



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

9th Meeting, 2015 (Session 4)

Tuesday 17 March 2015

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Decisions on taking business in private:** The Committee will decide whether to take items 3 and 4 in private.
2. **Human Trafficking and Exploitation (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—  

Paul Broadbent, Chief Executive, Gangmasters Licensing Authority;

Helen Martin, Assistant Secretary, Scottish Trades Union Congress;

and then from—

Ian Cruxton, Director of National Crime Agency Organised Crime Command, UK Human Trafficking Centre.
3. **Prisoners (Control of Release) (Scotland) Bill:** The Committee will consider a draft Stage 1 report.
4. **Work programme:** The Committee will consider its work programme.

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The papers for this meeting are as follows—

**Agenda item 2**

Paper by the clerk

J/S4/15/9/1

Private paper

J/S4/15/9/2 (P)

[Human Trafficking and Exploitation \(Scotland\) Bill, accompanying documents and SPICe briefing](#)

[Written submissions received on the Bill](#)

**Agenda item 3**

Private paper

J/S4/15/9/3 (P)

**Agenda item 4**

Private paper

J/S4/15/9/4 (P)

## Justice Committee

9<sup>th</sup> Meeting, 2015 (Session 4), Tuesday 17 March 2015

### Human Trafficking and Exploitation (Scotland) Bill

#### Note by the clerk

#### Background

1. The Committee will continue taking evidence at Stage 1 of the Human Trafficking and Exploitation (Scotland) Bill at its meeting on 17 March.<sup>1</sup> Further evidence sessions on the Bill are scheduled for 24 and 31 March.

#### The Bill

2. The Bill was introduced in the Parliament on 11 December 2014. The Justice Committee was designated as lead committee for Stage 1 consideration of the Bill on 6 January 2015. 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”.<sup>2</sup> The Bill would:

- create a single offence of human trafficking for all forms of exploitation for adults and children;
- strengthen the current slavery, servitude and forced labour offence 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 would be increased from 14 years to life imprisonment;
- establish statutory aggravations (a) to any criminal offence where it can be proved that the offence had a connection with a human trafficking background, and (b) where a human trafficking offence has been committed by a public official while acting, or purporting to act, in the course of the official’s duties;
- place a duty on the Lord Advocate to publish guidance about the prosecution of credible trafficking victims who have committed offences;
- place a duty on Scottish Ministers to secure the provision of relevant immediate support and recovery services for adult victims<sup>3</sup> of trafficking;
- categorise all trafficking and exploitation offences as lifestyle offences in order to automatically trigger the confiscation procedures in the Proceeds of Crime Act 2002;

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<sup>1</sup> The Committee held earlier evidence sessions on the Bill on 3 and 10 March. Official Reports of those sessions are available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29847.aspx>

<sup>2</sup> Policy Memorandum, paragraph 16.

<sup>3</sup> The Policy Memorandum explains that the provisions relating to support for victims are explicitly aimed at providing a statutory basis for the support and assistance of adult victims of trafficking because the necessary support for children who may be victims of trafficking is already enshrined in legislation which provides for all vulnerable children: the Children (Scotland) Act 1995, the Children’s Hearings (Scotland) Act 2011, and the Children and Young People (Scotland) Act 2014.

- create trafficking and exploitation prevention orders and risk orders;
- place a duty on the Scottish Ministers to prepare, publish and regularly review and update a trafficking and exploitation strategy to be laid before the Parliament; and
- place a duty on public bodies to provide anonymised data about potential human trafficking and exploitation victims to Police Scotland.

3. The Committee issued a call for written evidence on 13 January, which closed on 24 February. Written submissions<sup>4</sup> received from the witnesses attending on 17 March and others are available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/86699.aspx>

### **Next steps**

4. The Committee will take evidence from the Scottish Trades Union Congress, [Gangmasters Licensing Authority](#) and the [UK Human Trafficking Centre](#) on 17 March.

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<sup>4</sup> A pack of written submissions was circulated to each member with their meeting papers for 3 March.