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Your Ref:

Our Ref: NHTU/0421



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Special Rapporteur on Contemporary
forms of Slavery
c/o Office of the High Commissioner
for Human Rights
United Nations at Geneva
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By E-Mail ONLY

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Dear Mr. Obokata,

Role of Organised Criminal Groups with regard to Contemporary Forms of Slavery

I refer to the call for input in your capacity as Special Rapporteur to inform your report on the role of organised criminal groups with regard to contemporary forms of slavery, due to be presented to the General Assembly during its 76th session in October 2021

I can helpfully advise that Police Scotland was established on 1 April 2013 and is responsible for policing across the whole of Scotland, some 28,168 square miles, covering a third of the United Kingdom's landmass with a unique range of urban, rural, island and remote communities. It is the second largest police service in the United Kingdom after the Metropolitan Police with a workforce of 23,000 officers and staff working together for the people of Scotland.

Police Scotland's purpose is to improve the safety and wellbeing of people, places and communities in Scotland, focusing on Keeping People Safe in line with our values of Integrity, Fairness and Respect.

Having considered the request for input and on behalf of Police Scotland, I offer the following by way of comment. For ease of reference, I have copied the questions posed with our response.

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1. Types of criminal groups involved in contemporary forms of slavery

- a. Is there evidence of organised criminal groups engaging in contemporary forms of slavery in your country?

Police Scotland are in receipt of intelligence and information that organised crime groups are operating within Scotland for the purposes of perpetrating crimes in terms of the Human Trafficking and Exploitation (Scotland) Act 2015. This includes trafficking for the following purposes; sexual exploitation, sexual exploitation for prostitution, labour exploitation, domestic servitude and to secure services and benefits.

- b. If so, please provide further information about these groups, including their names, social, cultural or ethnic profiles, and structures (e.g. large hierarchical groups or network-based small groups working individually or in collaboration with others).

Police Scotland are unable to provide operationally sensitive material on specific cases. We are aware, however, that different ethnic groups including Vietnamese, Chinese, Albanian, Slovakian, Romanian and Domestic UK groups work collaboratively on joint criminal enterprises to commit trafficking and exploitation crimes.

- c. Do these criminal groups operate domestically or internationally?

The groups operate in Scotland, the wider United Kingdom and internationally.

2. The nature and extent of criminal groups' involvement in contemporary forms of slavery

- a. What is the nature and extent of the involvement of organised criminal groups in contemporary forms of slavery in your country?

Police Scotland are aware that organised crime groups are operating within Scotland and perpetrating trafficking and exploitation crimes for the following purposes including utilising exploited labour; directing and controlling prostitution; exploitation of vulnerable persons and children to further the organised crime group's activities in the supply and production of illicit drugs.

- b. Is there information regarding individuals being exploited by organised criminal groups in criminal activities (e.g. drug production, theft, etc.)?

In Scotland organised crime groups are known to engage victims of trafficking in criminal enterprises including brothel keeping, drug production and drug supply. These groups are known to target children and vulnerable persons who are specifically protected by the Human Trafficking and Exploitation (Scotland) Act 2015.

- c. Is there evidence of individuals being exploited in legitimate businesses run by organised criminal groups, such as agriculture, domestic work, construction and catering?

Organised crime groups are known to target the supply chains and labour providers of legitimate and ethical businesses within Scotland to infiltrate those businesses thereafter

allowing exploitation of individuals. The business may not be aware of this infiltration or of the use of exploited labour.

- d. Is there evidence of corruption (e.g. bribery) and obstruction of justice (e.g. witness & jury intimidation) committed by organised criminal groups? If so, in what way does this affect victims/survivors of contemporary forms of slavery?

Police Scotland are unable to provide a definitive answer to this question.

- e. Does the involvement of organised criminal groups in contemporary forms of slavery pose additional challenges in the identification of victims? If so, please provide details.

Police Scotland face difficulties in pursuing the perpetrators of criminal activities which are hiding in plain sight, for example the use of exploited labour in nail bars or car washes. The activity may be legitimate but the use of exploited labour is not. The identification and subsequent reporting to police of victims is difficult for those who use the services and may take some time.

Many of the victims do not consider themselves to be trafficked or exploited. This is particularly true of victims who have been trafficked for the purposes of prostitution or who are debt bonded to traffickers for the journey to Scotland. Often the victims are recruited from poor and disadvantaged areas/countries and consider themselves better off in exploitation.

3. Legislative Frameworks

- a. In addition to legislation relating to contemporary forms of slavery, does your country have any statutory frameworks criminalising the activities of organised criminal groups (e.g. participating, leading/directing, organising or being a member)? If so, please provide details, including statistical information on prosecutions/convictions if available.

Part 2 Sections 28-31 of the Criminal Justice and Licensing (Scotland) Act 2010 sets out specific offences relating to involvement in, aggravated by, directing and failing to report serious organised crime. Prosecution & conviction data is not held by Police Scotland.

- b. Do the legislative frameworks on contemporary forms of slavery stipulate the involvement of organised criminal group as an aggravating factor increasing penalties?

Section 29 of the Criminal Justice and Licensing (Scotland) Act 2010 allows for any indictable offence connected with serious organised crime to be so aggravated. The Human Trafficking and Exploitation (Scotland) Act 2015 does not contain this aggravator, however contains indictable offences in terms of Section 1 Trafficking for exploitation and Section 4 Slavery, Servitude and Forced or Compulsory Labour and therefore may be so aggravated where the tests within Part 2 of the Criminal Justice and Licensing (Scotland) Act 2010 are met.

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c. Does your country have legislative frameworks to promote intelligence-led law enforcement (the use of special investigative techniques such as surveillance and interception of communications) to combat contemporary forms of slavery?

Yes. The Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 are utilised in this regard.

d. Given the human rights implications arising from intelligence-led law enforcement (such as the rights to privacy and a fair trial), do these legislative frameworks provide for sufficient safeguards against abuse (e.g. judicial or other approval and oversight and grievance mechanisms in case of an abuse of process)?

Yes. The Office of Surveillance Commissioners (OSC) oversees the conduct of covert surveillance and covert human intelligence sources by public authorities in accordance with the Police Act 1997 and the Regulation of Investigatory Powers Act 2000 (RIPA).

e. Does your country have legislative frameworks on money laundering and criminal asset recovery (or confiscation of criminal proceeds)?

Yes. The Proceeds of Crime Act 2002 makes provision for the recovery, confiscation or forfeiture of monies obtained during the commission of a crime from a person so convicted or which is suspected to be derived from or intended for certain criminal uses including trafficking.

f. Does your country also support civil asset recovery without criminal conviction? If so, please provide details including any safeguards in place.

Yes. The Crown Office Procurator Fiscal Service (COPFS) Civil Recovery Unit (CRU) undertakes such a role. The CRU is a small multi-disciplinary unit within COPFS which acts on behalf of the Scottish Ministers as the enforcement authority for Scotland under Part 5 of the Proceeds of Crime Act 2002.

g. How does your country deal with corruption and obstruction of justice committed by organised criminal groups in relation to contemporary forms of slavery?

The Bribery Act 2010 provides a framework to combat bribery in the public and private sectors. Scotland's prosecution service, COPFS, receives reports from the police and other reporting agencies in relation to alleged offences of bribery and corruption. All bribery and corruption cases are dealt with by a specialist team of prosecutors, investigators and forensic accountants, who take a robust, effective and fair approach to the investigation and prosecution of these offences, in accordance with the Scottish Prosecution Code and other instructions issued by the Lord Advocate.

The national Police Scotland Anti-Corruption Unit (ACU) has offices across Scotland and is the guardian of Police Scotland's integrity. Its core operational business is not only to conduct intelligence led investigations into the minority who engage in corrupt activity but also to support officers and staff across Police Scotland in identifying, taking ownership of and proactively addressing any vulnerabilities, corrupt practices and unethical behaviour.

- h. What legislative and other mechanisms are in place to protect witnesses in criminal proceedings involving organised criminal groups?

Victim and witness protection is of paramount importance in Scotland to ensure the judicial system is fair, transparent and free from criminal influence. There are several pieces of legislation enacted which ensure this including The Victim and Witnesses (Scotland) Act 2014, The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 and The Vulnerable Witnesses (Scotland) Act 2004.

4. Victims'/survivors' access to justice and to remedies

- a. What types of assistance (e.g. legal, medical, social and financial) is provided to victims who have been enslaved by organised criminal groups?

The National Referral Mechanism (NRM) is the UK's framework for identifying and supporting victims of modern slavery. First Responder Agencies including Police Scotland, who identify potential victims of trafficking can refer that person to the NRM. In Scotland they are then offered support, depending on their needs, by third Sector partners Trafficking Awareness Raising Alliance (TARA) or Migrant Help. Children and families with children are supported by Local Authority Social Work Departments. All victims are offered accommodation, advocacy, financial help and care throughout the period when the UK Government Home Office make a decision on the person's claim that they are a victim of trafficking. Support can also extend to include rehabilitation, medical services, cultural assistance and educational opportunities.

The Scottish Government have developed a Trafficking and Exploitation Strategy which drives actions and improvements in Scotland's response to this issue as mentioned above. The Action Area 1 Group, of which Police Scotland are a member, seek to identify victims and support them to safety and recovery.

- b. Is provision of such assistance linked to a formal victim identification process and/or cooperation in criminal investigations and proceedings?

No, victims of trafficking and exploitation do not have to cooperate in criminal proceedings to access support and advocacy services.

- c. What mechanisms/channels exist for them to access justice and remedies, and in which ways are they able to participate in criminal proceedings?

Police Scotland carry out a dual role for victims of trafficking. Potential victims who are identified are referred to the NRM process if they consent to the referral. This referral can occur regardless of where in the world the trafficking and exploitation took place. The NRM will then be allocated by the Home Office Single Competent Authority to the most appropriate police force for further enquiry.

Police Scotland are also responsible for conducting investigations into reports of human trafficking and exploitation which occur within their jurisdiction regardless of whether or not the victim chooses to enter the NRM.

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In terms of participation in criminal proceedings, the Victim and Witnesses (Scotland) Act 2014, The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 and The Vulnerable Witnesses (Scotland) Act 2004 provides assistance and safeguards which allows victims and witnesses to be supported in their participation in the criminal justice process.

d. Can victims/survivors of slavery receive compensation in your country and if so, compensations to how many victims have been paid? Please provide details in this regard.

Yes. They can access compensation via the UK Criminal Injuries Compensation Authority who deal with compensation claims from people who have been physically or mentally injured because they were the victim of a violent crime in England, Scotland or Wales.

e. Are confiscated criminal proceeds redistributed to enhance protection and assistance to victims and survivors? Please provide details.

No, they are not.

f. Does your country implement the non-punishment principle whereby the victims of contemporary forms of slavery are protected from criminal prosecutions even if they are allegedly involved criminal activities?

Yes. Section 8 of the Human Trafficking and Exploitation (Scotland) Act 2015 makes provision for the Senior Scottish Law Officer, the Lord Advocate, to issue and publish instructions about the prosecution of a person who is, or appears to be, the victim of human trafficking and exploitation. On 25 May 2016 such instruction was published with the overarching principle of the strong presumption of non-prosecution of victims of trafficking.

5. Other Questions

a. What are the key challenges in combating contemporary forms of slavery committed by organised criminal groups in your country?

Human Trafficking and exploitation are crimes which are hidden in plain sight in Scotland. The key challenges are around identification of victims, non-engagement by victims, negotiating multi-legal jurisdictions and specific cultural and ethnic modus operandi. To address these challenges, Police Scotland have carried out the following activities recently. Police Scotland actively seek out victims of trafficking in order to safeguard their welfare and pursue those who seek to exploit them. We are assisted in this by reporting from the general public, businesses and our partner organisations. Awareness raising through media campaigns, training, webinars and creation of guidance has been carried out to maximise recognition of the indicators of trafficking and improve information and intelligence gathering. This then allows for intelligence lead investigations to commence.

Police Scotland are frequently faced with victims of trafficking who either refuse to engage with enforcement agencies or support services or to acknowledge that they are the victims of this crime. Using a victim centred and trauma informed approach has improved engagement as has the use of third sector partners. Novel methods of engagement are being considered including the use of a victim navigator.

Police Scotland participate in Joint Investigation Teams (JIT) with international law enforcement agencies to combat the transnational nature of human trafficking and exploitation. This leads to multi-legal jurisdictional issues which has been found to take considerable time and resources to resolve. It is likely that the UK leaving the European Union will add to these issues in future.

Organised Crime Groups made up of members who share national or cultural characteristics have been found operating within Scotland. This includes Vietnamese, Chinese, Romanian, Albanian and Slovakian crime groups. There are also patterns in the nationality of those entering the NRM with Vietnamese Nationals far and away the largest group entering the NRM in Scotland. In March 2020, the six-month secondment of two officers from Vietnam to Police Scotland was agreed by the Chief Constable. The agreement was made following detailed considerations and discussions between Police Scotland, the Foreign and Commonwealth Office, the Home Office, National Crime Agency and the Vietnamese Ministry of Public Security over an 18 month period. This included significant due diligence work into planning for the secondment and the operational deployment of the officers. The secondment took place between October 2020 and April 2021 and, although curtailed due to Covid-19 regulations and restrictions, provided a valuable opportunity to gain insight into Vietnamese culture and migration to Scotland. This secondment builds upon the success of previously seconded officers from Poland and Romania to assist Police Scotland in the fight against Modern Slavery and Human Trafficking.

b. Does your country make use of international cooperation tools to tackle transnational organized crime as it relates to contemporary forms of slavery (e.g. Mutual Legal Assistance, joint investigations, extradition, etc....)? Please provide details.

Yes. Mutual Legal Assistance Treaty, extradition, Schengen Help/SIRENE, Joint Investigation Teams, Joint Money Laundering Intelligence Taskforce.

c. Has COVID-19 had an impact on the modus operandi of the organised criminal groups which operate in your country and if so, in what way?

Yes. Covid-19 had a significant effect on communities within Scotland following the introduction of 'lockdown' restrictions on 23 March 2020. These restrictions have necessarily varied as the pandemic progressed.

From that time until the present, Police Scotland has carried out analysis of the changes in trends in human trafficking and exploitation in Scotland to ensure an appropriate response. It was found that as traditional labour sectors such as nail bars, cars washes and restaurants closed for business, there was a shift in moving exploited labour into fishing, agriculture, drugs supply and production, notably cannabis cultivations.

In March 2020 Police Scotland assessed that the conditions found posed an unacceptable risk to persons vulnerable to trafficking and exploitation and undertook a series of actions to mitigate this including analysing trends in NRM referrals and other reporting mechanisms in Scotland, gathering and disseminating information and intelligence from partner agencies, sharing organisational learning, actively seeking out potential victims of trafficking in agriculture, fisheries and forestry (Operation PERCEPTIVE).

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Organised crime groups also took advantage of Covid-19 conditions to move prostitution from on street to off street venues and using Adult Services Websites to advertise predominantly female victims for sale. Several major enquiries have featured this modus operandi which is likely to be used as a business model by organised crime groups for some time to come.

Please provide any additional information which you deem relevant with regard to the subject matter of this questionnaire.

Human trafficking, exploitation and modern slavery are a high priority for Police Scotland. Organised Crime Groups who enslave and traffic people do it for no other reason than financial gain. People are treated as a commodity that can be bought and sold, and the traffickers have no thought or consideration for the impact of their actions on their victims or for the communities in which the victims are exploited.

Borders are meaningless to traffickers. Their illegal trade has a global reach and crosses national and international boundaries which is why our response has to be co-ordinated across agencies and through international co-operation. Police Scotland will continue to build our relationships with law enforcement agencies in other jurisdictions and we will continue to develop these partnerships through our network of contacts in UK law enforcement. International co-operation has never been more important to allow us to tackle trafficking gangs wherever they are and wherever our investigation leads us.

Should you require further information in respect of the Police Scotland approach to the Human Trafficking and Role of Organised Criminal Groups with regard to Contemporary Forms of Slavery, please do not hesitate to contact

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I trust this information is of assistance.

Yours faithfully



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