



**UKNSWP RESPONSE TO: Human Trafficking and
Exploitation (Further Provisions and Support for
Victims) Bill (Northern Ireland)**



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FURTHER INFORMATION

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INTRODUCTION: UK NETWORK OF SEX WORK PROJECTS

This response is an organisational rather than an individual response. We wish the contents in this letter to be made public and included in any summary or analysis of findings.

The UK Network of Sex Work Projects is a voluntary sector umbrella organisation to which projects providing support services to sex workers can affiliate. UKNSWP is a charity which aims to facilitate networking and the sharing of good practice in the provision of support services for sex workers. The aim of the UKNSWP is:

“To promote the health, safety, civil and human rights of sex workers, including their rights to live free from violence, intimidation, coercion or exploitation, to engage in the work as safely as possible, and to receive high quality health and other services in conditions of trust and confidentiality, without discrimination on the grounds of gender, sexual orientation, disability, race, culture or religion”

Our criteria for assessing policy and law relating to prostitution are that it should enhance the health, safety, civil and human rights of sex workers and enable the provision of accessible, quality and needs-based support services.

UKNSWP has more than 60 member projects across the UK which offer frontline support services to, and have direct contact with, thousands of female and male, as well as transgender sex workers throughout the UK; we also manage the National Ugly Mugs Scheme, with around 250 organisation members and over 1400 individual sex worker members. UKNSWP facilitates the sharing of good practice in the provision of support services for sex workers and promotes the health and safety of sex workers. Members are well placed to observe the impact of laws and policies on sex workers and on targeted services themselves. We hope that the views of experienced health and social care professionals working within our member projects will be given due consideration, as they are based on professional practice-based experience of working with people involved in prostitution in a range of sectors. UKNSWP also has a strong Associate member affiliation which consists of many key academics with a solid background of empirical ethically conducted research on prostitution in the UK.

Guidance for the bill states that evidence must be structured to address the specific clauses of the Bill.

The UKNSWP wishes to respond to Clause 6 Paying for the Sexual Services of a Person

The UKNSWP does not support this clause, and essentially the implementation of the 'Swedish Model' or prohibitionist system wherein clients of sex workers are criminalised, for the following reasons:

1. The proposed clause is not supported by the research evidence

- The bill purports to cover human trafficking and slavery offences in their broadest sense under both the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. It is therefore questionable as to why the criminalisation of the purchase of sex is included in this Bill, given that research evidence shows that much adult sex work does not involve trafficking or force (Weitzer, 2012). There is also often a mistaken conflation between voluntary migration and coerced trafficking; the research evidence suggests that people migrate to work in the UK sex industry for a range of reasons, particularly pragmatic ones (Mai, 2009; Scambler, 2007).
- The proposal to criminalise the purchase of sex represents a radical change to the criminal law in this area. No Parliament in the UK has ever taken such a step, particularly one that is not well supported by either public opinion or academic evidence from the UK or abroad. To criminalise the purchase of sex could also mean that a more research and evidence-informed strategy for tackling the issues arising from prostitution where it is exploitative or damaging for participants, rather than one which is based on moral/ideological foundations about what is 'right or wrong' is dissuaded, negatively impacting on sex workers.

2. Potential negative consequences for sex workers of banning the purchase of sex

- Research has shown that criminalisation of either the client or sex worker can result in negative, dangerous and sometimes fatal consequences for sex workers, especially those engaged in street working (e.g. Hubbard et al., 2008; Jordan, 2012). In the case of street sex work, criminalisation often leads to displacement resulting in sex workers often working in darker, more dangerous and less well known areas (Pitcher et al, 2006). This increases possibilities of violence and makes those working in street sex industries more vulnerable to exploitation.
- Criminalisation of clients strengthens the stigma of sex work and sex workers fear that contact with the police and other authorities will bring investigation of them and their clients. This acts as a major barrier to sex workers having the confidence to report any crimes they experience to the police and other authorities. This heightens sex workers' vulnerability in all sectors: many offenders who target sex workers do so because they believe sex workers will not report to the police. This proposed law will entrench that dynamic further.
- Many sex workers have made an informed decision to sell sex (Sanders, O'Neill and Pitcher, 2009). Those most affected by this legislation will be male, female and transgender sex workers in Northern Ireland working of their own volition and often within the law (the sale and purchase of sex by consenting adults is not currently illegal in the UK). Many lives could be worsened through loss of business and income, through increased stigma due to criminalisation of the purchase of sex. People will be working in fear of engaging in criminal acts when they are in fact selling and having sex with other consenting adults.

- Punishing clients would not be beneficial to sex workers – of course targeting violent clients is important, but targeting **all** clients ultimately erodes the human rights of sex workers to health and safety. In addition, it is possible that safer regular clients will be deterred by their criminalisation, and sex workers may resort to seeing less responsible, potentially more risky client groups. Commercial sex is not inherently violent and much can be done to make it safer (Sanders and Campbell, 2007).
- The proposed legislation will further stigmatise sex workers and their clients, rendering a vulnerable group more vulnerable. It also promotes the message that sex work always constitutes violence against women – which is a falsehood given the international movement for sex workers’ rights and evidence from countries (e.g. New Zealand) where sex workers work within a decriminalised system and have access to the criminal justice system - rather than being excluded from it (e.g. Abel et al, 2010). Promoting an uninformed and ideologically-based notion that all sex work is automatically a form of violence against women trivialises the issue of actual violence when it is perpetrated against female, male or transgender sex workers, which should be taken seriously by criminal justice authorities.
- The clause proposes taking away the sole livelihood of substantial numbers of people, many of whom are consensually sex working to support themselves and their families. Many sex workers have few feasible alternative employment options available to them, for a range of reasons, and thus the proposals if implemented would take away their only source of income. The proposals offer no viable suggestions as to how alternative sources of immediate funds would be made available to address this consequence. Given the current economic situation and imminent cuts to welfare benefits, the proposals are financially as well as morally irresponsible and would have the effect of plunging a large group of people, who are already marginalised, into poverty and even greater social exclusion.
- The clause also denies the agency of the many people who have taken an informed decision to enter sex work, usually for economic reasons. The sale of sex is not itself illegal and the Bill would be taking away the rights of those sex workers who are working legitimately of their own volition, since it would create a contradictory situation where they would have the right to sell sexual services, yet anyone purchasing those services would be criminalised.

3. Likely consequences for access to support services and social inclusion of sex workers

- As a network of frontline services we are very much aware that a consequence of implementing this clause would be to make the work of health, drugs, social care and exit services even harder. There is a considerable body of literature in the UK which has been developed over the last 20 years or so which identifies the clear barriers sex workers face to accessing services or public protection through the criminal justice system (see UKNSWP, 2011); this bill would have the consequence of adding another significant barrier to sex workers being able to access support. The experience of outreach health care projects from the USA (Ditmore 2001), Canada, (Cler-Cunningham and Christenson 2001), and Germany (Munk 2001) illustrate how prohibitionist laws promote risks amongst sex workers, and intense policing and crackdowns only increase sex workers’ vulnerability and marginalisation. A number of international bodies have recognised how criminalisation of sex work, including the clients of sex workers, creates barriers to delivering health and support services (WHO, 2004).
- UNAIDs stress that sex workers should be able to participate in all aspects of community life free from economic, cultural, or social marginalisation: criminalising the non-violent, non-abusive clients of sex workers will not enable sex worker social inclusion (UNAIDS, 2009). This bill will further force the sex industry and sex workers to the margins of society. Outlawing the purchase of sex could see a return to the situation where people would be frightened to report corruption, rape, violence, exploitation and other abuses, and would make the industry a magnet for potentially more criminal activity.

4. Research evidence showing negative consequences of the 'Swedish model' banning the purchase of sex

- Evidence from Sweden where the purchase of sex has been criminalised has resulted in :
 - classic displacement of sex workers
 - Women working off-street, through networks (taxi drivers etc) made vulnerable to different types of harm and economic exploitation.
 - Low conviction rates (500 in 10 years)
 - Majority of investigations discontinued - insufficient evidence, few proceeded to court.
 - Rather than tackling demand – it has restructured patterns of sex working – such as moving off-street.
 - Negative impact on most socially marginalised sex industry workers
 - Greater policing - is this reasonable in current times of austerity?
 - Drop in custom - lower prices charged by sex workers, less choice in clients and clients pressing for quicker and therefore more risky transactions due to the concerns over criminalisation.
 - Greater risk taking and greater stress and danger due to the above
 - The legislation has had a paradoxical effect as it has resulted in higher levels of risk and danger to the most vulnerable - street based sex workers (Scoular, 2010; Jordan, 2012)

Summary

In summary, we feel strongly that the proposed clause will have detrimental consequences for the safety and wellbeing of sex workers, will prohibit their access to support services and will dramatically increase the vulnerability of an already marginalised group. Any legislation which affects the lives of sex workers should not only be based on reliable research evidence, but also the expertise of organisations working directly with sex workers, as well as sex workers themselves, whose voices are frequently omitted from consultations on proposals concerning them.

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