

TRAFFICKING & UKRAINIAN REFUGEES

Briefing from Members' Debate on motion S6M-04703

•On Thursday 9 June 2022 MSPs will debate Bill Kidd's motion S6M-04703 'Making Scotland Hostile to Trafficking and a Safe Place for Ukrainian Refugees': *That the Parliament welcomes the launch of the Hope for Justice and anti-trafficking partners' website, Ukrainians Welcome, which is aimed at protecting refugees in the UK against modern slavery, and the Organization for Security and Co-operation in Europe's (OSCE) new recommendations on mitigating the risks of trafficking, following the crisis in Ukraine, as it considers refugees are particularly vulnerable to trafficking for sexual exploitation and other forms of modern slavery; understands that the Scottish Government has committed to criminalising sex buyers, addressing the reported impunity of sex buyers in exploiting vulnerable women and children, and, through criminalisation, making Scotland hostile to human traffickers; considers that Baroness Helena Kennedy QC's report on Misogyny and Criminal Justice in Scotland affirms the understanding of commercial sexual exploitation, including pornography, prostitution and trafficking, as "violence against women and girls"; recognises the OSCE's reported findings that internet searches for Ukrainian women for sale for sexual exploitation has increased by between 200% to 600% across multiple countries in Europe since the Ukrainian refugee crisis started, and that, in the UK, internet searches for Ukrainian women has increased by 669%, compared with March 2021; considers that the criminalisation of sex buyers in Scotland would tackle the demand that fosters trafficking and respond to Palermo protocol commitments; commends the efforts of anti-trafficking organisations, such as International Justice Mission, which presented information to the Cross-Party Group on Human Trafficking on the work that it has been doing to prevent human trafficking occurring at the Romanian-Ukrainian border since the war in Ukraine started, and A21, which it understands is safely housing Ukrainian survivors of sex trafficking and runs trafficking awareness campaigns across Europe; considers that such examples show the success that is possible when authorities and charities work collaboratively to warn refugees of the signs of human traffickers and provide practical assistance to avoid refugees taking up unsafe offers of accommodation or transport; believes that vulnerability to trafficking increases when refugees are in transit or when financial resources reduce over time, and recognises what it sees as the invaluable work of individual sponsors, community groups and local organisations in welcoming refugees to Glasgow and the rest of Scotland, and ensuring that they are provided with the practical and emotional support needed to begin to find refuge and safety as they rebuild their lives.*

•CARE for Scotland welcomes the fact that MSPs have this opportunity to debate what is an urgent and timely subject. Having campaigned for the reform of prostitution law over many years, in particular for the criminalisation of the purchase of sex (an integral component of what is often termed the 'Nordic Model'), and for action to address the scourge of human trafficking in modern Scotland, we strongly welcome the motion. The recent tragic events in Ukraine have underlined the urgent necessity for action in this area. The Scottish Government and Parliament have the powers to act and should do so without further delay.

The urgent case for reform – Prostitution as gender-based violence

1. CARE for Scotland welcomed the recent launch of 'A Model of Scotland' campaign. The Scottish Government also deserves credit for its *Equally Safe* Strategy; its' recognition of prostitution as a form of "violence against women", and its' stated commitment to develop a tailored Scottish 'model' to tackle prostitution.¹ Prostitution remains an **inherently exploitative** form of **gender-based violence**. The law as it presently stands means that this particular form of violence against women is **wholly within the law**, which would be unthinkable in any other context.
2. There is also the fact of the well-established and acknowledged connection between the 'sex trade' and modern slavery. The Scottish Government and Parliament have worked hard to tackle human trafficking over recent years, however for as long as it remains legal to pay for sex, we are failing in our duty to tackle one of the principal drivers of trafficking at source. For the sake of the women who continue to be harmed in this way, Scotland must move to **criminalise the purchase of sex** without delay.

¹ [Equally Safe Scottish Government response](#) (June 2021) pp 5, 15

Ukraine

3. **It is sickening that extremely vulnerable women and children, displaced from their homeland by war, and in desperate need of a safe place, are at risk of exploitation by sex traffickers.** CARE have issued multiple warnings that criminal networks engaged in trafficking and commercial sexual exploitation will be viewing the influx of vulnerable, displaced people as an opportunity to recruit. Statistically, women are primarily trafficked for the purposes of sexual exploitation, a particular cause for concern given that the majority of those fleeing Ukraine are women and children.
4. Whilst the UK Government's response via the *Homes for Ukraine* scheme is laudable in intention, the scheme must be properly administered with adequate safeguarding measures to ensure already vulnerable individuals are not placed with those who would seek to exploit them. The UK Government's *Homes for Ukraine* Guidance² provides details on individual matching, but hosts in Scotland will be subject to a different level of person (disclosure) and property checks to people living in England.³ All adults over 16 years residing in the host household must agree to an enhanced Disclosure Scotland check, including an identification check. **CARE for Scotland welcomes the Scottish Government applying more stringent background checks to all hosts and not just where children are involved– as is the case in England.**
5. It is however essential that these refugees do not 'fall off the radar' once they have been set up with hosts. There must be **adequate follow-up checks** by local authorities who are trained to spot the signs of exploitation. CARE also recommends a **crackdown on unofficial social media groups** being used to match prospective hosts with refugees in need of safety. Such sites can quickly become a forum for traffickers and those with malign intentions to seek out their next victim.

The Nordic Model

6. CARE for Scotland believes the only way to achieve the aims of *Equally Safe* and to reduce the harmful impact of prostitution is to make it a **criminal offence** to purchase sexual services and provide programmes to support women to **exit prostitution**. This approach, referred to as the 'Nordic model' has been adopted by Sweden, Norway, Iceland, Canada, France, Ireland, Israel, and in Northern Ireland. Evaluations of the longest standing laws in Sweden and Norway (introduced in 1999 and 2009 respectively) have both seen a positive impact on levels of prostitution. Comparative analysis of prostitution levels in Sweden and Germany/the Netherlands (where prostitution is legal and regulated) for the European Commission found that in Sweden there were approximated 6.65-15.4 individuals in prostitution per 100,000 population, compared with a rate in the Netherlands of 53.2-118.2 and 185.0-493.3 in Germany.⁴
7. **Claims by some that so-called 'sex work' laws in Scotland cause no harm to women have been exposed as an illusion. The Organisation for Security and Co-operation in Europe (OSCE) have recently issued warnings that the threat posed to Ukrainian refugees by sex traffickers underlines the need for politicians across Europe to challenge demand for sex through legislation. OSCE have stated, "*Countries that do not criminalise sex-buying experience higher rates of sex trafficking. As current events demonstrate, government action can't come quickly enough. Laws that tackle online pimping and deter demand from sex buyers are an important step in preventing the exploitation of women fleeing war in Ukraine.*"⁵ The need to tackle the demand for paid sexual services which drives sex trafficking is not new, however the evolving Ukraine crisis makes action to criminalise the purchase of sex even more urgent.**

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² [Homes for Ukraine: sponsor guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/homes-for-ukraine-sponsor-guidance)

³ [Ukraine Super Sponsor Scheme: guidance for hosts \(Scotland\)](https://www.gov.uk/government/guidance/ukraine-super-sponsor-scheme-guidance-for-hosts)

⁴ Sylvia Walby, Birgit Apitzsch, Jo Armstrong, Susie Balderston, Karolina Follis, Brian Francis, Liz Kelly, Corinne May-Chahal, Awais Rashid, Karen Shire, Jude Towers, Markus Tunte *Study on the gender dimension of trafficking in human beings*, 2016, p82

⁵ [As Ukrainian refugees fall prey to sex-traffickers, Scotland has a duty to tackle demand for prostitutes – Valiant Richey, OSCE | The Scotsman](https://www.scotsman.com/news/as-ukrainian-refugees-fall-prey-to-sex-traffickers-scotland-has-a-duty-to-tackle-demand-for-prostitutes-valiant-richey-osce-1.5000000)