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Care And Support for Adult Victims of Trafficking in Human Beings: A Review

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Care and Support for Adult Victims of Trafficking in Human Beings: A Review

Scottish Centre for Crime and Justice Research

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EXECUTIVE SUMMARY¹

This evidence and practice review was commissioned by the Scottish Government to examine the care and support needs of victims of human trafficking and what works to meet those needs. This review is not an evaluation; rather it provides an overview of the identified care and support needs of victims of different forms of human trafficking exploitation; considers good practice in recent adult victim care by identifying different models of care and support in a range of jurisdictions; and considers the extent to which existing evidence is able to provide an indication of what works to meet the needs of different victims. The review also aims to consider how effectively the needs of different adult victims of trafficking are met in Scotland, on the basis of review of international evidence; and to highlight any existing gaps in services and support provision. While acknowledging the interconnection of other issues such as provision of compensation and repatriation, this review is limited to the provision of crisis and short to mid term care and support services.

The review is based on an extensive search of local, national and international documentary data including research reports, evaluations, practice guides, policy documents and website data collection. Until recently, the main sources of information on trafficking came from reports produced by international organisations and Non-Government Organisations (NGOs), often reporting on their experiences in practice and focused upon outlining the extent and nature of trafficking. More recently, attention has been given to the support and protection of trafficking victims. However, as this review highlights, there is a distinct lack of evidence-based data which provides a basis from which the most appropriate and/or cost-effective interventions can be determined.

SECTION 1: REVIEW OF THE EVIDENCE OF SUPPORT AND CARE NEEDS OF VICTIMS OF HUMAN TRAFFICKING

Victim identification is a crucial aspect of victim support and victims need to be properly identified in order to gain access to services and begin the process of rehabilitation. Victims experiences of being trafficked result in a wide range of significant needs; many of which are characteristic to all trafficking victims, regardless of the type of exploitation for which they were trafficked. At the point of crisis intervention, victims require basic necessities such as emergency accommodation; food and clothing; interpreter services and the facilitation of communication. Victims of all forms of trafficking exploitation may suffer severe physical and psychological consequences likely to result in ongoing traumatisation. Evidence suggests that all victims of trafficking require trauma counselling. Beyond common immediate needs, victims display a wide range of needs that often change during the course of support provision. The extent to which particular needs vary depends on individual circumstances, rather than categories of exploitation.

The shared needs of victims, regardless of forms of exploitation experienced, highlights the importance of individualized approaches to identifying, recognizing and responding to these needs. However, specific needs of women, regardless of form of

¹ We are very grateful to respondents from TARA, Migrant Help, SCDEA and Legal Services Agency for their contributions to this review.

exploitation highlight the importance of gendered responsive service provision and cultural awareness in all areas of support for all victims.

The tendency to focus on trafficking for the purpose of sexual exploitation has resulted in a lack of equivalent awareness and expertise of other forms of trafficking (such as forced labour and domestic servitude); in turn this has an impact on the identification of victims and provision of support services. Unlike the rest of the UK, recent figures for Scotland (2011) highlight that victims of labour exploitation were the single largest group identified.

SECTION 2: REVIEW OF CURRENT MODELS OF CARE AND AVAILABLE EVIDENCE OF THE EXTENT TO WHICH THEY MEET THE NEEDS OF VICTIMS

Knowledge of, and responses to, human trafficking are developing continually. As a result, processes, policies and practices are being refined and amended on an ongoing basis. There are no comprehensive, long-term evaluations of existing practice on which to base a comparative analysis of good practice. International guidance suggests that comprehensive services for victims of all forms of exploitation should include:

- secure safe shelter, and housing
- physical health care
- mental health care
- legal and immigration advocacy
- job and life skills training
- substance abuse services

Components of practice that are considered to be „promising“ include: the incorporation of safety planning (for workers and victims), collaboration across a number of agencies, ongoing development of trust and relationship-building, culturally appropriate and gender responsive approaches, trauma-informed programming, and the involvement of survivors in service development and provision. Collaborative and comprehensive services, adequately funded and supported, are viewed as key to effective provision for victims of trafficking.

Scottish support agencies with a remit to support victims of trafficking and expertise in doing so, provide victims with a range of services, or access to services, that meet the criteria of support and assistance in both the crisis situation and the longer-term (for example accommodation, financial support, healthcare, psychological support, interpreters, and contact with family back home if desired by the victim). Dedicated legal advice is also provided for women and children. In general Scotland appears to be compliant with the key requirements of the Convention and Directive for the provision of assistance and care, and has many areas of good practice.

Wider difficulties were identified in practice, not in the support agencies themselves, but with the wider (generally UK wide) systems for responding to human trafficking in Scotland. Limitations with the National Referral Mechanism (NRM) can negatively impact on victim identification, and result in delays in immigration decisions and uncertainties surrounding immigration status causing significant anxiety. The system can also result in an over-emphasis on immigration status by law enforcement and

immigration officials. Improvements in awareness-raising by the police and other agencies were noted as significant and likely to have a wider impact. However it was noted that crucial gaps in knowledge among front-line practitioners remained.

While victims who access services such as TARA and Migrant Help will receive a range of care and support services, there is a gap in terms of accommodation provision in Scotland for individuals who may be victims of trafficking but have not claimed asylum and therefore have not entered the identification process. For victims who do claim asylum, most are placed in accommodation provided by the UK Border Agency and respondents expressed serious concerns as to whether this accommodation is always safe and appropriate.

More training is required for those who provide support, although there is evidence of good practice in some areas that could be replicated across Scotland. While provision and expertise is focused in Glasgow, TARA and Migrant Help are proactive in sharing expertise and developing key stakeholders across the rest of Scotland. In particular, it would appear that wider training is required around the identification of victims of trafficking for the purposes of domestic servitude and forced labour, particularly in relation to cannabis cultivation.

From the available evidence it would appear that Scotland has progressively been moving towards an approach which recognizes human trafficking as a violation of human rights; and which emphasizes the support and protection of victims. There was a view that this should be the focus of training to ensure better support services for victims.

SECTION 3: WHAT WORKS AND WHAT IS VALUE FOR MONEY IN MEETING THE NEEDS OF VICTIMS OF HUMAN TRAFFICKING?

Guidance published tends to centre on statements of good practice rather than empirical evidence of what may actually work in practice. Given that recognition of trafficking in human beings is a relatively new concept in terms of policy and practice responses this may explain the absence of empirical baseline data for effective intervention. But the complexity of the issue is also likely to contribute to this, alongside the focus that is often given to immigration control and the securing of borders rather than needs of victims and human rights issues. There is very little evidence of „outcomes“ in the available literature; while short term outcomes may be clear (i.e. safety, housing, health), the longer term aims of interventions are less so.

On the basis of the identified needs of victims of trafficking, key components of models of care and support for all victims (regardless of form of exploitation) include:

- Comprehensive and co-ordinated services
- Suitable, safe and secure accommodation
- Easily accessible advice
- Support with communication and linguistic barriers
- Provision of medical and psychological support
- Victim-centred approaches
- Individualised and holistic care

Agencies are required to respond to complex and challenging circumstances. Sound assessment, meeting individual needs and ensuring very flexible support are crucial. Victims' needs cannot be categorised on the basis of exploitation or cultural background; it would appear to be crucial that the continuum of exploitation that victims of trafficking encounter is considered. There is a need to ensure that resources are targeted and based on rigorous methods of evaluation in order to avoid the duplication that may arise with provision by multiple services.

Long-term needs as well as short term needs should be considered and addressed which may require developed links with source countries should victims wish to return. Services should be focused on human rights and victim-centred. While the practical provisions required to meet the needs of victims are evident, the international literature is clear that there needs to be consideration of the way in which these services are provided to ensure that they are culture and gender responsive, secure the trust of victims, provide a co-ordinated case management approach to link victims into wider services, and ensure victims participation in their care planning.

While this review identifies the key needs of victims and reviews what is known about best practice based on international literature that currently exists, ultimately, much more in-depth research needs to be conducted in order to be able to identify and address the gaps in services and support for victims of trafficking. Only an in-depth qualitative research project, with a longer-term scope would be able to answer the question of how effectively the needs of different victims are met in Scotland.

INTRODUCTION

In Scotland, as elsewhere in the UK (HM Government, 2011) there has been recognition that trafficking in human beings is an issue which spans nations and continents and requires a determined international response². Recent estimates indicate that approximately 75 potential victims of trafficking enter Scotland each year (Equality and Human Rights Commission 2011:23); this is likely to be a significant underestimate and it is acknowledged that this number is on the increase. Kenny McAskill, the Scottish Justice Secretary, speaking at the launch of the report produced by the Equality and Human Rights Commission in November 2011 stated:

We have a collective responsibility to tackling the problem here in Scotland. The nature of this crime is such that no one country or agency acting on its own can tackle it effectively. The key to eradicating it is partnership working - whether that is working at a local level or working with international partners to provide a solution. It is what happens on the ground that makes a difference to the individuals involved, be they victims or traffickers themselves. That is why we will continue to encourage and assist the relevant agencies in the work that they do. <http://www.scotland.gov.uk/News/Releases/2011/11/27115603>

This evidence and practice review was commissioned by the Scottish Government to examine the care and support needs of victims of human trafficking and what works to meet those needs. This review is not an evaluation; rather it provides an overview of the identified care and support needs of victims of different forms of human trafficking exploitation; considers good practice in recent adult³ victim care by identifying different models of care and support in a range of jurisdictions; and considers the extent to which existing evidence is able to provide an indication of what works to meet the needs of different victims. While acknowledging the interconnection of other issues such as provision of compensation and repatriation, this review is limited to the provision of crisis and short to mid term care and support services. The review aims to consider how effectively the needs of different adult victims of trafficking are met in Scotland, on the basis of a review of international evidence; and to highlight any existing gaps in services and support provision.

This report consists of three sections. The first reviews the evidence available on the support and care needs of different groups of adult victims of human trafficking, specifically, those trafficked for the purposes of sexual exploitation, forced labour and domestic servitude. However it should be noted that these categories are not completely distinct. In reality, victims may experience a range of multiple forms of exploitation (for example sexual exploitation to pay off debts, sexual abuse of victims of domestic servitude and labour exploitation).

The second section highlights the components of models of intervention based on an international review of the literature; then considers models of practice in the UK and Scotland with regard to care and support for victims of human trafficking with consideration of responses to victims of different forms of exploitation. Different models of provision, their aims and objectives, are explored in relation to supra-

² Since the inception of the National Referral Mechanism (NRM), victims from over 80 different countries have been referred.

³ Although international Directives prioritise the needs of children, this review was commissioned to focus specifically on the needs of adult victims of trafficking.

national guidance. The third section concludes the report with consideration of what is considered to be effective and value for money in meeting the needs of victims of human trafficking through care and support provision. This outlines what the available evidence indicates would make the best package of care for victims of human trafficking in its various forms.

The review is based on an extensive search of local, national and international documentary data including research reports, evaluations, practice guides, policy documents and website data collection. Until recently, the main sources of information on trafficking came from reports produced by international organisations and Non-Government Organisations (NGOs) often reporting on their experiences in practice and attempting to outline the extent and nature of trafficking. More recently, attention has been given to the support and protection of trafficking victims. However, as this review highlights, there is a distinct lack of evidence-based data which provides a basis from which the most appropriate and/or cost-effective interventions can be determined.

Scottish practice was explored through information obtained from the Trafficking Awareness Raising Alliance (TARA), Migrant Help, Legal Services Agency, Strathclyde Police Vice and Anti-Trafficking Unit⁴. Case-studies were provided by TARA and Migrant Help to highlight the variety of experiences victims of trafficking have endured; this helped to illustrate the complex issues that must be addressed in the provision of support.

Although an original aspiration for this review, it has not been possible to explore costs of different models of provision; in practice very little information was available in this area. The concluding reflections and recommendations are therefore based on the extent to which interventions are able to meet the identified needs of victims.

Defining Trafficking

In 2000, the United Nations defined trafficking in human beings in the Convention on Transnational Organized Crime which includes a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol/the Trafficking Protocol). Article 3(a) of that protocol defines trafficking in persons as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation (UN 2000: 42).

The key aspects of this definition include movement and exploitation. The protocol defines exploitation as, “*at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs*” (UN 2000: 42). Article 2 of the EU Directive on Trafficking includes “*exploitation through criminal activity*” as a

⁴ UKBA (Scotland) and the Scottish Refugee Council did not respond to requests for information.

trafficking purpose. The challenges inherent in defining trafficking, impact on the way in which accurate measures of the extent of different forms of trafficking occur.

Legislation relating to trafficking is complex, spread across different statutes including: Proceeds of Crime Act 2002; Criminal Justice (Scotland) Act 2003; Asylum and Immigration Act 2004; Gangmasters (Licensing) Act 2004; Immigration, Asylum and Nationality Act 2006; Sexual Offences (Scotland) Act 2009 and Criminal Justice and Licensing Act (Scotland) 2010. Responses to human trafficking in Scotland have been criticised as lacking a „coherent approach“ (Equality and Human Rights Commission, 2011: 30).

The UK government ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2008 and it came into force in April 2009. The government has also elected to opt into the recent EU Directive on human trafficking which is expected to be implemented by 2013 (HM Government, 2011: 10).

There has been significant attention to the issue of trafficking in Scotland in recent years: Amnesty International (2008), Scottish Parliament Equal Opportunities Committee (2010), Equality and Human Rights Commission (2011). The latter included an examination of: the identification and treatment of victims; extent and quality of statutory and specialist services and accommodation for victims; and included research commissioned specifically to examine the experiences of victims trafficked for commercial sexual exploitation (Easton and Matthews, 2012).

Dedicated services for victims of trafficking are relatively new in Scotland and continue to develop on an ongoing basis. Similarly, policy and practice has changed significantly over the past few years. Reports on the situation in Scotland (i.e. Amnesty International, 2008) highlighted various concerns and limitations in relation to the availability of services. However, since that report was published in 2008, some of the shortcomings identified have been addressed, while new challenges have emerged (or been identified) in the provision of care and support for victims of trafficking. This highlights the continually changing and developing context as expertise is consolidated and policy and practice improves.

SECTION 1: REVIEW OF THE EVIDENCE IN REGARDS TO THE SUPPORT AND CARE NEEDS OF VICTIMS OF HUMAN TRAFFICKING

Measuring the extent of trafficking

The effective provision of services aimed at providing care and support to adult victims of trafficking is dependent on the identification of different forms of trafficking, and some acknowledgement of the extent to which different forms of trafficking occur. However, as the Home Affairs Committee (2009: Para 40) has indicated:

Trafficking is a hidden crime: its victims cannot or dare not make themselves known to the authorities (for fear of retaliation or because they are or think themselves to be illegal immigrants) and some (...) do not even realise that they are victims. They are concealed by physical isolation or language or cultural barriers, and may be operating under false identities.

Internationally, there is an ongoing recognition of the limitations of research on trafficking and the challenges in estimating prevalence (Kangaspunta, 2003; Segrave et al, 2009). An exact global estimation is doubtless impossible, to achieve. Methodologies for data collection are inconsistent between agencies and across regions. Additionally, internal trafficking is often excluded from the statistical data while human smuggling is at times included (UNODC 2006: 120). The result is that anti-trafficking NGOs, as well as the numerous documents from national and international bodies which report estimates of the size and scale of the trafficking problem, are inconsistent. Yet, all agencies working in this area agree that the problem of human trafficking is increasing (see also Home Affairs Committee, 2009).

Identification is necessary for a variety of reasons but crucially as a mechanism for directing victims to services – notably healthcare, support and accommodation and access to legal advice. While not identifying an individual could compromise their safety and access to support, it can also mean that unidentified victims of human trafficking with irregular immigration status may be detained, criminalised and deported without consideration of risks they face, particularly that of re-trafficking (Home Affairs Select Committee, 2009).

Practitioners find that trafficking victims do not always and immediately identify themselves as such; they are often unfamiliar with the terminology and may define their experiences in ways that are not immediately recognizable to untrained officials (Haynes, 2006). Evidence suggests that unless victims fit into stereotypical roles of victimhood as defined by law enforcement officials, they may not be identified as trafficking victims and may be labeled as criminals and further victimized (Haynes 2007; Srikantiah, 2007; Hoyle et al, 2011). The psychological as well as physical coercion involved in the trafficking experience can problematise „active agency“ thus obscuring representations of the „ideal victim“ (Srikantiah, 2007).

Additionally there are a number of other barriers to achieving an accurate victims story, including; *“the private-sphere or nature of the crime, linguistic and social isolation, fear or threat of exposure and shame, threat of reprisals against loved ones, and the special set of circumstances that ensure that immigrant victims in particular „remain in the shadows of our communities“* (Haynes 2007: 366). Having established two key concepts within the international definition of human trafficking, movement and exploitation, there are indicators which can help determine if the person was maintained by force, coercion or intimidation, whether the person was

tricked into the work or travel, and if they live in fear and under the constant threat of violence and abuse⁵.

Although there has been some contention over reported data on the incidence of trafficking in the UK, referrals to the National Referral Mechanism (NRM) between 1 April 2009 and 31 March 2011 indicate that 1481 adults were referred to the NRM of whom 72% were female, highlighting the gendered nature of trafficking in human beings (Equality and Human Rights Commission, 2011: 45). However, it is widely acknowledged that the official figures are significant underestimates, with many trafficking victims never coming to the attention of services or the authorities, and a significant number who are suspected victims of trafficking refusing to be referred to the NRM for reasons such as fear of authorities, and of being detained or deported. The impossibility of obtaining accurate figures is well recognised nevertheless it is generally believed that internationally, women and children are the predominant victims of trafficking in humans (estimated to account for around 80% of reported trafficking victims worldwide). However, while this illustrates the gendered nature of trafficking, it may also be the result of gender bias in identification procedures and practices.

Wider attention has, in the past, been given to trafficking for the purpose of commercial sexual exploitation leading to claims that other forms of trafficking (for forced labour and domestic servitude) are often overlooked (Kelly, 2005; Goodey, 2008; Equality and Human Rights Commission, 2011). Indeed the Home Office (2007: 5) stated: *“At the moment we do not have sufficient evidence regarding trafficking for forced labour to enable us to make a full assessment of whether it poses a significant problem for the UK”*. Recent attention to trafficking for domestic servitude and forced labour has highlighted the complexities of definitions in this area with the continuum which spans „forced labour“ and „labour exploitation“ making it difficult to distinguish these practices. It is often NGOs working with victims who have highlighted the issues facing trafficking victims in all categories; existing evidence therefore is drawn from those who have been identified as a victim. Nevertheless, there is increasing evidence of the prevalence of these other forms of trafficking into and within the UK. As Stepnitz (2009:7) notes *“Persons trafficked for labour exploitation are deceived, coerced or forced into their situation, in the same way as those trafficked for sexual exploitation”*. Law enforcement agencies tend to have substantial expertise in identifying „vice“ crimes such as sexual exploitation⁶ and indeed police officers are perhaps less likely to recognise other forms of exploitation, notably labour exploitation and domestic servitude. The Secretary of State (2009) noted the need to do more to raise awareness of domestic servitude amongst all front-line police officers.

Research conducted for the Scottish Government (Lebov, 2009) estimated that between April 2007 and March 2008, 79 victims of human trafficking were in contact with agencies in Scotland. In terms of types of exploitation identified, Scottish Government statistics indicate that of adult victims identified as trafficked in 2010: 44 were victims of labour exploitation; 6 were victims of domestic servitude; 27 were victims of sexual exploitation. In 2011 (1 Jan – 30 June), 43 victims of labour exploitation were identified; 2 victims of domestic servitude; and 13 victims of sexual

⁵ See Annex Two – for questions that may ascertain status of victim.

⁶ Operation Pentameter 1 focused on sexual exploitation, Pentameter 2 on sex trafficking and forced labour.

exploitation. This reflects a growing awareness of different forms of exploitation and indicates a predominance in reported incidents of trafficking for the purpose of labour exploitation in Scotland.

International evidence of needs of victims

Victims experiences of being trafficked result in a wide range of significant needs; many of which are characteristic to all trafficking victims, regardless of the type of exploitation for which they were trafficked. Movement is an important factor in trafficking in humans; the removal of a person from a situation where they can ask for help effectively isolates them. This isolation then allows for a more total control to be exerted over the victim. If the person is taken across an international border they are more likely to be further isolated, by language and culture; however border crossing is not a necessary factor in the case of internal human trafficking. Focusing on illegal border crossing can direct attention toward migrants and clouds the existence of internal trafficking which occurs within the boundaries of the nation state⁷.

Victims of trafficking of all forms of exploitation may suffer severe physical and psychological consequences likely to result in ongoing traumatisation. This may affect their ability to present as, and be identified as, victims of human trafficking⁸. Existing evidence suggests that it is difficult to make generalisations about the experiences and needs of victims of human trafficking as circumstances can vary significantly (Schloenhardt and Loong, 2011:167).

Clawson and Dutch (2007) in their review for the US Department of Health and Human Services identified the needs of victims of human trafficking as being extensive. Safety needs were viewed as the first priority, with screening for safety needs of victims and service providers as key to every assessment conducted. At the point of crisis intervention, victims (regardless of the form of exploitation experienced) required basic necessities such as emergency accommodation; food and clothing; interpreter services and the facilitation of communication. Short and long term needs consisted of:

- housing (transitional and permanent)
- legal assistance
- health screening (tuberculosis, sexually transmitted diseases, pregnancy) and immunisations
- treatment for physical injuries
- dental care
- child care
- education

⁷ “Internal trafficking generally flows from rural to urban or tourist centres within a given country, while trafficking across international borders generally flows from developing to developed nations” (Ribando Seelke 2010:3).

⁸ Indeed, the victims of human trafficking should be entitled to protection and right to remedies under UN Resolution (60/147) *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*.

- life skills training (including operation of basic household appliances, use of public transport) and financial management
- family reunification or repatriation

Service providers in Clawson and Dutch's review (2007) reported that **all** victims of trafficking (regardless of type of exploitation) had mental health needs requiring trauma counselling. Beyond common immediate needs, victims displayed a wide range of needs, that often changed during the course of support provision (Zimmerman and Borland, 2009; Clawson et al 2009).

Williamson, Dutch and Clawson (2008) draw upon a number of international studies to highlight the significant extent of mental health needs among victims of trafficking and the significant levels of post-traumatic stress disorder (PTSD) among this group. Victims are also likely to suffer from "*anxiety and mood disorders including panic attacks, obsessive compulsive disorder, generalized anxiety disorder, and major depressive disorder*" (2008: 2) and extremely high levels of anxiety and depression symptoms including nervousness or shakiness, recurring attacks of terror and panic, fearfulness, feeling depressed or very sad, and hopelessness about the future. Victims may also be at risk for the development of dissociative disorders (especially those with histories of physical and/or sexual abuse), substance-related disorders (often used to help them deal with their situations, or in some cases after being forced or coerced to use drugs or alcohol by traffickers). Zimmerman et al (2006) highlight the wide-ranging and profound physical and psychological health consequences of trafficking experienced by women and adolescents. Without doubt, victims are at risk of complex and enduring mental health problems in the short and longer term.

Evidence available internationally suggests that victims of all forms of exploitation have very similar needs; however, the extent to which particular needs vary depends on the victims circumstances. International victims may require some form of identification or legal documentation and may need to send money back to their country of origin to support their family. They may also fear for the safety of those family members who may be under threat from traffickers operating in source countries. This may make victims less willing to co-operate with the authorities.

Issues of substance use may be a more prevalent feature for victims of domestic trafficking, however Clawson and Dutch (2007) suggest that international victims may be less likely to disclose substance abuse problems given potential shame or stigma, and fear that this information may be used against them in any legal cases that are ongoing (for example civil, criminal or immigration).

Macy and Johns (2011) reviewed services for adult survivors of trafficking for sexual exploitation and identified similar needs. This included:

- secure, safe shelter, and housing
- physical health care
- mental health care
- legal and immigration advocacy
- job and life skills training
- substance abuse services (Macy and Johns 2011)

Macy and Johns (2011) also identified the importance of a continuum of aftercare services to address changing needs as survivors progress from initial exiting of trafficking situations to longer term recovery and independence. A particularly important finding of Macy and Johns was that specific intervention details are rarely documented, so that it is often unclear exactly what type of intervention is being undertaken.

Evidence of the needs of victims in Scotland

Easton and Matthews (2011) highlight the particular needs of victims trafficked into commercial sexual exploitation in Scotland. They indicated that the women in their study were often vulnerable prior to being trafficked and were subsequently “*often subjected to violent sexual acts or encounters motivated by racist and highly sexualised cultural stereotypes*” (p10). These experiences led to a range of physical and mental health symptoms following trafficking experiences with high levels of trauma, fear, anxiety and physical and mental health problems which had an impact on their ability to function on a daily basis. This reflects the significance of recognising gendered experiences of trafficking. While similar needs are identified for men and women in general, it would appear that attention is given to the gendered nature of exploitation and the particular needs which may arise (Zimmerman, 2003; Zimmerman et al, 2006; Zimmerman and Borland, 2009).

Evidence of the needs of victims of different forms of exploitation in Scotland (for sexual exploitation, labour exploitation and domestic servitude) was obtained from case studies provided by TARA and Migrant Help. This highlighted the shared needs of all victims for the following key resources:

- Safe accommodation
- Medical care (short –longer term)
- Financial assistance
- Practical support (including interpreters)
- Legal advice
- Support to access a range of services (i.e. support worker/co-ordinator)
- Trauma counselling/support
- Longer-term psychological support (particularly in the case of victims of sexual exploitation)

In addition, longer-term needs arise for victims who have debts to pay off in their home country or whose family are in danger from traffickers or their associates.

Summary

There is clear consensus within the literature available to indicate the key needs of victims, particularly in the immediate and short-term. While these overarching needs may be similar regardless of the type of victim – adult or child, international or domestic - there is a clear consensus that the extent of the needs varies for each victim depending on their circumstances and at each stage of the rehabilitation process (Clawson and Dutch 2008). Despite this recognition of what is required there is little evaluative research on the long-term needs of trafficking victims (Busch-Armendaiz et al 2011; Macy and Johns 2011).

The needs of victims of trafficking in Scotland are similar to those identified by international studies and are reflected under the EU Convention and Directive, and

the current Bill progressing through the House of Lords *Human Trafficking (Further Provisions and Support for Victims) Bill [HL]* which specifies the requirement to provide „assistance and support“ which is set out as including, but not restricted to:

- “(a) appropriate and safe accommodation;
- (b) material assistance, including assistance for a person with special needs caused by pregnancy, physical or mental health, disability, or being the victim of serious psychological, physical or sexual violence;
- (c) medical treatment, including psychological assistance;
- (d) counselling;
- (e) information, including information on a reflection and recovery period, the possibility of granting international protection and refugee status;
- (f) translation and interpretation services;
- (g) access to education for child victims and children of victims⁹;
- (h) legal counselling, either through legal aid or other means;
- (i) legal representation, either through legal aid or other means;
- (j) assistance in applying for compensation”.

The shared needs of victims, regardless of forms of exploitation experienced, highlights the importance of individualized approaches to identifying and recognizing these needs, as well as the significance of a comprehensive, coordinated response.

⁹ Access to education for adults, along with training and employment opportunities are also important.

SECTION 2: REVIEW OF CURRENT PRACTICE AND MODELS OF CARE IN DIFFERENT JURISDICTIONS

States are required to provide assistance and support for victims. There are generally acknowledged to be four dominant camps of perspectives, with competing agendas, in the trafficking debates which determine the form that models of intervention will take:

Law and Order: this perspective equates human trafficking with organized crime, focusing on crime prevention, law enforcement and the propensity to prosecute. The 2000, United Nations Convention on Transnational Organized Crime definition of trafficking (under a Convention on Organized Crime) privileged law and order priorities. *“For states, for example, „human trafficking“ is largely a problem that concerns public order. A public-order driven approach to „human trafficking“ can turn counter-trafficking activities into tools for cutting down on both prostitution and migration”* (Alpes 2008:36).

Migration: this perspective tends to equate human trafficking with human smuggling and illegal migration. The agenda which dominates is the tightening of border controls and stricter visa regulations (Kempadoo 2005:11).

Public Morality: this perspective tends to equate trafficking for the purpose of sexual exploitation with sex work or prostitution. The dominant agenda is the criminalization of sex work, usually championed by religious and conservative organizations (Kempadoo 2005:10). In 1949, the United Nations addressed these human rights abuses in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of Others, which states that *“prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”* (Preamble to the Convention). This convention equates trafficking with sex work, criminalizing sex work (Kempadoo 2005:10).

Human Rights: this perspective equates trafficking with violations of human rights, focuses on the abuse and forced labour experienced by the victim as well as the support and protection of the victims.

Although, arguably the Human Rights Perspective is the most encompassing and useful of the four, each of these agendas oversimplifies the complex process and lived experiences of exploitation which make up human trafficking. These oversimplifications shape and confuse, distort and delude the understanding and implementation of trafficking laws, most specifically the identification of trafficking victims (Haynes 2007:340).

Key legislative tools determining care and support for victims of trafficking

There have been a number of legislative tools which determine the need to provide interventions of assistance and support to victims of trafficking in humans, reflecting different elements of the four models referred to above.

The Council of Europe Convention on Action against Trafficking in Human Beings 2005 entered into force as the first European treaty in this field. It set out measures aimed at preventing trafficking in human beings and prosecuting traffickers, as well

as providing genuine protection to victims of trafficking and ensuring their human rights were safeguarded. The convention applied to both national and transnational trafficking, whether related to organised crime or not¹⁰. The Convention also acts as an international instrument for defining a „victim“ of trafficking in human beings; other international instruments left it to each state to define victimhood and accordingly, entitlement to protection and assistance (Secretariat of the Committee on Equal Opportunities, 2009).

The Convention provides a series of measures to protect and promote the rights of victims. Victims should be granted physical and psychological assistance and support, and are entitled to a minimum of 30 days (45 in the UK) to recover and escape from the influence of the traffickers and to make a decision about their possible co-operation with the authorities. Where appropriate, a renewable residence permit should be granted. Victims are also entitled to receive compensation¹¹ and support with voluntary repatriation; taking into account their rights, safety and dignity. Importantly, attention is paid to the protection of victims (witnesses) during investigation and court proceedings.

Additionally the Convention allows for the possibility that victims who were involved in unlawful activities can avoid incurring penalties if they were compelled to do so by their situation.

The Convention emphasises the importance of correct identification of victims in order to protect and assist them. Provisions should be made to ensure the physical, psychological and social recovery of individuals through the provision of *“appropriate and secure housing, medical and material assistance, counselling and information (in particular legal advice) in a language they understand, financial support, employment and training opportunities (including the possibility of obtaining work permits)”* (Secretariat of the Committee on Equal Opportunities, 2009).

In 2011, the UK Government opted-in to the EU Directive on Human Trafficking (EU Directive) adopted by the European Parliament in 2010. The EU Directive takes a victim centred approach, including a gender perspective, to direct action in areas such as criminal law provisions, prosecution of offenders, victims' support and victims' rights in criminal proceedings, prevention and monitoring of the implementation of these actions by National Rapporteurs or equivalent mechanisms. The Directive's specifications for victims of human trafficking include the following:

- The criminal law provisions include a common definition of the crime, as well as aggravating circumstances, higher penalties and the principle of non-punishment of the victims for unlawful activities - such as the use of false documents - in which they have been involved when subjected to traffickers¹².
- The Directive provides for specific treatment of particularly vulnerable victims aimed at preventing secondary victimisation (no visual contact with the defendant, no questioning on private life, no unnecessary repetition of the

¹⁰ Thus the Convention differs from the Trafficking Protocol which applies to certain offences of a transnational nature and involves an organised criminal group.

¹¹ Although there is very little guidance on what is meant in terms of quantity or quality of compensation.

¹² Victims who have escaped with nothing other than the clothes they were wearing may also commit „survival“ crimes such as petty theft before coming to the attention of the authorities.

testimony, etc). It also provides for police protection of victims, and legal counselling to enable victims to claim compensation. Special protective measures are envisaged for children.

- Victim support includes national mechanisms for early identification and assistance to victims, based on cooperation between law enforcement and civil society organisations; providing victims with shelters, medical and psychological assistance, information and interpretation services. A victim must be treated as such as soon as there is an indication that she/he has been trafficked. A victim will be provided with assistance before, during and after criminal proceedings.
- Prevention aspects cover measures discouraging the demand that fosters trafficking as well as awareness-raising and training aimed at the officials likely to come into contact with victims, and potential victims¹³.

The European Court of Human Rights has ruled that trafficking in human beings falls within the scope of Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and that accordingly, “*States had a positive obligation to put in place an appropriate legal and administrative framework against trafficking, to take measures to protect victims and to investigate acts of trafficking, including through effective co-operation with other States concerned on criminal matters*”. This now means that trafficking in human beings can be combated as a violation of the European Convention on Human Rights (GRETA, 2011)¹⁴.

Under international legislation, states are expected to establish programmes to assist victims in their physical, psychological, and social recovery, including access to shelter, health care, legal information, educational opportunities, and potential criminal proceedings against their traffickers. Across Europe, access to protection and services can be difficult to obtain. Provisions and practice vary across countries and the extent to which responses have been implemented is variable. Each member state in the European Union is responsible for establishing its own mechanisms for implementing the Convention and Council Directive decisions, and, in many cases, the anti-trafficking frameworks at the national level still lack explicit anti-trafficking laws, or instruments for enacting protective measures. Lack of funding across states can also prohibit the provision of necessary resources to protect victims or their families.

A Group of Experts on Action against Trafficking in human beings (GRETA) was established to monitor the implementation of the Convention in Europe. By design, GRETA is supposed to include no fewer than 10 and no more than 15 members, elected from among representatives of member states. However, the responsibilities of implementing and enforcing the policies are delegated to various officials within each member state. In practice, any one of a multitude of ministries and agencies may be responsible for enacting the policies set forth by the European Council.

¹³ Prevention is thought of as “discouraging demand” however this concept generally refers to the sex industry rather than labour or domestic servitude. In the latter two cases, reducing the demand for labour and domestic labour is unlikely.

¹⁴ Recent developments aimed at bringing practice in the UK into line with the EU Directive includes: Human Trafficking: The Government’s Strategy (HM Government, 2011) and the introduction of a Bill which is currently going through the House of Lords (at Second Stage) with a focus on the provision of care and support for victims of trafficking (Human Trafficking (Further Provisions and Support for Victims) Bill [HL]).

While Europe-wide institutions like Europol have functioned effectively to improve investigation and prosecution efforts, no similar institution exists to assist with protection efforts. This has resulted in many of the protection activities falling to the various national and local level NGOs to implement (Shinkle 2007:4).

A number of areas of good practice have been identified as addressing trafficking in European states (for example Italy's Article 18, which enacts the right to a residence permit and access to social programmes; Britain's Poppy Project, which provides shelter and care services to adult women victims of sexual exploitation). However concerns have been expressed that states overly rely on poorly resourced NGOs, and for excessive attention to sexual exploitation with a resulting failure to address the needs of victims of other forms of trafficking.

Attempts to provide individualised support through NGOs has also been criticised where, in the absence of greater government funding, the NGO community is too constrained in terms of their financial and geographical coverage to sufficiently serve or protect the country's victims. The emphasis on law enforcement has also been noted more generally at the expense of victim's rights. In Italy for example women trafficked for sexual exploitation have been deported for refusing to give information about their exploiters, regardless of the fact that many victims may not be able to provide useful information and/or have legitimate fears for their own or loved ones' safety if they reveal identifying information about their traffickers (Aghatise, 2004).

Similarly, less than 5% of victims of trafficking for sexual exploitation in the Netherlands were willing to assist the police in proceedings against traffickers. Those who do can obtain a B9 temporary permit but will have to return to their country of origin after prosecution proceedings have been completed. ODIHR (2007: 5) estimate that about 95% of victims are therefore denied full assistance and are likely to be expelled from the country. This can place victims at further risk of traffickers in source countries. Scotland distinguishes itself from other European nations by not resorting to forced repatriation.

Shinkle (2007) argues that better enforcement of European Council decisions at the national level is required, noting that lack of funding and dedication by member states has thwarted developments. Because member states are responsible for implementing the European Council directives, insufficient mechanisms for enforcing compliance have also been an entrenched problem.

Models of Practice

Despite growing awareness of the requirements of a multi-agency response there is little empirical evidence to support the effectiveness of specific interventions or services for victims (Clawson et al, 2009). In the UK much of the focus to date has been on the identification of victims of trafficking in humans (Hynes 2010). While necessary as an initial step, this has perhaps deflected from providing and evidencing effective rehabilitation and reintegration services, not least because such assistance requires far more intensive work and follow up. The IOM (2007: 105) note that: *"There have been few in-depth evaluations of long-term reintegration programmes and long term follow-up of victims can be difficult as those victims assisted move on with their lives and lose touch with service providers, little is known about best practices for long-term reintegration"*.

Despite the absence of evidence through evaluation research it is possible to identify characteristics of services that appear promising, although these conclusions relating to best practice have generally been made from overviews, manuals, fact sheets, non peer reviewed journals, commentaries, and anecdotal observations and experiences (Gozdziak and Collet, 2005; Clawson et al 2009), rather than specific evaluations of programmes and services. Importantly, international guidelines provide general guidance on models of intervention aimed at victims of trafficking regardless of the form of exploitation they have experienced. Rather than distinguishing in this regard, they argue for a holistic approach that takes account of the individuals' circumstances and needs and which is able to respond appropriately on that basis. A comprehensive continuum of care is highlighted as a key priority for support provision. IOM (2007: 60) notes:

“While recognising that trafficking victims share a number of common experiences and circumstances, staff should acknowledge the individuality of victims, including individual, cultural, gender and age differences and differing experiences of persons before during and after being trafficked, and to the extent possible, provide personalised care and assistance. Throughout the assistance process, staff should strive to provide the most appropriate protection, assistance and support measures appropriate to the needs and circumstances of individual victims”.

The importance of a continuum of care, from identification to reintegration, is highlighted by the United Nations (UNODC, 2008) and by Clawson et al (2009) in their review of the literature on appropriate services for victims of trafficking. However, they also note that the role of a case-manager is critical in supporting the victim (also ensuring they are not required to repeatedly tell their story with the potential risks of re-traumatisation) and also supporting other providers and agencies (law enforcement, attorneys, counsellors and others) to direct their services to meet the needs of the victim.

In the USA the Trafficking Victims Reintegration Programme criteria for determining the successful re/integration of victims is centred around the following characteristics of service provision:

- safe and affordable accommodation
- legal status
- professional/employment opportunities
- education and training opportunities
- security and safety
- healthy social environment (including anti-discrimination and anti-marginalisation)
- social well-being and positive interpersonal relations
- economic well-being/viability
- physical well-being
- mental well-being
- access to services and opportunities
- motivation and commitment to re/integration process
- legal issues and court proceedings
- well-being of secondary beneficiaries

(Surtees 2010).

The United States bases its victim protection and support on the Traffic Victim Protection Act (TVPA) 2000, and its amendments, the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2003 and 2005. Under this Act guidelines for protection of victims while in custody, victim access to medical assistance, information and translation services are provided. The U.S. also provides federal funding for social services to provide benefits for dependent children of victims (or potential victims) of trafficking, and to minors who are siblings of trafficking victims. It also offers options for restitution, such as a civil action provision allowing victims to sue their traffickers in federal court (Shinkle, 2007:3). Unfortunately, however, stereotypes and fear of immigration repress the realisation of a holistic human rights centred approach. Health and Human Services Commission (2008) highlights similar challenges including the lack of legal redress in their examination of responses to trafficking in Texas.

The emphasis on identifying and certifying victims in the US impacts on access to federally-funded services, including immigration relief, employment placement, housing, health care services, and counselling (Shinkle 2007:2). Without law enforcement certification, the victims are likely to be viewed as criminals and be deported (Haynes 2007:350). Victim certification takes the form of *“a letter from a law enforcement official stating that they are a potential witness to human trafficking, or that they are complying with all “reasonable requests for assistance” from US law enforcement”* (Shinkle 2007:5). However, this gives significant discretion to officials who may be reluctant to see victims who have not been rescued as „certifiable“ (Srikantiah, 2007; Segrave et al, 2009; Hoyle et al, 2011). It may also be difficult for victims experiencing significant trauma to co-operate with law enforcement agencies. Segrave et al (2009) discuss provisions for women victims of trafficking for commercial exploitation focusing on Australia, Thailand and Serbia. While detailing responses and provisions across the three countries they also note the distinction between short-term assistance for „victims“ and longer-term assistance for „witnesses“ with longer-term support linked to assistance with prosecutions. Haynes (2007:346) challenges the law and order emphasis as perpetuating myths that *“most trafficking victims are rescued by law enforcement officials; that they are rescued from actively and visibly abusive environments; that only those who are rescued are really victims and those who escape or are arrested or detained are not; that if a person is not visibly a victim, she is probably a criminal; and that someone who has broken the law cannot also be a victim of trafficking”*.

Options for continued presence in the United States take the form of the T-Visa or the U-Visa which may allow certified victims, and sometimes family members, to stay in the United States while an investigation against their traffickers is pending. However, the application process to obtain a T-Visa and its accompanying protections is complicated and often inaccessible to victims who do not speak English, are not familiar with the US legal system, have little or no income of their own, and are not guaranteed legal counsel. While victims are guaranteed the right to counsel, such counsel is not automatically provided on the victims“ behalf, and they may not seek the available benefits without the aid of government, nongovernmental, or non-profit advocates.

As with Europe, it is argued that the US framework could be strengthened by instruments designed to enhance the human rights approach to victims. Shinkle (2007) argues for the institution of a reflection period, along the lines of that mandated in Europe, allowing survivors to access vital services and evaluate their

options with the advice of qualified legal and human services personnel in order to make fully informed decisions about their options. *“Providing services, legal counsel, and protection, independent of a survivor’s decision to participate in law enforcement efforts would, Shinkle (2007:7) argues, further strengthen the credibility of the human rights approach”.*

The *IOM Handbook on Direct Assistance for Victims of Trafficking* (IOM 2007) identified the following factors as key to successful work with victims of trafficking. However, IOM stress that each case must be dealt with individually, on a case by-case basis, with appropriate interventions matched to specific needs. National Action Plans for victim assistance should include the following elements of provision:

- Medical/Health
- Counselling
- Financial
- Legal Assistance
- Reinsertion Into the Education System
- Vocational Training
- Micro-enterprises and Income-generating Activities
- Job Placement, Wage Subsidies and Apprenticeship
- Programmes
- Housing and Accommodation

The ILO (2006) identified the key components of a multidisciplinary approach and noted the importance of standardised database and data collection systems for use by relevant professionals for analysis and referral purposes; facilities for recording a trafficking victim's personal history; standardised incident notification forms; a handbook for practitioners, indicating the roles of various professionals in a multi-agency approach, and including required professional skill, relevant procedures, and available resources; a directory of organisations and services able to work with trafficking issues; an accessible list of laws and regulations relating to trafficking, with accompanying guidelines on how to enforce them.

There is little evaluative research on the most effective models, especially on the topic of long-term needs and reunification (Busch-Armendaiz et al 2011; Macy and Johns 2011). This focus on longer term needs is especially important in the UK because most of the focus of service provision to date has been on immediate safeguarding.

There has also been some debate about the appropriateness of specialised service provision for trafficking victims, or improved access to more generic services because:

“Service providers and policymakers sometimes operate under an assumption that clients will quickly access mainstream services, and that those mainstream services will be adequate. However, clients’ needs and the structure of both mainstream services and services for victims of human trafficking are not always in harmony. For example, time-limited services are not able to accommodate trauma-related needs that may not be evident during the first six or seven months of services.” (Busch-Armendariz et al 2011: 13)

Fundamentally, there is no easy solution, or quick fix, when addressing the needs of trafficking victims (USAID 2007). Identifying appropriate short, medium and long-term responses, and therefore developing appropriate interventions, is a key challenge. In light of the absence of evaluative data on service provision, the components which contribute to promising practices for the U.S. Department of Health and Human Services (2008) require: the incorporation of safety planning (for workers and victims), collaboration across a number of agencies, ongoing development of trust and relationship-building, culturally appropriate approaches, trauma-informed programming, and the involvement of survivors in service development and provision. However, as Clawson and Dutch (2007: 10): *“Providing these services can take months or years: the timeline for serving each victim is different and often unpredictable”*.

Caliber (2007: 72) also identified collaborative and comprehensive services as key to effective provision for victims of trafficking and noted that characteristics of effective initiatives were: passion, dedication, experience, diversity, flexibility, institutionalised commitment (beyond individuals), client centred approach, cultural sensitivity, comprehensiveness (can handle a case from start to finish), mutual understanding and respect, shared vision and one voice.

Clawson et al (2009) identify the following barriers and challenges to accessing and providing services. For victims, this includes: an inability to self-identify as having been trafficked; lack of knowledge of services; fear of retaliation; fear of law enforcement/arrest/deportation; lack of trust; shame/stigma; PTSD; cultural and language barriers; lack of transport. For providers this can include: the hidden nature of trafficking which makes it difficult to identify and reach victims; lack of awareness/training; lack of adequate resources or services; cultural/language barriers; ineffective co-ordination of services; safety concerns. Caliber (2007) identified housing and medical needs as key areas where providers experienced difficulty in meeting the needs of clients. Insufficient resources and capacity along with funding constraints and ongoing service needs were characteristics of the difficulties experienced by service providers.

Some general strategies for good practice in the development of collaborative and co-ordinated services are provided by Clawson et al (2009: 21) and include:

- “Safety planning (for staff and client)
- Collaboration across multiple agencies
- Foster trust and relationship building constantly
- Ensure culturally appropriate approaches
- Establish trauma-informed programming
- Involve survivors”.

Taking the available evidence into account, some key considerations in the provision of assistance and support can be identified:

Safe and secure accommodation

The United Nations (UNODC, 2008) highlight the importance of the physical protection of victims and provision of shelter depending on individual needs, accompanied by programmes of support. IOM (2007) notes that provision of shelter can take a variety of forms and can be specialised for victims of trafficking only, or

may house others in need of similar assistance (such as victims of domestic violence). However Clawson and Dutch (2007) have noted that victims of trafficking who are housed with other victims in, for example, refuges can be treated inappropriately by other residents. Culturally appropriate and trauma-informed provisions are a necessary part of the process of securing and maintaining a safe space for victims. Financial support should be available to cover the costs of accommodating victims of trafficking and to ensure that they have access to financial resources while accommodated. Given the difficulties that victims may have in securing employment and other, affordable housing, Clawson et al (2009) note that there should be an option to extend the length of time that victims of trafficking can spend in emergency and transitional housing.

Physical health interventions

IOM (2007: 88) note that victims of trafficking are likely to have particular health problems as a result of the exploitation they have experienced (for example HIV/AIDS, sexually transmitted diseases and PTSD). They are often more vulnerable to significant health risks and may require treatment for stomach problems and headaches which may also be symptomatic of emotional difficulties; chronic back, hearing, cardiovascular or respiratory problems as well as requiring optical and dental care. Comprehensive medical examinations should be provided by health providers who are aware of the needs of victims of trauma. Long-term follow-up medical treatment may be needed and should be provided as required. Zimmerman and Borland (2009) provide detailed guidance for health providers caring for victims of human trafficking. They note the complexity of victims health needs as a result of the cumulative health risks experienced throughout the trafficking process and beyond, when victims may be isolated or detained in „hostile environments“ including detention centres and prisons. Their guidance is based on materials aimed at responding to victims of other forms of abuse (domestic violence, sexual abuse or child abuse) and for other vulnerable populations.

Trauma/mental health interventions

Given the extent and complex nature of the mental health problems which can affect victims of human trafficking, trauma-informed services are a crucial part of a victim's recovery (Williamson, Dutch and Clawson, 2008). To date there is little evidence-based research on the treatment outcomes of victims of human trafficking, however it appears that the health needs of victims of trafficking are similar to those of other groups such as migrant labourers, victims of sexual abuse or domestic violence and victims of torture and therefore models of effective intervention are likely to be similar. (Zimmerman, 2003; IOM, 2006). While different therapeutic options may be considered, it is clear that addressing the psychological consequences of human trafficking requires long term and comprehensive therapeutic interventions.

Legal assistance

Konrad (2008) notes that many European countries prioritise illegal immigration over human trafficking; similarly, victims are often seen as instrumental to the prosecution of traffickers rather than prioritised in terms of their human rights. The United Nations (UNODC, 2008: 142) highlight the importance of supporting victims through *“direct and indirect means, timely notification of critical events and decisions, provision in full of information on the procedures and processes involved, support of the presence of victims at critical events and assistance when there are opportunities to be heard”*. In particular they note the obstacles which victims can encounter due to culture, race, language, resources, education, age or citizenship. They further note

(2008: 145): *“The development of close links between non-governmental organisations working in the fields of human rights and legal aid with law enforcement agencies and victim support programmes is optimal and facilitates the protection of and assistance to victims”.*

Gender appropriate responses

The EU Directive refers to taking into account *“the gender perspective”*. And Recital 3 notes that *“assistance and support measures should also be gender-specific where appropriate”*. The particular needs of women trafficked for the purpose of sexual exploitation may be addressed in a woman’s refuge or other safe place where interventions associated with physical and sexual trauma can be accessed. However, evidence from the US (Clawston and Dutch, 2007) highlights that specific services may be required within these organisations as women may also experience stigmatising and racist attitudes from other women using these services (see also Stepnitz, 2009). The Poppy Project (2008: 26) also emphasise that the extreme violence and psychological stress that women have experienced as victims of trafficking *“requires specialist and long-term assistance from dedicated support agencies, with a history of supporting victims of violence against women”*.

The specific health needs of women who have been trafficked and the importance of recognising and acknowledging gender-based violence and forms of exploitation are highlighted by Zimmerman (2003). The way in which trafficking impacts on women and the consequences of abuse experienced through a variety of forms of exploitation highlights the need for gender sensitive responses at all stages of the provision of care and support for women victims.

Summary

Guidance published tends to centre on statements of good practice rather than empirical evidence of what may actually work in practice. Given that recognition of trafficking in human beings is a relatively new concept in terms of policy and practice responses this may explain the absence of empirical baseline data for effective intervention. But the complexity of the issue is also likely to contribute to this, alongside the focus that is often given to immigration control and the securing of borders rather than needs of victims and human rights issues. There is very little evidence of „outcomes“ in the available literature; while short term outcomes may be clear (ie safety, housing, health), the longer term aims of interventions may be less so.

Key to models of care and support for victims are:

- Comprehensive and co-ordinated services
- Suitable, safe and secure accommodation
- Easily accessible advice
- Support with communication and linguistic barriers
- Provision of medical and psychological support
- Victim-centred approaches
- Individualised and holistic care

There is a need to ensure however, that resources are targeted and based on rigorous methods of evaluation.

UK Policy Responses

In 2007 the UK Government published the *UK Action Plan on Tackling Human Trafficking*¹⁵ which among other things, announced the establishment of the UK Human Trafficking Centre (UKHTC) which aimed to facilitate and foster closer links between the immigration service and law enforcement. UKHTC also aimed to develop a wider focus on trafficking, going beyond the more explicit attention often given to trafficking for sexual exploitation. UKHTC is a multi-agency organisation led by the Serious Organised Crime Agency (SOCA). Its role is to provide a central point of expertise and coordination in relation to the UK's response to the trafficking of human beings. The Centre seeks to facilitate a coordinated, cooperative and collaborative way of working within the UK and internationally. The UKHTC's partners include police forces, the UK Border Agency, HM Revenue & Customs, the Crown Prosecution Service, the Gangmasters Licensing Authority, NGOs including charitable and voluntary expert groups.

The UKHTC Website states that supporting the victims of trafficking and bringing to justice those responsible will always be the mainstay of the UKHTC's work¹⁶. Prevention efforts form a key component of the UKHTC's proactive strategy to reduce harm and protect victims of human trafficking. The National Referral Mechanism (NRM) is a central plank of UK policy and aims to support the identification of victims. It is presented as a „vital step“ in ensuring that the human rights of trafficked people are protected. The operation of an NRM approach is based on the recognition *“that many actors – including both government and civil society – must co-operate to develop a truly effective and comprehensive protection structure for trafficked persons”* (OSCE/ODIHR, 2004: 11). However concerns have been expressed that few victims of labour exploitation are being identified and protected internationally through NRMs (ODIHR, 2007).

One of the challenges of the centrality of the „victim“ status to the NRM process is that exploited individuals, particularly migrants, in both the sex industry and labour sectors may not perceive themselves as victims¹⁷. This is frequently the case for trafficked migrant domestic workers, many of whom do not want to be referred to the NRM preferring instead to move on to other employment. Kalayaan (2011) highlights criticisms of the NRM for failing to accept the victimisation of migrant domestic

¹⁵ Subsequent updates have been produced: Home Office and Scottish Government (2008) *Update to Action Plan on Tackling Human Trafficking*; Home Office and Scottish Government (2009) *Update to Action Plan on Tackling Human Trafficking*.

¹⁶ The Special Representative Report (2012) referred to the importance of a human-rights approach alongside a crime-fighting approach. A victim-centred approach, she argued, would complement and improve the criminal justice response, an argument that was challenged by the Home Office in response to the Report (see Special Representative, 2012: Appendix 1).

¹⁷ Difficulties in the production and interpretation of NRM data is evident. The report by the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (Special Representative, 2012) highlighted concerns that during the first two years of operation of the NRM (1 April 2009 to 31 March 2011) out of 954 referrals, positive conclusive grounds decisions totalled 331 (less than 35%) out of which 45 related to UK nationals. In response, Justine Currell of the Home Office challenged these figures stating that during this period (1 April 2009 to 31 March 2011) there were 1481 referrals to the NRM. Of these, 1345 reasonable grounds decisions had been made by 31 March 2011 and 895 (67%) were positive. Of the 895 cases that had proceeded to the conclusive grounds stage, a decision was reached in 711 cases by 31 March, of which 497 (70%) were positive. Currell also notes that the largest number of cases referred by a single First Responder was from UK Border Agency staff (48%) while those from the police amounted to 26% (Special Representative, Annex, 13).

workers. The failure, more generally, to identify victims trafficked for the purpose of forced labour is also reflected in the failure to distinguish between forced labour and labour exploitation. Specifically, the Gangmasters Licensing Authority *“is currently confined to the oversight of labour in the food and agricultural sectors, while exploited foreign labour may now be found in the service and construction industries as well as in care homes”*. (Equality and Human Rights Commission, 2011:9)

The UK Border Agency (UKBA) acts as the „competent authority“ to identify a victim of trafficking if the person is within the immigration or asylum system. In all other cases, UKHTC fulfils this role. Competent authorities will take up to five days to reach a „reasonable grounds decision“. Following a positive decision, a 45 day period of reflection and recovery will be provided. „Conclusive evidence“ can lead to consideration of a one year renewable residence permit. However, the Anti-Trafficking Monitoring Group (2010) noted that women whose cases are decided by UKBA as the competent authority were significantly less likely to get positive decisions at „reasonable“ or „conclusive“ grounds than women whose cases were decided by UKHTC. The UKBA has also been challenged for an „inherent conflict of interest“ arising from its dual role in dealing with both asylum and trafficking cases (Easton and Matthews, 2012). Concerns about decision-making and lack of any right to appeal decisions have led to the implementation of a review stage to allow an authority other than the decision maker to audit a sample of decisions, and to hold regular case reviews involving a range of partners including NGO support providers.

In 2011 the UK Government made a commitment to protect the level of funding available to victims of human trafficking at £2 million for the next two years (HM Government, 2011: 3). From the 1 July 2011 funding was provided to the Salvation Army as central contractor with a case-management function and responsibility for overseeing and co-ordinating the provision of care by sub-contracting to other agencies. The model now in place aims to provide funding which will follow victims to the organisation which will support them (notably Kalayaan, Migrant Help, Poppy Project, Medaille Trust).

The model of victim care currently operating in England and Wales aims to bring support providers together in a single support network with the aim of concentrating expertise. This brings together care providers for victims of forced labour alongside victims of trafficking and other vulnerable groups such as victims of domestic violence. This model was introduced in 2011 and to date there is no evidence of how it is working.

Solace (2009) has produced guidance for local authorities to identify and assist victims. This guidance, based on the study of local authority provision across Europe and applied to the UK sets out information on identification of victims; support of victims; assistance with repatriation; prevention of human trafficking; partnership working.

The Anti-Trafficking Monitoring Group (2010) has highlighted some of the challenges for the UK in providing assistance and support to victims indicating: access to medical treatment was problematic; delays in identifying victims and access to services during this time; barriers associated with the NRM which meant fewer people were referred than approached agencies; identification of victims based on immigration rather than victim status (Care, 2011).

Amnesty International (2008) noted that a number of victims of trafficking were detained or imprisoned. Not only does this limit the access of victims to support services, it is also likely to have a detrimental impact on the individuals' physical and mental health and compounds the difficulties they are likely to experience in disclosing their circumstances to authorities. Preliminary research on the criminalisation of migrant women in the UK (Hales and Gelsthorpe, 2012) highlights the way in which victims of trafficking can end up in the prison system in England and Wales, criminalised for committing offences to survive or being detained for lack of documentation. While there is, to date, no evidence of the extent to which this happens in Scotland, it is likely that the situation is similar to the rest of the UK. Amnesty International (2008: 13) has stated that: "*Victims who have been trafficked into the UK should never be detained, or suffer imprisonment for any reason which is a direct or indirect result of their situation as a victim of trafficking*". In some cases, there would appear to be a perception that potential victims of trafficking may be better protected if they are in detention (whether immigration or police). This has been noted as a reason given by the UK Border Agency for keeping a potential victim in immigration detention in the past despite the fact that this contradicts international good practice.

Article 8/Recital 14 of the EU Directive states that penalties should not be imposed on victims of trafficking for their involvement in criminal activities which they have been compelled to commit as a result of being trafficked. There is currently no system in place to review the process of avoiding the punishment of victims for involvement in criminal activities to which they have been compelled to commit as a direct consequence of being subject to trafficking. At present the Crown Prosecution Service are working with criminal justice partners and UKHTC to identify a „practical mechanism“ to monitor the effectiveness of existing arrangements (Special Representative, 2012: Appendix 1).

Provision of care and support in Scotland¹⁸

The Scottish Government has responsibility for the care and support of victims of trafficking and the oversight of local authority provision. It currently funds two organisations to provide dedicated care and support for victims of trafficking:

Trafficking Awareness Raising Alliance (TARA) of Glasgow Community and Safety Services provides a service for adult women trafficked for sexual exploitation. TARA is funded by the Scottish Government and Glasgow City Council and provides support to women over the age of 18, who have been recovered in Scotland, and where there are concerns that they have been trafficked for commercial sexual exploitation.

Migrant Help supports male and female adult victims of labour exploitation and domestic servitude, and adult male victims of sexual exploitation.

¹⁸ Responses to trafficking in Scotland are informed by European and UK policies. Asylum and immigration issues and some preventative aspects of trafficking are a reserved responsibility under the Home Office. The Scottish Government has direct responsibility for certain areas such as justice and prevention and detection of trafficking through the Scottish Crime and Drug Enforcement Agency (SCDEA)

In the financial year period 2011-12, the Scottish Government funding across both services totalled £724, 000. In 2009-10 there were 107 potential victims of trafficking referred to Migrant Help, and 2010-11 there were 134. During 2010/11 TARA provided support to a total of 57 women. Of these women, 45 were provided with long term support, and 12 with short term support. Of the 56 women newly referred during this period 21 received long term support and 12 short term support. 24 women were already receiving support prior to April 2010. Approximately 70% of these women were supported by the project to engage with the Police.

Most referrals to TARA and MH come from the central belt, particularly Glasgow which is a dispersal city. Referrals to both services come from a range of agencies: for TARA the majority from the police and the Scottish Refugee Council closely followed by immigration solicitors; for MH referrals come from a range of sources mainly from the police (80-90%), or the SCDEA as well as UKBA, voluntary agencies, social services and the courts. Although Glasgow-based, TARA and MH will support victims across Scotland and have been attempting to raise awareness of their services with police forces across the country.

Safe accommodation

Migrant Help (MH) have dedicated accommodation for victims which has 13 bedrooms with staff attendance on a 24 hour basis. Flats can be accessed across the country as required. Individuals accessing the service are given fully furnished accommodation and the equivalent of state benefits every week alongside other supports they may need including access to healthcare, interpreters, contact with family back home; depending on individual need.

TARA do not have dedicated accommodation but can access supported accommodation for women as required. Concerns were expressed by respondents in other agencies about the ease with which safe and appropriate accommodation could be obtained. For example TARA will sometimes fund accommodation in Women's Aid shelters but this depends on whether spaces are available and how these spaces are then funded. They will provide women with a source of income and other resources as appropriate. From a basic crisis response, they will subsequently advocate for women with existing services and provide them with a safe space where the women can discuss and explore their experiences. Women will be referred on to other services to support their needs.

For victims who claim asylum, most are placed in accommodation provided by the UK Border Agency and respondents expressed serious concerns as to whether this accommodation is always safe and appropriate. There is a gap regarding accommodation provision in Scotland if an individual has not claimed asylum and is a potential victim of human trafficking (having not yet entered the identification process). This again, highlights the importance of identification systems as paramount to ensuring victims are able to access support services.

Health provision and trauma intervention

Both TARA and MH will refer victims on to medical services and can access community based health care as required. Access to mental health services for women (within the 45 day reflection period) proved impossible with difficulties identified in accessing appropriate psychological assistance in appropriate time frames. As a result, TARA currently have a psychologist based in their offices two days per week, although funding is time-limited. As one worker noted:

Women respond differently – you can't pigeon-hole them. Some women, we are astonished at how resilient they are while others have very little resilience about what has happened to them. It depends on the individual, her education, background, whether she has children or not, asylum status, post-traumatic stress disorder – if she is showing signs of that, mental health issues...women are vulnerable before being trafficked and quite often we have to deal with some of those vulnerabilities as well as the impact of trafficking on them.

Practical support and links to other services

Financial and practical support is provided by both TARA and MH. Support can be intensive initially although reducing over time and as victims become more settled or linked into mainstream services. Part-time workers at TARA provide out-of-hours support and a support group operates once a week where women can benefit from peer support. Service provision is focused around individual needs.

A worker from Migrant Help noted:

Everyone has different needs. We do the longer-term care here. So we can make appointments for people who have positive conclusive grounds decision to claim job seekers allowance, get national insurance numbers so they can take up employment at some point, we have arrangements with a number of local authorities to attend ESL courses to improve their English, systems in place to get registered with GPs and dentists, if there are issues with sexual health we can get them examined at the Sandyford clinic, so we have systems in place that can provide a comprehensive service for victims. Even after they have been through the system and left, people still tend to keep in touch...

MH also noted that while services in Glasgow are more aware of trafficking both police services and local authorities outside the city are often less aware. The Equality and Human Rights Commission (2011) noted that there was a lack of awareness among front-line workers across professions including health, law, licensing authorities and labour market regulators about the nature and indicators of trafficking. This was exacerbated by geographical factors, with very few referrals to the NRM coming from outside Glasgow¹⁹.

Legal Assistance

Other specialist provisions in Scotland include the Legal Services Agency (LSA) which provides legal advice to refugee and migrant women and children through its Women's Project and Young Person's Project. In 2011, 41% of the Women's Project's clients identified as being victims of human trafficking.

Legal services are based on the following principles:-

- early and effective legal advice
- a human rights-based approach
- a holistic service is provided to clients
- assistance is tailored towards the needs of each particular client and provided within a safe environment

¹⁹ Although see Easton and Matthews (2012) for awareness of trafficking identified as part of ongoing work on indoor sex industry in Aberdeen.

- solicitors work closely, and in partnership with, statutory and third sector organisations

The LSA, as part of its wider policy remit, is funded to improve outcomes for its client base in general and to safeguard and promote the rights of refugee and migrant women, children and young people across Scotland. It offers free second-tier advice to lawyers, organisations and individuals who are assisting or supporting refugee and migrant women, children and young people in Scotland and contributes to training, research and policy in issues that directly affect refugee and migrant women, children and young people at a local and national level. The project is Glasgow based but has assisted potential victims of human trafficking throughout Scotland. Their approach has been defined and implemented in order to comply with international good practice in this area, is unique to the UK and is funded and supported by the Scottish Government.

The perception from solicitors in England and Wales, according to an LSA respondent, is that the Scottish Government (through its legal aid scheme and funding of part of the Women's Project) has better supported legal services than the rest of the UK. Yet there is only one legal Department which provides legal services to victims, a key component of international good practice. As noted in EHRC (2011) it is important to ensure that victims of human trafficking obtain effective legal advice provided by those who have knowledge and training in this area (both within and outwith LSA).

Gender responsive provision

Trafficking is internationally accepted as a form of gender-based violence and the Scottish Government provides funding to support service providers in this area. Funding to TARA is based on an acknowledgment of the gendered nature of trafficking and the need to provide dedicated services to support women victims. The Scottish Government Violence against Women Fund provides funding for projects that will improve the support provided to women (and children) who have experienced gender-based violence. One of the specific outcomes of this Fund is an *"improvement in the support available to women and children who have experienced commercial sexual exploitation, including trafficking, prostitution and pornography"* according to an LSA respondent. A criticism could be that this explicit reference to commercial sexual exploitation ignores trafficking for other purposes such as forced marriage, domestic servitude and sexual violence without a commercial nature. These other forms of violence and exploitation are more often than not gender-based.

However, the Scottish Government does make it clear that they are keen to support services that improve support for **all** women and children who have experienced gender-based violence and support for other types of trafficking can therefore be provided under this Fund. This Fund has supported the Women's Project of the Women and Children's Department at LSA to provide a specialist service for all victims of human trafficking provided there is gender-based violence and the Scottish Government has been a flexible funder in this regard.

In Scotland there is no specific service that provides legal advice to adult male victims of human trafficking (as LSA will do for women victims) which means that advice is obtained through other asylum/immigration solicitors based in Glasgow. A respondent from LSA indicated that they were unclear whether these solicitors

simply provided asylum/immigration advice or whether they also provide advice for those identified as being a victim of human trafficking, (compensation etc as noted in the Directive (article 11(6) and article 17)).

As of January 2012, LSA has set up a separate project (Young Person's Project) which works with refugee and migrant children and young people (up to 25) in Scotland supported by funds from Paul Hamlyn Foundation and the Scottish Government. This provides a resource for adult males up until this age. However, it is important that adult males over this age also receive appropriate support.

LSA is one of a few legal service providers of advice and assistance to victims to make applications for criminal injuries compensation (Article 17). Individuals are not generally aware of their right to apply for compensation unless advised of this, in contradiction to the Directive and international good practice. In the applications LSA has made in this area, it reports struggling to get appropriate legal aid to cover advice and notes that the Government should lead on making the right to access compensation more widely known along with information on how individuals can access the compensation scheme. This would require the provision of training to non legal service providers who could assist individuals to make these claims on their own. Officials who administer the scheme in the Criminal Injuries Compensation Authority would also benefit from training and awareness-raising on the issue of human trafficking.

Obstacles to service provision

Respondents were of the view that responses to human trafficking in Scotland were developing and improving. However, frustration was expressed at the obstacles that the wider system can place on the provision of care and support for victims. Improvements in awareness-raising by the police and other agencies were noted as significant and likely to have a wider impact. However it was noted that crucial gaps in knowledge remained.

Given that TARA and MH aim to link victims into mainstream services (such as health) it is important that front-line workers who may come into contact with victims are aware of the potential consequences they may experience. Article 18 of the EU Directive requires member states to take appropriate measures to raise awareness of training and promote regular training for officials likely to come into contact with victims. It is evident that more training is required for those who provide support, although there is evidence of good practice in some areas that could be replicated across Scotland. In particular, it would appear that training is required around the identification of victims of trafficking for the purposes of domestic servitude and forced labour, particularly in relation to cannabis cultivation where poor practice continues across Scotland in these areas. Both TARA and MH are working proactively to ensure this information is available to other service providers.

Identification and the NRM

Difficulties had been experienced with the requirement to complete and submit a referral form within 72 hours of someone being potentially identified as a victim of trafficking before a reflection period would be awarded. It was felt that this could put pressure on workers to take a disclosure at a point where a victim was potentially very vulnerable. This was seen to present a challenge for agencies who were attempting to take a victim-led approach and who believed themselves to be in effect, removed from the decision-making process with the ultimate decision about a

victim's status taken by a „competent authority“. One worker noted: *“Sometimes it just feels to us as though it is a vetting process. It isn't about getting her to safety and moving her on, it's about identifying her, it's about whether she is telling the truth or not. And that can be very difficult”*.

Support agencies also noted challenges in the identification of victims where police divisions or other professionals did not have much experience with trafficking victims and were unable to identify factors which would indicate trafficking. This could be particularly problematic where the police are First Responders and paperwork was not completed appropriately, causing problems at a later stage in the process. Workers also indicated that attitudes towards prostitution could be reflected in the practices of the authorities. *“Decision letters quite often will say „you knew you were coming to work as a prostitute“...which will put the women off. The women we support are quite often very clear its not prostitution, they have been held and raped, so language is very important too”*.

The operation of the NRM in Scotland has been criticised (Equality and Human Rights Commission, 2011) as being too centralised, lacking in accountability, creating a conflict of interest in decision-making and ineffective in tracking outcomes for victims or identifying patterns and trends in trafficking.

Decision Making

For both MH and TARA, one of the challenges in providing a service is the uncertainty for victims about what might happen to them while awaiting a decision about the right to remain in the UK or if they will have to return to their originating country. While it was acknowledged that it is in everyone's best interests to have decisions made as quickly as possible and although the reflection period should be 45 days, the average length of stay for victims supported by MH has been 69 days before a decision was made, with some cases going well beyond this due to delays with UKBA. While improvements were noted in relation to UKHTC in terms of decision-making, staffing and multi-agency work, problems remained with UKBA in Scotland. It was noted that reorganization had recently taken place which should see two members of staff dedicated to working with trafficking cases. This, it was hoped would potentially lead to an improvement in terms of quality and speed in dealing with cases.

In respect of the reflection and recovery period of 45 days, there was some acknowledgement that in practice, it was too short to operate as a meaningful period of time to reflect and recover and therefore did not meet its intended aims.

Funding

Resourcing services is complex given the lack of accurate information about the extent of trafficking and numbers of victims. The number of victims referred to services can also be unpredictable and often numbers fluctuate in response to police operations and the subsequent rescue of victims. Previously services were funded on a case by case basis and allocated a set amount per night per victim. Recently a grant has been allocated with the provision of Government recuperation of any unspent monies. This was considered important in providing agencies with greater stability and was seen as a better way of supporting victims. There was an agreement in place with the Government that should a situation arise where a high number of people were rescued at one time the cost would be met and all identified victims would be supported.

Criminalisation

Legal respondents in Scotland indicated their concern that potential victims of human trafficking are being prosecuted for crimes they have been compelled to commit. The Crown Office and Procurator Fiscal Service have *Guidance on Human Trafficking Offences*. This guidance contains a presumption against prosecution and notes that there is a duty on prosecutors to make full and proper enquiries in criminal prosecutions involving individuals who may be victims of trafficking and to be proactive in establishing if an accused is a potential victim of trafficking. International good practice demands more than a presumption although the Directive does not dictate such a high standard itself.

Respondents noted with concern that the guidance (in its existing form) does not appear to be applied in practice, with limited awareness of it amongst social work practitioners (outwith Glasgow), duty solicitors, procurator fiscal service and even judges in Scotland. It would appear that training is required in this area to ensure that potential victims of human trafficking obtain the appropriate advice and support when detained and charged with a criminal offence²⁰.

Summary

Easton and Matthews (2011) outline the importance of victim access to good support services. Easton and Matthews (2011: 13) note:

“Although there were commonalities in relation to the vulnerabilities experienced by women, this does not suggest that a blanket approach to victims is appropriate... (...) victim support needs to be holistic, grounded in recovery from trauma, aware of gender based violence and responsive to individual needs. It must also connect with other strategic issues and operate in partnership with other key agencies”.

This should also be extended to take account of the cultural and social understanding and norms of victims.

In comparison to wider international systems, Scotland seems to be meeting the general requirements of providing support and assistance. This review finds that victims support services in Scotland generally comply with the requirements of the European Convention and Directive albeit there are some gaps that could be addressed. Specifically TARA and Migrant Help together provide a comprehensive and continuous response to police operations and the provision of victim support. Additionally identified victims of trafficking in Scotland are able to access accommodation (although this is sometimes a challenge for TARA who do not have dedicated accommodation), the equivalent of state benefits every week alongside other support they may need such as access to healthcare, interpreters, and contact with family back home depending on individual need.

Problems have arisen for agencies in accessing wider resources (notably mental health services and in the case of TARA, accommodation) and these challenges are

²⁰ For instance, people being located in cannabis farms. There is guidance in England and Wales that looks at non punishment in respect of young people located in cannabis farms: *ACPO Lead's on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms*. At present this does not exist in Scotland. Without it, and appropriate training to support this, potential victims of trafficking may not be accessing appropriate support and protection.

currently being addressed. These specialist agencies work alongside other key agencies such as the police, LSA and other NGOs on an ongoing basis putting forums in place to ensure any problems are addressed in a timely manner. One of the key challenges for support services has been uncertainty about funding. Providing short-term funding is deleterious to the establishment of services and their ability for longer-term planning.

Overall, agencies in Scotland provide good quality services and support and in doing so, meet the Scottish Government's obligations under international treaties. In terms of key areas of the EU Directive, there is evidence that some areas of provision could be developed further. Respondents across agencies were of the view that strategic input was required from the Scottish Government in this area. In particular, there was a view that a „human rights based“ approach was not well understood across Scotland and in practice this should be the focus of training to ensure better support services for victims.

SECTION 3: WHAT WORKS IN MEETING THE NEEDS OF VICTIMS OF HUMAN TRAFFICKING?

There is a clear consensus about what the needs of victims of human trafficking are, although there is very limited empirical evidence to identify what actually works in practice. The literature reviewed highlights the importance of responding to victims on an individual basis; providing an individual continuum of comprehensive services based on individual needs rather than categorised by type of exploitation suffered. However, there is a recognition of the importance of cultural needs of victims and gendered needs; ultimately good practice for victims requires a human rights based approach underpinning all aspects of provision. Given the proportionately high number of women trafficked for sexual exploitation there is a need for appropriate interventions by organisations experienced in working with victims of gendered violence.

Best practice for all victims should include:

- safe and secure accommodation
- legal assistance
- medical intervention
- trauma counselling and mental health services
- practical support
- other needs as they are identified

Long-term needs as well as short term needs should be considered and addressed which may require developed links with source countries should victims wish to return. Services should be focused on human rights and victim-centred. While the actual provisions required are evident, the international literature is clear that there needs to be consideration of the way in which these services are provided. Clawson et al (2009: 21) reflect the general aspiration expressed across the literature that „promising practices“ consist of:

- “Safety planning (for staff and client)
- Collaboration across multiple agencies
- Foster trust and relationship building constantly
- Ensure culturally appropriate approaches
- Establish trauma-informed programming
- Involve survivors”.

The ability of support services to meet their aims and objectives in the provision of care and support for victims cannot however, take place without examining the wider system as it impacts on the provision of these services. Responses to victims are contextually located within the wider framework of responses to trafficking.

Wider Systems

Human trafficking is a highly politicized term over which there has been substantial debate and concern. It covers a range of forms of exploitation of adults and children including: forced labor, domestic servitude, sexual exploitation, and organ traffic. While persistent efforts by governmental, NGOs and humanitarian bodies have raised awareness over the years, conflict continues to hinder a unified anti-trafficking effort. This friction among activists, law makers and law enforcement is primarily the

result of the different perspectives (see page 16) adopted by the different groups of actors.

Scotland seems to be in the process of trying hard to adopt the human rights, victim focused model; however, to do this requires a move away from law enforcement dominated processes. One way in which Scotland has demonstrated commitment to the human rights model is in allowing victims to apply for immigration, unlike Australia's policy of forced repatriation for victims, which ignores the root causes that led to trafficking. This report has however, identified gaps within the Scottish model of victim support, surrounding issues of victim identification and awareness of human trafficking among front-line agencies (particularly those outside Glasgow), which impact on the extent to which dedicated services can support victims more broadly.

Identification

A key priority is the effective identification of victims in order that they can access support services. Ideally, human trafficking would be dealt with in an agency specifically designed for victim assessment and support which would focus on victim assistance and subsequently prosecution rather than the other way around. The Equality and Human Rights Commission (2011) has called for a separate system to identify victims. Problems arise when untrained officials are overwhelmingly concerned with the criminalisation of perpetrators or the deportation of irregular migrants than the welfare of victims. Evidence from support agencies indicates that there have been challenges in the identification of victims where police divisions perhaps have limited experience with trafficking victims. Where the police are First Responders and paperwork is not completed appropriately, this causes problems for victims at a later stage in the process. According to respondents however, the quality of UKHTC decision-making, staff expertise, and their relationship with other agencies is improving. TARA and Migrant Help are also attempting to raise awareness with other agencies and to support them in the identification and referral of trafficking victims but require long term resources in order to achieve this goal. Where specialist services exist, both in terms of support services and legal services, there have been significant developments in improving awareness and practices across other agencies.

Recognised problems with the NRM have led to efforts to develop the mechanism and improve co-ordination around it both at local and national levels. The Special Representative (2012) highlighted the need to: improve victim identification at an early stage of the process; and increase and speed up victims' access to services. Similarly, the Equality and Human Rights Commission (2011) recommended the development of a more effective multi-agency approach to victim identification; ensuring that quality standards for victim services are maintained while centralising the co-ordination and management of the provision of care; safeguarding the human rights of victims, to avoid further victimisation and encourage them to act as witnesses.

Multi-Agency v. Single Agency Approach

International models provide different recommendations in terms of whether a single agency or multi agency approach would be more beneficial to victim support services. The Anti-Trafficking Monitoring Group in the UK recommends appointing, *"an independent anti-trafficking watchdog, based on the model of the Dutch National Rapporteur on Trafficking in Human Beings, with statutory powers to request information from the police, the immigration authorities, social services and NGOs*

and to report to Parliament" (2010:14). There is widespread agreement (Amnesty International, 2008; Equality and Human Rights Commission, 2011) that the operation of the Competent Authority should be based on a multi-agency model, where law enforcement and immigration officials share the function of identification with other relevant agencies, professionals and NGOs with expertise across all forms of trafficking.

As Clawson et al (2009) note, given the complex and extensive needs of trafficking victims, it would be impossible for a single agency to respond effectively, therefore collaboration across service providers is crucial. The United Nations (UNODC, 2008: 144) also emphasise the importance of partnerships between services in order to meet the needs of victims but note *"the most critical factor in assistance and support programmes is that they should be comprehensive and integrated. (...) A „one-stop“ access to all the services required is still the best service delivery option for victims"*.

Awareness

One of the key areas in need of improvement is raising awareness of the pervasiveness of human trafficking and the depth of understanding of issues surrounding human trafficking. In particular there is a need for a better understanding of indicators and consequences of trafficking for forced labour and domestic servitude; at the same time, recognising that views towards „prostitution“ can also cloud coherent responses to women trafficked for commercial exploitation. This needs to happen on two levels, service level and population level.

There is a need to ensure that the strategic approach is spread out to front-line workers and First Responders and that staff are supported to recognise and respond to indicators of trafficking. Evidence suggests that there is still confusion among front line workers as to the difference between human trafficking and human smuggling. Similarly in the United States, the *"Burden of Proof is placed, improperly, on the victim to prove that the ultimate intent of the trafficker was extreme exploitation"* (Haynes 2007:360). In order for Scotland to fully adopt a human rights, victim-centric approach to human trafficking, this model needs to be adopted by immigration officials, UKBA, and law enforcement officers.

Reflection Period

Once a victim is identified as having been trafficked, the European Union requires that the victim be allowed a 30 day reflection period. Scotland exceeds this by offering a 45 day reflection period. Evidence indicates, however, that the average length of stay for victims accommodated by Migrant Help has been 69 days with some cases going well beyond that period due to delays with UKBA. This uncertainty while awaiting a decision on status can cause significant anxiety for victims and those supporting them. Victims are preoccupied with uncertainty not knowing what the future will hold for them. It is therefore important to ensure that the UKBA has sufficient resources to handle cases of human trafficking in a timely and efficient manner. Moreover, it was also noted that 45 days does not meet the intended aims of the reflection period and also constrains support services. Recognising these constraints, international „good practice“ is 90 days.

Address Gender and Sex Trafficking Focus

While acknowledging that the majority of identified victims of human trafficking are women and children, this review notes the potentially problematic focus on victims of sex trafficking. Without minimising the horror of this form of exploitation, there is also

a need to improve awareness of and responses to victims of trafficking other than for commercial sexual exploitation. Provision of care and assistance may be excellent as provided by dedicated services, but problems continue with lack of awareness of this issue by professionals and court systems surrounding victims of domestic servitude and forced labour. The evidence reviewed indicates that gender-responsive provision is crucial and that women's needs will differ from those of men, in certain respects.

Evidence: Call for further Research

This report is based on a comparative literature review, in addition to front-line case studies on trafficking victims, and interviews conducted with front-line actors. While it identifies the key needs of victims and reviews what is known about best practice based on international literature that currently exists, ultimately, much more in-depth research needs to be conducted in order to be able to identify and address the gaps in services and support for victims of trafficking. Only an in-depth qualitative research project, preferably with a longer-term scope would be able to answer the question of how effectively the needs of different victims are met in Scotland.

RECOMMENDATIONS FOR BEST PRACTICE

- The evidence available indicates the importance of individualised care that is adequately resourced and based on service provider expertise of the needs of victims of trafficking
- Crisis and ongoing support are crucial in providing safety and care for victims of all forms of trafficking. It is crucial that wider service-providers are informed of the needs of victims and that a human rights based approach underpins all interventions
- To determine the effectiveness of services providing care and support to victims of trafficking would require the commission of a qualitative-based research study that was able to collate evidence highlighting the extent to which existing services were able to meet their aims and objectives, how effectively collaborative practice between mainstream and specialist services operated, and that sought to obtain the views of service providers, key stakeholders and victims/survivors of human trafficking
- Strategic oversight of co-ordination among service providers and the development and operation of collaborative practice is necessary to ensure services are working together effectively. This is crucial to the operation of specialist services which rely on access to mainstream provisions such as health, counselling, accommodation and criminal justice-based services
- Funding should be strategic and longer-term, allowing opportunities for the impact of interventions to be measured and victims to be supported in a planned way
- There is a need for clarity in terms of immigration status to allow for proper planning in terms of support that may encompass integration in the UK or reintegration to home countries
- The development of a robust international evidence base and information exchange systems would allow practitioners to make consistent and informed decisions/risk-assessments about resettlement in different countries of origin.

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ANNEX ONE

Questions used to discover if the respondent was a victim of slavery can assess the ability of the respondent to leave the situation, reach out for help over the phone, if the establishment is holding their personal documents or simply their ability to rest or stop the activity if they choose.

1. Do you live in the workplace?
2. Do they forbid you to talk about your work by telephone?
3. Can leave freely the place where you work?
4. Does your workplace keep your personal documents?
5. How often do you take a break?

Other questions are used to determine the degree of commercial exploitation. For example certain questions can reveal is the respondent is maintained by the establishment or boss possibly through debt bondage or if her income is given directly to her from the client and she manages her own income, or if her income goes through a boss or manager of the business who take a cut from the service payment and to what extent does that manager exploit the situation.

6. Does your workplace make discounts for: Accommodation, Food, Room, Clothing, Makeup and hair, Beverages, Fines, Others? None?
7. Do you have debt to pay in your work? What kind of debt?
8. Who pays for your services? Business owner, Manager, Client, Other?
9. How often are you paid? Daily, Weekly, Fortnightly, Monthly, Other?
10. How are you paid? They give your full payment, They give according to your needs, They keep it, Whatever the manager decides, Other?

Questions were also used to determine the extent of violence the respondent faced along with the extent to which she lived in fear. Finally, what reason, if any, did the respondent feel compelled to continue with the work.

11. Where you work have you received some type of abuse or violence? What kind? Physical (hitting)? Verbal (insults)? Forced sex? In having forced sex, did you have some subsequent STIs? Threat? Other?
12. Do you feel compelled to follow in this work for one of the following reasons? A debt in your work? Because they do not pay you the money owed? Because they will hurt you? Because they will report you to the immigration authorities or other authorities? Because they will hurt your family? Other?
13. In some other work place have you had these problems previously?²¹

²¹ Asociación de Salud Integral, Guatemala City, Guatemala 2008

Using these questions, created by ASI (Association of Comprehensive Health) 2008, for a previous study, Warden (2010) identified a number of former traffic victims and a brothel of potential current traffic victims, in Guatemala. Many of these questions have a list of possible responses that each help the victim articulate their experience; at times the experience was so traumatic that the respondents found themselves wordless. Additionally, this list of responses aided in maintaining consistency, while at the same time keeping a final option open in each question for the respondent to add anything or say anything in their own words so as not to detract from the lived experience of the respondent.

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