

Cross-Party Group on Commercial Sexual Exploitation

AGM

Wednesday 20th September 2023 from 18.00-20.00

This was an online meeting.

Minutes

Present

MSPs

Ruth Maguire MSP
Rhoda Grant MSP
John Mason MSP
Jeremy Balfour MSP

Non-MSP Group Members

Jacci Stoyle	Secretary
Alison Raybould	Salvation Army
Anne Martin	Individual
Chris Hall	Not for Sale Scotland
Ann Hall	Not for Sale Scotland
Chris Ringland	Evangelical Alliance
Claire Jones	Notbuyingit
Emily McLean	Observer
Diana Johnson MP	Guest Speaker
Linda Thomson	Women Support Project Care for Scotland
Michael Veitch	Scottish Women's Convention
Susan McKellar	Individual
Theresa Little	Individual
Zara Wynn	Individual
Lynn Benevento	PA to Ruth Maguire

Agenda item 1

Welcome and apologies for absence
Agnes Martony Individual

Steve Rawbone	Individual
Janet Warren	Individual
Sophie Reymbaut	Individual
Beverley Johnston	Individual

Agenda item 2

Presentation by the Rt Hon Dame Diana Johnson DBE MP, Labour Member of Parliament for Kingston upon Hull North, on the work of the Home Affairs Select Committee, of which she is the Chair, regarding the Online Harms Bill.

The Online Safety Bill has completed all its stages in the House of Commons and the House of Lords and is waiting to become law. Diana Johnson (DJ) said she would speak about the two key areas of CSE in the bill: pimping websites and pornography. She wanted to provide a short overview of what the bill will, and won't do, and what actions she thinks are needed next.

Pornography

The Online Safety Bill will finally age restrict access to online pornography. Pornography websites will have to verify the age of everyone who accesses the site from the United Kingdom, and they will have to publish a record stating how they are preventing children from accessing their content, which will be enforced by Ofcom. This is different from how it would have been done under the Digital Economy Act. Ofcom will have the powers to fine or block websites if they fail to comply with the law. There are concerns that Ofcom will not implement these laws with the sufficient strictness that the law permits. Unfortunately, what the Online Safety Bill does not address is the myriad of other harms relating to online pornography, such as that sexual coercion is inherent in the commercial production of pornography.

APPG on CSE Inquiry: Pornography Regulation; The Case for Parliamentary Reform (details can be accessed on the APPG website)

The APPG inquiry into pornography established reforms which are critical to combating the widespread harms of pornography, such as making the regulation of online pornography consistent with that of offline pornography, which is much more stringently regulated. Our key findings were as follows: requiring them to verify that every individual on their site is an adult, that they have given their consent to be published on that website, and that they have the legal right to withdraw their consent to that material being published or distributed. It should be a criminal offence to enable or profit from the CSE of another person *online*.

One of their inquiry's recommendations has been taken up by the UK government. It's going to investigate gaps in UK regulation that allows exploitation or abuse to take place online, as well as identifying barriers to enforcing the criminal law.

Pimping Websites

Pimping websites are websites dedicated partly or solely to hosting adverts for prostitution. An inquiry by the APPG found that two websites dominate the marketplace, VivaStreet and Adultwork. DJ congratulated our Scottish CPG on the inquiry that we conducted into pimping websites in 2021, and agreed, as we concluded in that report, pimping websites operating openly and legally, are facilitating sex trafficking and CSE on an industrial scale.

The Online Safety Bill will require online platforms that host user-generated content, (pimping websites fulfil that criteria) to prevent illegal content appearing on their site.

In the bill, human trafficking and sexual exploitation are listed as priority offences, and specifically this includes an offence under section two of the Modern Slavery Act 2015, or an offence under section one of the Human Trafficking and Exploitation Scotland Act 2015, and an offence under section 52 and 53 of the Sexual Offences Act 2003, which is around causing, inciting, or controlling prostitution.

Action is now needed to ensure that Ofcom understands the risks posed by these pimping websites and what practical measures the site should be taking to reduce the ease by which they are used to facilitate criminal offences. What the Online Safety Bill does not do, is prevent pimping websites from operating and they will remain legal. Yet, as you identified in your inquiry, these are websites designed to enable and profit from the prostitution of others, and their business is CSE. There's no way that an operator of a pimping website can ensure that an individual advertised on their site is not being criminally exploited by a third party. Traffickers and pimps can easily avoid leaving a trace of their involvement while posting an advert. Often, victims simply upload their own adverts.

The provisions of the Online Safety Bill, whilst better than nothing, are ultimately destined to fail in the task of preventing pimping websites being used for human trafficking and sexual exploitation. The Home Affairs Select Committee is currently conducting an inquiry into human trafficking, looking at the role of pimping websites in facilitating trafficking, and we're grateful for the evidence and information that your group has given and to Rhoda Grant for her valuable contribution at one of our evidence sessions. I was also rather taken aback by members of the committee, and later senior government ministers, who had no idea what a pimping website was. The findings will come out later this year. I can't pre-empt what we're going to say, but all members see the need for meaningful action to tackle the role of pimping websites.

This bill isn't a 'solve all', it's a start and it's taken a very long time to get through the Westminster Parliament. I think the online pornography industry will still be a Wild West when it comes to regulation, and I still think that pimping websites will be free to carry on most of what they're doing now. Ofcom may completely regulate this area, but I am worried that this bill doesn't provide as much as we'd like it to.

Agenda item 3

The meeting will open for questions from the group.

Q. Frequently, it has been said that these pimping websites need to exist because they are such a useful tool for investigations into trafficking and organised crime. Did this come up?

A. Yes. We had the National Crime Agency in front of us explaining that it was a way to gather information and evidence and to go after organised criminals. A rather testy exchange followed both with them and with the Police Chief's Council about their response. I don't know if they fear that they will offend the lobby which argues vociferously for sex work. It seems that the police listen to that lobby more than the women survivors or the groups that support women in prostitution. There is a job of work to do with the police.

Q. Perhaps we need to work with Ofcom early on about how regulation should be implemented.

A. Yes, I agree. I always think that the BBFC, who are the body that classify pornography offline and have a huge amount of experience in this area, would be the best people to lead this. Ofcom need to work with them.

Q. Is there provision in the Bill for the additional resources for the capacity building and training that might be required?

A. I don't know, but there needs to be.

Q. Would the platforms which host sexually explicit images for sale, like only fans, be covered in the legislation?

A. Yes as its user-generated.

Q. Have the evidence sessions changed people's minds about the pimping websites?

A. Yes, I think so.

Q. I don't understand is that if something is illegal offline, why is it legal online? As I understand it, it is illegal to profit from somebody else's prostitution. Why should it make a difference whether it's online or offline? It is still happening.

A. You're right. It's a problem as we're not keeping up with technology and we need to. I don't think there's been really the will. It's clearly not a priority with the National Crime Agency. We should go after the money; the websites make a fortune they obviously don't want to report the traffickers.

Q. In America the banks were able to stop the credit cards of users. Is there any way we could do that here?

A. We need to check that out.

Agenda item 4

Election of office bearers; conveners and secretary.

Ruth Maguire (RM) asked Jacci Stoye (JS) if she would chair the re-election of the co-conveners.

JS asked the co-conveners RM and Rhoda Grant (RG) if they wished to continue in their role and they both agreed to do so. RM was proposed by and Chris Hall and seconded by John Mason. RG was proposed by RM and seconded by Teresa Little and both conveners were unanimously approved by the group.

RM then assumed Chair and asked JS if she wished to continue in her role as secretary and she agreed to do so. She was proposed by RM and seconded by RG and was unanimously approved by the group.

Agenda item 5

Feedback from the MSPs present on any parliamentary progress.

RM asked the MSPs present if they had any updates to report back on. RG said she had been asked to give evidence at the APPG session, as already mentioned. She said that The Human Trafficking CPG meeting on AI was excellent and that it might be a useful topic for us in a future meeting. John Mason and Jeremy Balfour didn't have any feedback to present.

RM told us that she and her staff have been working on our Festival of Politics CPG presentation turning it into an animated version, useful for raising awareness, training, and social media. She has been invited to present the work at a 16 Days of Activism conference to which the Minister for Community Safety has also been invited. Members will have a chance to view it at the next meeting with the WSP's exhibition.

Michael Veitch congratulated RM on her remarks during the programme for government.

Emily McLean from the VAW&G team in the Scottish Government had seen the Festival of Politics' live performance and said how powerful it was and what a good resource it would be for young men and boys.

RM said she was most welcome to come to our next meeting to view the animation.

Linda Thompson (LT) pointed out that there is a consultation out for the Human Rights Bill for Scotland and part of that is incorporating CEDAW. She described it as a terrifying document and said a lot of the VAW sector were really struggling with it. We need to make sure that Article 6 -to end demand -is included. The closing date is the 5th of October.

RM suggested it might be something we could do as a group, so if everyone agreed then she and RG could do that. The group were happy to go ahead.

Agenda item 6

AOB and date of next meeting.

LT pointed out that the theme of the 16 Days of Activism is 'imagining a world without' eg a world without domestic abuse, rape, prostitution etc. There is a survey monkey to complete. RM said she would put out all the information on the chat out to the group.

The next meeting is an in-person meeting at the Scottish Parliament on the 8th November. We will launch the animation, have some delicious refreshment, and have an opportunity to listen to the history of the Women's Support Project and view their amazing exhibition. The agenda will follow shortly.