

Criminal Justice Committee
Wednesday 30 October 2024
32nd Meeting, 2024 (Session 6)

3rd EU Tracker Report

Note by the clerk

Introduction

1. On 2 October, the Committee received the attached letter from the Constitution, Europe, External Affairs and Culture Committee (see **Annex A**). This relates to the Committee's [3rd EU Tracker Report](#).
2. These reports are designed to provide MSPs with information on the extent to which the Scottish Government is meeting its commitment to remained aligned with EU law where appropriate.
3. The letter to the Committee highlights a recent policy development relating to anti-trafficking measures, specifically the EU's adoption in June 2024 of a new Anti-Trafficking Directive ((EU) 2024/712 – see page 43 of the report).
4. The new Anti-Trafficking Directive introduces stricter criminalisation measures and provides public authorities with stronger tools to investigate and prosecute perpetrators while also updating the legal framework to account for new forms of exploitation including those which take place online; the Directive also contains measures to ensure better assistance to and support for victims.
5. The legal framework for combating and preventing human trafficking in Scotland is set out in the Human Trafficking and Exploitation (Scotland) Act 2015. In the Scottish Government Annual Report for 2023, the EU proposal (as then was) for a revised Directive was not mentioned.

Action

6. In view of the EU's adoption of the revised Directive, the Committee may wish to seek the Scottish Government's views regarding its provisions and potential applicability to the alignment commitment in this case.
7. **In this is the case, Members are invited to agree to write to the Scottish Government to this effect.**

Clerks to the Committee
October 2024

Annex A: Letter from the Constitution, Europe, External Affairs and Culture Committee

2 October 2024

Dear Convener

Third EU Law Tracker Report

At our meeting last week, my Committee considered the third report from Dr Lisa Whitten of the EU Law Tracker, the Executive Summary of which I have attached with this correspondence.

As previously communicated, there is an expectation that subject committees will consider the case studies relevant to their respective remits that are set out in the series of reports as part of their role in scrutinising the Scottish Ministers' policy commitment to align with EU law.

At Section 3, the report outlines a case study in relation to the EU's adoption in June 2024 of a new Anti-Trafficking Directive ((EU) 2024/712 – see page 43) that is likely to be of interest to the Criminal Justice Committee.

The new AT Directive introduces stricter criminalisation measures and provides public authorities with stronger tools to investigate and prosecute perpetrators while also updating the legal framework to account for new forms of exploitation including those which take place online; the AT Directive also contains measures to ensure better assistance to and support for victims.

The legal framework for combating and preventing human trafficking in Scotland is set out in the Human Trafficking and Exploitation (Scotland) Act 2015. In the Scottish Government Annual Report for 2023, the EU proposal (as then was) for a revised AT Directive was not mentioned. In view of the EU's adoption of the revised AT Directive, your Committee may wish to seek the Scottish Government's views regarding its provisions and potential applicability to the alignment commitment in this case.

Yours sincerely

Clare Adamson MSP