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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Information presented by the Equality and Human Rights Commission of Great Britain*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Equality and Human Rights Commission of Great Britain,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Annex

[English only]

Information presented by the Equality and Human Rights Commission of Great Britain in response to the report of the Special Rapporteur on trafficking in persons, especially women and children

The Equality and Human Rights Commission (hereafter the Commission) welcomes the report by the Special Rapporteur. The Commission has a statutory remit to promote and monitor human rights and to protect, enforce and promote equality across the nine “protected” grounds – age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

The Commission is accredited by the United Nations (the UN) as a National Human Rights Institution mandated to report to the UN on human rights in Britain, including on exploitation, of which human trafficking is a particularly serious form.

The Commission provided a written statement to the Human Rights Council in May 2010 in response to the Special Rapporteur's Report. In that statement we set out the Commission's fundamental position on preventing and combating human trafficking, in light of our Inquiry into Human Trafficking in Scotland, which had a particular focus on trafficking for commercial sexual exploitation and was conducted by the Commission under s.16 of the Equality Act 2006. The Commission's ‘Inquiry into Human Trafficking in Scotland’, led by Baroness Helena Kennedy QC, published its report in November 2011¹.

The purpose of this statement is to give a brief update and overview of that Inquiry's ten findings and recommendations, which we feel is of particular relevance to the conclusions and recommendations set out in the Rapporteurs recent report. We also summarise our follow-on work which has focused on promoting the Inquiry report's recommendations, as well as measuring the impact of the Inquiry report against actions of relevant stakeholders, mainly the Scottish Government, the Scottish Crime and Drug Enforcement Agency and the Crown Office Procurator Fiscal Service in the first year following its publication. A follow on report was published in March 2013².

The Commission carried out its Inquiry into Human Trafficking in Scotland to identify the nature and extent of human trafficking, understand its underlying influences and causes, and identify where policy and practice should change. The Commission also sought to inquire into the factors that give rise to human trafficking in Scotland.

The demand for cheap and exploitable labour, particularly relating to commercial sexual exploitation, along with push factors such as poverty and inequality in source countries were therefore central to the Inquiry. Looking at human trafficking for the purposes of the Inquiry, the Commission adopted the definition in the Council of Europe Human 2005.

¹ http://www.equalityhumanrights.com/uploaded_Scotland/Human:Trafficking_in_Scotland/_inquiry_into_human_trafficking_in_scotland-full-report_pdf.pdf

² http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland/_ht_follow_on_final_web.pdf

The Inquiry was based on an unprecedented evidence-gathering exercise, which included formal evidence from those agencies with responsibilities in anti-trafficking, experts and evidence directly from victims.

The Inquiry's findings and corresponding recommendations were on the issues deemed pivotal to an effective approach to anti-human trafficking. These recommendations were made in ten areas:

- Strategy
- Public and professional awareness
- Legislation
- Intelligence on human trafficking
- Prosecution of traffickers
- Asset recovery against traffickers and organised crime
- Regulation of legitimate sectors where traffickers operate
- Involvement of the private sector against human trafficking
- Independent system in decisions on and support for victims
- End-to-end service for victims from identification to recovery

Taken together, these recommendations would constitute a 'system-wide' strategic response to ensure that Scotland was the most inhospitable environment possible for those engaged in the trafficking and exploitation of human beings.

In recognition of their leadership role, many of the report's ten recommendations are directed to the Scottish Government, co-operating with the UK Government where appropriate, alongside law enforcement and prosecution services, victim support organisations, local authorities, and the private sector.

The recommended strategic approach intends to put trafficked people at its centre, seeing them as victims of crime rather than as immigration offenders.

The Commission's one-year-on review looks at how far and how effectively the Scottish Government, law enforcement and prosecution services, victim support organisations, local authorities and the private sector have paid regard to the recommendations and where urgent attention is still needed.

It sets out positive developments, highlighting where there has been progress, but also where further work needs to be done to meet the original recommendations.

As a result of the Commission's Inquiry there has been:

- A Scottish Government-led summit on human trafficking, bringing together key stakeholders, including both Scottish and UK;
- The establishment of an Anti-Trafficking Progress Group (ATPG) to take forward over an 18 months period the action points agreed at the Summit. The Commission is part of this group, which also includes key reserved and devolved agencies, such as the Crown Office and UK Human Trafficking Centre;
- Agreement that a new statutory aggravation be introduced in Scotland to make the perpetrators of human trafficking easier to prosecute;
- An increase in the profile of human trafficking not just in Scotland but at a UK level.

The report also highlights areas where action is still needed at local, national and international levels. These areas focused mainly around professional and public awareness raising and training, a comprehensive review of human trafficking legislation and comprehensive care and support for victims.

The ATPG are already progressing some of this work.
