



**Barnardo's Scotland response to
the consultation on a Human Trafficking and Exploitation Strategy for
Scotland
7 December 2016**

1. Section 1 (pages 4-8)

Do you agree that these Action Areas taken together will help to achieve the vision? Yes/No

Yes.

Are there any other comments you wish to make?

Barnardo's Scotland welcomes the draft Human Trafficking and Exploitation strategy, which is an important part of Scotland's work to tackle human trafficking. Barnardo's noted throughout the passage of the Act and the development of the strategy the importance of recognising that children are particularly vulnerable to trafficking, and to re-trafficking, and the strategy must therefore clearly set out Scottish Government's approach to supporting children who have been trafficked, and to disrupting the perpetrators of and conditions that foster the trafficking of children. We are pleased to see a specific section of the strategy, covering all three of the action areas, regarding children. However, we note that the children's section does not include actions; specific actions relating to children only seem to be present under action area 1. We would therefore suggest that the actions to tackle child trafficking need further development and to be linked to the narrative in section 4 which explains the approach. We have provided further detail in our comments on section 4 (question 3).

We are also pleased to see recognition several times in the introduction that trafficking does not only refer to movement across international borders, but includes children and adults trafficked within Scotland. We are particularly pleased to see this point noted in terms of informing the public, as this may be a common misconception in relation to trafficking. Raising public awareness of internal trafficking is an important part of supporting the public to recognise and take action in relation to trafficking. Again however we are unclear how this is to be taken forward through the actions, for example there does not appear to be anything specific under action area 3 to address public understanding around internal trafficking.

One particular gap throughout the strategy is engagement with issues that may be faced by older children, particularly 16/17 year olds. The Act defines a child as a person under 18 years old. However, as noted in the children's

section there may be situations where a child over the age of 16 would receive protection through Adult procedures. Our services have experienced particular difficulties with 16/17 year olds who have been internally trafficked; for example children we have worked with in this age group have been unable to secure support through the children's hearing system. We have also experienced difficulties with the transition from child to adult services, where a young person may be expected to quickly adapt to services that operate with a very different ethos (moving from the protection focus of child protection services to an expectation of more proactive engagement from adult services). We note evidence from the Children's Commissioner (2011) report that professional perceptions of trafficking were focused on younger, internationally trafficked children, which may mean that older, internally trafficked children are less likely to be identified and supported. We would therefore like to see greater recognition throughout the strategy of the potential difficulties that 16/17 year olds may face, as well as the actions that Scottish Government will be taking to ensure that these children are effectively protected and supported throughout Scotland. There should also be specific identification of measures in relation to this age group in section 5, to ensure for example that provisions across all areas of Scotland for this age group of trafficked children are operating effectively.

The introduction notes the aim of engaging with victims to hear their voices in order to improve the response to trafficking over time. The section on measures notes that these must be viewed within a narrative including victims' voices. Barnardo's strongly supports the inclusion of an ongoing commitment to engaging with those who have experienced trafficking. However, we would like to see more detail about how this is to be achieved, and particularly how to ensure that this will incorporate voices from all trafficking victims, including children and those trafficked internally. While many of the organisations providing comments to Scottish Government will have sought to engage with their own services users, and for example the Scottish Guardianship Service undertook a consultation event with its service users, we would like to see more detail in the strategy about how the Scottish Government will ensure that the full range of children's voices are heard in the ongoing implementation and monitoring of the strategy.

2. Section 3 (pages 11-24)

N/A. We have commented on aspects with regard to children under question 3.

3. Section 4 of the Strategy (pages 25 to 30) deals specifically with children. Do you think the particular actions listed will improve support for children in Scotland? Yes/No

No.

Please expand on your response if you wish to. Is there anything you would add to this Section?

Barnardo's Scotland welcomes the recognition in the draft strategy of the particular vulnerabilities of children to trafficking, and the focused discussion on protecting and supporting children and disrupting the perpetrators and conditions of child trafficking in this section. However, there are no specific actions included in section 4 following the discussion (unlike the presentation of what needs to improve, followed by short, medium and long term actions in the preceding action area sections). There are some actions relating to children included in Action Area 1 (pp.15-16); there do not appear to be any specific actions relating to children identified in Action Areas 2 or 3. We would therefore welcome further clarity on how the actions for tackling child trafficking are incorporated in the strategy, and addition or clarification of how existing actions will address child trafficking, particularly in relation to action areas 2 and 3.

The following comments address each action area in relation to children, referring both to the discussion in the children's section and, where relevant, discussion in the earlier action areas sections.

Action Area 1: Identify victims and support them to safety and recovery

Support and recovery services for children

We support the key message of this section, that every child who is a trafficked is a child who is abused, and that an effective response must be provided through Scotland's child protection system within the GIRFEC approach. However, we note that the ability of local authorities to coordinate services for children who are trafficked will depend on the availability of services for these children; unlike for adults, there is no specific commitment to the provision of specialist services to support the recovery of trafficked children.

While we welcome the recognition of the likely trauma caused by the experience of being trafficked, and the acknowledgment of the role of Child and Adolescent Mental Health Services (CAMHS) in supporting children, we would also suggest the need for diverse provision of support services for trafficked children. We know that CAMHS are under significant pressure. To support CAMHS we need a mixed model of provision with a role for local authorities and the third sector in providing help to children and young people.

Our experiences of working with children who have been trafficked suggests that there are many reasons why they may not find the talking content of traditional therapeutic approaches best suited – a child whose first language is not English may find it difficult to engage; a young person who has been trafficked may have had to retell their story several times (for example for asylum or other legal processes) and may find the need to talk about their experience again to be daunting or unwelcome. Additional benefits have been identified from other types of services – for example group activities (e.g.

sport or art based therapeutic activities) may provide trafficked children with a social network as well as a forum for working through their trauma, and that social network can be an important factor protecting against isolation and re-trafficking. We would like to see further information in the strategy about how the Government will ensure that there are a diverse range of services accessible across Scotland to children who have been trafficked.

Our experience of working with children includes working through services like interpreters. These individuals have a crucial role in facilitating access to services for trafficked children; our services have found that factors such as availability and consistency of interpreter affect their ability to work effectively with the young person. The strategy should acknowledge the role that for example interpretation plays in facilitating access to services.

Knowledge and understanding of professionals

A core component of the strategy's approach is that professionals are able to identify and support victims of trafficking. It is crucial that training and awareness raising for professionals is an ongoing process, and not a one off. There may be particular needs for provision of training and information to professionals about internal child trafficking (in cases of international trafficking the child is likely to have a guardian appointed, who other professionals may be able to use as a source of specialist expertise, but this is unlikely in internal trafficking cases). It would be valuable to see in these actions a commitment to ongoing work to ensure the knowledge base of professionals, in the short, medium and long term, and the possibility of exploring sharing of good practice across different areas of Scotland and between non-specialists and specialists.

16/17 year olds

As noted above, a key gap in the strategy as a whole is recognition of the particular issues that may be faced by older children who, though defined as children under the Act, may not always have access to the same systems (e.g. children's hearings) as younger children, or may be transitioning between children and adult services (for example with regard to mental health care). Concerns have also been raised about differences in practice across Scotland for older children. We would therefore like to see expanded discussion of this age group in the strategy, and specific actions to understand and address the concerns that these children may be falling through gaps. We would also like to see specific measures relating to this age group as part of monitoring the effectiveness of the strategy.

For example, concerns have previously been raised that some local authorities may be accommodating 16/17 year olds under section 22 rather than section 25 of the Children (Scotland) Act 1995. We welcome the Government's acknowledgment in the strategy of the importance of providing a trafficked child with appropriate accommodation, and the risks of re-trafficking where this is not provided, and the commitment to producing

guidance on the use of sections 22 and 25. We would also suggest that this would be an appropriate area for specific monitoring in the measures section.

Compensation

We note that the strategy contains a specific action for support agencies to take an active role in making victims aware of compensation routes and supporting them to claim. Our services have worked with young people who have been trafficked around the process of criminal injuries compensation. In this work we have found that young people have not always processed their experiences such that they are able to engage with the compensation process within the time limits; we have also had concerns about how the language used around criminal injuries compensation may impact on a young person's recovery. While redress is an important part of the response to a victim of trafficking, we would wish to ensure that the process of seeking compensation was not retraumatising to the victims.

Action Area 2: Identify Perpetrators and disrupt their activity

One of the drivers identified under this action area is that organisations "buy into benefits of victim reporting/decision mechanism for victims". Barnardo's Scotland has experience working with young people who have been internally trafficked and are going through the National Referral Mechanism (NRM). An issue that has arisen for Barnardo's in this work is a lack of clarity among professionals, and therefore difficulties in providing young people with information, about the benefits of the NRM for internally trafficked young people. This is particularly troubling given that children's consent to the NRM is not required, and therefore that professionals should have a clear understanding of the benefits of this process to make a decision in the best interests of the child. In terms therefore of the aim to "ensure victim identification processes are fit for purpose and are trusted by victims and professionals", we would suggest that the various actions underpinning this work need to take into consideration the full range of trafficking situations, in particular internal trafficking as well as international trafficking, and children as well as adults.

Action Area 3: Address the conditions that foster trafficking

We welcome the inclusion in this section of material about Child Sexual Exploitation (CSE) and children going missing; our services work with children who have been sexually exploited and trafficked, and these areas are undeniably linked. However, we do not feel at present that the strategy effectively sets out the Government's approach to the relationships between these areas. As noted above, though internal trafficking is mentioned in the introduction there do not appear to be any specific actions identified to raise public awareness and understanding about internal trafficking; the inclusion of a specific action around raising public understanding about internal trafficking (and how this may relate to CSE) would be an important action to help clarify the approach here. It would also be relevant here to consider the use of the internet to facilitate child trafficking (for example grooming children to then traffic and sexually exploit them), and to identify how this

may be tackled through this strategy and the refresh of the Child Safety Internet Plan.

An important reason for more clearly explicating the approach taken by the Government to understanding links between Child Sexual Exploitation and child trafficking is to ensure that we understand how these two areas are also different. There is no mention in this action area of activity to understand and address the conditions that foster child trafficking for purposes such as forced labour or domestic servitude. We would welcome wider discussion and actions in this area to include all forms of exploitation of trafficked children.

One of the key drivers identified for this action area is that "People know about the extent of trafficking and its products in Scotland". In order for the public to know about the extent of trafficking and its products in Scotland, evidence about the extent of trafficking in Scotland is necessary. Barnardo's Scotland continues to argue for the need for research into the scale and nature of Child Sexual Exploitation in Scotland; given the link between CSE and trafficking, if such research were carried out it would contribute to an aspect of our understanding of trafficked children in Scotland.

4. Section 5 of the Strategy (pages 31-34)

N/A. Comments on other questions include proposals for specific measures to address areas of concern, such as the response to 16/17 year olds.

5. Do you have any views on the best way to implement the Strategy?

N/A. Comments on the introduction include around victims' voices.

6. Do you have any other comments you wish to make?

N/A.