

Online Pimping: An inquiry into Sexual Exploitation Advertising Websites

Cross-Party Group on Commercial Sexual Exploitation, 2021

Appendix B

Minutes: Oral evidence hearings

Wednesday 4 November 2020

Time: 10:55-12:15

Venue: Zoom

Present

Rhoda Grant MSP (RG)

Ruth Maguire MSP (RM)

Witnesses

Bronagh Andrew, Operations Manager, Trafficking Awareness Raising Alliance (BA)

Claire Chambers QC, Compass Chambers (CC)

RoseAnn Cameron, Service Manager, Routes Out Service (RC)

Diane Martin CBE, survivor of sexual exploitation and member of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) International Survivors of Trafficking Advisory Council (DM)

Linda Thompson, National Coordinator, Women's Support Project (LT)

Observers

Kat Banyard, Director, UK Feminista

Kate Fry, Office of Rhoda Grant MSP

Nina Humphries, Events and Communications Officer, UK Feminista

Jean Mackenzie, BBC

Jacci Stoye, Secretariat, Cross-Party Group on Commercial Sexual Exploitation

PART 1

Witness: Claire Chambers QC

Claire Chambers QC: The witness read a prepared statement. Described the law on the matter of Sexual Exploitation Advertising websites as non-existent. The statement noted that the witness could not identify any legislation which protects from Sexual Exploitation Advertising websites in Scotland. Bespoke legislation would be needed to criminalise the actions of Sexual Exploitation Advertising websites.

Rhoda Grant MSP: Noted that the law on prostitution was old and a consolidation law. Asked CC when the most recent piece of prostitution legislation was adopted in Scotland.

Claire Chambers QC: Informed the inquiry that the most recent laws relating to prostitution in Scotland were adopted in 1995.

Rhoda Grant MSP: Asked whether existing advertising legislation relates to Sexual Exploitation Advertising websites.

Claire Chambers QC: Noted there are UK advertising standards, but the law or standards do not seem to be inhibiting these websites in any way.

Ruth Maguire MSP: Asked about research assistance from the Crown.

Claire Chambers QC: Met with the policy department of the Crown. They were unable to provide information on whether an attempt had been made to prosecute people who operate Sexual Exploitation Advertising websites. CC suspects there have not been attempts, the reason being that the police do not believe it is an offence to operate a Sexual Exploitation Advertising website.

Ruth Maguire MSP: Asked how existing human trafficking legislation relates to Sexual Exploitation Advertising websites.

Claire Chambers QC: In a practical sense, the challenge of using existing trafficking legislation is that these websites are a step away from the immediate criminality and may present themselves as classified advertising websites.

Ruth Maguire MSP: Noted that there is no age verification on the websites and asked if there was a means of holding the sites accountable on this basis through existing legislation.

Claire Chambers QC: CC noted there could be potential in this but questioned its effectiveness and suggested bespoke legislation would be needed.

Rhoda Grant MSP: Noted that the Scottish Government is currently consulting on how to tackle prostitution. Asked CC if bespoke legislation to address Sexual Exploitation Advertising websites would fit well within any resulting reforms to the law or whether something separate would be more appropriate.

Claire Chambers QC: CC noted that, as a practitioner, it would be advantageous if all legislation relating to the same issue was in one Act. This aids clarity and understanding. It would be up to the Government to decide if there were sufficient links between the different parts of the legislation on this issue.

PART 2

Witnesses: Diane Martin CBE and Linda Thompson

Diane Martin CBE: Read a prepared statement. The witness noted:

- The witness was exploited through prostitution in her late teens. Since then, DM has established support services for women involved in prostitution and worked on policy matters relating to sexual exploitation.
- Sexual Exploitation Advertising websites facilitate abuse, operate freely and are highly lucrative.
- Organised crime groups and pimps have used Sexual Exploitation Advertising websites to create a mainstream market for sexual exploitation. Sexual Exploitation Advertising websites incentivise trafficking and pimping.
- The UK is good for organised crime because it does not tackle demand from sex buyers, which motivates sex traffickers. International evidence shows traffickers favour countries where the demand is not tackled by the criminal justice system.
- The Scottish Government's policy recognising prostitution as violence against women needs to be enacted through legislation.
- Most women subjected to organised sexual exploitation in the UK and advertised on these websites are non-UK nationals.
- There are false separations made between matters relating to prostitution, such as the suggestion that it can be made safe if it takes place in particular locations.
- Prostitution is violence against women. It is a myth that you can make prostitution safe. It is not possible to 'vet' sex buyers in advance and predict their behaviour. Sexual Exploitation Advertising websites do not enable this.
- We need a long-term vision for Scotland that rejects women being for sale, tackles demand and stops Sexual Exploitation Advertising websites.

Linda Thompson: Read a prepared statement. The witness noted:

- The Scottish Government recognises prostitution as a form of violence against women and girls (VAWG), however commercial sexual exploitation has not consistently been treated in line with other forms of VAWG.
- LT coordinates the Encompass Network – a network of frontline services which support women affected by prostitution and sex trafficking. The support services are underfunded.
- The system of prostitution is based on systematic inequalities that women face, and COVID-19 has exposed that inequality is a driving force behind women entering commercial sexual exploitation. However, commercial sexual exploitation has compounded rather than solved women's poverty.
- There are women advertising on Sexual Exploitation Advertising websites who do not want to do so, but feel they have no alternative.
- Sexual Exploitation Advertising websites are one part of a broader model that needs to be tackled.
- Sexual Exploitation Advertising websites exist to make profit.

- Opportunities for men to pay for sex existed before the existence of Sexual Exploitation Advertising websites, via adverts in newspapers and phone boxes, but the internet has increased opportunities.
- Sexual Exploitation Advertising websites are global companies which are often hosted abroad.
- Scotland must consider the normative impact of Sexual Exploitation Advertising websites and they must be tackled to create a safe and equal society. The websites take advantage of a legal loophole. They play a role in the exploitation, harm and trafficking of women and girls in Scotland.

Ruth Maguire MSP: Asked DM about her experience of supporting women advertised on Sexual Exploitation Advertising websites.

Diane Martin CBE: When DM established an exiting service, mobile phones and the internet were just beginning to play a role in facilitating sexual exploitation. Regardless of how a sex buyer locates a woman to pay for sex, the experience and the need to provide exiting services remains the same. DM's service used to support 215 women at any one time and the vast majority of women wanted to exit. The internet now enables websites to hold an electronic history of women's sexual exploitation, including intimate photos and videos of women.

Ruth Maguire MSP: Asked LT about women feeling economically pressured to advertise themselves on Sexual Exploitation Advertising websites when they do not want to.

Linda Thompson: A scoping exercise of Sexual Exploitation Advertising websites was carried out during COVID-19 restrictions which found that there were large numbers of men seeking to pay for sex during lockdown. LT approached some Sexual Exploitation Advertising websites to ask if she could post adverts aimed at women about financial support available. Just two websites agreed to this. The others refused because they knew the Women's Support Project recognises prostitution as violence against women. There are a variety of Sexual Exploitation Advertising websites that facilitate different forms of sexual exploitation. LT undertakes regular scoping exercises on Sexual Exploitation Advertising websites and consistently finds adverts that the organisation would pass to the police.

Some women have said that they had no choice in an advert being placed or the sex acts that they are listed as offering to men in the advert. One woman who shared her experience said sex buyers would arrive already having negotiated with her trafficker about the sex acts she would perform, thinking that they had negotiated with her. Women involved in street-based prostitution have also reported having intimate images taken of them without their consent and placed on a Sexual Exploitation Advertising website. Many adverts are listed as promoting 'independent' women, when they have actually been posted by third party exploiters. Sex buyers would prefer to believe that the women are independent. The market relies on the lies created by exploiters. Sexual Exploitation Advertising websites currently enjoy a legal loophole. 'Escort agencies' claim to only facilitate the purchase of time. LT supported an 18-year-old woman who was targeted by an escort agency and advertised online, and when she wanted to exit prostitution the agency demanded £400 for the removal of the

photos from their website. This required her to see four sex buyers, and once she provided the money the agency demanded a further fee. Police have no legislation to hold Sexual Exploitation Advertising websites accountable. The websites pose as reputable businesses while promoting a normative message that women are commodities. The overall vision in Scotland is to eradicate prostitution, and as such you cannot allow these websites to operate in isolation. These businesses should not be profiting from the exploitation and harm of women.

Rhoda Grant MSP: Asked LT whether Sexual Exploitation Advertising websites make it easier for women to enter the sex trade.

Linda Thompson: Sexual Exploitation Advertising websites make it easier and quicker for women to enter the sex trade. The language used by the websites often hides the reality of what women are becoming involved in and focuses on the financial incentive. Sexual Exploitation Advertising websites provide advice for women involved in prostitution and one website in particular give credits to women who refer other women. The identification and verification of adverts focuses on the person placing the advert – not necessarily the person who is being advertised. Legislation is needed to send a message that it is wrong to pay for sex in order to close down Sexual Exploitation Advertising websites. LT advocates the Encompass Network’s proposed approach to prevent and eradicate prostitution.

PART 3

Witnesses: Bronagh Andrew and RoseAnn Cameron

Bronagh Andrew: Read a prepared statement on behalf of the Trafficking Awareness Raising Alliance (TARA) and Routes Out. The witness noted:

- Routes Out is a Glasgow City Council service which opened in 1989. It supports women involved in prostitution in Glasgow. The service provides harm reduction and exiting support. In October 2020 the service supported 41 women.
- TARA opened in 2005 and is funded by the Scottish Government to support women identified as potential trafficking victims across Scotland. The service includes crisis accommodation, financial support and access to health, legal and psychological support. In October 2020, the service was working with 73 women.
- The services are concerned that large commercial websites are profiting from the sexual exploitation of women they have supported. They are aware of the short- and long-term impact of Sexual Exploitation Advertising websites on women’s health, physical and psychological safety, recovery and dignity.
- A number of women the services have supported have been aware that they were advertised on Sexual Exploitation Advertising websites. Some women disclosed that social media apps such as WeChat, Tinder, Facebook, Kick, Snapchat and Twitter have been used to recruit and deceive them into the sex trade and to advertise them to sex buyers. Other women have been unaware of being advertised online but have had photographs taken of them. All of the women have had a significant number of men pay to sexually exploit them.

- A scoping exercise conducted with the Glasgow Violence Against Women Partnership in 2017 highlighted that women may not be in control of profiles written about them online. Some women explained that whilst they placed the adverts themselves, they were often following the instructions of others who were exploiting them. Women's stories gathered by the Inside Outside project also reflect this lack of control.
- Routes Out have supported women who agreed to adverts being placed but did not understand the terminology used or fully understand the sex acts being expected of them and felt unable to say no to acts or bookings they were uncomfortable with.
- The services believe that disrupting the operations of Sexual Exploitation Advertising websites is essential given the serious harm they cause and significant organised crime they mask. This must be done in the context of specialist prevention and exiting support.
- Poverty is exploited by third parties as a coercion or grooming tool, and this is one of the key factors influencing women's entry into the sex trade. Therefore, tackling Sexual Exploitation Advertising websites must be done in conjunction with the provision of practical safety nets and exiting support which is widely accessible and well resourced. This should take place alongside work that challenges demand and disrupts the activity of third-party exploiters.
- The services support the Encompass Network's seven step approach to preventing and eradicating prostitution.

Rhoda Grant MSP: Asked about the experiences of trafficking victims who are advertised on Sexual Exploitation Advertising websites and enquired whether the websites make it easier for women to be drawn into commercial sexual exploitation.

Bronagh Andrew: TARA has found that Romanian women subjected to sexual exploitation tended to be advertised on larger Sexual Exploitation Advertising websites. Trafficked women have no autonomy. Some women have little knowledge about the adverts because they have been placed by other people, whilst other women have been forced by traffickers to upload profiles themselves. Pre-paid cards are used to pay for adverts in the trafficking victim's name so that there is no link to the exploiter or their bank details. Many women disclose that intimate photographs have been taken of them and they do not know where they have been advertised, however these women experience a regular traffic of men paying to sexually exploit them.

RoseAnn Cameron: A scoping exercise by organisations to identify the needs of their service users took place at the beginning of the pandemic. The services wanted to identify the location of women and whether women were entering or returning to prostitution due to the pandemic. The research was carried out in Glasgow. They looked at the main global and national Sexual Exploitation Advertising websites, including Vivastreet, Adultwork, Craigslist, Glasgow City Escorts and Escort Scotland. Women already known to the service were still seen selling sex on-street and COVID-19 was perceived as just another risk on a long list of risks they faced. Routes Out did not see an influx of women seeking support or a rise of women selling sex visibly on-street in Glasgow. During a 20-week period, 279 women

had posted on Craigslist and of those women, 43 women referenced the pandemic as the reason they were advertising and 15 appeared to be or stated that they were 'new'. The term 'new' does not necessarily mean the woman is new to the sex trade. There were 1389 adverts posted by men seeking to pay for sex, which vastly outnumbered the number of women advertising. RC described the men's comments as disturbing. They included: *'Any single mums struggling with this lockdown in coronavirus willing to do something?'*; *'Used to pick up this lassie round about [street name], she was mental and damaged but gave a good blow job, her name was [woman's name]. Anyone know her or if she's still on the game in Glasgow?'*; and *'Troops. I was in the town over the weekend and I saw quite a few working girls in the city centre looking for work. I couldn't indulge as I had my Mrs with me. The ones I've seen were near [location]. I think there is a place the working girls go [referring to Routes Out] round about there so usually you can pick up a few. Happy hunting.'* During the 20-week period of the research, there were 626 individual profiles on Adultwork and, of those adverts, 18 mentioned the pandemic (although many of these references were in relation to health and safety measures). Vivastreet had 233 individual adverts and, of those, four mentioned the pandemic. While adverts remained online, availability dropped significantly.

One young woman shared that she started selling sex on Kick. Another teenage woman did not know what many of the sex acts were that were listed on her profile on a local Sexual Exploitation Advertising website. She received support from Routes Out to have the profile removed, but this process took weeks despite the fact it only took a few minutes for the advert to be posted. Another woman supported by the service found it difficult to remove her advert from a national Sexual Exploitation Advertising website.

Ruth Maguire MSP: Asked whether exiting prostitution is more difficult because Sexual Exploitation Advertising websites host an online record of women's involvement in the sex trade.

RoseAnn Cameron: The service supported one woman to obtain legal assistance for the removal of images of her from a Sexual Exploitation Advertising website. However, it is unclear whether content from that advert still exists somewhere online.

Bronagh Andrew: Often traffickers use images and profiles as a tool of coercion and control. For example, they can threaten to send intimate content to a woman's parent if she does not comply with the trafficker's demands; or they tell the victim that if the police see a profile picture of her smiling, they will not believe that she is being coerced. Some women do not know what images exist of them online, nor do they know who has seen them. This can be a significant psychological challenge to recovery.

Monday 9 November 2020

Time: 10:00-10:30

Venue: Zoom

Present

Rhoda Grant MSP (RG)

Ruth Maguire MSP (RM)

Jeremy Balfour MSP (JB)

Witness

Megan King (pseudonym), survivor of sexual exploitation (MK)

Observers

Kat Banyard, Director, UK Feminista

Anna Fisher, Nordic Model Now

Kate Fry, Office of Rhoda Grant

Nina Humphries, Events and Communications Officer, UK Feminista

Witness: Megan King

Megan King: MK read a prepared statement. The witness noted:

- In her early twenties, MK was recruited into the sex trade and later advertised independently on Sexual Exploitation Advertising websites. MK also managed a charity supporting women to exit the sex trade, which gives her further insight into how the websites operate.
- It is very easy for a third-party exploiter to advertise women on Sexual Exploitation Advertising websites. A Sexual Exploitation Advertising website may require a passport photograph of the individual being advertised, but there is no way the website can verify that the woman in the photo is the same woman then being sold to a sex buyer. MK believes that passport photographs of her pimp's wife were used to place online adverts of MK and other women he was exploiting.
- When MK was taken to her first sex buyer (at which point she did not know she was being sold into the sex trade) the sex buyer took intimate and degrading photographs of her, some of which were used as profile pictures on the Sexual Exploitation Advertising website profile that her pimp created for her. MK's pimp later showed her the profile and associated private image gallery - which featured a photo with a sexually explicit caption written as if she herself had written it. MK did not consent to the creation of her profile on Adultwork, the photos being taken or shared on the profile, or the sexual acts she carried out with the sex buyers who found her via the advert. MK's pimp earned £2.50 per purchase of a photo from the private gallery. MK

does not know how many people accessed the private gallery or how the photos were subsequently used. She never received any of the earnings.

- MK questioned why Sexual Exploitation Advertising websites, which are essentially ‘online pimps’, are not criminalised for making profit from another person’s prostitution. It is a highly lucrative business profiting from the prostitution of others.
- Adverts on Sexual Exploitation Advertising websites feature a list of selectable sex acts that the individual being advertised is stated to ‘like’. These practises include urination play, humiliation, fisting and unprotected sex. Certain sex acts being advertised on a profile can provide ‘red flags’, indicating the woman may have been trafficked. Where a woman is unaware that a profile has been created for her, she will not have consented to the list of sexual practises and will then be passed to a sex buyer who expects the sex acts that have been advertised.
- MK said that sex buyers review and rate women like eBay products on Sexual Exploitation Advertising websites, with comments that degrade women to nothing more than a product. She recounted a comment made by a sex buyer who said he enjoyed imagining torturing her.
- MK does not believe that Sexual Exploitation Advertising websites make anybody safer. Although sex buyers can be reviewed on a particular Sexual Exploitation Advertising website, they are able to make bookings without verifying their identity. MK was subjected to dangerous situations including an experience where a sex buyer who contacted her via the online advert wanted her to watch videos of child sexual exploitation and pretend to be a child. Through her role supporting women to exit prostitution, MK has heard women recount stories of men who refuse to pay and then rape the woman, men who intimidate and threaten women until they agree to unprotected sex, and women who have turned up for bookings to find six or more men present.
- The man who recruited MK into prostitution was imprisoned and will be subjected to a proceeds of crime hearing. However, Sexual Exploitation Advertising websites, which profit from prostitution, face no repercussions for their exploitation and this feels unjust.

Ruth Maguire MSP: Asked about ‘red flags’ in a Sexual Exploitation Advertising website advert which may indicate trafficking.

Megan King: MK undertook a piece of work in conjunction with a police force on this subject. MK stated that ‘red flags’ can include pictures of a woman’s face, poor grammar or English, repeated phone numbers across multiple profiles, and a list of sex acts that the individual being advertised is stated to ‘like’ that covers everything - including unprotected sex acts.

Ruth Maguire MSP: Asked MK how she would respond to claims that Sexual Exploitation Advertising websites make women safer.

Megan King: Sex buyers, as well as women being advertised, use fake names and sex buyers do not have to prove who they are. Even if a buyer has good feedback online, MK has come

across women who have seen the same sex buyers regularly for several years and then been attacked by them. There is nothing that can be done to make prostitution safe.

Rhoda Grant MSP: Noted that Sexual Exploitation Advertising websites make it easier for sex buyers to access individuals to pay for sex. Asked if the websites also make it easier to recruit and traffic individuals into prostitution.

Megan King: MK's pimp's wife used her passport photo to advertise all of the women they were exploiting. She believes that in this circumstance all of the women were over the age of 18 but if they were not, the websites would not know. This exploitation is less visible than street-based prostitution where vulnerability can be seen, which is not safe either. It is very easy for exploiters to get away with advertising whoever they want. The websites themselves are not necessarily used to recruit victims, but it is very easy to advertise trafficking victims on the websites within a matter of minutes.

Rhoda Grant MSP: Asked if the Sexual Exploitation Advertising websites do anything to contact or verify the women being advertised or whether they take the word of whoever is setting up the account.

Megan King: To set up an account on the Sexual Exploitation Advertising website that MK is familiar with, a passport and a picture of the passport holder, with the date displayed, has to be provided. However, the website company cannot know who is attending the booking. Support services have to pay money to advertise their services on the website.

Rhoda Grant MSP: Asked whether there is any way support services can directly contact women or if they end up speaking with the pimp when they attempt contact.

Megan King: MK's support service would text, call or email women who were advertising on Sexual Exploitation Advertising websites. If the service sent a text to a number where there was a third-party exploiter involved, the service would generally receive a response with an address without a door number (i.e. a street name and postcode). This information would then be passed to the police.

Rhoda Grant MSP: Asked about the impact of MK's experiences on her.

Megan King: At the time, MK disclosed her situation to a range of services, including children's services, mental health services and sexual health services. However, she did not receive the help that she needed. MK lost custody of her child at the time. The witness felt that the agencies involved failed to recognise her as a victim of sexual exploitation, which influenced their actions. The experience also greatly impacted her view of sex and relationships. MK shared an experience of being beaten and attacked for an hour by a sex buyer who wanted to feel power over her. MK has also been affected by Post-Traumatic Stress Disorder. She believes that women in the sex trade often do not receive the therapy they need because the trauma caused by involvement in the sex trade is not recognised due to societal beliefs that prostitution is empowering, a form of work and a choice.

Wednesday 11 November 2020

Time: 10:00 – 12:00

Venue: Zoom

Present

Rhoda Grant MSP (RG)

Ruth Maguire MSP (RM)

Witnesses

Hugo Lemonier, journalist (HL)

Trevor Owen, Violence against Women & Girls and LGBTI Equality Policy, The Equality Unit, Scottish Government (TO)

Detective Sergeant Stuart Peall, Lancashire Constabulary (SP)

Lorraine Questiaux, head of legal affairs, Mouvement du Nid (LQ)

Rob Richardson, Head of the Modern Slavery and Human Trafficking Unit, National Crime Agency (RR)

Rob Spectre, CEO of Childsafe.ai (RS)

Observers

Kat Banyard, Director, UK Feminista

Kate Fry, Office of Rhoda Grant MSP

Nina Humphries, Events and Communications Officer, UK Feminista

Jacci Stoyale, Secretariat, Cross-Party Group on Commercial Sexual Exploitation

PART 1

Witnesses: Trevor Owen, Detective Sergeant Stuart Peall and Rob Richardson

Trevor Owen: Read a prepared statement. The witness noted:

- The Government's recent priority has been responding to COVID-19 and supporting individuals at particular risk, including those involved in commercial sexual exploitation. The Government has provided guidance to local authorities on responding to violence against women and girls and additional funding was allocated to the Encompass Network.
- It is challenging to ascertain the scale of Sexual Exploitation Advertising website adverts and the figures held are rough approximations. Government research on prostitution published in 2017 estimated that there were 1800 adverts across four main websites in a single day, the majority of which involved women. Earlier research from 2014 identified that there were in the region of 3000 adverts across 10 websites. In November 2020 a report was published on the impact of COVID-19 on gender-based violence.

- Existing law has been framed around selling sex in public places so does not necessarily cover online spaces. Internet regulation is reserved for the UK Government but it does not prevent the Scottish Parliament from legislating on specific criminal offences relating to the internet. Previous examples of this include the intimate images offence in the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 and the extreme pornography offence in the Criminal Justice and Licensing (Scotland) Act 2010.
- The Equally Safe strategy recognises commercial sexual exploitation as a form of gendered violence. A multi-agency group was established to take forward work on this strategy. COSLA has also set up a short-life working group to look at service models that support women to exit prostitution and there will be a roundtable focusing on this during the 2020 16 days of action to eliminate violence against women and girls. Work is also being developed on prevention, which includes strengthening cross-governmental links, improving service responsiveness and challenging demand - e.g. linking with work on healthy relationships in schools, with colleagues working on the human trafficking strategy and with colleagues working on child sexual exploitation. At the UK level, online harms legislation is being developed.
- There was previously engagement with websites on the issue of 'sex for rent'. The Minister for Housing wrote to a number of websites about this.
- The Scottish Government is also currently consulting on tackling men's demand for prostitution.

Rob Richardson: Read a prepared statement. The witness noted:

- Organised crime groups engaged in modern slavery and human trafficking is one of the National Crime Agency's (NCA) top priorities. The NCA leads on criminal investigation against organised crime groups that operate at the highest risk level and across force and international boundaries. The NCA also plays a support and coordinating role, working with local and regional police forces and other national law enforcement agencies.
- Human traffickers exploit victims in the sex industry because the demand for prostitution means that they can generate significant profits.
- Sexual Exploitation Advertising websites, referred to by the NCA as 'Adult Services Websites' (ASWs), are one of the most significant enablers of trafficking for sexual exploitation in the UK. The NCA is seeing the use of these websites by traffickers in numerous investigations. This is a complex problem for law enforcement. Advertising prostitution online is not a criminal offence. However, paying for sex with a victim of trafficking is an offence. The NCA believes that internet companies need to do more to prevent traffickers advertising victims online.
- Sexual Exploitation Advertising websites need to take responsibility for proactively identifying potential trafficking victims and preventing opportunities for traffickers to advertise on their websites. However, RR suggested that closing websites would risk displacing the problem. Offenders can adopt new platforms with relative ease.

Options include dating and ‘hook-up’ listings, social media and other ASWs. It is a resilient marketplace as long as demand continues.

- ASWs need to tackle suspicious behaviour occurring on their websites and work with law enforcement to prevent trafficking. Some websites have responded positively, however the wider industry needs to do more to prevent trafficking.
- RR stated that Sexual Exploitation Advertising websites provide safety benefits to those who sell sex by providing the opportunity to ‘vet’ sex buyers and by providing a safe environment to advertise in. The websites also provide opportunities for a law enforcement response.
- The NCA are leading a multi-agency operational plan to tackle trafficking for sexual exploitation facilitated by ASWs. The action plan involves the Home Office, NPCC police forces, representatives for the NPCC lead for ‘sex work and prostitution’ – ACC Dan Vajzovic, and the modern slavery and organised immigration crime units. The action plan has three strands: working closely with ASWs to encourage them to reduce opportunities for trafficking, raising awareness of how trafficking presents on their platforms, and encouraging the inclusion of features to deter traffickers; embedding law enforcement activity as ‘business as usual’, sharing best practise, encouraging the use of data analytical tools and intelligence sharing; and working with the Home Office to develop an awareness raising campaign and public communications.
- The NCA lead a series of operation intensifications under Project AIDANT, bringing together resources to deliver intensified operational activity focused on tackling sex trafficking where victims have been advertised online. This project has resulted in 153 arrests and 247 potential victims being identified between September 2018 and March 2020, during which time three intensification exercises were conducted. During those exercises, Police Scotland identified 15 potential victims and made 18 arrests.
- The NCA recognises that it is for the Government and Parliament to set the legislative framework for the NCA to work within. The Government is currently consulting on the Online Harms White Paper and the NCA will provide evidence to support that work.

Detective Sergeant Stuart Peall: Made a statement. The witness noted:

- Operations to combat sex trafficking in recent years undertaken by Lancashire Constabulary include Operation Magician, Operation Ludlow, Operation Iris and Operation Ecuador. These have resulted in the conviction of over 40 people for sex trafficking offences. Operations have been run ‘complaintless’ because trafficking victims will rarely disclose that they are being exploited due to the control traffickers exert over them.
- Two further operations, where guilty pleas have been secured, are currently at the court stage. Operation Brixton resulted in seven Romanian people being charged for controlling prostitution and trafficking offences. Operation Laval is the only investigation they have undertaken where there has been a complainant. There are

complexities involved when complainants agree to provide evidence. The complainant in this case did not want to remain in the UK, which removed her from the National Referral Mechanism, so she is giving evidence from abroad. They are expecting a much higher sentence for Operation Laval because victim-led prosecutions generally receive higher sentences.

Ruth Maguire MSP: Expressed surprise at how closely the NCA is working with websites that facilitate sexual exploitation. RM asked RR whether the identification of 247 potential trafficking victims is an acceptable success rate given what is known about the scale of the problem.

Rob Richardson: The figures provided are from Project AIDANT and do not represent the total number of potential victims identified by law enforcement.

Ruth Maguire MSP: Asked RR for the total number of potential victims identified.

Rob Richardson: RR did not have the figures available. RR to provide the data in writing after the oral evidence hearing.

Ruth Maguire MSP: Given the close working relationship between the NCA and Sexual Exploitation Advertising websites, RM stated she presumed the NCA knows about the operations of these websites. RM asked whether the NCA knows what proportion of advertisements on Vivastreet and Adultwork have been placed by non-UK nationals. RM noted that when adverts of multiple women are paid for by the same individual this provides immediate evidence of third-party involvement. RM asked RR what proportion of individuals who have paid for adverts on Vivastreet and Adultwork have paid for more than one woman to be advertised.

Rob Richardson: RR confirmed that he did not have this data and asked if this could be provided after the evidence hearing.

Ruth Maguire MSP: Asked RR whether the websites would provide these figures to the NCA and whether the NCA has requested this information previously.

Rob Richardson: RR stated that the NCA does not ask Sexual Exploitation Advertising websites for those kinds of figures because it would be intrusive. The NCA's involvement with the websites consists of educating them and helping them to identify indicators of trafficking. The NCA has a positive working relationship with one particular website but not with others.

Ruth Maguire MSP: RM noted that RR's response feels quite concerning because the expectation would be that a law enforcement agency would not be so concerned with being intrusive in relation to serious crime.

Rhoda Grant MSP: RG indicated surprise at the closeness of the relationship between the NCA and Sexual Exploitation Advertising websites and asked RR whether there has been any investigation into the work of the websites. RG stated that, having looked at some of the websites, she had concerns about adverts and the minimal responsibility taken by these companies. RG asked if the NCA is being strung along by the websites. Also asked SP whether he has looked closely at the websites in his work.

Rob Richardson: It is correct to identify Vivastreet and Adultwork as market leaders. RR stated that their strategy with Sexual Exploitation Advertising websites is to help them identify exploitation. The Project AIDANT intensifications involve taking referrals, providing 'triage' and sharing them with law enforcement agencies. The NCA is in the process of identifying which websites are less compliant and if there is the potential for criminal investigation.

Rhoda Grant MSP: Asked RR about potential trafficking indicators and the number of referrals the NCA has received from Sexual Exploitation Advertising websites.

Rob Richardson: Indicators of trafficking that the NCA has shared with Sexual Exploitation Advertising websites include phone numbers appearing across multiple adverts, multiple card holders on an account, male card holders paying for adverts of women, a male name in the registered email address and adverts and accounts across more than one geographical area.

Rhoda Grant MSP: Asked RR how many referrals have been made to the NCA by Sexual Exploitation Advertising websites.

Rob Richardson: The NCA ran a short exercise in February 2020 and received 60 referrals from one website.

Rhoda Grant MSP: Asked SP whether they proactively monitor Sexual Exploitation Advertising websites or work reactively on the basis of intelligence provided to them.

Detective Sergeant Stuart Peall: Lancashire Constabulary proactively monitor Vivastreet to identify potential exploitation in the area. One of the offenders in a previous investigation had spent over £40,000 advertising victims, which was never flagged to the police by the website. When it is revealed in trials what indicators have been used to identify offenders, organised crime groups can adjust their methods in the future in order to avoid detection.

Rhoda Grant MSP: RG noted that she has heard reports of prepaid cards being used to make payments on Sexual Exploitation Advertising websites, which provides more anonymity for the cardholder. Asked SP about potential trafficking indicators on the websites.

Detective Sergeant Stuart Peall: Police forces differ in their approach. Some forces identify phone numbers and carry out small-scale undercover investigations. However, exploiters are

beginning to understand police methods. Indicators include the same phone number appearing on multiple profiles and adverts offering 'outcalls'.

Rob Richardson: Trawling through adverts would be a disproportionate use of police time. Therefore, the NCA encourages police forces to make use of data analytical tools that automate identification. The NCA's working group on this issue brings police forces together to share best practise.

Rhoda Grant MSP: RG stated she was puzzled why the NCA works so closely with the websites when the NCA do not seem to be getting much back from this process. RG noted that 'on tour' payment packages offered by Sexual Exploitation Advertising websites indicate and facilitate trafficking. Enquired whether the NCA has raised this with the websites. RG asked if law enforcement agencies are 'turning a blind eye' to illegal practice.

Rob Richardson: RR stated that 'turning a blind eye' is not a fair comment and if the NCA does not work with Sexual Exploitation Advertising websites there is a risk that the advertising goes 'underground', and they make better use of the dark web, which RR suggested would reduce policing opportunities. The NCA is working with the Home Office towards greater regulation of the websites.

Ruth Maguire MSP: RM stated that despite RR's claim that Sexual Exploitation Advertising websites enable women to 'vet' sex buyers, this inquiry has received evidence from women that you can never properly 'vet' or ensure safety. Asked RR whether it is the case that it is never possible to regulate prostitution to make it completely safe.

Rob Richardson: Agreed that this was a fair point and clarified that he should say a 'safer' environment, rather than 'safe', by taking prostitution off the streets. If there was Ofcom-type regulation of the websites, law enforcement would be supported. The evidence the NCA will provide to the Home Office is to ensure that Sexual Exploitation Advertising websites are included in the Online Harms legislation.

Ruth Maguire MSP: Asked TO about any work the Scottish Government is doing with Sexual Exploitation Advertising websites and whether there has been any engagement with Police Scotland on this.

Trevor Owen: TO stated that they are not engaging directly with Sexual Exploitation Advertising websites to his knowledge, but previous engagement attempts have taken place on the issue of 'sex for rent'. Some websites were responsive, while others were not. The location that the website is based in seems to influence their response. For example, some engagement took place with Craigslist, which is based in the US, but this did not lead to anything. TO understands that Police Scotland take an intelligence-led approach to monitoring the websites and pursue trafficking indicators.

PART 2

Witnesses: Hugo Lemonier, Lorraine Questiaux and Rob Spectre

Lorraine Questiaux: Read a prepared statement. The internet connection was poor and the full statement could not be heard. The witness noted:

- LQ is a lawyer and head of legal affairs at Mouvement Du Nid, a French organisation working to tackle sexual exploitation through lobbying, legal advocacy and supporting people to exit prostitution.
- In 2016, Mouvement Du Nid filed a complaint against Vivastreet (France). The resulting criminal investigation is ongoing.
- In 2015, a study was conducted on the social and economic costs of prostitution, which involved identifying the number of women involved in prostitution in France. To do this they counted online adverts and found that Vivastreet (France) held the most adverts. Every advert found on another Sexual Exploitation Advertising website was also found on Vivastreet. The modus operandi of traffickers was to advertise women on multiple websites and many profiles were found to be fake.

Rob Spectre: Read a prepared statement. The witness noted:

- Childsafe.ai works to protect children online. They develop models and machine learning tools to help law enforcement identify child sexual exploitation online. Childsafe.ai deliver an econometric visibility into the online distribution layer for commercial sexual exploitation.
- Sexual Exploitation Advertising websites are amongst the oldest online communities that exist.
- There are different types of websites involved in commercial sexual exploitation. On review websites, sex buyers pay a monthly fee to access ratings of women in order to inform their sex-buying behaviour. ‘Sugar-daddy’ websites are websites that leverage the same contact modalities found on popular dating websites: a ‘sugar-daddy’ pays for each ‘sugar-baby’ he contacts. Competition is rife in this online sphere.
- A common misconception is that nothing can be done to prevent online sexual exploitation. Demand from sex buyers exceeds the number of women who want to sell sex and, unlike drug trafficking, new supply cannot just be grown, so vulnerable women and girls have to be forcibly acquired. If the sale is easy, cheap and low risk, more men will be purchase-ready. The websites have the effect of creating more sex buyers. Online distribution is a market-expanding force.

Hugo Lemonier: Read a prepared statement. The witness noted:

- In France, procuring is defined as enabling and profiting from someone else’s prostitution.
- HL published his first investigation into Vivastreet in May 2018.

- Because paying for sex and procuring is illegal in France, adverts on Vivastreet (France) did not explicitly advertise prostitution, however it was clear that is what they were doing. To publish an advert in the website's 'Erotica' section, there was a cost of 80 euros per month, and there were additional features that users could pay for to increase the visibility of their advert.
- Vivastreet (France) was enabling and profiting from the prostitution of at least 8000 women in France. The website was designed in a way that met the needs of sex traffickers, as multiple profiles could be managed from one account. From this account, users could organise 'sex tours' for each woman. The advert location could be changed at a cost of 100 euros.
- In 2014 and 2015 there were cases of children being advertised for sexual exploitation on Vivastreet (France). When a French public radio station first investigated Vivastreet the journalists met the father of a 14-year-old girl who was advertised on the website for sexual exploitation. The father had filed a complaint against Vivastreet. To HL's knowledge this is still under investigation.
- In 2017, Mouvement Du Nid, an organisation that supports women involved in prostitution, filed a complaint with prosecuting authorities against Vivastreet (France).
- Le Monde newspaper found that Vivastreet (France) generated 20 million euros revenue per year in France. It was clear that the website had designed a system that meant they were enabling and profiting from prostitution.
- HL looked into the police investigations into Vivastreet (France) and discovered that Mouvement Du Nid's complaint was investigated by the central anti-human trafficking office. This office was found to be working with Vivastreet, with the website company providing training sessions to the French police on how to use their website to investigate sex trafficking. The investigation into the website company has now been passed to an investigative judge.
- HL found that Vivastreet was operated by a company based in London, which was connected to shell companies, including a company based in Jersey. In 2016, the website's founder earned nine million euros as a shareholder of the company. Only a serious financial investigation could identify how much of this profit is attributable to prostitution.

Rhoda Grant MSP: Asked RS about the impact of the SESTA-FOSTA legislation on sexual exploitation in the United States (US).

Rob Spectre: SESTA-FOSTA had a debilitating effect on Sexual Exploitation Advertising websites in the US. Its passage was accompanied by a major federal inditement of Backpage, which was a website facilitating commercial sexual exploitation in the US. Backpage was the dominant marketplace for commercial sex in the US. The twin events of law enforcement and public policy had a significant dislocation effect. Following those events, a number of similar websites closed down voluntarily. Nations that have conducted similar activity have seen smaller actors attempt to compete for the previous actor's share. However, the total number of Sexual Exploitation Advertising websites has continued to decrease as federal law

enforcement has continued to seize them. Each time there is a significant policy or law enforcement event a number of websites leave the space and the actors who try to gain their previous share are not able to achieve the same kind of financial benefit. Revenue can be significantly reduced through law enforcement and public policy. The websites are receiving fewer visitors and advertisers so there is less profit to be made.

Rhoda Grant MSP: Asked LQ whether French law has disrupted the operation of Sexual Exploitation Advertising websites.

Lorraine Questiaux: When the Vivastreet (France) 'Erotica' category was closed, it had a huge impact on the market and led to a significant withdrawal of demand. Even though smaller Sexual Exploitation Advertising websites have attempted to take over, the overall market has been significantly impacted.

Hugo Lemonier: Evaluations of revenue clearly indicate that none of the replacement websites that exist today have managed to achieve the monopolistic position previously enjoyed by Vivastreet (France).

Ruth Maguire MSP: Asked HL about the collaboration between the French police and Vivastreet and the public reaction to this revelation.

Hugo Lemonier: The police had said that they relied on Sexual Exploitation Advertising websites to gather evidence for trafficking cases. Vivastreet had been working with the police for years, while at the same time increasing their profits. Public pressure led to the investigation of Vivastreet (France) being passed from the police to the separate investigator.

Lorraine Questiaux: The removal of Vivastreet's prostitution adverts in France has not prevented law enforcement from investigating sex trafficking. The website had enabled the market and facilitated the demand.

Rob Spectre: The relationship between the police and Vivastreet in France is not unique to that website or nation. Many nations have at one point had a monopolistic leader in the commercial sexual exploitation economy who had a cooperative relationship with law enforcement, including Backpage. Backpage used to supply evidence to US investigators and expert witnesses at trial. Human trafficking units across the US became heavily reliant on the website as the primary evidential source. Investigators that rely on marketplaces to provide evidence for their cases are making three critical mistakes. Firstly, the suggestion that they need an 'online directory' infers that they have the capacity to respond to all human trafficking cases that exist in their area, which is false. Secondly, human traffickers are attracted by the high profit that can be made from quick and easy distribution online. Finally, human trafficking investigations did not end after Backpage was seized. Like any other crime type, law enforcement tactics can and must adjust.

Ruth Maguire MSP: Asked RS about his assessment of claims that harm would be caused if SESTA-FOSTA was enacted.

Rob Spectre: The primary and most well-funded opposition to SESTA-FOSTA came from user-generated content sites such as Facebook and Google. The Communications Decency Act renders such websites as not liable for content uploaded by users, as long as the tech company is not aware of the content. In order to introduce criminal and civil liability for content that contributes to human trafficking, an amendment had to be introduced which tech companies felt would dramatically increase their civil and criminal liability. Accounts of sex trafficking survivors and a quantitative understanding of the profit being made by the websites and traffickers changed the views of law makers who were initially opposed to the law change.

Ruth Maguire MSP: Asked RS whether Sexual Exploitation Advertising websites fund prostitution advocacy groups in the US, as they do in the UK.

Rob Spectre: RS was not sure of the funding source of these groups and there is no legal transparency requirement for many of these organisations in the US. Social media is often their biggest organisational strength and they appear to be bigger on Twitter than they actually are.

Hugo Lemonier: Vivastreet (France) has denied enabling and profiting from prostitution and their defence was based on a European law that means companies are not responsible for user-generated content or what happens after individuals meet offline. They said they moderate adverts that violate their rules and are providing information to the police.

Lorraine Questiaux: The website was using this as a defence but it was overcome quite easily.

Friday 13 November 2020

Time: 11:15 – 12:00

Venue: Zoom

Present

Rhoda Grant MSP (RG)

Ruth Maguire MSP (RM)

Witnesses

Dr Monica O'Connor, Sexual Exploitation Research Programme, University College Dublin (MO)

Valiant Richey, Special Representative and Coordinator for Combating Trafficking in Human Beings, Organization for Security and Co-operation in Europe - OSCE (VR)

Dr Xavier L'Hoiry, University of Sheffield (XL)

Observers

Kat Banyard, Director, UK Feminista

Radu Cucos, OSCE

Kate Fry, Office of Rhoda Grant MSP

Nina Humphries, Events and Communications Officer, UK Feminista

Jacci Stoyle, Secretariat, Cross-Party Group on Commercial Sexual Exploitation

Witnesses: Dr Monica O'Connor, Special Representative Valiant Richey and Dr Xavier L'Hoiry

Dr Monica O'Connor: Read a prepared statement. The witness noted:

- MO has been researching prostitution and trafficking in Ireland for 15 years. She has no doubt that Sexual Exploitation Advertising websites have facilitated the major escalation of indoor prostitution since the early 2000s, when print advertising was banned in Ireland. The websites have a monopoly in advertising the sex trade and made buying sex easily accessible in private locations. In Ireland, prostitution mostly takes place in private rented apartments. The trade is highly mobile, with both 'in-calls' and 'out-calls' being conducted.
- Originally there were many Sexual Exploitation Advertising websites. However, Escort Ireland now dominates the market, advertising 650-700 women every day. Escort Ireland was originally based in the UK. However, the website is now based in Spain.
- In Ireland, international traffickers, Irish pimps and organised crime groups collaborate to groom, recruit, coerce and traffic women into prostitution. It is a highly integrated system. In the early 1990s, sexual exploitation was mainly street-based.

While some women with problematic substance use issues are still involved in on-street prostitution, the majority of the sex trade has moved indoors. 97% of women currently in the sex trade are migrant women.

- Addressing trafficking for sexual exploitation without addressing the home destination sex trade is futile. Ireland had a law criminalising the purchase of sex with victims of trafficking, in place since 2008, yet there were no convictions.
- In 2017, the Nordic approach to prostitution was introduced in Ireland. [This law criminalises paying for sex while decriminalising selling sex.] The Sexual Exploitation Research Programme is about to launch an evaluation of the law which shows women involved in on-street prostitution are no longer being prosecuted, there has been a large decrease in women being arrested in apartments and brothels, and rising numbers of sex buyers are being arrested. This year, 92 sex buyers have been arrested. Attitudes in policing towards prostitution have shifted and the Chief Superintendent stated that they regard women involved in prostitution as vulnerable and victims of sexual exploitation. This is a major shift in perspective. Police resources have shifted towards tackling organised crime and sex buyers. Prostitution and trafficking is no longer seen through an immigration lens and instead falls under the Gardai National Protection Services Bureau who are responsible for all sexual crime.

Special Representative Valiant Richey: Read a prepared statement. The witness noted:

- VR commended the Cross-Party Group on Commercial Sexual Exploitation for undertaking this inquiry.
- VR supports 57 OSCE countries in his role, so he has seen many approaches to tackling this problem. The OSCE has undertaken preliminary mapping of high-risk websites across the OSCE region, including the UK. VR was previously a prosecutor in the US, working on hundreds of cases of commercial sexual exploitation, 99% of which involved the internet. This included prosecuting over 200 cases where men attempted to pay to sexually exploit children via Sexual Exploitation Advertising websites. VR also prosecuted a review website for sex buyers. Additionally, VR has also worked with the private sector and civil society on how to tackle Sexual Exploitation Advertising websites.
- Ten years ago, a multi-country study found that the number one facilitator of commercial sexual exploitation was technology, and this has significantly worsened since then.
- Sexual Exploitation Advertising websites greatly increase the scale and profitability of commercial sexual exploitation. Sexual exploitation advertising moved online, which vastly increased the scale of exploitation because the internet makes it significantly easier and less risky for traffickers to advertise victims and for sex buyers to find them. This is demonstrated not only by the volume of adverts, but also via the testimony of survivors.
- Sexual Exploitation Advertising websites increase the scale of sexual exploitation more than they assist the police. Police often argue that the websites are useful

because they supposedly enable law enforcement to locate sexual exploitation. However, this fails to recognise that Sexual Exploitation Advertising websites facilitate an expansion of the scale of sexual exploitation far beyond the police's ability to respond to it. For example, in the US, police who focused on this issue were able to generate up to 1000 cases, yet on average there were 150,000 adverts every day and 54 million adverts a year, so it is not possible for police to respond to this volume of cases. If the police response was having an effect the traffickers would change their tactics, which they are not doing.

- There are no meaningful safeguards that can be implemented on Sexual Exploitation Advertising websites. This is apparent because the websites are full of trafficking victims and the websites are where the police go to locate trafficking victims. The safeguards Sexual Exploitation Advertising websites claim to have are unable to determine whether someone is being coerced.
- The websites are not a 'safer' way to advertise, they are easier. There is no way to eliminate violence from the sex trade.
- There is a need for more comprehensive prevention work as well as a vastly increased police presence online. Police need the policy regime that allows them to make an impact so that they can, for example, undertake undercover operations. VR worked with Microsoft to create a chat-bot to deter people from using the websites. Other platforms such as Search Ad can be utilised to advertise counter messaging advising against the use of Sexual Exploitation Advertising websites. Very few countries are undertaking this kind of initiative so there are no barriers to buyers and traffickers meeting on the internet.
- Governments should be considering policy options to shut down the websites as quickly as possible and SESTA-FOSTA in the US is the best example of this. The market declined by 80% in 72 hours after the SESTA-FOSTA bill was passed. VR is not aware of any anti-trafficking legislation that has had such an impact on the market in such a short time.
- Demand from sex buyers for sexual exploitation must also be combatted, and this includes considering criminalisation measures and engaging in prevention programmes. The Palermo Protocol requires countries to address demand, however very few countries are fulfilling this international legal obligation.

Dr Xavier L'Hoiry: Read a prepared statement. The witness noted:

- XL recently completed a study on the role of Adult Services Websites (ASWs) in facilitating commercial sexual exploitation. This small-scale study took place from September 2019 to August 2020. It was slightly disrupted by the pandemic so further research is required. The aim of the study was to assist police in identifying adverts posted by traffickers on ASWs.
- Existing law enforcement approaches to tackling sexual exploitation facilitated by ASWs vary greatly. Some agencies utilise data scraping and analytical tools, while others manually look at profiles to make an assessment.

- Law enforcement officers have argued that Sexual Exploitation Advertising websites offer a pathway for investigation, as sex traffickers leave a digital trail for police to utilise. XL's interviewees were not in favour of shutting down the websites.

Rhoda Grant MSP: Noted that Sexual Exploitation Advertising websites encourage trafficking and cause harm, therefore legislators need to consider how to respond.

Special Representative Valiant Richey: The offshore movement of Sexual Exploitation Advertising websites poses challenges, although this issue has not been observed as much as expected. Israel has developed legislation allowing them to block a website. Offshore movement does not mean that legislators should not pursue action against Sexual Exploitation Advertising websites because the aim of such action is to put friction in the marketplace. SESTA-FOSTA achieved this. When adopting this kind of policy, it must be supplemented with resources for exiting services to enable women involved in sexual exploitation to exit and access support. The US should have and needs to do more to provide this support.

Rhoda Grant MSP: Asked MO if Ireland can block Sexual Exploitation Advertising websites that move offshore.

Dr Monica O'Connor: Supported VR's statement regarding the importance of resources and exit routes for women involved in prostitution. Ireland is only beginning to look at the issue of Sexual Exploitation Advertising websites as their focus has been the removal of criminality from women involved in prostitution for the last ten years. It is crucial to decriminalise those involved in the sex trade and criminalise those creating the demand as a first step. The police are beginning to look at tackling Sexual Exploitation Advertising websites and methods could involve utilising the law prohibiting living off the earnings of another person's prostitution. There is no doubt that the websites are involved in organised crime. The Sexual Exploitation Research Programme has undertaken an analysis of sex buyer reviews on Escort Ireland's review board. They found that many sex buyers complain that they have spoken to a woman on the phone who speaks perfect English when arranging a booking, but when they arrive at the appointment the woman is very young, does not speak any English and does not know about the sex acts that have been agreed. Sexual exploitation is a highly organised network, involving Sexual Exploitation Advertising websites, pimps and apartments which women are being moved around.

Ruth Maguire MSP: Asked VR for further information about the observation that police do not have the capacity to respond to the scale of sexual exploitation facilitated by Sexual Exploitation Advertising websites.

Special Representative Valiant Richey: VR has been involved in operations which have involved posting an advert online and assessing how many people responded to it. It was normal for an advert of an individual who appeared to be young to receive approximately 250 responses in the first two hours. Responses would then be sent stating that the person

advertised is 14 and around two-thirds to three-quarters of individuals would end their communications at this point. Several dozen would proceed while believing that the individual being advertised was a minor. VR also carried out a study with a university in Seattle that found in one 24-hour period, there were around 7000 men on one website trying to purchase sex. VR does not believe that there is any police force that can respond to this scale. In the UK, where paying for sex is not illegal, VR expects the volume could be much higher and expressed doubt that police would have the capacity to confirm every advert is for a consenting individual. One of the arguments against shutting down Sexual Exploitation Advertising websites is that this would drive the sex trade ‘underground’ or back to the street where it is presumed to be less safe. However, this argument assumes that the size of the market is constant, yet when the market moved online it grew due to the accessibility and ease afforded by the internet. The market would shrink if the websites were closed down as there are greater barriers to using other methods to advertise or pay for commercial sexual exploitation.

Ruth Maguire MSP: Asked XL whether different police forces taking different approaches is due to resourcing or political will.

Dr Xavier L’Hoiry: The study spoke to 26 experts in the field, some of whom were law enforcement representatives, including the National Crime Agency, regional organised crime units and police forces in England. Some larger forces with more resources used data scraping and software analysis tools which were said to be helpful in identifying suspicious profiles. However, all interviewees acknowledged that the police do not have the resources to make a significant impact. XL does not believe that differences in approach relate to political will as police are aiming to tackle multiple crime types with limited resources and have different strategies. Inconsistency of funding levels between forces should be tackled whilst we await legislative action to tackle Sexual Exploitation Advertising websites. The study created the Sexual Trafficking Identification Matrix, which is a template listing 27 indicators that are indicative of a profile more likely to be created by a trafficker.

Ruth Maguire MSP: Asked MO about the impact that criminalising paying for sex, and decriminalising selling sex, had on trafficking for sexual exploitation in Ireland.

Dr Monica O’Connor: Asking police officers to define and identify who is coerced, pimped or trafficked is ineffective. The dichotomies between so-called ‘independent’ and ‘trafficked’ women are inadequate frameworks, and the legislation to address demand in Ireland helpfully removed responsibility from the police for trying to apply this dichotomy - because buying sex from any person is illegal. The police in Ireland still focus on trafficking and child sexual exploitation, however within three years the police have developed an understanding that women are exploited in prostitution due to the coercive circumstances of poverty and constrained choices. Demand for sexual exploitation is indiscriminate. Ireland’s law on demand is a normative law that seeks to change attitudes and challenge the acceptability of setting aside a group of women and girls to be bought for sex. In relation to sex trafficking, it is too early to make an assessment of the impact of the law on demand because it only came

into force recently. However, it can be shown in other European countries that the scale of the sex trade is much larger under legalised regimes. The bigger the market, the more difficult it is for police to combat trafficking. In Germany, when the police charged the owner of the Paradise mega-brothel for trafficking, he said he could not find enough women in Germany to fill the brothel, so women were trafficked from abroad.

Rhoda Grant MSP: Asked XL whether sex trafficking indicators were tested by South Yorkshire Police and whether they will be adopted.

Dr Xavier L’Hoiry: The original plan was for South Yorkshire Police to test the study’s scoring matrix over a three-month period. However, due to COVID-19 they tested it over a one-month period as part of a live operation. At least 13 adverts were identified that were likely to be posted by traffickers over that period. Further discussions will be held with the force to learn about follow-up work on those 13 cases and whether they were confirmed as trafficking cases. The force has adopted the matrix and use it alongside other risk assessment measures. XL plans to upscale the study and work with more police forces in the hope it will be adopted more widely.

Tuesday 24 November 2020

Time: 13:00 – 13:30

Venue: Zoom

Present

Rhoda Grant MSP (RG)

Ruth Maguire MSP (RM)

Witness

Detective Superintendent Filippo Capaldi, Portfolio lead for Rape, Sexual Crime, Prostitution and Human Trafficking, Police Scotland (FC)

Observers

Kat Banyard, Director, UK Feminista

Kate Fry, Office of Rhoda Grant MSP

Nina Humphries, Events and Communications Officer, UK Feminista

Jacci Stoye, Secretariat, Cross-Party Group on Commercial Sexual Exploitation

Witness: Detective Superintendent Filippo Capaldi

Detective Superintendent Filippo Capaldi: FC thanked the Cross-Party Group on Commercial Sexual Exploitation for inviting him to give evidence to the inquiry. FC is responsible for Police Scotland's portfolios for rape and sexual crime, prostitution and human trafficking. He has oversight of all ongoing operational inquiries and the strategic and policy approach to investigations.

Ruth Maguire MSP: Asked if FC has encountered victims or potential victims advertised on Sexual Exploitation Advertising websites during Police Scotland's investigations into trafficking for sexual exploitation.

Detective Superintendent Filippo Capaldi: Yes, Police Scotland routinely identify potential sex trafficking victims advertised on Sexual Exploitation Advertising websites. Sexual Exploitation Advertising websites are one of the main facilitators of sex trafficking in Scotland and the rest of the UK.

Ruth Maguire MSP: Asked if Police Scotland have any formal interactions with Sexual Exploitation Advertising websites.

Detective Superintendent Filippo Capaldi: Police Scotland look for the cooperation of Sexual Exploitation Advertising websites during investigations to gather evidence.

Ruth Maguire MSP: Asked whether Police Scotland request information or whether the websites proactively refer information on potential criminal activity to Police Scotland.

Detective Superintendent Filippo Capaldi: FC has never received or witnessed a proactive approach from any major Sexual Exploitation Advertising website. The current situation can be described as a law enforcement approach to the Sexual Exploitation Advertising websites, as opposed to a preventative approach by the websites directly approaching Police Scotland.

Ruth Maguire MSP: Asked if the websites have contacted Police Scotland about working together to combat trafficking for sexual exploitation.

Detective Superintendent Filippo Capaldi: No. Sexual Exploitation Advertising websites are focused on financial transactions and there are difficulties regarding where the websites are hosted and who hosts them.

Ruth Maguire MSP: Asked if and how Police Scotland proactively monitor Sexual Exploitation Advertising websites.

Detective Superintendent Filippo Capaldi: The Regulation of Investigatory Powers Scotland Act restricts how information can be gathered. Police Scotland do not routinely trawl Sexual Exploitation Advertising websites. However, if there is specific intelligence to suggest that someone may be a victim of trafficking, the police can access this information. Police Scotland would seek legal authorisation to gather specific information from the websites.

Ruth Maguire MSP: Asked why proactively monitoring Sexual Exploitation Advertising websites is difficult for the police when it is known that the websites are a major facilitator of sex trafficking.

Detective Superintendent Filippo Capaldi: Adultwork and Vivastreet dominate the UK marketplace. There are currently at least 2000 adverts for Scotland on these websites advertising 'sexual services'. Indicators that adverts feature a trafficking victim can include adverts for women moving around the UK and the same mobile number linked to multiple profiles. Often women are advertised as Brazilian while they may be Romanian or Albanian. It is difficult to identify whether women are trafficked using open-source information.

Rhoda Grant MSP: Asked if Police Scotland gather information by working cooperatively with the websites or by looking at the websites independently.

Detective Superintendent Filippo Capaldi: Police Scotland employ a combination of these approaches. There is some open-source information available on Sexual Exploitation Advertising websites that can be used, and there are actions that can be taken to remove information, which the cybercrime team does routinely. Financial information and data regarding whether bank details or mobile numbers link to multiple posts has to be requested

from Sexual Exploitation Advertising websites and generally is provided. Operation Bear is a current investigation into a Romanian organised crime group facilitating trafficking for sexual exploitation across the UK, Germany, Austria and Spain. Many Sexual Exploitation Advertising website adverts in the case were linked. It is a complex web of adverts and movement of money, and the investigation has taken 17 months so far. Police Scotland work collaboratively with Romanian colleagues to progress such cases.

Rhoda Grant MSP: Asked if the Regulation of Investigatory Powers Scotland Act prevents the police from using data scraping tools instead of manually trawling the websites.

Detective Superintendent Filippo Capaldi: The legislation does not prevent them from using such tools for intelligence purposes. FC would welcome anything that helps with identification of trafficking victims. However, FC does not know how effective such a tool would be.

Rhoda Grant MSP: Asked if Police Scotland has the resources for such tools.

Detective Superintendent Filippo Capaldi: Software to identify potential trafficking adverts on Sexual Exploitation Advertising websites hosting 2000 adverts a day, as well as the staff to carry out overt and covert work, is expensive. The difficulty is that new adverts are appearing every day. It would require an increase in resourcing to undertake and sustain this work.

Rhoda Grant MSP: Asked at what point the police would intervene in a potential trafficking case.

Detective Superintendent Filippo Capaldi: Sexual Exploitation Advertising websites and buying sex are not currently illegal in Scotland. Therefore, until the police have intelligence to suggest a victim is at potential risk of serious harm, or they can establish that a criminal act has taken place, it is very difficult to intervene. Advertisers usually provide a general location rather than a street address, so it is a case of trying to narrow down the street address. A suspicious advert is the start of a case, which is built from there. Police Scotland require sufficient information to seek a warrant to force access to the premises unless they have specific intelligence that a victim is at risk of serious harm.

Ruth Maguire MSP: Asked whether a woman being sexually exploited would not be considered at risk of serious harm and whether the legal status of paying for sex impacts police powers to remove someone from exploitation.

Detective Superintendent Filippo Capaldi: If Police Scotland have intelligence to suggest that someone is being sexually exploited, and they are being moved around the country for this purpose, the police will always intervene. The difficulty is that the organised crime groups hide in plain sight on Sexual Exploitation Advertising websites and it is difficult to identify at the outset which adverts relate to organised crime groups.

Ruth Maguire MSP: Commented that it sounds as if the police lack necessary powers because buying sex is currently legal.

Detective Superintendent Filippo Capaldi: Stated that this is a matter for Government, however Police Scotland could provide an operational perspective on any legislation when a draft bill is laid before Parliament. However, there are challenges for the police under current legislation.

Rhoda Grant MSP: Asked how the police define serious harm and who they receive reports from if these reports do not come from Sexual Exploitation Advertising website operators.

Detective Superintendent Filippo Capaldi: Police Scotland receive many reports from members of the community who may have seen people coming and going regularly at a particular address. Reports also come from housing officers or local authorities who have observed antisocial behaviour. Significant harm is difficult to define so they assess on a case-by-case basis, but if it is clear that an individual is being moved around or that there is control involved, they would most likely intervene. FC described a case where a woman was being driven to an 'out-call' to a sex buyer. The traffic department stopped the vehicle and found the man in the vehicle had a taser. The woman did not disclose anything to the police, and they became aware that she left the country the next day.

Rhoda Grant MSP: Asked if the police had any further information about the particular woman mentioned.

Detective Superintendent Filippo Capaldi: The potential victim returned to Romania, so they made a direct referral to the anti-trafficking team in Romania who are now looking into her case and the organised crime group.

Rhoda Grant MSP: Asked if the woman might also feel unsafe in Romania if the organised crime group is also operating there, and whether this is the same group that is operating over a number of countries, as previously mentioned during the evidence hearing.

Detective Superintendent Filippo Capaldi: FC confirmed it was a different case. FC's team is currently looking into seven different organised crime groups; the human trafficking unit in Glasgow are looking at five organised crime groups, and colleagues in Edinburgh are looking into three organised crime groups. Most cases involve the use of Sexual Exploitation Advertising websites.

Ruth Maguire MSP: Asked about the cost of an investigation into a single organised crime group.

Detective Superintendent Filippo Capaldi: It is difficult to provide a figure. A case that runs for 17 months is expensive. For example, they have had to download and translate data from 48 smart phones, which is expensive.

Ruth Maguire MSP: Asked how many officers tend to work on a case.

Detective Superintendent Filippo Capaldi: It depends at what stage the case is at and what types of tactics are being used. Therefore, it is difficult to put a monetary value on it. Some cases can be resolved quickly whilst other cases are more complex. In inter-jurisdictional inquiries, authorities have to be sought from the Crown Office and Procurator Fiscal Service, as well as speaking directly with host countries through Eurojust and Europol. This results in these cases becoming quite complex.

Ruth Maguire MSP: Asked about the continuation of such arrangements with European partners post-Brexit.

Detective Superintendent Filippo Capaldi: There will be challenges resulting from leaving the EU. Mechanisms such as Europol and Eurojust will not be as available to UK police. However, other slower mechanisms such as Interpol will be available. If an organised crime group is identified in Romania that is involved in facilitating organised sexual exploitation in the UK, Romania can request the involvement of the UK in a joint investigation team. However, the UK cannot request this.

Rhoda Grant MSP: Asked if the police have any powers to shut down a Sexual Exploitation Advertising website when they are aware that it is facilitating organised sexual exploitation.

Detective Superintendent Filippo Capaldi: At present, the adverts are not illegal. It is clear that some adverts on Sexual Exploitation Advertising websites involve trafficking victims, and the websites need to take more responsibility, rather than just responding to law enforcement requests as they occur.