



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

10th Meeting, 2015 (Session 4)

Tuesday 24 March 2015

The Committee will meet at 10.15 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—

Siobhan Rearden, Programme Director, Amnesty International Scotland;

Euan Page, Parliamentary Affairs Manager, Equality and Human Rights Commission;

Kirsty Thomson, Legal Services Agency;

and then from—

James Wolffe QC, Dean, Faculty of Advocates;

James Mulgrew, Member, Criminal Law Committee, Law Society of Scotland;

Assistant Chief Constable Malcolm Graham, Police Scotland;

Moira McKinnon, Chair, Scottish Child Protection Committee Chairs Forum;

and then from—

Rt. Hon. Frank Mulholland QC, Lord Advocate, Kathleen Harper, National Sexual Crimes Unit, and Catriona Dalrymple, Head of Policy Division, Crown Office and Procurator Fiscal Service.

3. **Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill:** The Committee will consider its approach to the scrutiny of the Bill at Stage 1.
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/S4/15/10/1
Private paper	J/S4/15/10/2 (P)

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

[Written submissions received on the Bill](#)

Agenda item 3

Private paper	J/S4/15/10/3 (P)
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Agenda item 4

Private paper	J/S4/15/10/4 (P)
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Justice Committee

10th Meeting, 2015 (Session 4), Tuesday 24 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 24 March¹. The final evidence session, with the Cabinet Secretary for Justice, is scheduled for 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”.² 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 victims³ 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;

¹ The Committee held earlier evidence sessions on the Bill on 3, 10 and 17 March. Official Reports of those sessions are available at:

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

² Policy Memorandum, paragraph 16.

³ 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 submissions⁴ received from the witnesses attending on 24 March, and others, are available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/86699.asp>
[X](#)

Next steps

4. The Committee will take evidence from Amnesty International Scotland, the Equality and Human Rights Commission, Legal Services Agency, Faculty of Advocates, Law Society of Scotland, Police Scotland, Scottish Child Protection Committee Chairs Forum, and the Lord Advocate, on 24 March.

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