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**The Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill - Committee
Stage**

Written evidence on Clause 6 which seeks to reduce the demand for trafficking and reduce exploitation by making it an offence to pay for sexual services.

Introduction

I am Professor of Sociology at the University of Nottingham, and have been involved in research on prostitution, sex tourism, the commercial sexual exploitation of children, and human trafficking for the past twenty years. In 2001, I was commissioned (with Professor Bridget Anderson, COMPAS, University of Oxford) by the Swedish Ministry of Foreign Affairs, SIDA and Save the Children Sweden to conduct a multi-country pilot study of the demand-side of trafficking, and coordinated survey and interview research on demand for sex and domestic workers in the following countries: Sweden, Denmark, Italy, Thailand, India and Japan. Professor Anderson and I subsequently conducted a four year Economic and Social Research Council funded research project on the markets for migrant sex and domestic workers in the UK and Spain.

1. The Justice Committee has taken evidence from Ms Gunilla Ekberg in which she suggested that research on men who pay for commercial sexual services has produced a uniform picture of their motivations and attitudes – “The responses, reasons and results are the same”. However, the findings from the research on demand for prostitution that we conducted for the Swedish Ministry of Foreign Affairs actually pointed to diversity amongst men who pay for sex, both across and within countries, including variation in terms of their attitudes towards buying sex from trafficked persons. Many clients interviewed were repulsed by the idea of buying sex from those who are underage, desperate, vulnerable or coerced into prostitution by a third party. Asked ‘What should clients do if they come across a prostitute who they believe is being forced into sex work against her will?’ more than half of the 185 survey respondents who had ever paid for sex stated that they should report it to the police. If paying for sexual services were to be criminalised, an important source of information about trafficking would dry up, since clients would no longer be willing to report their suspicions about forced prostitution to the police. Other independent academic research in the UK and the USA also points to the conclusion that the motivations, attitudes, and practices of men who pay for sex vary widely, including in terms of their propensity to buy sex from visibly vulnerable women and girls, and to report concerns about exploitation and abuse to the authorities (for example, the research of Dr Teela Sanders, University of Leeds, and Dr Martin Monto, University of Portland).
2. The Committee also heard from Dr Dan Boucher from CARE, who stated that “If you imagine having two different groups of researchers — one that views prostitution as the exploitation of women and another that views it as a valid

job — and gave them the Northern Ireland evidence to work on, they would reach entirely different conclusions. So, the important thing for you as a Committee is to decide what you think. Do you think it is a valid form of work or do you think it is, in the main, a form of exploitation?” This misunderstands the relationship between theory, value and evidence in social science research and ignores the very rigorous processes of peer review to which academic research is subject precisely to ensure that research findings do not simply express a predetermined set of value-judgments. It also oversimplifies the positions that different academics take on the issue of prostitution. It is possible to approach prostitution as both a form of work *and* a site of exploitation, for example, and there is not simply a choice between *either* criminalization of buyers *or* regulation of prostitution as a ‘valid form of work’ - it is also possible to argue for decriminalization as a strategy of harm reduction. Indeed, if the aim is to produce evidence-based policy, I am surprised at the almost exclusive focus on the ‘Swedish Model’ and the lack of attention to research evidence on the impact of alternative regulatory models adopted in an effort to reduce exploitation and trafficking in the prostitution sector (such as the New Zealand model of decriminalization).

3. My research on prostitution shows that just as there is diversity amongst the men who pay for sex, so there is diversity in terms of the organisation of prostitution and the power relations that surround it. To speak of prostitution is not to describe one experience, but a continuum, stretching from the extremely abusive and non-consensual at one end, through to an opposite pole where women and men work independently, enjoy a high level of control over their work, and earn a good deal of money. It would be impossible to produce accurate figures on how many people are subject to forced labour in the sex sector, but we do know with certainty that not every person who works in prostitution is being forced to do by a third party pimp or trafficker. To base policy on the assumption that the very worst-case scenarios are typical is to use a sledge-hammer to crack a nut, and so to risk harming others who are not the object of your policy.
4. The scale of the problem is frequently exaggerated in media reporting, and the figures that get bandied about are often misleading. In the Republic of Ireland, some media reports concerning proposals to criminalise the sex buyer earlier this year stated that 1 in 15 Irish men have paid for sex, and took this to demonstrate that there is a substantial demand driving the trafficking of women and children. Closer inspection of the Department of Health and Children and the Crisis Pregnancy Agency (CPA) study which appears to be the source of that figure reveals that it reported 6.4% of its sample of Irish men stated they ‘had ever’ paid for sex; only 3.3% reported doing so ‘in the last five years’, and almost half of men who said they had ever paid for sex had only ever done so with one paid partner. As much of the contact of this latter group will have been with adult women and men who are working independently and voluntarily in prostitution, the problem is not of anything like the magnitude suggested by journalists and those advocacy

groups campaigning for criminalisation of clients because they believe it is wrong to buy sex whatever the circumstances.

5. Clause 6 will affect those who work voluntarily in prostitution, as well as those subject to force. It is therefore also important to consider its potential impact on this group, which include the possibility that sex workers will choose to solicit in more concealed and so less protected settings, and to negotiate more quickly with clients, both of which heighten the risks associated with prostitution. It is also important to note that a sizeable section of the market for commercial sexual services involves men buying sex from other men. Though this would also be criminalised by Clause 6, there has been no real debate on the justification for criminalisation (are the majority of male sex workers also assumed to be victims of trafficking and serious exploitation? If so, where is the evidence supporting this assumption?), or on the wider implications of criminalisation. Given the unsavoury history of legal interventions into consensual sexual acts between same-sex adults, and the fact that as a sexual minority group, homosexuals are still often stigmatised and at risk of hate crime and other rights violations, there are reasons to exercise extreme caution in relation to any law that may re-criminalise sexual acts between consenting same-sex adults.
6. The Swedish sex buyer law is often said to carry a symbolic value, making it clear that 'in Sweden, women are not for sale'. However, unlike laws against smoking in public places which sought to change behaviour (and have been very effective in so doing) by stigmatising an activity that was previously regarded as socially acceptable, Clause 6 targets an activity (paying for sex) that is already very much a minority behaviour and already highly stigmatised. Second, it is important to consider what else is symbolised by the law. Because it indiscriminately criminalises purchase, so that it even becomes a crime to pay for sex with a consenting adult sex worker, the law is also saying women cannot agree to sex in the context of prostitution. To introduce any law in Northern Ireland that suggests that women lack capacity in relation to their own bodies and sexuality could be viewed as a retrogressive step. Feminists have fought long and hard for women's right to say no to unwanted sex, I would urge the Committee to think very carefully about introducing legal constraints on women's right to say yes to other kinds of sex.
7. Dr Boucher commented that for 'the majority of women, [prostitution] is a place of exploitation' but recognized that by no means all women in prostitution in Northern Ireland have been trafficked. If this is so, it is important to think about the reasons why women choose to sell sex. Here, I would want to draw attention to the fact that in the UK, the current welfare and immigration regimes in particular serve to severely limit the alternatives open to poor women (especially lone parents) and to undocumented migrants and migrants whose immigration status denies them the right to enter paid work. Likewise, inadequately resourced support services for drug users, the homeless, victims of domestic violence and so on restrict the real options open to those who are affected by such problems. In this context,

there are people for whom even highly exploitative and risky forms of prostitution will appear as a lesser evil than their alternatives. Clause 6 does nothing to address these problems.

8. The Swedish sex-buyer law was not originally designed to tackle human trafficking, but to express Swedish society's view of prostitution *per se*. In modeling itself on the Swedish law, Clause 6 also addresses prostitution in general, not human trafficking in particular. Its inclusion muddles the Bill, and makes its scope, object and purpose unclear. If the aim is to address human trafficking and exploitation, why would the Bill single out prostitution for special and particular attention but not other sectors where forced labour is also known to be a significant issue in Northern Ireland and the UK in general, such as domestic work, agriculture, catering and hospitality? I would urge the Committee to think very seriously about the dangers of allowing the Bill to become a means by which to smuggle into law extremely controversial provisions on prostitution.