

Cross-Party Group on Human Trafficking

17.01.2023 6.00 pm

Minute

Present

MSPs

Bill Kidd MSP

Rhoda Grant MSP

Invited guests

Valiant Richey - OSCE Special Representative and Co-ordinator for Combatting Human Trafficking in Human Beings

Non-MSP Group Members

Alanya Smith, UN House Scotland

Alison Raybould, The Salvation Army

Anushya Kulupana, JRS

Bronagh Andrew

Clara Zhang, UN House Scotland

Ella Higgins, UN House Scotland

E.McLean

Gari Donn, UN House Scotland

Gemma Corbett

Hannah Yeager, UN House Scotland

Iain Whyte, Iona Community

Iiris Aliska, UN House Scotland

Janet Warren

Janice Wilson

Jenny Olson

Joy Gillespie, SOHTIS

Karen Mudarasai, Restore Glasgow

Michael Gough

Michael Veitch, Care for Scotland

Pat Black, UN House Scotland, Soroptimists International
Paul Rigby
Sheila Miller, GHSCP
Steve Rawbone
Susan Mckellar, Scottish Women's Convention
Tarana Baghirova
Vicky Murray

Apologies

Alexa Anderson
Gordon Smith, Scottish Government Human Trafficking Team
Jacci Stoyle
Katy Clark MSP
Sarah Boyack MSP
Siobhan Brown MSP
Siobhan Moyes

Adopt Minutes of the previous meeting

Accepted

X - Presented by Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Dr Rickey conducted a five-day visit to the United Kingdom in November 2022 as the Organization for Security and Cooperation (OSCE) special representative and coordinator for combating trafficking in human beings, highlighting achievements as well as concerns in the current anti-trafficking institution of the United Kingdom.

OSCE is the largest regional security-oriented intergovernmental organization which consists of 57 participating countries and focuses itself on peace, democracy, as well as human rights. It is affiliated with the United Nations but is not a UN body. Dr Rickey's job entails representing the OSCE chair at the political level, helping countries to combat human trafficking through political advocacy, keeping anti-trafficking high on the political agenda, and advocating for higher funding in combating human trafficking.

Dr Rickey and his team are still working on a road map to improve anti-human trafficking efforts in the UK which will be available on the OSCE's website in late winter or early spring. This document, when finished, can be used as an advocacy tool and referenced as an expert opinion on this matter.

General observations on the UK from Dr Rickey's visit are listed below:

Legal and Policy Issues

- The United Kingdom is losing its position as a global leader in combating human trafficking and modern slavery as several flagship policy initiatives have stalled.
- The Modern Slavery Act which was a leading piece of legislation at the time, which updates stalled although recommendations and language have been developed and agreed upon by almost all parties.
- The update on Modern Slavery Strategy has also stalled which is old and does not reflect the current situation, especially in the digital dimension which makes up a large part of modern slavery.
- The Online Harms Bill, the specific piece of legislation to address the misuse of technology, has also stalled for about 2 years.
- A series of major initiatives are not moving forward while other minor issues that require addressing also exist.

Institutional Challenges

- The National Coordinator role in the United Kingdom is very unclear. The home office is the National Coordinator but there is no National Coordinator position. A unit does exist but it is not placed at a politically significant level, meaning that a political way to advocate and carry forward initiatives does not exist for such a unit.
- The previous independent anti-slavery commissioner left in April and the position is currently left open and needs to be filled. Just last week Secretary Braverman from the home office announced that the process has now started over, which will take around a year and is a grave concern.

Protection

- The United Kingdom's National Referral System has been a leading example in the OSCE region, as in late 2022, the United Kingdom was on pace to have 20,000 referrals through the national referral mechanism due to the superiority of the system. Compared with Germany which has a similar population, Germany's

annual identification is around 350. Data suggest around 90% of referrals are eventually confirmed.

- However, a 2-year backlog exists for victim confirmation which is mentally and financially difficult for victims. The problem is not as some political rhetoric says, to decrease identified victims, but to speed up their referral process.

Prosecution

- Investigation and prosecution in England and Wales are pretty good, but Scotland needs to increase its criminal justice response to trafficking.
- There has not been adequate face-to-face training across the United Kingdom since 2018 which was recommended and planned for.
- Financial investigations also need to be increased.

Prevention

- The Modern Slavery Bill needs to be updated and the Online Harms Bill needs to move forward. Especially the initiative around the single enforcement body as it related to labour inspection needs to be given special attention.
- Businesses such as Boohoo, a business discussed in the media for forced labour, which addressed the issue outstandingly, were asking for a single enforcement body from the government to address issues related to human trafficking and modern slavery.
- Scotland especially has a great need for enhanced labour inspection, as the system is currently messy.
- Initiatives that were overseen and operated in Scotland did better compared to the home office. The devolution of responsibility in Scotland has been a good move, for example, the pilot project related to child welfare and assistance to child victims
- The National Referral Mechanism might be worth considering establishing a local Scottish authority to cover such issues given the backlog in the home office.
- Scotland's National strategy regarding combating human trafficking and modern slavery needs to be completed.
- The uptick in online exploitation means that the adoption of the Online Harms Bill serves Scotland's interests as well as other parts of the UK.
- The Nationality and Border Bill has concerning elements to it which are incorrect that needs to be addressed. For example, the 30 days victim self-identification period which when overdue would be automatically presumed to be lying is inconsistent with how the systems operate and how trauma work.
- Attention needs to be given to the non-punishment principle which was raised by many stakeholders concerned with teenage kids being prosecuted for criminal

offences when in fact they are being exploited into the situation. This requires training, diligence, persistence and attention, which is a real priority for Scotland.

- Need to increase the prosecution.

Prevention

- Labour inspection should be increased and enhanced as much as possible.
- Also stronger attention on the demand that incentivizes sexual exploitation. Such demands are flourishing in the United Kingdom and need to be addressed. This needs to be addressed by law enforcement, prevention strategies, awareness campaigns, and parliament can take an important role in frosting that as well. This is an international legal obligation which countries are consistently falling short of, not to mention the enormous harm that it inflicts on victims.

Q&A:

Question 1 (Rhoda Grant): You talked about labour inspection and how that is fragmented in the UK and Scotland, have spoken to the police, about the difficulty in getting victims of modern-day slavery to self-identify. Often the police work with other organizations such as HMRC (HM Revenue & Customs) because sometimes they find disrupting people's businesses can be more effective than trying to gather the evidence. It would be good to hear how other countries are doing this, and how this does this better so we could learn from them.

Answer 1: Identification is the most misunderstood and important area. Too many countries are relying on a reactive approach to the identification, expecting victims to report that they are trafficking victims, which is inconsistent with how the system works. Such an identification process needs to be proactive, going out and finding indications of criminal activities or victims. This could include a variety of techniques. For example, banks can look for indicators to identify illicit flows which then leads to the identification of cases. Canada has been a huge leader in this through Project Protect. Their financial investigations are the best anywhere and we worked with them to partner with other countries to improve that. Another example is labour inspections. Labour inspection can identify red flags long before someone is going to report it, Many victims If they are in a job and the person is only paying 10% of what they were owed and they are holding their passports, and they are keeping them in a bad place with a bed on a floor, but that's still better than nothing. So victims might tolerate the situation just to have something. While if they report they will get nothing and can be deported back to their own country. You cannot imagine how much victims will take before they go out and ask for help. So that's why labour inspections can go out and identify those reg flags such as no passports, no contact, and inadequate pay slip which can be very helpful. But the labour inspectors have to have the mandate so they can conduct those mandates. For

example, Finland has very good labour inspectors and they can identify a lot of labour trafficking cases. Iceland for example has very strong labour unions and their unions identify more labour exploitation cases than any other entity in Iceland due to their proactiveness. Engaging the unions could be helpful. So let's be proactive, let's not wait, and let's go and find those cases.

Question 2 (Bill Kidd): Can I ask regarding the point that you said about the prosecution in Scotland of traffickers being too low, how do you think we might pick up on that? Is there a specific way that we can learn from other countries?

Answer 2: Prosecution is like a funnel. On the top you have the identified victims, on the next layer you have victims that are willing to cooperate, and on the next layer, you have successful cases. It gets smaller and smaller, and in the next layer, you have conviction. The way to increase and make the funnel bigger is to increase the top by identifying as many potential victims as possible, and then from there making sure that they have the support and services they need so they are in a place where they are stable and they can cooperate. You need to have trained police officers that know how to talk to them. I think Scotland has these things, but they need to be scaled up. The proactive identification in the area of sexual exploitation online or labour inspectors looking in on high-risk labour sections, or tainted lawyers who know how to look for kids who are exported into criminal activities. Then you get to the place where you start making sure you have good cooperative evidence through financial investigations, through cyber investigations. I spoke with them and I think the police are aware of them, but it has to be a priority for them or there are a thousand other priorities that they will shift their attention to. And the final piece is judicial training, judges think they know everything but they often don't need skills and knowledge to handle this, trafficking cases are complicated and we've seen that the difference in conviction rate is affected by the percentage of judges that are trained on human trafficking. Think about domestic violence. 30 or 40 years ago, people didn't understand domestic violence, they didn't understand why the victims behaved the way they do until they had training, and then people are now being convicted. Same thing with trafficking.

Question 3 (Alanaya Smith): How do you recommend that we can accurately account for differences in race, and gender, in those dynamics during trafficking and exploitation?

Answer 3: We know from the data that various forms of trafficking disproportionately affect women and girls and different rates and the same goes for racial and ethnic minorities. We have some publications on this issue of gender and how to take it into account, but what I think are the crucial pieces is that it needs closer attention from a gendered perspective at all levels. And the most important thing is to widen our

perspectives beyond the 'ideal victim', the young 15-year-old girl who is exploited in the movie is a reality but not that only reality. There are many different genders, and different backgrounds who are exploited, so we need to expand our responses to expand that. I would say the best way to do that would be to start with the national action plan and the national strategy, by having some provisions. Recently Italy did this by adapting our recommendations by putting a whole section in the national action plan around improving their response from a gendered perspective, and the same could be done from a racial and minority perspective. That puts the responsibility on the government agencies to incorporate this analysis in all their work, so I think there is a lot of work that could be done around this. We would be happy to give the example from Italy if that is of interest to you.

OSCE paper on Applying gender-sensitive approaches to combating Trafficking in Human Beings can be accessed at this link: <https://www.osce.org/cthb/486700>

Question 4 (Iris Aliska): You were talking earlier about criminalizing the purchase of sex as a legislative tool in combating trafficking, I wonder how effective the OSCE believes this to be in comparison to other tools?

Answer 4: There are several possible options for criminalizing various aspects of demand, for example, what's called the knowing youth, which means you hold someone accountable when you know they are a trafficking victim to criminalizing all sex trafficking. Knowing the youth statute is utterly ineffective, Germany had this system in which they identified about 350 victims in a 3-year period and 1 prosecution for a person who knowingly bought sex from a trafficking victim, which in that case the police watched that guy buying sex from a child. What is more effective is criminalizing all sex trafficking because it shows where the responsibility lies, all buyers have a choice. France adopted this system in the same 3-year period and had 5000 arrests, which creates a very different signal in society about what conduct is acceptable. Human traffickers choose countries with less strict laws while conducting trafficking where clients are not criminalized and where they can sell someone over and over again. Trafficking inflows into countries where sex purchases are not criminalized.

Question 5 (Hanna Yeager): How is progress on the success of the Palermo Protocol measured, and how is the Protocol developed and improved?

Answer 5: The prodigal just about 2 or 3 years ago established the UN review mechanism, countries evaluating each other voluntarily. The voluntary nature makes the callus soft but better than nothing. The protocol is not amended or updated, it would have to be re-drafted as it is 20 years old now but this has not happened. It is one of the most successful conventions of all time with 180 countries signing up for it, however, all countries are nervous about opening it up for revision because it is politically dangerous.

Question 6 (Clara Zhang): What actions need to happen to reduce the fragmentation of criminalisation across the OSCE region?

Answer 6: The first thing is that we need to start talking about this. It is a frustrating topic. That is a bad approach as the people who pay the price for it are victims. Secondly, we need to go back to the first principles, to stop harm, and follow the law. And the Palermo Protocol requires all countries who signed up for it to take action in discouraging demands that foster exploitation. It is clear that countries need to do this and my job is to help countries with different ways that they can do it, and help them to consolidate their efforts. I think we are seeing action. Germany learned from their terrible history and adopted a stronger law, and the Netherlands first time adopted a law on demand. Spain is about to take the step of criminalizing all sex purchases because not doing that was a failure. Countries are starting to realize that old ways were not working and that they need to tackle the economic incentive which was the demand for crime in the first place,

OSCE paper on discouraging the demand that fosters trafficking for sexual exploitation is available on our website: <https://www.osce.org/cthb/489388>. Paragraph 18 details the French law criminalising the purchase of sex, and paragraph 19 details the recent law criminalising sexual abuse and exploitation of minors.

Question 7 (Jenny Olson): Criminalisation in France is mostly found rather than prison sentences, what do you think of this? And has OSCE done any research on human trafficking and pornography production?

Andrew Tate kind of answered this question for me recently. His form of exploitation was webcamming and pornography, and we published a report on the recent trend of and action both on the crime of trafficking and government responses to it. One of the trends that were coming up was trafficking for forced criminality is going crazy in every country. Secondly, trafficking or sexual exploitation online, for example, webcamming, and pornography is another huge trend, and Andrew Tate was an example who is certainly not alone in that. So we are seeing a huge trend of online exploitation. That was happening before Covid for sure and it was accelerated by Covid significantly. There was no freedom of movement, but everyone had the internet, so it was a great way to exploit people. I think that you are going to see more and more, and that's why websites like Onlyfans make me nervous because there are no safety measures on those sights, and things like the Online Harms Bill which enhances regulations on websites are not in place to mitigate risks.

On accountability for sex buyers, France has mostly proceeded with arrests and very low penalties, which is better than nothing but not enough. The experience of Sweden demonstrates this, where Sweden kept giving fines and has now passed a requirement that sex buyers need to be jailed due to the low level of impact resulting from fines. The seriousness of sex purchases needs to be highlighted by law. Some countries have tried using second offences, but

people don't get caught twice. Lastly, France's provision of robust exit service for people in prosecution is very smart, those marginalized victims need support to get out of their difficult situation.

Question 8 (Iiris Aliska): The Ukrainian crisis started an influx of refugees to the OSCE region which is in a vulnerable situation for human trafficking. Are there any measures to address this issue in relation to this crisis or any immediate steps can be taken?

Answer 8: We have 2 sets of recommendations regarding this which are the trafficking of women and children for sexual exploitation in the context of the war against Ukraine (<https://www.osce.org/cthb/527997>) and recommendations on enhancing efforts to identify and mitigate risks of trafficking in human beings online as a result of the humanitarian crisis in Ukraine (<https://www.osce.org/cthb/516423>). Currently, we are running a series of workshops for countries to go through these recommendations. One is on preventative measures and the other is on online risks.

It is seen here that addressing demand is an important element of combating human trafficking. Almost exactly in line with the invasion of Russia, we started monitoring online activities. The use of sexually exploited search terms such as “Ukrainian escort”, “Ukrainian pornography”, “Ukrainian refugee pornography” and “Ukrainian rape” spiked 200 to 600 percent from the invasion and continued for weeks. This online demand was directly an attempt to sexually access these vulnerable populations who are working to help. And then, webcamming and escorting ads are seen in chat rooms where Ukrainians look for jobs and shelter. Additionally, we have seen escort and sexual service websites. For example, one website in Ireland advertised having a 250% increase in interest in Ukrainians on their sites and offered men to live out their quote-on-quote “war-inspired fantasies”. A Netherlands company measuring sexual service websites mentored a 10 times increase in the advertisement of Ukrainians from a year earlier. The immediacy in the response of the sexual service industry shows how demand in this sector drives exploitation. When this war is over, others will take the place that Ukrainian is currently taking. Ukrainians in this situation need access to shelter and labour markets and security in their language. The OSCE Be Save campaign regarding preventing the trafficking of Ukrainians can be found at <https://www.helpforukrainians.info/>.

Additional Materials:

- Recommendations of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings on the need to enhance anti-trafficking prevention amid mass migration flows <https://www.osce.org/cthb/513784>
- Stay Aware and Stay Safe We need your help <https://www.helpforukrainians.info/about/>

Post-presentation Questions/AOB

N/A