

## Wednesday 4<sup>th</sup> June – CPG on Human Trafficking

### Present

Rhoda Grant (Sponsor)  
Christina McKelvie  
(CPG on Human Trafficking co-convenor)  
Elaine Smith  
Margaret McCulloch  
David Stewart  
Elaine Murray  
Andrew Bevan  
(Secretary of the CPG on Human Trafficking)  
Phillip Anderson  
Eva Kestner  
Rachael Owhin  
Helena Evans (Panelist)  
Janneke Lewis (Panelist)  
Bronagh Andrew  
Kirsty Thomson  
Janice Wilson  
Lesley Cunningham  
Amy Marshall  
Eileen Flanagan  
Emma Ritch  
Billie Wealleans

Lorraine Cook  
Lydia Moore  
Elaine Wishart  
Emma Grindulis

Lisa Gamble  
Sean Bell  
Suzy Docherty  
Ruth Weston  
Nadia Maloney  
Neil McCulloch  
Karen Wylie  
Mark Cooper  
Heather Simpson  
Iain Whyte  
Kathy Betteridge  
Stuart Weir  
Gordon MacDonald  
Neil Whettam  
Natalie Smith  
Kieran Turner  
Hyemin Yoo  
Marion Donaldson  
Ann Hall

### Organisation

MSP  
MSP

MSP  
MSP  
MSP  
MSP  
International Justice Mission UK

Glasgow House of Prayer  
Office of Rhoda Grant MSP  
Office of Rhoda Grant MSP  
New Forest House of Prayer  
Nordic Model Campaign  
CSG - The TARA Project  
Legal Services Agency  
Soroptomist International, Crieff  
Scottish Government  
Scottish Government  
Scottish Government  
Engender  
Soroptomist International, Scotland  
North  
Convention of Scottish Local Authorities  
United Nations Association  
City of Edinburgh Council  
Together (Scottish Alliance for Children's  
Rights)  
Barnardos  
City of Edinburgh Council  
City of Edinburgh Council  
City of Edinburgh Council  
Unchained  
Scot-Pep  
Robert Gordon's University  
NSPCC  
Abolition Scotland  
Anti-Slavery International  
Salvation Army  
CARE for Scotland  
CARE for Scotland  
East Lothian Council  
Scottish Parliament  
Evangelical Alliance, Scotland  
N/A  
N/A  
N/A

### Apologies

Jenny Marra (CPG on Human Trafficking co-convenor) MSP  
Clare Adamson MSP  
John Merralls Migrant Help  
Moirra McKinnon Glasgow City Council  
Hazel Watson ACTS

Margaret Hastings  
Fiona MacLeod  
Euan Page  
Paul Rigby  
Alexa Anderson  
Charlie Bevan

ACTS  
British Red Cross  
Equality and Human Rights Commission  
University of Stirling  
N/A  
N/A

## MINUTES:

### **Christina McKelvie (“CM”) opened the meeting**

- Shared a story about two Vietnamese victims of trafficking from her own constituency who had been trafficked to work in a cannabis factory and didn't even know what country they were in...
- CM thanked Phillip Anderson (Glasgow House of Prayer), Andy Bevan (International Justice Mission UK & Secretary of the CPG on Human Trafficking) and Rhoda Grant's office for helping to organise the event.

### **Nefarious: Merchant of Souls – shortened documentary**

Screening – 50 minutes

- Nefarious: Merchant of Souls is a hard-hitting documentary that exposes the disturbing trends in modern sex slavery. With footage shot in over nineteen different countries, Nefarious exposes the nightmare of sex slavery as experienced by hundreds of thousands daily, through the eyes of both the enslaved and their traffickers.
- It gives particular attention to the situations in Moldova, The Netherlands, Thailand, Cambodia and the United States.
- It sets forth the argument that there is strong connection between Human Trafficking and Prostitution.
- It suggests that somewhere in the region of 95% of those in prostitution have experienced sexual abuse as a child.
- It sets forth the Swedish/Nordic Model (Criminalising the purchase of sex) as a legislative model that has seen progress in addressing the issue of Sex Trafficking and Commercial Sexual exploitation.

### **(Break for 10 minutes)**

Rhoda Grant provides a call to order

### **Panel Discussion**

The Panel:

Rhoda Grant MSP (“RG”)- Chair

Christina McKelvie MSP (“CM”) – Co-convenor of the CPG on Human Trafficking

Janneke Lewis (“JL”) – Nordic Model Campaign

Helena Evans (“HE”) – New Forest House of Prayer and featured in the documentary

---

**Neil Whettam** – comments on the back of viewing the documentary:

- The issue of Poverty
  - Poverty is undoubtedly a factor in Human Trafficking
  - There is a need for change in the current system for welfare/benefits.
- Swedish model – He agrees with the model
  - However, it doesn't stop people going elsewhere – traffickers and customers
  - There is a necessity to concentrate not only domestically in Scotland but also internationally – the countries of origin **and** destination
- Lobby at UN level

- There is a need for the Scottish Government, Parliament and public to lobby so that recent 'accession states' are obliged to align in the fight to combat Human Trafficking – that obligation is not currently in place.
- This needs to come from across the board.

### **JL responds**

Shares about the difficulties in policing and prosecuting extra-territorial offences – certain acts committed by 'sex tourists' are illegal regardless of where they were committed but are also extremely difficult to prosecute.

---

**Elaine Smith MSP** asks 2 questions:

1. Why are governments, including the Scottish Government, not keen to take action on prostitution and pornography?
2. What were the reasons for the Scottish Government not supporting RG's bill on criminalising the purchase of sex?
  - a. The Nordic Model is the way forward - Very few people are in the sex industry willfully. It's not a career choice. (Opinion of Elaine Smith)

### **HE responds**

The Nordic model is the way forward

- 95% of the men she went with were married
- For every one prostitute, there are about 100 customers
- 95% of the women have been sexually assaulted as a child

How can we say that this is a viable job? These women are vulnerable.

### **JL responds**

- Political and Civil will is needed:
  - We need to start having discussions
  - We need to chat about what support services are available to the police, courts and victims – i.e. Housing, Care and Training etc.
  - Requires an investment – money, people, time and resources

### **CM responds**

She reiterated her supportive of the Nordic model  
(Elaine Smith MSP commended CM's efforts in approaching this issue)

---

**Billie Weallens** – comments on the back of viewing the documentary:

- It seems that all of this is centered on money...
  - Therefore, surely a solution can be drawn from simple economics – supply and demand
    - Take away the demand and the supply will stop

### **HE responds**

At the end of the day, men are responsible for their own sexuality - They should take responsibility for the consequences of their actions

---

**Neil McCulloch** – comments on two grounds:

1. The documentary
  - Where were some of the statistics taken from? For example, 10% of Moldovans have been trafficked seems inaccurate.
  - Dr Melissa Farley – Canadian courts have found Dr Farley to be a less than reliable witness, finding her evidence "to be problematic (Justice Susan Himel)
    - Melissa Farley is facing a complaint relating to her membership of the APA on the grounds her 2008 critique of the New Zealand model of

decriminalisation breached ethic guidelines (she did not seek ethical approval for her research – and several other alleged breaches of the code of ethics)

- Farley's research in Scotland (Challenging Men's Demand) which Rhoda referenced several times in her consultation document has been challenged many times - seventeen academics and activists signed a criticism of this research
- Canadian legal system – changed the laws on prostitution
  - Canada v Bedford ruling by the Supreme Court of Canada (December 20, 2013) struck down Canada's remaining prostitution laws, finding that bans on street soliciting, brothels and people living off the avails of prostitution create severe dangers for vulnerable women. The Court of Appeal had earlier (2012) struck down the 'bawdy house' provisions as unconstitutional and amended the Criminal Code provisions to clarify that the prohibition on living on the avails of prostitution (pimping) applies only to those who do so "in circumstances of exploitation."

## 2. Nordic/Swedish Model

- There was no critique of other alternatives
  - New Zealand – full decriminalisation
    - There has been good success so far
    - Note, this is not the same as Germany/Amsterdam
- Norway are thinking of repealing the Nordic Model
- A study of Swedish sex workers reports hugely increased levels of stigma attached to them and this makes them far more reluctant to have any contact with police in the event of them being victims of violence.

## JL responds

I'm not sure of the exact statistics or where they got the 10% from, but 1% of Moldovans is too much in my eyes - The point is that something has to be done to address this.

In response to the Canadian comment, the discussion of the legislation came up in a recent Supreme Court case, *Canada v Bedford* 2013 SCC 72

- The Court gave the Canadian Government a year to change the law
- Legislation is expected today – no result yet. (See attachment to this email for an update for the decision - still not enacted as legislation but going through the parliamentary process.)
- Solicitor admitted that he represented 10% of the sex industry
- He persuaded the court that it would not affect the other 90% of the industry (JL doesn't agree with this)

Critique of alternatives – I agree, there is a need for discussion

- Even the New Zealand model has certain positives
  - For example, the support for people to exiting the industry
- Many approaches require resources

---

**Hyemin Yoo** – comments on the back of viewing the documentary:

What about the issue of those abducted and married or sold off? Countries know what is happening in many places throughout the world but little is done. There is a stigma which leads to victims being scared to make themselves known. For example, in China, victims are worried that they will be evicted and sent back to North Korea.

## **JL responds**

Germany has interesting laws on prostitution and is currently looking at the “Nordic-lite model”.

- An example of the danger of having prostitution as a recognized profession:
  - If you apply for benefits, there have been examples of a requirement to exhaust all employment possibilities, including prostitution, before receiving benefits - That surely can't be right?!

## **Elaine Wishart – general comment**

As an employment lawyer, I cannot see how a valid employment contract can exist in prostitution.

## **NM responds**

The International Labour Organisation formally recognised sex work as work, in both formal and informal economies, in the discussion of adopting ILO Recommendation 200 on HIV and the World of Work. Labour rights for sex workers are viewed by many international and UN agencies as the best way of affording protection against exploitation of all kinds.

## **CM responds**

There needs to be a response at different levels and across different jurisdictions:

- European Arrest Warrants need to be considered
- The gross short comings of the Asylum and Immigration Act need to be addressed
- The Modern Slavery Bill needs to be strengthened and adopted.

---

## **HE closing comments**

Thank you to all who have attended

- Call to action:
  - Look at the facts
  - In the 21<sup>st</sup> Century we need to move forward on addressing this issue
    - Personal testimony - I was rejected by all – family, state, ‘customers’.
  - Hundreds of thousands of children have no voice - we must respond

---

## **RG added a final thanks and closed the meeting**