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## Human Trafficking and Exploitation (Scotland) Bill

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Bill Number:	SP Bill 57
Introduced on:	11 December 2014
Introduced by:	Michael Matheson MSP (Government Bill)
Passed:	1 October 2015
Royal Assent:	4 November 2015

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### Passage of the Bill

The [Human Trafficking and Exploitation \(Scotland\) Bill](#) was introduced in the Parliament on 11 December 2014 by the Cabinet Secretary for Justice, Michael Matheson MSP. The Justice Committee was designated lead committee on the Bill and issued a [call for evidence](#) on the general principles of the Bill which closed on 24 February 2015. In response, the Committee received [58 submissions](#).

The Committee took oral evidence on the Bill at its meetings on [3](#), [10](#), [17](#), [24](#), and [31 March 2015](#) and published its [stage 1 report on 24 April](#). Consideration of the Bill at stage 1 concluded with the [stage 1 debate on 12 May](#). Consideration of amendments at stage 2 took place at the Committee meeting on [16 June](#) and following the [stage 3 debate on 1 October](#), the Bill was passed and received Royal Assent on 4 November 2015.

### Purpose and objectives of the Bill

The Policy Memorandum states that, "the overarching policy objectives of the Bill are to consolidate and strengthen the existing criminal law against human trafficking and the offence relating to slavery, servitude and forced or compulsory labour and enhance the status of and support for victims".

### Provisions of the Bill

Amongst other things, the Bill sought to create a single offence of human trafficking for all forms of exploitation of adults and children, and to strengthen the current slavery, servitude and forced labour offence in Scotland by allowing the court to consider, in assessing whether a person has been a victim of an offence, the victim's characteristics such as age, physical or

mental illness, disability or family relationships. The maximum penalty for such an offence would be increased from 14 years to life imprisonment.

The Bill also sought to establish statutory aggravations to any criminal offence where it can be proved that the offence had a connection with a human trafficking background, and also where a human trafficking offence has been committed by a public official while acting, or purporting to act, in the course of his or her official duties. The Bill also sought to place a duty on the Lord Advocate to publish guidance about the prosecution of credible trafficking victims who have committed offences, and a duty on the Scottish Ministers to secure the provision of relevant immediate support and recovery services for adult victims of trafficking.

### **Parliamentary consideration**

A number of key issues emerged during stage 1 consideration including two issues surrounding the definition of the offence of human trafficking, as drafted in the Bill as introduced. The first was a concern that the use of the word “travel” in the definition suggested that the offence would require a cross-border element. The second was a wider concern that the emphasis on travel in the definition did not align with Scotland’s international obligations, including those in the European Union trafficking directive, which does not have a similar emphasis on travel. Accordingly, the Justice Committee asked the Government to look again at the definition to see whether it could be better aligned with international obligations and also to consider the wording of the definition with regard to the word “travel”.

In response, the Scottish Government stated that the definition provided was wider than those outlined in international obligations as it mirrored offences in corresponding legislation in the rest of the UK and Northern Ireland. However, the Government did accept that many people felt that the emphasis on travel within the definition was unhelpful and served to unduly narrow the offence’s scope. To that end, the Government brought forward amendments at stage 2 to remove the need to establish that a victim’s travel had been arranged or facilitated and instead reframed the offence to criminalise certain defined and listed relevant actions.