that is the way to go in Scotland. We are also a member of the anti-trafficking monitoring group that Bronagh Andrew mentioned. Along with other organisations, we helped to set it up a couple of years ago.

Multi-agency working is key. The UK Border Agency and the UK human trafficking centre are the competent authorities that effectively decide whether someone is identified as a victim of human trafficking. People can fall through the net as a result of that approach. Indeed, as Bronagh Andrew said, cases might not even reach the identification stage because of various issues.

If there was a multi-agency approach that included the front-line professionals who are currently excluded from the decision-making process, that would make the system much better and put the welfare of the victim at its heart. Currently, medical professionals, who are usually the first people to be in regular contact with the victims, can make recommendations, but they are not part of the decision-making process. The process must be much more holistic. If we adopted that approach, I would hope that that might go some way towards helping with prosecutions down the line.

Jean Urquhart: My first questions are for Amnesty International Scotland and the Scottish Refugee Council. Do victims present for help? Is there frustration about what you can achieve? What is your first step? Is it to go to the police?

Although I do not know the detail of the one case that has been successful, there is a notion

that there must be some intelligence. Is there police intelligence that enables cases to be brought? We cannot accept that trafficking is okay because—as someone mentioned—victims fear what will happen if they do not send money back to their parents or whatever. Are there occasions when intelligence is built up and eventually there is a bust? How does the process work?

15:00

Gordon Meldrum: That certainly happens. Last year, the agency published what we called a strategic intelligence assessment. For obvious reasons, we could not go public with a lot of it, simply because individuals who had provided intelligence were named, but we published a three-page summary of some of the challenges in the law enforcement and intelligence picture as regards human trafficking. We also gave an overall strategic intelligence picture as well as some specific commentary on human trafficking for the purposes of sexual exploitation, labour exploitation and domestic servitude, and child trafficking. A number of key themes were identified that came out of that—none will come as a massive surprise.

There are challenges, without a shadow of a doubt. Some are technical challenges for us and concern the way in which we gather and code intelligence. What does human trafficking mean in practice, right here, right now? The way that intelligence gathering has been structured historically meant that human trafficking was seen as a subset of organised immigration crime as opposed to being distinct in its own right. When we interrogate our intelligence systems and ask for the human trafficking picture in certain parts of the country, it is sometimes a very intensive and laborious process to find the answer. We need better to codify how we gather that intelligence—that includes considering some of the issues that we have spoken about to do with awareness and so on—how we collate it, how we assess it and how we use it. We were very honest in our summary: the reality is that there are fairly significant intelligence gaps for all types of human trafficking.

The one we are best at—that is not a great description—or the one that we are better at dealing with is adult female trafficking for sexual exploitation, on which we tend to have more intelligence because of some of the connectivity between policing, law enforcement agencies and a host of people involved in the sex industry. Then the intelligence graduates down—we have less on labour exploitation, less again on child trafficking, less again on domestic servitude and virtually nothing whatsoever on other areas such as organ donation. The intelligence picture is difficult, just

because there are many hidden victims and hidden communities. As Bronagh Andrew said, there is a perception of what a stereotypical victim will be like and that if we can find one they will welcome us with open arms, tell us their story and give us all the intelligence we want. In reality, it is just not like that.

John Finnie: My question takes perhaps a slightly different tack from that taken in the question about giving people opportunities to come forward. I think everyone would agree that “multi-agency working” is a very positive term that presupposes a shared priority. When we are talking about sensitive subjects such as the one that we are discussing, that shared priority should be the welfare of the victim. My personal view, which is borne out by some understanding of how things work, is that the role of the UKBA is not always positive because its priority might differ greatly from that of many people in this room and certainly from mine. Would any of the participants care to comment on that?

The Convener: I shall bring in John Wilkes now.

John Wilkes: Thank you. I think that it was Jean Urquhart who asked whether people present for help, presumably saying, “I have been trafficked.” Our experience is that they do not—at least, not in that way. Often they do not realise that that is what has happened to them, or they might be ashamed, embarrassed or terrified. Obviously, we primarily deal with people who want to claim asylum, and often they do not want to do anything that they think might jeopardise their claim. We certainly find that, over time, interaction with an individual—although it depends on the person and how much time you have with them—means that we can spot what are called the indicators of trafficking. To experienced people such as our front-line caseworkers, there are certain signs and evidence, and a story can be built up. With adults, we would refer them to the appropriate agency, such as Migrant Help or TARA.

A point that has not really come up is that children are also victims of trafficking. We are in the second year of a pilot project that is called the guardianship service, which is the first project of its kind in the UK, although other countries in Europe have adopted the service. The service provides an independent advocate for young people under the age of 18 who are going through the asylum process. Under the asylum process, people who are in that category are cared for by local authorities, and that care is paid for by the UK Border Agency. They have to navigate their way through the asylum process with the UKBA, and the independent advocate’s role is to help those young people navigate their way through

what are complex systems. We are doing that pilot project with Aberlour Child Care Trust, which delivers the service with us.

The project was not set up as a trafficking support service; it was set up to test the idea of providing independent advocates for separated children and young people who are here with no family or support. However, so far, of the 68 children whom we have supported through the process, we have identified 18 whom we believe had indicators of trafficking and referred them to the national referral mechanism. It is unlikely that they would have been spotted previously. That tells us that, for the issue to emerge and be spotted and then addressed, we need dedicated intervention with people who might have experienced trafficking.

Some of those young people were found in a young offenders institution—they had been caught working in a cannabis factory. That relates to John Finnie’s point about the UKBA. It often focuses on immigration offences, which is why those young people ended up in a young offenders institution. Through local authority referrals, we got them out of that and into the guardianship service. We subsequently felt that those people had been victims of trafficking, which had not been identified previously.

That illustrates the point that in-depth working is required to get to the nub of the issues. Once we have that way of working, we can start to do something about the issues. I echo the point that was made that the national referral mechanism is not the best that it could be. That is particularly true for children. The people who operate the national referral mechanism, most of whom are UKBA secondees, have not been trained on child-friendly approaches or understanding the situation for children. People who deal with children need a particular focus and expertise. We certainly support the recommendations about ensuring that the national referral mechanism deals with young children more suitably. There would obviously need to be discussion about powers and whether that could be done in Scotland with a Scottish referral mechanism.

Those are some observations on the situation. In our experience, people do not generally come through the door and say that they have been trafficked—that is just not what people do. The issues emerge only later, but that requires prolonged contact and helping them through other issues.

Ian Japp: I will speak about some of the points that Gordon Meldrum introduced. I deal only with potential trafficking in connection with labour. In 2004, when I was still a police officer, I dealt with a serious case involving people in the Aberdeen area who were subjected to forced labour, some of

whom had been trafficked. As I have become more involved in the issue since I left the police and began working with the Gangmasters Licensing Authority, I have found that, as others have rightly said, nobody knocks on my door and says that they have been trafficked. However, there are certain indicative factors that people are willing to talk about. People might say that they have been threatened or physically harmed by their employer; that they are in debt bondage to someone; that their pay is limited because the provision of food and accommodation is controlled; or that their wages or passport are being withheld. Someone who is in the country illegally might say that they are scared that they will be reported to the authorities.

Those indicator factors must be acted on quickly. I have me and four others in Scotland to do that. We have to get on our bike straight away to meet such people and, more than anything else, we have to take the support that is around this room to help us.

The problem—Gordon Meldrum hit on it when he quantified that four out of 276 organised crime groups are involved in trafficking—is that we might be dealing not with a known organised crime group but with a person who has come across on the easy route from southern Ireland to Scotland or a person who has come into Edinburgh airport. Their route is organised, in that there is a huge activity line in their country of origin that neither Gordon Meldrum nor any of us will ever find out about until we come across them.

Fast action is needed—something must be done as soon as we get information. The Scottish Government could do what Phil Taylor of the UKBA proposed in response to Baroness Kennedy's report. He suggested that an immediate action group should be formed to do something, but that never came about. I for one would be only too willing to see such an initiative. We should say, "Don't sit there—get out there and do it." More than anything else, Government departments that are not represented around the table should participate, because information and intelligence from them, which are sadly lacking, could help the rest of us who are in the picture.

The Convener: That is helpful.

Euan Page: John Finnie asked about the role of the UKBA as a competent authority in the UK's NRM, which our report highlighted as a problem. The evidence that the UKBA gave us suggests that it is aware of the inherent conflict in looking at somebody's asylum application at the same time as ruling on whether they are a trafficked human being. There is no right of appeal against the trafficking decision and key agencies that might understand the circumstances of the individual

and their case much better have no formal role in the decision being arrived at.

The broad consensus is that that issue is unlikely to go further up the list of priorities for the UKBA, particularly given the convulsions that it is going through. I add that point to the discussion that we have had about the desirability of looking at alternative arrangements, such as a Scottish NRM or whatever we can do with our existing powers to get a more appropriate competent authority.

I will jump in with a quick point on Annabel Goldie's question about the availability of an off-the-peg criminal justice legal framework that would help with a consolidation and clarification exercise. We might not have that, but the Scottish Government is talking to Whitehall about how the UK aims to achieve full compliance by 2013 with the European Union trafficking directive. That provides a clear and useful template for what a clear, systematic and strategic single human trafficking act would look like. It has a very good definition of trafficking, which could help criminal justice agencies. It also has provisions on prosecution and monitoring across the board.

A pertinent question for Scottish ministers that could come out of our discussion is whether, in their discussions with the UK Government, they are looking at broad piecemeal compliance, whereby we more or less comply across the board with a patchwork of different statutes and services, or aiming for something that is more comprehensive and coherent and which grasps the opportunity for Scotland to be a world leader in dealing with trafficking.

We do not have something that will answer the question of how we transmute that approach into Scots law, but we do have a very good template for the process that we would like to end up with in Scotland.

15:15

Gordon Meldrum: I will comment briefly on the NRM process. I chair the strategic leads group, to which I referred earlier, which has representation from all the police forces, wider law enforcement agencies, the Crown, the UKBA and the UK human trafficking centre. At the first meeting I applied pressure in a nice way to the UKBA and the UKHTC regarding the quality of not only the data but the story behind the data that we receive in Scotland from the NRM. Often, we get a number, but the reality is that we want to interrogate that headline statistic in a number of ways and ask some intelligent questions about it. Until now, from a policing and law enforcement perspective, we really have not been able to do that.

I have said to both the UKBA and the UKHTC that, as part of the group and mechanism that we are now all involved in, I want them to bring much more forensic detail to the table on victims who have been referred from Scotland to them. We all agree that we do not get the data from the NRM that allows us to ask intelligent questions. I will continue, in a caring and supportive manner, to apply pressure in that regard.

The Convener: I am sure that you will. That was very useful. I will bring in Jim Laird, but I want to move on after that.

Jim Laird: I return to John Finnie's point about the UKBA. Euan Page touched on some of the views that I am sure Bronagh Andrew and others share about the appropriateness of the UKBA being not only a first responder but responsible for completing an NRM form that is a referral to itself and that no one ever sees the content of. The officers who make the decision on the trafficking application are likely to make decisions not necessarily on that particular case but on other asylum applications, so their views on the trafficking application will be heavily influenced by other factors.

The situation in Scotland is worse than that, however. I have had referrals of cases from the police where it has been quite clear to the police in a joint operation that someone is likely to have been a victim of human trafficking, but because of the involvement of the UKBA and its concentration on immigration offences the person has been put into Dungavel detention centre. By the time that I get that information and try to intervene, the person is out the country and we never get an opportunity to investigate the case.

We have had a resourcing problem with the UKBA in Scotland. People may or may not be aware that a reasonable grounds decision on an NRM submission is supposed to be taken within five working days and that a conclusive grounds decision must be given 45 days after that. For a long time in Scotland there were insufficient resources for any decisions to be taken. The position got so bad that we had the longest-ever case, which took almost two years.

When the UKBA put resources in, the story was then that it did not have the trained staff in the organisation to make the decisions. Even now, when the position has slightly improved, the quality of decision making, to which Bronagh Andrew referred in her written submission, is very poor. That begs the question why the UKBA should have any involvement in the process whatsoever.

The Convener: That is a very interesting view.

We have covered quite a lot of things that were highlighted in the paper, but I would be interested

in hearing panel members' views on what victim support is available. I was interested in what Gordon Meldrum said about raising awareness and would be interested in hearing panel members' views on what provision there is for raising awareness and what provision there should be. If a particular agency has really good training and awareness-raising procedures, are they shared with other agencies or are they kept separate? I am interested in hearing people's views on the matter, particularly with regard to support for victims, which we have not really discussed although it is a hugely important part of all this.

Jim Laird: We are one of the two agencies that are funded by the Scottish Government to provide victim support. Given our contribution to the EHRC's report, I was a bit disappointed to find that it recommended the introduction of end-to-end support services for victims in Scotland. We already provide a 24/7, 365-days-a-year service; work closely with a number of agencies, including all first responders; provide accommodation and support for victims; and assist victims throughout their stay in our accommodation. We also seek to assist them at the end of the process, whatever they decide. If they decide to stay in the UK, we will look at accommodation, training and employment opportunities and so on; if they decide not to, we will look at how we can help them return to their country of origin and the support that we might be able to arrange for them there. Our work has an international dimension; for example, we work with agencies and Governments abroad to ensure that victims who return to their country of origin are at least not alone when they get there, do not find themselves stuck at whatever airport when they come off the plane and are met by and given assistance and support by agencies. The structures and systems in Scotland could be improved but, nevertheless, we provide support—and do so pretty well.

As for awareness raising, we will co-operate and work with anyone. We provide staff training and will allow our logo and contact details to be used on any literature about human trafficking that is being put out. I know that TARA does exactly the same.

Siobhan McMahon: One frustration that I am sure is shared by many around the table is that we tend to shine a light on this issue only when a report or whatever is published. We politicians know that great work is being done, but I am not sure that the issue registers with anyone in the outside world. As was mentioned many times in the debate that we had a few weeks ago, we turn our attention to these matters when, say, big sporting events such as the Commonwealth games come up; indeed, when we had the international children's games in Lanarkshire, we shone a light on what could be a problem and it

seemed to make people think about it a bit more. Nevertheless, I feel frustrated that we do not do that all the time and, indeed, seem to wait for a big sporting event to come along. I am keen to hear your views on not only that but, given that the committee will be looking into the issue, what practical measures we can take and how we can make it clear that this is a problem in Scotland, not just something that people see only on TV and think does not affect them.

Jim Laird: We are always looking at new ways of promoting awareness of trafficking. Indeed, TARA and I have been discussing a proposal, which we have raised with the Convention of Scottish Local Authorities and the taxi licensing authority, that mirrors a successful campaign down south in which taxis have been used to carry information about human trafficking. TARA and I have also been doing some work with the Crown Office on making leaflets available in courts; NHS Greater Glasgow and Clyde is looking to put out information; and Strathclyde's vice and anti-trafficking unit is putting out leaflets that advertise the services that we and TARA offer as well as making it clear what the police can do.

That said, a lot more can be done and we must continue to consider new ways of raising awareness. We also have to set out the issue clearly because when it gets raised during, say, the Olympic games, the Commonwealth games or the international children's games, the focus is on sex trafficking. The issue of trafficking is much broader than that.

Bronagh Andrew: I agree with the point that Jim Laird made about Baroness Kennedy's report. We, too, were quite surprised about the reference to a lack of end-to-end services. Like Jim Laird, we would argue that we provide those. However, I think that there is a wider issue to do with care standards for people who have been trafficked.

We are a member of the Human Trafficking Foundation's two working groups. One of those is looking at minimum care standards across the UK and the other is looking at follow-on support. Migrant Help is represented on those groups, too. The groups often focus on England and Wales, where there are very different arrangements to support individuals who have been trafficked. For example, accommodation and support are provided and funded only for the 45-day period, after which alternatives have to be found for the individual. There are very different concerns in England and Wales.

I agree with what has been said about training and awareness raising. We, too, go out and provide training to other organisations, although that is very much because they approach us. There may be an argument for having a planned programme of training. We might think that,

because we have done training with the UK Border Agency or Strathclyde Police, that is it, but organisations will have changes in personnel and new people will come on board, so we need to consider having a rolling programme of training.

I have brought with me a couple of images from the campaign involving taxis to which Jim Laird referred. It is run by an organisation called Stop the Traffic, which has been very active in England and Wales and is beginning to be active in Scotland. The campaign that it has developed with the Home Office involves giving stickers to taxi drivers for their taxis to raise passengers' awareness of trafficking. On the other side of the sticker is a 24/7 number for the Metropolitan Police, so that drivers can report any concerns or intelligence regarding trafficking. Taxis are often used to transport the women with whom we work, and taxi drivers know everything about everything in cities. We recommend having a similar campaign in Scotland. Stop the Traffic would raise funds for it, so there would be no costs for the Scottish Government. We would support piloting such a campaign in Scotland.

Shabnum Mustapha: I completely agree with Siobhan McMahon's point that we have had numerous reports on trafficking over the past few years. We at Amnesty have contributed to two of them. That is why I am slightly frustrated that, four years down the line from our first report, we are still talking about the same issues. I know that this is the second time in two years that this committee has looked at the issue of trafficking.

I think that we all agree that we need to see an accelerated, more urgent response to the issue. I am delighted by the kind of stuff that Gordon Meldrum's team is doing and I hope that we will see improvements because of that. Siobhan McMahon's point about public awareness is important, because the public are not aware of what they need to look for to identify someone who has been trafficked and alert the relevant agencies. I hope that, when the Scottish Government sets up its stakeholder group later in the year, that is one of the issues on the agenda for consideration.

I acknowledge the work that is being done in this area by public agencies, the NHS and the Scottish intelligence co-ordination unit, which works with law enforcement agencies and the voluntary sector to identify people who have been trafficked. I acknowledge that good work is being done, but I think that there is more work to do with the public.

I want to flag up the issue of financial support for victims, to which we refer in our written submission. It is particularly relevant to women who have been sexually exploited and have escaped the traffickers. Amnesty has been

campaigning for a couple of years for those women to be able to access public funds. They include A8 nationals, who are part of the European Union, such as women from Poland, but who are not entitled to public funds. If they escape the traffickers, they are in effect destitute because they are not entitled to benefits that could perhaps be used for emergency homeless accommodation or access to women's refuges.

Amnesty and other groups have campaigned to try to find some kind of financial support for such women. There is currently a Home Office pilot project in London called the sojourner project that is providing funds. It hopes to come to a final decision next month as to how it closes the loophole on this issue in order to support those victims. I hope that the Scottish Government is keeping an eye on that in order to look at what financial support might need to be provided in Scotland. Obviously, the local authorities and some of the refuges are devolved issues. I acknowledge that the Scottish Government has recompensed local authorities with £20,000 for the financial support that they have given victims. That is happening in Scotland, but it would be good to see a more strategic approach being taken and an eye being kept on what is going on with the Home Office project.

15:30

The Convener: Thank you. That is very interesting.

Dennis Robertson: We have heard a lot about the positive aspects of a multidisciplinary approach. How aware are the health services—general practitioners and emergency units in hospitals, for example—of the need to identify people who are being trafficked? What support is given to those people thereafter? I am not sure that there is a great deal of awareness of or support for victims in the medical profession, but I stand to be corrected.

John Wilkes: In a time of very diminished resources, our priority is to focus awareness raising on front-line services that are more likely to pick up victims of trafficking, whether they are employer organisations or health services, rather than necessarily to think about public awareness. That issue is complex, and I am not sure that investing resources in that direction alone would be as positive an approach as getting to those front-line services.

Areas of good practice have been asked about. The Glasgow child protection committee and its various partner agencies have developed a pioneering approach to working with victims of child trafficking. They use a model that has been developed by the London Safeguarding Children

Board. That example could certainly be used across other local authorities, although there is obviously a resources implication.

Stefan Stoyanov: Our report found significant variations in awareness levels across Scotland. It is probably not surprising that the highest awareness of trafficking is probably in Glasgow and Edinburgh. People in places such as the Highlands plainly said that trafficking was not happening there. They said, "There is no way this could be happening in the Highlands."

Our report made around 22 recommendations. If I had to scale down to two the actions that need to be taken, I would say that awareness raising is the crucial one, and it needs to cover communities more generally. There must be talk more generally about what trafficking is. There is also a significant need for training on human trafficking, and child trafficking in particular, for professionals who are more likely to come across possible victims.

As all three reports that we are talking about recommend awareness raising and training, do we really need that matter to be raised and discussed again at the summit? There is more than enough clear evidence that they are needed. According to the EU's human trafficking directive, which we have now opted into, awareness raising and training are a duty of member states. I refer to article 18 of the EU's human trafficking directive and article 5 of the Council of Europe Convention on Action Against Trafficking in Human Beings, which places a requirement on Governments to

"establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns".

Jenny Marra: I would like to make a small point. The legal obligation to raise awareness under the EU directive is a reserved matter, is it not?

Stefan Stoyanov: It is a matter for the UK Government, but there should definitely be awareness raising in Scotland. Whether it is for the Scottish Government or the UK Government to provide funding and direction is a different matter.

Jenny Marra: I absolutely agree with you; I was trying to think it through.

What do the panellists think about trafficking awareness training for the front-line emergency services, such as the fire and rescue service, the police and ambulance staff? Is that useful?

Gordon Meldrum: For us, it is certainly a work in progress. It is better than it has been in the past, but we still have a fair way to go. Some of this will be about training and some about the advice and assistance available to front-line staff 24/7, 365 days a year. With the best will in the world, in any initial round of training some parts will land better

than others with some people and there will be different levels of knowledge. One of the key points is that there should be almost a tactical adviser available to front-line staff in the police service of Scotland—when we get to that point—24/7, 365 days a year, whether they are in Orkney, Dumfries, Glasgow, Edinburgh, Dundee or wherever. They should be able to access that advice around the clock. We have it in place—as I said earlier, we are speaking to probationer courses and other advanced courses at the Scottish Police College—but it is work in progress.

On awareness in general, I support John Wilkes's comments. When you hear about awareness raising, you instinctively think that that is absolutely the right thing to do and that it needs to be done. It is a bit like an onion, in that when you start to peel off the layers, you can see that targeting such activity is quite complex. Bronagh Andrew said that it should be part of a planned, targeted approach, and perhaps we should start by dispelling some of the myths. The notion is that the victim will be female, cowering in a corner—all those stereotypical images of what constitutes a victim—but the situation is quite difficult and complex. Other panelists might be better placed than I am to judge whether any sophisticated campaigns in other parts of the world have been evaluated, which would mean that we know whether they work before we invest in them. It would be worth casting the net quite wide to see whether others have done that.

Bronagh Andrew: I want to respond to Jenny Marra's question about emergency services. To give some anecdotal evidence, a few years ago Strathclyde Fire and Rescue got in contact to share some concerns about one of the brothels in Glasgow—it is no more—where the fire exit had been chained and where there were lots of other indicators that something was not quite right with the women there. In subsequent conversations with Strathclyde Fire and Rescue and Strathclyde Police, we considered developing some training, as fire and rescue can get into places not only when there is a fire but for other reasons, which means that they could be in a position to identify concerns.

A similar situation applies to the Scottish Ambulance Service. A few years ago, we received information about a woman being bundled out of a brothel—it, too, is no longer operational—and into an ambulance before being taken away. There is potential there and I think that many victims of trafficking are likely to access healthcare only after they have escaped or because of some crisis in their health needs. That is one of the trends that we think we are beginning to see. Women think that they have escaped or that a punter has helped them get away, but we are beginning to think that the traffickers are allowing that or

facilitating it because we have women presenting to us in the late stages of pregnancy who have had no previous healthcare and with severe mental health issues, too.

The emergency services should be trained. That leads me to answer Dennis Robertson's question, too. Health organisations are key among those that require further training and guidance. They are not currently first responders in the national referral mechanism and there are some discussions and explorations, again in England and Wales only, with the Department of Health about piloting such an approach. We have had referrals from community-based midwives, health visitors, GPs and psychological and mental health services. If somebody has managed to get out of the situation on their own and claim asylum, they get linked into health services. People really trust health professionals and are reassured about the confidentiality of what they disclose to them, so further work should definitely be done with health services across the board.

Jim Laird: Jenny Marra's point was well made. We need to consider front-line staff and emergency services. People tend to focus on the work that the police and, to a lesser degree, the health board can do, but we have had referrals from ambulance staff. We have not yet had referrals from fire service staff, but Bronagh Andrew is right that, without there having to be a fire, the fire service has access to premises and accommodation to which other people would not have access. Therefore, it would be useful to do some work with the service. We could pursue that.

To respond to Dennis Robertson's question, it is a bit of a lottery. We have had a lot of referrals from GPs, midwives and accident and emergency departments in the Greater Glasgow and Clyde NHS Board area. The board is certainly considering producing more guidance for staff that will give them information about where to refer people to. However, awareness and knowledge are much lower outside the central belt and we must consider taking more Scotland-wide action. We work with every police force in Scotland and have had referrals from all over Scotland, including the islands.

Stuart McMillan: Has there been any evidence of individuals being treated by health professionals who have been struck off from the profession?

Gordon Meldrum: Not to my knowledge.

Alison Di Rollo: As the consumer of the end product of all the intelligence, investigations and evidence, I would be in favour of the widest possible awareness raising. I like Stefan Stoyanov's reference to communities because, in addition to awareness of the victims, we need to have awareness about the accused's activities.

When I examine the evidence base for cases that I consider, I look at adverts on the internet and in the red tops. I look at short-term leases, tenancy agreements and the frequent turnover of flats and other accommodation where brothels are set up and used before being moved on. All that activity can be suspicious. It is like cannabis factories. People are a great deal more aware of the possibility of their next-door neighbour's house being used as a cannabis factory. That kind of wider awareness would help us to build the kind of cases that we all want.

Euan Page: My point follows on closely from Alison Di Rollo's. There is undoubtedly great value in considering front-line emergency service staff, but our report also draws attention to the role that the private sector has to play. I refer to people who provide ad space for businesses that are on the line between legitimate and illegitimate and, more generally, legitimate businesses in which there is a history of poor regulation or poor health and safety. Such businesses could be in a position to be unwitting facilitators of human trafficking.

There is a big role for engaging with the private sector and reconfiguring corporate social responsibility agendas so that they give greater credence to awareness of human trafficking as one of the principles that underpin good business. It is important not to lose sight of that.

Such engagement would also be useful in dispelling some of the preconceptions about victims of human trafficking, such as that they are always women and always in the sex industry. We know that there are big problems with men and women being in forced labour and forced domestic servitude in different parts of the country.

Stefan Stoyanov: To return to Jenny Marra's point about whether awareness raising should be seen as a duty for the UK Government or the Scottish Government, I point out that the most recent human trafficking strategy does not include Scotland and the action plan that has been published does not contain any measures that relate to Scotland. Clearly, the UK Government does not have any plans for awareness-raising campaigns in Scotland, so the onus is on the Scottish Government to fill that gap.

15:45

Annabel Goldie: Have any of the witnesses heard from the Scottish Government about the summit?

Jim Laird: No.

The Convener: No one has heard about it.

Before I draw this evidence-taking session to a close, I would be more than happy to hear any

brief closing statements that any of the witnesses would like to make.

Gordon Meldrum: Thank you for the opportunity to give evidence. Given the focus over the past two years and the number of reports that we have had on trafficking, it is helpful that the committee is continuing its focus on the issue.

As I said at the beginning, the issue is complex and sophisticated and transcends boundaries. It is broader than policing and law enforcement. In first-responder terms, it goes throughout the public sector—we have touched on some of that—and concerns not simply policing and blue-light services but local authority staff and health board staff. It also goes into the private sector and the third sector.

The key to resolving some of the issues is being able to put a needle and thread through that incredibly wide, varied patchwork quilt of individuals and organisations that have some of the knowledge that it is critical to bring together to understand the problem and make sense of it before we attack it intelligently.

John Finnie: If witnesses who do not wish to make any closing statement have any further thoughts, it would be helpful if they were to write to the committee.

The Convener: That is useful.

I am sure that I speak on behalf of the committee when I say that the discussion has been hugely useful and extremely informative. It has filled in many of the gaps in my knowledge of trafficking. I thank all the witnesses for taking the time to come along and I look forward to working with them in the future.

15:48

Meeting suspended.

15:55

On resuming—

Petition

Newspapers and Magazines (Display of Sexually Graphic Material) (PE1169)

The Convener: Before we go on to item 3, I ask everybody round the table to introduce themselves again, because we have all moved places.

Dennis Robertson: I am the MSP for Aberdeenshire West.

Siobhan McMahon: I am a Central Scotland MSP.

Stuart McMillan: I am a West Scotland MSP.

John Finnie: I am a Highlands and Islands MSP.

Annabel Goldie: I am a West Scotland MSP.

Jean Urquhart: I am a Highlands and Islands MSP.

The Convener: Item 3 is petition PE1169, on sexually graphic magazine and newspaper covers. We have received responses from the Scottish Government and the National Federation of Retail Newsagents. Members are invited to note the responses and consider what action we should take next.

We have a choice of four things to do. We could write back to the NFRN to ask when it expects to decide what action to take following the Bailey review and to ask it to inform us of the outcome of that. We could write to the UK Government and ask to be informed of the outcome of its taking-stock exercise. We could close the petition, or we could take any other course of action on which we decide. Do members have views on the action that we should take?

Stuart McMillan: It would be useful to write back to the NFRN. I am keen that we ask it whether there are any specific areas that it is keen to see tightened up. That information would help the committee. We should also ask for more information on its guidelines. We have a brief outline, but it would be useful for the committee to know more.

We should not close the petition. I am aware of the situation regarding the UK Government, and I dare say that we will end up closing the petition at some point in the near future because of the work that is going on elsewhere, but in the short term we should seek more information.

The Convener: That is useful. I do not see any point in closing the petition, because we need to continue to look at it. Obviously, at some time in

the future, we will close it, but I agree that we need more information.

Do other members have views?

Annabel Goldie: I have a lot of sympathy with the Scottish Government's letter. I am not keen on rushing to regulation either, and the Scottish Government is rightly canny about doing that.

I was far less happy with the NFRN's letter, for two reasons. First, if there are guidelines, why does it promptly say that it is all the publisher's fault? If it is all the publisher's fault, that implies that members of the NFRN and the organisation itself have no responsibility. I do not believe that that is the case, and many responsible members of the NFRN do not believe that it is the case.

Secondly, I know responsible members of the NFRN who would not dream of displaying these materials where schoolchildren could see them, and they are at pains to ensure that that does not happen.

I agree with Stuart McMillan. We should not close the petition; that would be premature. We need to say to the NFRN, "You're an organisation with a responsibility to the public. Why do some of your members have difficulty in applying the guidelines in a responsible and proportionate manner? What is the problem?" As I have said before, the committee should make it clear to the NFRN that this is a serious issue. It does not strike me as being an earth-shatteringly difficult one to resolve, yet there seems to be a disappointing appetite on the part of the NFRN to deal with it.

16:00

The Convener: I agree.

Siobhan McMahon: I agree entirely with what Annabel Goldie has just said. Given that Paul Baxter says that

"the real culprits are the editors"

and he talks about publishers twice, I would like to know what correspondence he has had with the publishers and editors of the magazines. If he is so perturbed by what they are doing, what has his organisation done to involve itself in the debate?

Dennis Robertson: I endorse what others have said. I do not think that we need to legislate further. I think that there is probably a strict code in place already, but it is not being adhered to. It is the adherence to the code that we need to consider, as well as the sanctions that can be enforced when people do not apply the code. That might come down to revoking people's licences, for example.

Stuart McMillan: Legislation should always be the very last resort. I firmly believe that other steps

can be considered before the idea of legislation is even contemplated.

Jean Urquhart: I agree with what others have said. Paul Baxter's letter is a bit of a get-out clause. Basically, newsagents and publishers want to sell magazines and will not change the covers. That is not going to happen unless we go in the direction in which we are going in relation to cigarettes and put brown covers on magazines. I think, therefore, that the other route is best.

The Convener: There is a definite view around the table that we do not want to close the petition and that the NFRN is not being as open and up front as it could be. I suggest that we write to the NFRN asking for clarification on the correspondence that it has had with publishers on the guidelines and so on.

The clerks have suggested that we might write to the UK Government to ask to be informed of the outcome of its taking-stock exercise. Do we want to do that? Do we want to write to the NFRN first? Do we want to do both?

Stuart McMillan: I think that we should do both.

The Convener: I do not think that it would do any harm to write to the UK Government to ask what it is going to do. We will get that letter drawn up and sent off.

Stuart McMillan: Would it be worth obtaining a copy of the guidelines that the NFRN sends out, rather than just asking for some further information? If we obtained the exact guidelines that it sends out, that would perhaps aid us in our future activities.

The Convener: Yes. Do we agree to what has been proposed?

Members *indicated agreement.*

The Convener: We will move into private session for item 4.

16:03

Meeting continued in private until 16:14.

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