



Glasgow City Council

Environment and Liveable Neighbourhoods City Policy Committee

Report by Executive Director of Neighbourhoods, Regeneration and Sustainability

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**Routes Out and TARA Services
Service Provision and UK Legislation**

Purpose of Report:

To provide an update on the services available to women who are subject to Commercial Sexual Exploitation and to provide an update on the changes in UK legislation that impact on women's vulnerability and ability to disclose exploitation.

Recommendations:

The Committee is asked to note the contents of the report.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes No consulted: Yes No

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1 Introduction

- 1.1 Glasgow City Council's (GCC) TARA and Routes Out Services provide specialist support to adult women exploited in the commercial sex trade. Since 1999, GCC's policy on commercial sexual exploitation has held that it is a form of male violence against women, is driven by male demand, is both a cause and consequence of women's inequality and should be understood as survival behaviour reflecting the lack of meaningful choices and pathways out of poverty for women.

2 Services

- 2.1 Routes Out are funded to provide harm reduction and/or exiting support for women engaged in selling or exchanging sex in the Glasgow area and has been providing a dedicated confidential service to women caught up in systems of prostitution since 1989. The service undertakes a holistic approach, regularly operating across 3 distinct strands:
- 2.2 **Drop-In** – A night time drop-in service in the City Centre for women involved in prostitution. Women have the opportunity to meet with staff and are offered appropriate support related to harm reduction and crisis intervention.
- 2.3 **Outreach** – Staff are deployed within the City Centre and East of the City Centre to identify, map and engage with women involved in prostitution during the hours of 20:30 and 01:30
- 2.4 **Case Management** – Appropriate crisis and longer term support, including support in accessing services, such as addiction support and accommodation. Support can include help to exit prostitution when women are ready to do so and includes vital linkages with counselling, psychological services, welfare rights and educational opportunities.
- 2.5 Between the 1 April 2023 and 31 December Routes Out collated the following data:

No of Women supported: 97 (93 women engaged in street based prostitution and 4 selling sex in off street venues.)

Women engaged on outreach: 59 resulting in 258 sightings

Age range: 24 years – 59 years old

Sex Buyers observed in the East End of Glasgow: 414

Sex Buyers observed in Glasgow City Centre: 4

- 2.6 The TARA Service, operational since 2005, was developed from the work of Routes Out to specifically support women trafficked to and around Scotland for commercial sexual exploitation. The TARA service is funded by the Scottish Government and supports Scottish Ministers to discharge their legal obligations

for this cohort of victim/survivors as per sections 9 and 10 of the [Human Trafficking and Exploitation \(Scot\) Act 2015](#) and will holistically advocate for and support trafficked women recovered across Scotland.

- 2.7 TARA provides a 24/7 response and access to safe accommodation (up to 8 beds), subsistence support, specialist trauma support via NHS GCC's Psychological Service, legal services and advice as well as support to report to Police Scotland where women wish to do so. They also provide crisis and ongoing advocacy across a range of issues, including the National Referral Mechanism, asylum and immigration procedures, child and adult protection, ante and post-natal services, wider integration support, signposting and individually agreed recovery plans.
- 2.8 In addition TARA offers dedicated support for women transitioning away from intensive TARA support; embedding independence and minimising the risk of re trafficking or further social harms. A trauma informed and rights based approach in a language women understand is a core aspect of the service.
- 2.9 TARA also works closely in partnership with a number of national services, reflecting our Scotland wide remit including the Scottish Government, COSLA, Police Scotland, Home Office Modern Slavery Unit, Mears Group, Migrant Help, Scottish Refugee Council and a wide range of public and third sector colleagues. A dedicated Training Officer raises awareness of the issue and provides bespoke training to frontline colleagues on indicators of human trafficking, the links with other systems of prostitution and best practice responses.
- 2.10 Between 01 April 2023 and 15 January 2024 TARA collated the following data:

No of women supported: 74 (36 women were newly identified during this time.)

Table 1: Geographical Origins of Women accessing our service

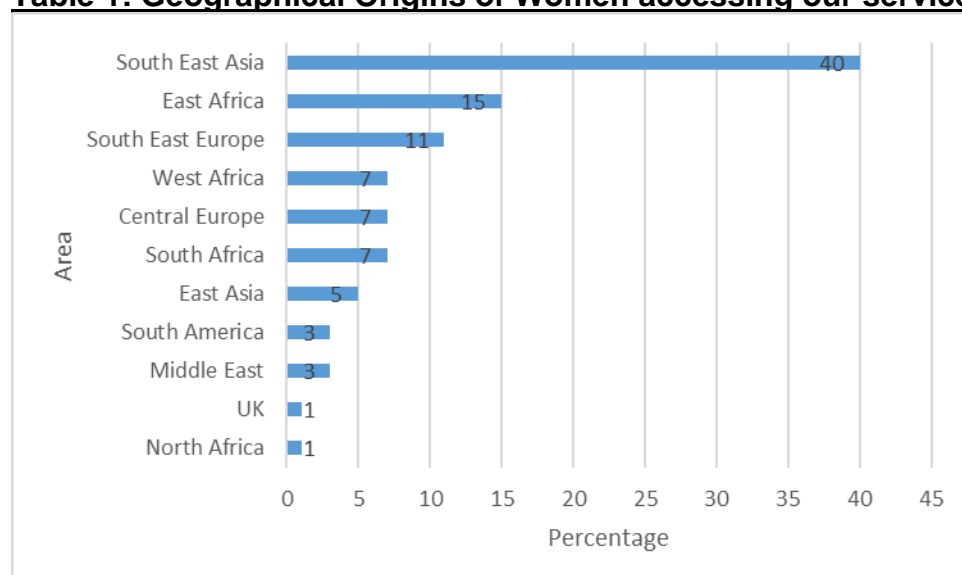
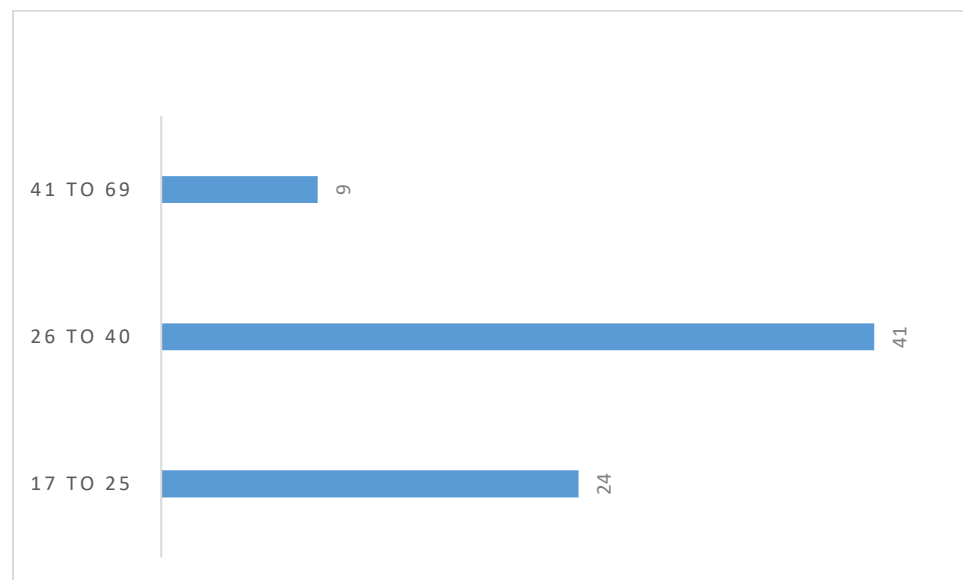


Table 2: Age Ranges of Women accessing our service



3 UK Legislation impacting on human trafficking and TARA's support service

3.1 Since 2023 the service provided by TARA to vulnerable women trafficked to meet the demands of the domestic sex trade has been negatively impacted by the Nationality and Borders Act 2022 (NABA) and the Illegal Migration Act 2023 (IMA). Please see Appendix 1 for GCC's response to the UK Government consultation on their New Plan for Immigration in 2021 and Appendix 2 for the evidence provided to the Joint Committee on Human Rights and to inform their legislative scrutiny of the Illegal Migration Bill in 2023.

3.2 Although Human Trafficking and commercial sexual exploitation are not immigration issues there remains a persistent myth that trafficking and modern slavery are confined to the flow of people into the UK. This does not reflect the available evidence across the UK where the National Referral Mechanism, [NRM, statistics in 2022](#) evidenced UK nationals made up 25% (4,185) of NRM submissions. (The NRM is the UK wide system to identify and protect vulnerable child and adult victims of Modern Slavery and Human Trafficking.)

3.3 This myth and the incorrect interchangeable use of people trafficking and people smuggling has resulted in victims and survivors of human trafficking being caught up in an increasingly hostile immigration discourse and environment.

3.4 Commencement of the NABA sections on Modern Slavery has resulted in an increased decision making threshold for the NRM, requiring additional and corroborating evidence that someone 'is' a potential victim as opposed to 'may be'. This has resulted in significant delays to the first stage decision, Reasonable Grounds Decisions, (RGD), being made and consequent delays in

accessing protections and support. Between 1 April 2023 and the 15 January 2024 it took 39 days for this decision to be made for TARA service users. Prior to the NABA clauses commencing on the 1 February 2023 the average timescale for this decision had been 5 days.

- 3.5 The increasing need for TARA to request reconsideration of negative RGDs also has an impact on our service capacity, team morale and our own ethics. When we are completing a submission to the NRM as a first responder who is mindful of trauma and the unique challenges for sex trafficked women, it can be challenging to safely provide corroborating or objective evidence that meets the threshold without causing re traumatisation.
- 3.6 This all has a significant impact on TARA's ability to engage with women, establish trust and encourage their engagement with other services, not least Police Scotland. It also impacts on women's ability to access safe accommodation via asylum support as, without a positive RGD, they are expected to share a room in asylum hotels or may be dispersed far away from existing supports such as TARA and other specialist services.
- 3.7 Whilst not yet commenced, the Illegal Migration Act 2023 has specific challenges for TARA (and other trafficking support services in Scotland) as it contains clause 24 which disapplies s9 and s10 of the Human Trafficking and Exploitation Act (Scot) 2015 and, if commenced, will prevent [Scottish Ministers from supporting victim-survivors in Scotland](#).
- 3.8 Even without clause 24 above, the Act as a whole removes any protection for victim-survivors subject to immigration control, prevents access to grants of leave to remain (unless there are exceptional circumstances) and leaves them in limbo, liable for immigration detention and/or removal to a 'safe' third country or to have their asylum claim displaced to the Rwanda scheme if the current legislation passes.
- 3.9 With the commencement of the Act, any ability to reassure vulnerable victims or to offer long term sanctuary and recovery becomes limited. The risk of removal leaves victims of trafficking to consider if fleeing their human traffickers and coming to the attention of the 'authorities' could result in arguably a worse outcome. There are increasing concerns that women will remain in situations of sexual exploitation rather than risk removal from Scotland and/or the UK.
- 3.10 There are significant risks that marginalised women, who are undocumented and/or are subject to no recourse to public funds, will be even more vulnerable to involvement in selling/exchanging sex for survival and/or to being trafficked or re trafficked as a result of this UK legislation.
- 3.11 The TARA Advisory Group, a collective of 5 women with lived experience of human trafficking previously supported by TARA, have [written](#) to a number of Westminster and Holyrood committees outlining their concerns for women still in situations of exploitation and, based on their own experiences, how this UK legislation will act as a barrier to prevent women being sexually exploited in Scotland from coming forward and seeking safety. They contrast this with the

limited consequences for those paying for sex and highlight the benefits for organised crime groups and human traffickers.

4 Scottish Government Framework and Legislative Challenges

- 4.1 On 6 February 2024 the Scottish Government published their [strategic approach](#) to tackle the issue of commercial sexual exploitation, **Prostitution - challenging and deterring men's demand: strategic approach**. It set out a collective approach, working with stakeholders across the wider public and third sector, to challenge and deter men's demand for prostitution and support those with experience of it. Whilst this frame work is still being considered by services, this will have an impact on Routes Out in particular as Glasgow is proposed as a pilot area for this new approach.
- 4.2 Routes Out undertook an internal analysis of men charged with 'kerb crawling' in Glasgow during the period 2010 to 2015. This report found that these sex buyers were aged between 18 and 75 (with 41 to 55 being the largest demographic), were of African, Chinese, Irish, Non-UK European, South Asian/Middle Eastern, White English and White Scottish ethnicities (with White Scottish being the overwhelming majority identified). 62% were in employment with 20% stating that they were unemployed. Occupations were wide ranging and included Accountants, Social Workers, Church Ministers, Company Directors, Students, Labourers and Taxi Drivers to name a few from the 164 occupations disclosed. This was repeated in 2019 with similar results.
- 4.3 As highlighted above, the move to the East End for street-based prostitution evidences what happens without consistent implementation of the Prostitution Public Places Act (Scot) 2007 to act as a deterrent to sex buyers; a proliferation of men willing to exploit vulnerable women with little or no consequence. Staff from Routes Out observed that following a partnership approach and a short period of targeted policing focussed on those paying for sex, the numbers of sex buyers in the local area dramatically decreased which led to fewer women being present and increased engagement with the women selling sex and Routes Out.

5 Policy and Resource Implications

Resource Implications:

Financial: NO

Legal: NO

Personnel: NO

Procurement: NO

Council Strategic Plan: Grand Challenge One: Reduce poverty and inequality in our communities

Equality and Socio-Economic Impacts: NO

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.

Outcome No.4:
Glasgow's work to end violence against women and girls results in:

- women and girls can access the right services based on identified need and are protected from further harm;
- experiences of women and girls inform the planning and activity to eradicate gender-based violence; and prevention approaches support tackling the root causes of violence against women and girls

What are the potential equality impacts as a result of this report?

no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage.

NO

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

NO

What are the potential climate impacts as a result of this proposal?

NO

Will the proposal contribute to Glasgow's net zero carbon target?

NO

Privacy and Data Protection Impacts:

Are there any potential data protection impacts

NO

as a result of this report
Y/N

If Yes, please confirm that
a Data Protection Impact
Assessment (DPIA) has
been carried out

6 Recommendations

6.1 The Committee is asked to note the contents of the report.

Appendix 1



The TARA Service has been providing direct support to female potential and agreed victims of trafficking for commercial sexual exploitation since 2005. During this time we have witnessed our collective understanding shift to locate the crime of human trafficking and exploitation outwith the immigration discourse and clearly acknowledge that UK citizens are also victims of modern slavery crimes. Indeed the 2020 NRM statistical breakdown places UK nationals as the most common nationality to be referred into the process at 34%. Therefore we are concerned that such significant proposals to change our collective response to Modern Slavery are located within the proposals for a New Plan for Immigration.

We would also like to note our unease at the timing of the consultation. The consultation period has been run in its entirety during the Scottish Parliamentary pre election period, starting on the first day of parliamentary recess and concluding on the day of the Scottish Parliament election. This has been to the detriment of our response and, as highlighted below, reflects a lack of consideration of the obligations on Scottish Ministers via the Human Trafficking and Exploitation (Scot) Act 2015 and the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).

Chapter 6 – Modern Slavery

The Government believes there is a need to act now to build a resilient system which identifies victims of modern slavery as quickly as possible, and ensures that support is provided to those who need it, distinguishing effectively between genuine and vexatious accounts of modern slavery.

In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?

- Improving First Responders' understanding of when to make a referral into the National Referral Mechanism (NRM) and when alternative support services may be more appropriate. **FE**
- Clarifying the Reasonable Grounds threshold. **NAAE**

- Clarifying the definition of “public order” to enable the UK to withhold protections afforded by the NRM where there is a link to serious criminality or risk to UK national security. **NVE**
- Legislating to clarify the basis on which confirmed victims of modern slavery may be eligible for a grant of temporary, modern slavery specific, leave to remain. **NVE**
- Bringing forward other future legislation to clarify international obligations to victims in UK law. **DK**
- Continuing to strengthen the criminal justice system response to modern slavery, providing additional funding to increase prosecutions and build policing capability to investigate and respond to organised crime. **NVE**
- Introducing new initiatives (as set out in Chapter 6 of the New Plan for Immigration) to provide additional support to victims, improve the Government’s ability to prevent modern slavery in the first place, and increase prosecutions of perpetrators. **NVE**

- o Very effective (VE)*
- o Fairly effective (FE)*
- o Not very effective (NVE)*
- o Not at all effective (NAAE)*
- o Don’t know (DK)*

Please use the space below to give further feedback on the proposals in chapter 6. In particular, the Government is keen to understand:

(a) If there are any ways in which these proposals could be improved to make sure the objective of building a resilient system which accurately identifies possible victims of modern slavery as quickly as possible and ensures that support is provided to genuine victims who need it is achieved; and

(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around modern slavery.

Please provide as much detail as you can.

Early Identification and ‘One Stop’ Process

Our substantial experience, developed over 16 years, of providing specialist support to vulnerable female survivors of human trafficking means that we are acutely concerned with the impact of the proposals on women. In particular, the expectation that they will be able to make an immediate and full disclosure despite their lived experiences of trafficking for commercial sexual exploitation and other forms of male violence against them, including from those who have paid to sexually exploit them. Women we have supported have many shared experiences including complex and sustained trauma, language barriers, gender inequality, lived experience of

patriarchal cultures, cultural stigma, corruption and violence from others including government officials, previous experience of being disbelieved and fear of consequences from traffickers or those perceived to have control and authority.

The internationally accepted purpose of a recovery/reflection period for presumed victims of trafficking, as explained within the Council of Europe's Convention on Action Against Trafficking in Human Beings (ECAT) explanatory notes for Article 13, recognises the challenges as highlighted above. The ECAT requirement for a reflection period to enable 'victims to recover and **escape the influence of traffickers**' does not appear to have been considered within the proposals as evidenced by the suggested requirement for almost immediate and full disclosure of protection needs. It is well accepted that in order to encourage trauma informed disclosures a period of safety and support is required, which is focussed on establishing safety, trust and engagement in order to better enable vulnerable victims to disclose their full experiences safely. Again, Article 13 explanatory notes state 'the period is likely to make the victim a better witness: statements from victims wishing to give evidence to the authorities may well be unreliable if they are still in a state of shock from their ordeal.' It might be useful to note that since 2016 the Scottish Government has supported ongoing work to ensure Scotland has a trauma informed workforce better able to respond to the needs of vulnerable people and recognises where people are affected by trauma and adversity, responds in ways that prevent further harm, supports recovery and can address inequalities and improve life chances: <https://www.nes.scot.nhs.uk/our-work/trauma-national-trauma-training-programme/>. The proposals for almost immediate and full disclosures do not reflect this greater understanding on the impact of trauma and the need for systems to be revised and reviewed in order to better protect and support vulnerable groups, including potential victims of trafficking.

Again, the narrative around 'genuine' vs 'vexatious' claims and heightened 'credibility tests' found throughout the New Plan for Immigration and Modern Slavery proposals fosters a context of deserving/underserving 'victims' and does not take account of the complexity of experiences, individual responses to extreme circumstances, impact of complex trauma or create an environment where frightened and vulnerable women feel safe enough to ask for protection and therefore support action against the perpetrators of this crime.

Survivors of trafficking are frequently transited and exploited through apparently 'safe EU countries' with no choices or protection and many are unable to flee their situation of exploitation. These transnational dynamics of trafficking have been highlighted in the recent research '**The top 20 source countries for Modern Slavery Victims in the UK: Comparative Report**' April 2021 published by the University of Nottingham. Women have also told us that when they have approached authorities in other countries, including elsewhere in the UK and in EU states, they have been ignored or disbelieved and as a result their exploitation continued and/or they were re trafficked. It is alarming that some of the language and proposals within the New Plan risks blaming survivors of modern slavery not only for the crime perpetrated against them but also for the failure of our systems to proactively identify them and provide ready access to support and protection.

Common victim blaming myths unfortunately prevail when women's credibility is questioned. Immediate queries as to why they did not escape without any apparent cognisance of psychological control and coercion, physical violence, fear, poverty, lack of awareness of their rights and wider gender inequalities creates a 'culture of disbelief' and risks a lack of further disclosure. This also places a burden on women to provide objective evidence of their exploitation. Such myths prevent many women from escaping their situation in transit or when in the UK and seeking assistance but also risks undermining their safety and 'credibility' when they are recovered and seek protection either via the NRM or immigration processes.

First Responder Training

As a Support Service since 2004 and First Responder Organisation since 2009, The TARA Service has been involved in the development and implementation of the NRM process since its inception in 2008/2009. We were members of the Home Office NRM Oversight Group last convened around 2012, presented NRM cases as part of a 'dip sampling/quality assurance' process and fully participated in the NRM Review in 2014. This lengthy involvement in the process at both strategic and operational levels provides us with in depth knowledge and insight into the challenges of the system.

We very much agree that a key and essential action to protect the integrity of the system and improve identification and support to survivors is to ensure that First Responder Organisations, and their frontline staff, require robust governance structures, fully understand their role and responsibilities and must have comprehensive NRM focused training to improve the quality of the information gathered to support both reasonable and **conclusive** grounds decision making processes.

Unfortunately over the last 12 years or so TARA have consistently witnessed poorly completed NRM forms with limited information but where no indicators of modern slavery were identified or, worryingly from a trauma perspective, very detailed and lengthy accounts. In too many cases women we support are unaware that they have been referred into the process and advise us that they were simply asked if they wished support, including crisis accommodation, after they disclosed their experiences. In some of these cases women have disclosed experiences of other forms of male violence against women such as domestic abuse, childhood sexual abuse, single instances of rape or sexual violence by an individual and other experiences of violence and abuse but with no evidence of the Act, Means or Exploitation noted that would lead to concerns that human trafficking or exploitation (as per the Human Trafficking and Exploitation Act (Scot) 2015) was implicated. These women are **acutely** vulnerable and in need of support but our concern is that a lack of alternative supports for women fleeing these forms of violence leads, especially when subject to immigration control and NRPF, to inappropriate referrals being made by concerned frontline staff with a lack of other formal support pathways. **It is essential that such cases are not considered as 'vexatious' or used to evidence that the NRM is being 'abused' as the women themselves are often**

unaware of the referral into the NRM and have not identified themselves as being trafficked.

We are concerned that many of the issues facing the current system are with poorly trained First Responders and disempowered frontline staff who are referring into the NRM in lieu of alternative supports for vulnerable adults and in an organisational context where they do not want to risk 'misidentifying' a potential victim. We are extremely concerned that women do not have the process explained in detail and are not afforded time to consider their options and provide informed consent to enter into the NRM. Such cases should not result in any detriment to vulnerable people nor be viewed as vexatious or unfounded or undermine their 'credibility' within other, parallel, processes. **It is important to note that the NRM 2020 statistical report evidences that only 8% of NRM submissions are made by non governmental First Responder Organisations.**

We have no experience of women directly approaching our service and specifically requesting completion of an NRM. Again, too many women are unaware of the NRM, that they have already been referred into the process or what support that entitles them to access to share concerns that 'vexatious' claims are a significant challenge for the system. Rather we are concerned with increasing reports from colleagues in law enforcement that women *they* are concerned are victims of trafficking are refusing offers of support or to enter into the NRM.

Scottish First Responder Organisations recently published a NRM First Responders Toolkit <http://www.migrationscotland.org.uk/anti-human-trafficking-and-exploitation-resources> in an effort to improve the confidence of frontline colleagues when considering an NRM referral and to support them to gather the required information in a trauma informed manner and assist the SCA when making a decision.

However, we are of the view that the current NRM and the wider NRM Transformation Project are not evolving at the same pace of increased professional awareness or improved understanding of what constitutes Modern Slavery and its impact on victims and their long term support needs. Locally based solutions to the complexity of identification, decision making and support for vulnerable individuals at all stages (pre, during and post NRM process) are necessary. Comprehensive, accredited training for all First Responder Organisations and their frontline staff is urgently required and should be mandated for completion prior to authorisation to act as the First Responder to NRM process.

Reasonable grounds threshold

The TARA Service does not consider that changing the reasonable grounds threshold to "reasonable grounds to believe, based on objective factors but falling short of conclusive proof, that a person is a victim of modern slavery" is workable, in line with international best practice or reflective of the situation of many women where there are initial concerns that they have been trafficked for the purposes of commercial sexual exploitation (or any other victim of Modern Slavery). The purpose of the reasonable grounds decision is to enable identification and evidence gathering to take place and inform a conclusive decision that a person is a victim of trafficking.

We consider that with improved training and support to NRM First Responders the quality of referrals and initial information gathering will improve and mean that the current 'I suspect but cannot prove' threshold that a person *may be* a potential victim of trafficking will continue to be an appropriate safeguard for potential victims but also support the integrity of the process.

For the reasons indicated above we are concerned that the majority of vulnerable potential victims, particularly women, will not be able to safely provide detailed accounts or objective evidence at the earliest stages of identification in order to access NRM protections. A higher burden of 'proof' in the early stages of recovery does not reflect current practice, the experiences of many victims at the hands of perpetrators or any understanding of trauma. We consider that such a change may result in entrenched cultures of disbelief, incorrect reasonable grounds decisions and create institutional barriers to protection and support for vulnerable women survivors of modern slavery.

We are concerned that the Human Trafficking and Exploitation (Scot) Act 2015 may also be affected by the proposed reforms as the current proposals do not appear to take account of the possibility of any constitutional or legislative impact on the Scottish (and Northern Irish) legislative framework.

The Human Trafficking and Exploitation (Scot) Act 2015, section 9 , subsections (8) and (9) of the Act provides that the Scottish Ministers may, by regulations, modify subsection (6) 'reasonable grounds' and 'conclusive determinations' and subsection (7) 'competent authority' of the Act 'to make provision about the circumstances in which:

9 (8) (a) there are reasonable grounds to believe that the adult is a victim of an offence of human trafficking,

(b) there is a conclusive determination that an adult is or is not a victim of an offence of human trafficking.

and

9 (9) Regulations under subsection (8) may in particular make provision about—

(a) the procedure to be followed by a person in making a determination,

(b) the criteria to be applied by a person in making a determination, and

(c) the persons who may make a determination or take any step in the procedure.

It is unclear if the proposed change to the Reasonable Grounds threshold considered the impact on Scotland's domestic legislation.

ECAT Obligations, Support and Temporary Leave to Remain

Many of the international obligations (ECAT) such as identification, including reasonable and conclusive grounds and provision of support of PVOTs, are the responsibility of Scottish Ministers. Scotland's own legal obligations including prevention, protection, prosecution and support provision are contained within

Scottish domestic legislation. (The only aspect of victim support and protection that is not within the competence of Scottish Ministers is the ability to grant any form of leave to remain for those affected by immigration control.)

Section 9 of the Scottish domestic legislation obliges Scottish Ministers to, during the relevant period, secure for the adult the provision of such support and assistance as they consider necessary given the adult's needs. When, and for how long, this support is implemented is also to be decided by Scottish Ministers.

Support in Scotland is already provided on an individual needs basis and can be provided for as long as assessed as required. For example in 2020/2021 TARA provided comprehensive emotional, practical and advocacy support to 93 women for an average of 11 months. (Support times ranged from a few days to more than 2 years and 58 of these women were still in receipt of support at the time of writing.)

Scottish support provisions already ensure access to psychological assessment and treatment as per section 9 of the Human Trafficking and Exploitation (Scot) Act 2015 and support providers are not required to undertake Recovery Needs Assessments as per the English and Welsh Victim Care Contract in order to gain formal authorisation to extend support beyond the formal recovery period or to access private counselling.

With reference to the plan to legislate for temporary leave to remain for confirmed victims with long term recovery needs who may be eligible, we are uncertain how this is different to the current consideration of Discretionary Leave for confirmed survivors of Modern Slavery.

It is also unclear if our different support arrangements have been considered and how they will impact on deliberations for leave to remain for survivors in Scotland. For example, will the provision of supporting evidence for temporary leave as described in Chapter 6 for survivors located in Scotland require to be different given that there is no requirement to complete Recovery Needs Assessments to gain authorisation for extended support. What 'evidence' of long term recovery needs will be required to support grants of temporary leave, will that reflect the different support model available in Scotland?

We are concerned that, again, the proposals do not take account of the legislative differences across the devolved administrations nor do they reflect the different support arrangements for victims and may result in a detriment to survivors living in Scotland.

Public Order Offences

Article 13 of the ECAT already provides states with the ability not to provide NRM support based on public order grounds: *'the Parties are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly'*. Without further detail on the definition of 'public order grounds', explicit evidence that it has been misused within the UK and evidence of the current challenges of UK authorities applying this exemption we are unconvinced that the provision within ECAT requires any clarification within UK policy and procedures.

It should also be noted that eligibility of support is for the Scottish Government to determine pursuant to the Human Trafficking and Exploitation (Scot) Act 2015 and that previous offending behaviour does not mean that women cannot be subsequently trafficked and exploited. Indeed, past criminality may mean individuals are at heightened risk of trafficking and exploitation or being re victimised and to base 'public order grounds' on court sentences of 12 months or more risks creating further institutional barriers for victims of trafficking to realise their legal rights and entitlements to protection and support.

Public Sector Equality Duty

TARA are particularly concerned that the protected characteristic of Sex has not been considered throughout the plan but with particular reference to the Modern Slavery proposals.

Women and girls are most likely to be trafficked for sexual exploitation and experience sexual violence at the hands of smugglers, traffickers and men paying for sexual services. Women who are exploited for labour, criminal exploitation and domestic servitude also disclose experience of male sexual and physical violence towards them and many were already survivors of other forms of male violence towards women such as sexual and domestic abuse, forced marriage, FGM and systems of prostitution. Women survivors have lived with gender inequalities from birth, and have poorer access to education, employment (including under employment) and are disproportionately impacted by poverty.

As highlighted above the impact of prolonged and sustained trauma, frequently since childhood, alongside gender inequality and cultural stigma can make immediate and full disclosures harmful and impossible for women. The proposals for a 'one stop' early disclosure do not take account of the barriers for women and the psychological and physiological impact that trauma has on their ability to ask for help and reveal the full extent of their experiences. We are very concerned that women's inability to immediately and fully disclose severe and prolonged gender based violence will lead to their claim for protection being viewed as not 'credible' and prevent them accessing protection as is their right.

Women are frequently made to feel ashamed or blamed for the abuse and the expectation that they will immediately disclose to unknown UK officials is unreasonable, discriminatory and demonstrates no evidence of the special needs of women or the Article 10 ECAT obligation on identification of the victims to ensure **'a procedure duly taking into account the special situation of women and child victims'** .

Women and girls will be disproportionately impacted and experience significant sex discrimination by these proposals which, in our opinion, places more structural barriers on women's ability to seek protection, safely disclose, support criminal investigations and recover from human trafficking and exploitation. It does not appear that the protected characteristic of sex has been considered or the Public Sector Equality Duty applied at any stage or in any meaningful way to the New Plan for Immigration.

Appendix 2

Joint Committee on Human Rights – Legislative Scrutiny: Illegal Migration Bill

Glasgow City Council – TARA Service/Glasgow Violence Against Women Partnership Response

Introduction

1. Glasgow City Council's Neighbourhoods, Regeneration and Sustainability Department's TARA Service has been providing specialist support to adult women trafficked for the purpose of commercial sexual exploitation who are identified and residing in Scotland since 2005. We are also one of the original cohort of First Responder Organisations (FROs) to the National Referral Mechanism (NRM) and can support women to access the NRM if they wish to do so.
2. The service is funded by the Scottish Government and supports Scottish Ministers to discharge their legal obligations for this cohort of victim/survivors as per sections 9 and 10 of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#).
3. The Glasgow Violence Against Women Partnership (GVAWP) brings together key stakeholders from the statutory and 3rd sector to form a strategic multi-agency partnership concerned with tackling all forms of violence against women and girls. The GVAWP has responsibility for delivering at a local authority level the priorities as identified within Equally Safe: Scottish Government Strategy for preventing and eradicating violence against women and girls.
4. The TARA Service and GVAWP were already very concerned about the impact of the Nationality and Borders Act 2022 on women impacted by immigration control. This has been compounded in recent weeks by the Illegal Migration Bill and the narratives surrounding human trafficking, people smuggling and deportations which has led to women currently being supported by our services being fearful of, and increasingly concerned, that they will be deported or removed to Rwanda. TARA are already hearing from survivors of trafficking, worried that they will be removed from Scotland and the UK.
5. Our response will focus specifically on the proposed Modern Slavery clauses and their impact on women.

Disapplication of Modern Slavery Provisions

6. The TARA Service is a founding member of the Anti Trafficking Monitoring Group (ATMG) and would refer the Joint Committee to their briefing on the

Illegal Migration Bill and its compatibility with international law and the Human Rights Act. ¹

7. TARA, and therefore our submission, are particularly concerned that the needs of women and girls seeking protection, either as a survivor of trafficking or from other forms of male violence, have not been considered. Women likely to be impacted by this bill have often lived with gender inequalities from birth, and have poorer access to health, education and employment opportunities and are disproportionately impacted by poverty. Many have lived in highly patriarchal cultures and can feel acutely ashamed of the male violence perpetrated against them resulting in non disclosure.
8. For these reasons the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) within Articles 3, 5, 6, 10 and 17 is explicit in obliging member states to take a non discriminatory and gender specific approach to their responses including all prevention, protection and policy activities. These obligations, on the face of the bill, appear to have been ignored with no Equality Impact Assessment published at the time of writing. The Scottish Government explicitly includes human trafficking within its definition of violence against women and, as the proposed bill would disapply Scotland's domestic protection measures, arguably also impacts on Scotland's obligations to tackle Violence Against Women.
9. Women and girls will be particularly impacted and likely to experience significant sex discrimination by these proposals which, in our opinion, place even more structural barriers on women's ability to seek protection, safely disclose, support criminal investigations and recover from male violence including human trafficking and exploitation.
10. Between 01-01-2021 and 31-12-2022 TARA provided specialist support to **156 individual women** of which **33% had no formal immigration status** at the point of referral, **with 56% already within the asylum system**. The Modern Slavery clauses contained within the Illegal Migration Bill would arguably have **prevented 89% (138)** of these women from accessing our specialist support. Thus, preventing their recovery from the trauma of sexual exploitation and increasing the systemic barriers to accessing justice for the crime committed against them.
11. Arguably these 138 women would have remained sexually exploited and providing sexual services against their will with those exploiting them, human traffickers and sex buyers, acting with impunity. Based on approximate calculations, those trapped women would have generated just under **£36**

¹ <https://www.antislavery.org/wp-content/uploads/2023/03/2023.03.27-ATMG-Illegal-Migration-Bill-Committee-Stage-briefing-final.pdf>

million for the sex industry and their traffickers (in source, transit and destination countries).²

12. Given the above, we do not believe the Bill to be compatible with many, if any, parts of ECAT especially the positive obligations on parties to the convention to identify and protect victim/survivors of human trafficking and exploitation. The proposed clauses increase the already substantial barriers to accessing the NRM and, in our view, removes any specific protections for vulnerable sex trafficked women. There will be limited access to specialist support, safe accommodation or stays on deportation

afforded by a recovery period. We understand that the majority of women, upon entry to the UK, even when coerced by human traffickers, would be considered to have entered the UK illegally and therefore subject to detention and removal from the UK. Both Rwanda³ and Albania⁴ are categorised as Tier 2 countries in the [US State Department's Trafficking in Persons 2022 Report](#), arguably risking refoulement for victim/survivors removed or returned to there.

13. As a specialist support service directly funded by the Scottish Government to assist Scottish Ministers to meet their domestic (and international) duties to identify and protect victims of human trafficking and/or exploitation we are perturbed by clause 23 which would **disapply** Scottish Ministers' legal obligations to identify and support survivors, with a sub section 'future proofing' against Scottish mitigations for those subject to removal directions as per clause 2. As highlighted above this will be detrimental to the majority of victim/survivors identified in Scotland and supported by our service.

14. In order to humanise the potential impact of the bill in terms of the removal of rights to identification, protection and therefore in our experience prosecutions and prevention please see the following TARA case study (anonymised) whereby the specialist supports and protections of the NRM resulted in a successful prosecution⁵ of an organised crime group trafficking women to meet the demands of the Scottish sex industry.

Case Study One - Mai

Mai is a Vietnamese national in her late 30's who was recovered by Police Scotland following action at a brothel. Concerned that Mai was a potential victim of sex

² Based on an average of each individual woman having 25 sex buyers per week at an average of £100 per sexual service over a 2 year period.

³ <https://www.state.gov/reports/2022-trafficking-in-persons-report/rwanda/>

⁴ <https://www.state.gov/reports/2022-trafficking-in-persons-report/albania/>

⁵ <https://www.scotland.police.uk/what-s-happening/news/2022/september/four-people-convicted-of-trafficking-offences-at-the-high-court-in-glasgow/#:~:text=Court%20in%20Glasgow-Four%20people%20have%20been%20convicted%20of%20trafficking%20offences%20at%20the,Trafficking%20and%20Brothel%20keeping%20offences.>

trafficking police referred her to TARA and the National Referral Mechanism (NRM). Mai was wary of services, leaving TARA accommodation and returning to her traffickers for a short period of time before she trusted our service and agreed to access our safe house and engage fully with our services. Mai had entered the UK in 2018, arranged by loan sharks she owed money to and was immediately forced into prostitution. She was found in a brothel later that year by police and then held in immigration detention for 6 months before being released with no supports. She was not identified as a potential victim of trafficking at this time despite clear vulnerabilities and was then re trafficked by a different group of perpetrators.

TARA's view is that these previous interactions severely impacted Mai's willingness to trust and engage with services.

With time to recover Mai was able to engage specialist legal advice and make a fresh claim for asylum based on all of the facts, carefully gathered over time, as Mai began to feel safe and trust her support from TARA, Police Scotland, mental health services and her legal advisors. Despite being extremely fearful, and being threatened by the perpetrators, Mai continued to cooperate with Police Scotland and was able to safely give evidence in person alongside other trafficked women. This resulted in a successful prosecution with significant sentences handed down by the court. Mai has been conclusively identified as a victim of trafficking and has been granted leave to remain in the UK. She was awarded criminal injuries compensation with which she aims to build a new, safe life for herself.

15. We are extremely concerned that if enacted at the time the Illegal Migration Bill would have prevented and/or hampered the successful outcomes above. None of the NRM protections or specialist TARA support would have been available to Mai as she did not immediately cooperate/identify as a potential victim of trafficking and had a history of immigration detention. Indeed, when she initially came into contact with the 'authorities' in 2018 she was not identified as a potential victim and following immigration detention, under clause 2 of the Illegal Migration Bill, she would have been quickly deported.

16. We think that this case illustrates the reasoning behind ECAT, the NRM and our current levels of support and highlights why the Modern Slavery clauses of the Illegal Migration Bill are so concerning and will prevent traffickers being brought to justice, cementing modern slavery as a low risk high profit crime.

17. In more general terms the impact of removing modern slavery protections and support will have a chilling effect on our ability to encourage those in exploitative and harmful situations to come forward for help. Women will remain in brothels and be sexually exploited, against their will, as we will be unable to reassure them of safety and their legal rights to protection. Simply put even in cases where women may 'escape' there is no incentive to approach the authorities and we risk women returning to traffickers in order to survive. Our intelligence gathering and justice responses will falter and although official NRM numbers may decline the number of victims will grow, hidden and manipulated by criminals.

Public Order

18. Despite a number of requests to the UK Government, no explicit evidence that the NRM has been misused is available⁶. Indeed evidence and First Responder experience suggests the opposite with increasing numbers of potential survivors declining to enter the NRM, as evidenced by the increase in Duty to Notify reports.⁷

This point is a key reminder that entry to the NRM and subsequent supports are dependent on a professional completing the referral due to indicators of human trafficking.

19. As one of the first specialist support providers in the UK and a First Responder Organisation since 2009 we have no experience of individual women making false claims of exploitation in order to access NRM supports. Rather, for many of the women we support, they are unaware that they have been entered into the NRM and therefore do not know their rights or the protections afforded to them. Too many women still disclose previous contact with professionals in the past where they were not identified and so remained in situations of exploitation.

20. We therefore think that the principles of Article 4 (and indeed the gender specific approaches embedded within ECAT) are wholly incompatible with clause 2, which risks failure by the state to identify, protect and help victim/survivors to escape from this abuse of their fundamental human rights. There is a clear disincentive for victims to turn to the authorities for help or for proactive identification by professionals. We would go as far as to argue clause 2 will result in assisting human traffickers to recruit, exploit and *significantly* profit from a group of vulnerable people pushed underground and desperately trying to survive this most hostile of environments who are fearful of detention and removal if they come forward for assistance.

21. As public order often relates to criminality we think it important to note that many survivors are convicted of crimes committed under the influence of human traffickers and are not identified until much later. A second anonymised case study from TARA further illustrates the importance of our current protections and highlights the risks to human rights that clause 2 contains:

Case Study Two – Mary

⁶ <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-maya-esslemont-and-anna-powell-smith-modern-slavery-data/>

⁷ <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022#:~:text=4,-.Duty%20to%20Notify,the%20potential%20victim's%20personal%20details.>

Mary was trafficked and sexually exploited in Europe between 2017 and 2020. Mary disclosed that she was arrested at least 3 times in Germany and revealed being trafficked to local police there, but no action was taken.

In 2020 she travelled in a lorry to the UK where she was offered a childminding job in Scotland after refusing to 'work' in a brothel again. Mary was then told she would need to cultivate cannabis plants. Mary was not allowed to leave this house. Mary did not wish to participate, however she was told she could not leave until the plants had been cropped.

The landlord of the property visited and contacted the Police who then took action and Mary was arrested in the summer of 2020 and imprisoned. In November 2020 she disclosed her account to a social worker undertaking a court report and Police Scotland were instructed to undertake a referral to the NRM. A positive Reasonable Grounds Decision (RGD) was issued and Mary was bailed to TARA pending trafficking investigations.

Proceedings continued with two court dates taking place in early 2021. Mary was excused from attending on both occasions, with her defence solicitor attending on her behalf, as no Conclusive Grounds Decision (CGD) decision had been made and they were still awaiting the outcome of the NRM. A third court date was set and again, Mary was advised that she would be represented by her defence solicitor. TARA were then notified by the defence solicitor that due to limited information from the Single Competent Authority (SCA) the Sheriff felt it was reasonable to bring the case to a closure to the benefit of Mary and that he admonished her. No penalty was imposed by the court although her criminal record remained.

Mary then went onto receive a Positive CGD in early 2022 acknowledging that she was a Victim of Trafficking (VOT). In light of this, she was keen to see whether an appropriate representative could support her to challenge her criminal record.

An appeal hearing was scheduled for the Autumn 2022 but TARA received an update from Mary's criminal solicitor to advise that the High Court Justiciary office would quash the conviction with the written submissions only, as they agreed that there was a miscarriage of justice. Mary continues to be supported by TARA and is focussing on continuing to improve her English. She continues to be supported to uphold her legal rights and is considering her options around compensation.