

**CATWA Submission to OHCHR | Call for input on the
use of technology in facilitating and preventing
contemporary forms of slavery**

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Coalition Against Trafficking in Women Australia
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Who we are

The Coalition Against Trafficking in Women Australia (CATWA) is the Australian branch of CATW International, a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. It works locally and internationally to end all forms of sexual exploitation of women, especially in relation to issues of prostitution and trafficking in women.

About this submission

This submission from the Coalition Against Trafficking in Women Australia focuses on the area of our organisation's expertise: the trafficking of women for the purposes of sexual exploitation. While there are other forms of trafficking, women are disproportionately targeted by traffickers, making up around two thirds of all reported victims of all forms of trafficking (UNODC, 2021), and sexual exploitation is the most commonly identified form of trafficking in persons (UNODC, 2021). This is especially important in the Australian context, as Australia is 'primarily a destination country for women and girls subjected to sex trafficking', according to the US Department of State (US Dept. of State, 2015).

Key recommendations

- Trafficking (primarily of women and girls) for sexual exploitation be recognised as a key area of concern regarding technology-facilitated modern slavery.
- The demand for the purchase of sexual services in commercial sex industries be recognised as the primary driver of technology-facilitated trafficking in women and girls, and thus measures to reduce demand be taken in order to prevent trafficking for sexual exploitation.
- The 'Nordic' or 'Equality' Model approach to the sex industry (asymmetric decriminalisation) be recognised as best practice for preventing all forms of trafficking for sexual exploitation, including technology-facilitated trafficking.
- Because of the high potential for technology-facilitated human trafficking and modern slavery in the sex industry, all sex industry businesses should be required to report on modern slavery risks in their operations and supply chains, regardless of annual turnover.
- Governments and technology platforms must understand and address the connections between the sex industry, gender inequalities that drive demand for sexual services, and the technology-facilitated trafficking of women and girls.

Background

Across scholarship, civil society and government, there is an increasing concern about the ways in which technology is weaponized in forms of violence against women and girls (VAWG). This includes how technology and online spaces are facilitating existing and newer types of exploitation. While the evolving nature of this technology-facilitated exploitation takes many forms, for the purpose of this review, we group the trafficking of women and girls through the various arms of the sex trade as forms of sexual exploitation, such as (but not limited to) prostitution, pornography, mail order bride selling, and commercialised sexual servitude. This is in keeping with the definition of trafficking put forward in the Trafficking Victims Protection

Act, as that which involves the recruitment, enticement, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act (Farley et al., 2014; U.S.C. § 7102(9), 2012).

Who is most at risk

Sexual exploitation is a gendered form of modern slavery. Globally, the vast majority of victims of all forms of sexual exploitation and sexual servitude are women and girls (ILO, 2017; TIP Report, 2021). The sex trade - including all of its various arms - is universally reserved for the world's most marginalised women and girls. This is similarly true for all forms of technology-facilitated sexual exploitation of women and girls.

In Australia, Asian women marginalised by race/ethnicity and migration status make up the majority of those represented in the commercial sex industry (Donovan et al. 2012; Renshaw et al 2015). Asian women are especially overrepresented in Australia's illegal sex industry (RhED 2012; Selvey et al. 2018). One study estimates that over 90% of women in Sydney's illicit massage businesses are from Asian backgrounds (Davidson et al. 2019, 15). Studies show that Asian women are more likely than their non-Asian counterparts to work longer hours, see more clients, live onsite at the brothel and are less likely to be able to enforce condom use, placing them at higher risk of contracting STIs and HIV (Davidson et al. 2019; Donovan et al. 2012; RhED 2012; Selvey et al. 2018). Further, due to low levels of English language, Asian women in Australia's sex industry are less able to negotiate with clients, access support services, and report violence or assault (Renshaw 2015; RhED 2012).

Australia's domestic sex industry relies on sexualised racism in order to function. The Australian state of Victoria, where commercial sex was first legalised in 1994 (full decriminalisation has since passed into law in February 2022) allows sex industry advertising to reference 'race, colour or ethnic origin of the person offering sexual services' (*Sex Work Regulations 2016* (Vic) s 3(5)(a)), which fuels racist sexist stereotypes and promotes the eroticisation of an exotic 'other.' A study of the online advertising of Melbourne-based prostitution businesses assessed the extent of 'Asianization' and found that 'more than 40 percent' of businesses advertised primarily Asian women (Street & Norma 2016, 279). Further, a study of illegal brothels in Melbourne found most relied on depictions of Asian women in their online advertising to promote their business to customers (Larin 2021). Racial stereotyping of Asian women in Victoria's sex industry has been recognised as a factor contributing 'to the violence and exploitation that migrant women experience' (Project Respect 2020, 9). For example, Victorian brothel owners/managers view Asian women as 'easier to manage' than their non-Asian counterparts because of the perception that Asian women will 'not talk' to authorities and are 'less likely to advocate for their health, human or industrial rights with an English speaking manager' (RhED 2012, 25). A consequence of this stereotype is the perception that Asian women 'will be malleable to client demands specifically for providing unsafe sexual services' (Project Respect 2020, 9).

The sex trade and technology-facilitated trafficking

Technology-facilitated sexual exploitation and trafficking is not a new phenomenon. However, as the COVID-19 pandemic caused many businesses of the traditional sex trade to cease trading in venues such as hotels, massage parlors and brothels, the sexual exploitation of women and girls online exponentially increased (Farley, 2020). Although traffickers' use of technology to profile, recruit, control and exploit their victims increased during the pandemic (Europol, 2020; UNWomen, 2023), there is little evidence to suggest these evolving harms are retreating as countries around the globe return to 'covid-normal' conditions. Indeed, women's heightened and ongoing financial precarity and inequality, coupled with the increasing time people spend online has created an especially 'conducive context' for technology-facilitated sexual exploitation.

Some of the digital tools identified in facilitating the trafficking of women include mobile phones, GPS and tracking devices (UNWomen, 2023). Social media is noted as a specific tool to target, recruit and groom young women and girls into forms of sexual exploitation, with dating websites, gaming apps and even 'travel buddy' sites facilitating the recruitment of women and girls into sex trafficking (Aura Freedom International, 2022). As noted in the June 2021 US Federal Human Trafficking Report, 83% of active sex trafficking cases involved online solicitation, and 65% of underage victims were recruited through Facebook, 14% through Instagram, and 8% through Snapchat (Srivastava and Dhillon, 2022).

Many of the websites of the online sex trade, such as those related to pornography, webcamming, real-time streaming and 'sugar dating' sites, are also directly or indirectly linked to the trafficking of women and girls. Many of these websites and platforms are preying on women's financial insecurity, using women's economic disadvantage to coerce the production of sexual - and often sexually violent - content (Burgos and Del Pino, 2021). Through new technologies this coerced and forced content is often a part of the rise in user-generated content - common to sites such as Only Fans, Pornhub, and XNXX.

Contemporary challenges

There are both new and old challenges to combating technology-facilitated sexual exploitation of women and girls. As UNWomen (2023) note, virtual reality and the metaverse are creating new digital spaces for many of the same forms of misogyny and sexual violence that occur offline. This includes both psychological and physical abuse that results from all forms of sexual exploitation (Farley et al, 2014). Another remaining challenge is the ways in which technology-facilitated sexual exploitation relies on and exacerbates women's intersectional inequality.

Much like offline sexual exploitation, through technology - including smartphones and other digital devices - is it increasingly easy to conduct business, advertise, and profit from the exploitation of women who have for the most part been trafficked or coerced by a combination of joblessness, poverty, racism, and sexism into sex businesses (Farley et al. 2014). This is especially concerning given the hundreds of millions of women in Africa, South Asia, parts of Latin America and the Caribbean, as well as the Indigenous women of many colonised countries that face systemic, socio-political and economic disadvantage - leaving them at a disproportionately high risk of being sexually exploited via all forms of trafficking and the sex trade (Aura Freedom, 2022; Farley, 2020).

Technology and digital platforms also represent new challenges. A major challenge is the manner in which supply and demand are more pervasive. Technology facilitates the sexual exploitation of women and girls for a broader population, in more areas of the world, in more convenient, accessible and cheaper ways. Trafficking and sexual exploitation are increasingly normalised and embedded in ever expanding multinational businesses (Farley, 2020). For example, platforms such as Airbnb and Uber are providing anonymity to traffickers and easy movement of victims. New technologies and platforms allow effective control, location tracking and surveillance (including through ride sharing apps) (Aura Freedom, 2022). Artificial Intelligence has also led to the growth of new forms of technology-facilitated sexual exploitation, such as 'deepfake' pornographic videos.

The evolving and embedded nature of this harm means global regulations and policy that address how everyday technology is weaponised is difficult and requires cross-sector and cross-country support. As noted, governments and other institutions are struggling to combat the growing problem of technology-facilitated trafficking and sexual exploitation, let alone define a strategic direction or an over-encompassing strategy (Srivastava and Dhillon, 2022). Finally, while it is critical that attention is focussed on this evolving and highly prevalent manifestation of women and girls' sexual inequality, artificial distinctions between online and offline forms of sexual exploitation risks confusing and derailing policy, law enforcement and broader

prevention efforts to end violence against women and girls (Farley, 2020). Instead, concerted efforts should be placed on combating trafficking and the various arms of the commercial sex trade it supplies.

Practical recommendations

As noted, while technology presents new challenges in addressing trafficking and sexual violence, the underlying drivers of trafficking for sexual exploitation remain the same (Setty et al., 2022). As such, governments and technology companies cannot address the use of technology in facilitating or preventing the trafficking of women for sexual exploitation without applying a gendered lens and acknowledging the social context and compounding forms of inequality that underlie this exploitation.

Research demonstrates that technology-facilitated sexual violence is enabled by gendered cultures that centralise men's sexual entitlement and that both assume women's sexual availability and eroticise their compliance (Henry & Powell 2018). Addressing technology-facilitated sexual violence, including the facilitation of trafficking for sexual exploitation, therefore requires governments and technology companies to address these underlying gendered norms. In particular, governments must work to address the demand for the sex industry in order to combat the primary root cause of trafficking.

Demand for sexual services fuels sex trafficking. Evidence shows that the decriminalisation and legalisation of commercial sex is associated with industry growth, leading to greater exploitation and increased trafficking inflows (Cho et al., 2013). Demand for sexual services must therefore be explicitly addressed in policy attempts to combat trafficking. The legislative approach that best fits these needs is the Nordic/Equality Model, which decriminalises all prostituted persons and provides support to them to transition out of the commercial sex industry, but discourages demand for sexual exploitation by prohibiting pimping and sex buying. In Australia there is a particular neglect of considerations of the Equality Model, as well as a failure to address demand - which is repeatedly highlighted as an area of concern within CEDAW.

As discussed above, digital technology and online settings can both function as a site for the sexual exploitation of trafficked women, as well as a means to facilitate their trafficking. Scholars note that the anonymity and speed afforded by digital technologies are attractive to traffickers and sex buyers alike, while online classifieds, social media, messaging forums, webcam services and chat rooms all facilitate the movement and purchasing of trafficked women and/or provide arenas for sexual exploitation itself (Farley et al., 2014).

Policy initiatives in response to this constellation of issues often focus on regulating the legal sex industry. For example, Coy & Tyler (2022) explain that initiatives in Australia and the UK to require age verification mechanisms for online pornography shift conversations away from the racist and misogynist underpinnings of the sex industry. This discourse focuses on protecting children at the expense of addressing the drivers of sexual exploitation. Failure to account for the ways in which traffickers and the sex industry target communities and individuals marginalised along the lines of gender, race, class and other inequalities, while reinforcing harmful gendered norms around sexuality and men's sexual entitlement, will only address portions of the problem.

Instead of carving out more or less acceptable forms of sexual exploitation, effective policy responses must understand and address the connections between gender inequality, the sex industry and trafficking. Regulating specific manifestations of technology-facilitated sexual violence represents a small step towards curbing the harms of digital sexual exploitation and trafficking (Coy & Tyler, 2022). However, to effectively address the nexus between technology

and trafficking, governments and platforms must first make links between the sex industry, demand for sexual services, harmful and gendered sexual norms and trafficking.

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