



Mr. Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences
c/o Office of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland
Fax: (+41) 22 917 90 06

E-mail: hrc-sr-slavery@un.org

12 April, 2023

Re: Input for the Report of the SR on slavery to the 78th session of the GA

Dear Special Rapporteur Obokata,

We respectfully submit this brief to the Office of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, in response to the call for input¹ on the use of technology in facilitating and preventing contemporary forms of slavery to be presented to the 78th session of the UN General Assembly in September 2023.

Equality Now is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organization with partners and members in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now's work.

We are writing to share evidence, gaps in law and challenges, and our recommendations regarding the use of technology in facilitating and preventing contemporary forms of slavery. Our submission highlights our experiences in legal and policy advocacy globally with a specific focus on human trafficking for the purposes of sexual exploitation, commonly known as sex trafficking, with the primary victims being women. We emphasise that trafficking in women is gendered because it is rooted in sex-based and gender-based discrimination, gender-based

1

<https://www.ohchr.org/en/calls-for-input/2023/call-input-use-technology-facilitating-and-preventing-contemporary-forms>

structural inequality and the feminisation of poverty and constitutes gender-based violence. Sexual exploitation, a form of sexual abuse and gender-based violence, is when someone abuses or attempts to abuse another person's vulnerability and exercises power and control over them through sexual means.² Sexual exploitation occurs on a continuum that includes many forms of coercion and predatory actions. Trafficked women experience many forms of sexual exploitation, including, exploitation in the sex trade in prostitution, pornography, forced marriages, escort agencies, and online through phone sex lines, internet chat rooms, live streams and on pornography and adult websites. Henceforth, reference to sex trafficking in this submission will be illustrated through this lens.

Technology as a conduit to recruit and exploit

Historically, most victims of sex trafficking were recruited in person, but now perpetrators are using digital technology to recruit and exploit them.³ The Internet and digital technologies give access to a broader pool of potential victims because the usual physical and geographical limitations do not exist, with the result that much less effort is required for their recruitment. Chatrooms and direct messages (DMs) on social media and gaming platforms, as well as incels and fake job ads on online platforms, are being used to recruit, advertise, make financial transactions, transport, communicate and exploit people.⁴ In Kenya, for example, "you can find over 50 posts daily 'advertising' victims - over and under 18 - along with a number to call."⁵

Perpetrators advertise sexually exploitative activities and coerce victims into recording themselves. They live-stream or capture explicit content and use this to coerce victims to record more sexually exploitative content. Technology gives traffickers the ability to control victims remotely: by monitoring victims' phone records and using location tracking to know the victim's location, as well as through smartphone cameras & video calls to see victims and monitor their surroundings.

Adult Service Websites (ASWs), such as OnlyFans,⁶ and poorly regulated social media sites, like TikTok,⁷ have become key conduits for trafficking by opportunistic predators. The

² UN (2017). Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations. https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf

³ UNODC (2022) Global Report on Trafficking in Persons - 2022. https://www.unodc.org/unodc/frontpage/2023/January/unodc-global-report-on-trafficking-in-persons_-crises-shift-trafficking-patterns-and-hinder-victim-identification.html

⁴ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and Tech Against Trafficking (2020) Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools. https://www.osce.org/files/f/documents/9/6/455206_1.pdf

⁵ Equality Now (2021) Expert Interview: Mohamed Daghar - Ending Online Sexual Exploitation and Abuse of Women and Girls: A Call for International Standards (pp58). <https://equalitynow.storage.googleapis.com/wp-content/uploads/2021/11/13160619/Ending-OSEA-Report.pdf>

⁶ Titheradge, N. (2022). *Young children exploited on OnlyFans*. [Online]. BBC. Available at: <https://www.bbc.co.uk/news/uk-63249018>

⁷ Tidenberg, K & van der Nagel, E. (2020). *Sex and Social Media*. Bingley: Emerald Publishing Ltd.

digital realm has quickly become a ‘virtual red-light district’⁸ where exploiters profit and remain largely undetected and unchallenged.⁹ The anonymity¹⁰ of consumers of sexual exploitation has led to an escalation of such exploitation and abuse as profiteers seek to meet the ever-growing demand.

Challenges in preventing the use of technology to facilitate contemporary forms of slavery

Governments are working with agencies to create and deliver bespoke analysis, evidence-based tools, and appropriate matrixes. For instance, the UK government¹¹ has matrixes collecting data on sex trafficking, including the Sexual Trafficking Identification Matrix, the Cambridge Crime Harm Index and data mining via algorithms¹², all of which are being used to counter sex trafficking. Technology companies are also using tools to identify and remove sexually exploitative material, for instance, Microsoft’s PhotoDNA, Facebook’s PDQ, and TMK+PDQF “crawl” through their platforms to identify and remove exploitative material.¹³ The challenge remains that these efforts by technology companies primarily search for online material containing children, as there may be challenges with balancing the arbitrary surveillance of users with infringements of rights such as the right to privacy and freedom of expression.¹⁴

Some of the most promising areas to explore solutions include¹⁵:

- National Helplines, which have become trusted hubs of data collection, analysis, and sharing to advance the understanding of and response to sex trafficking.
- Smartphone Apps that assist first-line responders and vulnerable workers take some control of the modern slavery environment, enabling them to report concerns and providing easier access to training resources and language translation services.
- Data analysis tools to help in dealing with large amounts of data that can disable effective responses and identify connections in the data that would otherwise be missed.

⁸ Cauduro, A., et al. (2009). *Innocent When You Dream: Clients and Trafficked Women in Italy*. In Di Nicola, A., Cauduro, A., Lombardi, M., and Ruspini, P. (2009). *Prostitution and human trafficking: Focus on clients*. (pp.31-66) New York: Springer.

⁹ Giommoni, L. & Ikwu, R. (2021). Identifying human trafficking indicators in the UK online sex market. Trends in Organized Crime. <https://link.springer.com/article/10.1007/s12117-021-09431-0#citeas>.

¹⁰ OSCE (2020) Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools. Vienna: OSCE

¹¹ Antonopoulos, G.A. et al. (2021). Identifying Sex Trafficking in Adult Services Websites: An exploratory study with a British Police Force. [Online]. White Rose University Consortium. Available at: <https://eprints.whiterose.ac.uk/171000/3/L%27Hoiry%20et%20al%20%282021%29%20Identifying%20Sexual%20T>

¹² Alvari, H et al. (2017). Semi-supervised learning for detecting human trafficking. Security Informatics 6(1):1.; Hultgren, M., Whitney, J., Jennex, M., & Elkins, A. (2018). A Knowledge Management Approach to Identify Victims of Human Sex Trafficking. Communications of the Association for Information Systems, 42(1)

¹³ Equality Now (2021) Ending Online Sexual Exploitation and Abuse of Women and Girls: A Call for International Standards (pp61).

<https://equalitynow.storage.googleapis.com/wp-content/uploads/2021/11/13160619/Ending-OSEA-Report.pdf>

¹⁴ OSCE (2020) Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools. OSCE and Tech Against Trafficking. https://www.osce.org/files/f/documents/9/6/455206_1.pdf

¹⁵ Wilton Park (2017) The role of digital technology in tackling modern slavery. <https://respectinternational/wp-content/uploads/2017/10/The-role-of-digital-technology-in-tackling-modern-Wilton-Park-2017.pdf>

- Blockchain or distributed ledger technology to improve the traceability of victims, perpetrators, and financial transactions.
- Online tools to improve the efficiency with which people can report crimes and provide intelligence could be cost-effective and simplify data collection.

Notwithstanding, more needs to be done — more funding, resources, and internationally coordinated efforts are required to counter the role of technology in facilitating sex trafficking. We highlight some of these challenges below:

A key area where international and national legislation is lacking relates to the accountability of technology companies on whose platforms women are trafficked and exploited.¹⁶ The challenge is that digital spaces remain largely unregulated. There are no universal rules for those who design, operate, and profit from digital networks and services, nor is there an effective way to ensure that common standards designed to guide and protect our digital interactions are universally and equitably upheld. In this context, online misogyny and harms such as technology-facilitated sex trafficking are thriving. Laws and policies are needed to mandate and/or incentivize technology companies to undertake efforts to ensure that their platforms are not being used to facilitate sex trafficking.¹⁷

Secondly, using technological solutions in countries of origin or transit where there is limited internet access hampers the effectiveness of technological solutions and the ability to engage and support victims.¹⁸ Technological solutions can, therefore, not be implemented globally or seamlessly, rendering them ineffective in addressing and preventing this global problem. Furthermore, low capacity and capability to use these technological solutions are often lacking among people involved on the front line of tackling sex trafficking, particularly law enforcement. Slow and onerous procurement processes are also a significant barrier for law enforcement agencies, limiting the active engagement of technology providers and their solutions.

There is also limited data and information sharing and cooperation between technology companies, law enforcement, and civil society.¹⁹ Data and information are collected and used in silos and not efficiently shared to improve the collective response. Amongst other things, issues around data privacy protection and security inhibit a systematic sharing of data and information.²⁰ The Organization for Security and Co-operation in Europe (OSCE) identified a number of ethical issues relating to the development and use of technology to combat human

¹⁶ Equality Now (2021) Ending Online Sexual Exploitation and Abuse of Women and Girls: A Call for International Standards.

<https://equalitynow.storage.googleapis.com/wp-content/uploads/2021/11/13160619/Ending-OSEA-Report.pdf>

¹⁷ OCSE (2020) Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools. OCSE and Tech Against Trafficking. https://www.osce.org/files/f/documents/9/6/455206_1.pdf

¹⁸ Wilton Park (2017) The role of digital technology in tackling modern slavery. <https://respect.international/wp-content/uploads/2017/10/The-role-of-digital-technology-in-tackling-modern-Wilton-Park-2017.pdf>

¹⁹ Equality Now (2019) Technology And Trafficking: The Need For A Stronger, Gendered And Cooperative Response. https://www.equalitynow.org/news_and_insights/technology_and_trafficking_the_need_for_a_stronger_gendered_and_cooperative_response/

²⁰ UNICEF (2020) Press Release. Reclaiming digital spaces to counter human trafficking and protect its victims. <https://www.unicef.org/press-releases/reclaiming-digital-spaces-counter-human-trafficking-and-protect-its-victims>

trafficking, including the protection of data privacy, preventing the blanket collection of data of vulnerable or marginalized populations, and using technology in a way that does not infringe human rights of victims and other users.²¹ Sharing data between countries or agencies should be done in accordance with human rights law. Therefore, there is a need for a better understanding of how to use existing regulatory regimes and international law in a manner consistent with human rights standards.

Our recommendations

International Framework. The existing legal frameworks are diverse and insufficient to handle the transnational and ever-evolving nature of technology and the internet. Different national legal frameworks alone will not be sufficient to address technology-facilitated sex trafficking. Furthermore, reliance on national frameworks would result in different standards and not everyone around the world is being afforded protection. This is an opportunity for governments to consider the adoption of an internationally binding framework like the proposed International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, which is currently being discussed and negotiated.²² Through an internationally binding framework, governments could call on technology companies to take responsibility for exposing women and children to trafficking and sexual exploitation through the use of their services and require technology companies to use their existing capabilities in big data, artificial intelligence, and analytics to identify any pattern that could lead to trafficking and the identification of the involved parties, including on the demand side, in a manner that respects, promotes and protects human rights. As well as call for information-sharing between technology companies and law enforcement in a transparent and human rights-respecting manner in order to facilitate international cooperation in combating trafficking and sexual exploitation and assist with law enforcement efforts.

A Coordinated and Cooperative Response. Cooperation and collaboration between technology companies, law enforcement, and civil society are key in bridging the gap in capacity and capability to address and prevent sex trafficking. Collaborative efforts are needed to collect, analyze and share relevant data efficiently across agencies and other stakeholders at local, regional, national, and international levels in a manner that is legitimate, necessary and proportionate, and legal.

Conclusion

Technology-facilitated sex trafficking is a global problem and requires cooperation and coordination among governments, tech companies, civil society, and survivors; the bringing together of different actors and expanding partnerships and coalitions. We respectfully request that the Special Rapporteur recommends to UN Member States to leverage and engage in the ongoing discussions and negotiations for the proposed International

²¹ OCSE (2020) Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools. OCSE and Tech Against Trafficking. https://www.osce.org/files/f/documents/9/6/455206_1.pdf

²² Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/home

Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes to clarify the role, responsibility, and accountability of technology companies and address the multi-jurisdictional nature of technology-facilitated sex trafficking, including providing guidance in specific areas such as investigations and evidence gathering from technology companies across the world.