



T: 0300 244 4000
E: scottish.ministers@gov.scot

Christina McKelvie MSP
Convener
Equality and Human Rights Committee
The Scottish Parliament
Edinburgh
EH99 1SP

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Dear Convener,

At the Equalities and Human Rights Committee meeting on 18 January, I undertook to provide further information in response to questions from members of the Committee.

Human trafficking and exploitation

Mary Fee asked what work has been done to monitor the effectiveness of anti-trafficking legislation.

During the Universal Periodic Review interactive dialogue in Geneva last May, United Nations member states commented positively on initiatives to tackle human trafficking in the UK, including the Human Trafficking and Exploitation (Scotland) Act 2015.

The Act introduced a single offence for all kinds of trafficking, consolidating and strengthening existing law, and providing for a maximum penalty of life imprisonment. In addition, the Act set out the rights of victims to access support and assistance, and introduced Trafficking and Exploitation Prevention Orders (TEPOs) and Trafficking and Exploitation Risk Orders (TEROs), further empowering Police Scotland and COPFS to disrupt trafficking activity.

Following the requirement in Section 8 of the Act, the Lord Advocate published *Instructions for Prosecutors when Considering the Prosecution of Victims of Human Trafficking and Exploitation*,¹ which sets out a strong presumption against prosecution of victims who have been compelled to carry out an offence through trafficking.

¹http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf

The Act also required the Scottish Government to prepare a Trafficking and Exploitation Strategy, and this was published in May 2017.² The Strategy sets out a range of actions and outcomes to be achieved, grouped into three action areas: identifying victims and supporting them to safety and recovery; identifying perpetrators and disrupting their activity; and addressing the conditions that foster trafficking and exploitation. In addition, the Strategy sets out actions specifically relating to child trafficking.

In terms of monitoring effectiveness, the Act requires that the Strategy is reviewed within three years of publication, and the Strategy undertakes that the Scottish Government will report on progress on an annual basis against a specific list of measures, as well as placing these in a narrative context to reflect qualitative as well as quantitative measures.

The measures specified in the Strategy include: number of potential victims identified; number of child and adult victims provided with support; number of individuals convicted; use of the new TEPO and TERO powers; public awareness of human trafficking; and number of organisations with action plans and referral mechanisms for human trafficking.

Oversight of Strategy implementation is provided by the Strategic Oversight Group, chaired by the Cabinet Secretary for Justice, and the Strategic Implementation Group. Membership of these groups can be found in an annex to the Strategy. A short life working group monitors use of the new TEPO and TERO powers, and in evidence to the Justice Committee on 30 May 2017 the Cabinet Secretary for Justice undertook to keep use of these powers under review.

The first annual report on the Strategy will be provided to Parliament later this year, and the Scottish Government will continue to take a collaborative and consultative approach to ensuring legislative and practical provisions are effective and appropriate. This includes working with the Cross Party Group on Human Trafficking, the Independent Anti-Slavery Commissioner, and a wide range of stakeholders across Scotland.

Council of Europe Convention on preventing and combating violence against women and domestic violence

Mary Fee asked about progress on UK ratification of the Istanbul Convention.

Section 2 of the Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017 required the UK Government to place a report before the UK Parliament by 1 November 2017 setting out progress toward ratification. The report,³ which covers both reserved and devolved areas, provides an overview of progress, describes measures taken to comply with the articles of the Convention, and outlines legislation that is required to enable ratification. The UK Government intends to address these issues in the Domestic Violence and Abuse Bill, which is currently moving to consultation stage.



ANGELA CONSTANCE

² <http://www.gov.scot/Resource/0051/00518587.pdf>

³ <https://www.gov.uk/government/publications/ratification-of-the-council-of-europe-convention-on-combating-violence-against-women-and-domestic-violence>