

## **Submission to Human Trafficking and Exploitation Bill**

**Document reference number: 2468ZXVT**

1st- November, 2013.

Dear Northern Ireland Justice Committee,

In relation to Lord Morrow's bill I agree with efforts to reduce trafficking and slavery. The vast majority of people are and should be against this exploitation. However I am opposed to criminalising the clients of sex workers.

I have answered in abridged form various questions raised in the original Consultation document and brought up again in most clauses of the bill plus have included a large discussion on sex work laws as this is an area that I have acquired plenty of information on and have studied long before seeing these proposals.

Answers to points raised in original Consultation and in The Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill:

- If a person is forced to travel by a wrongdoer then there is no consent. All the different ways of trafficking a person mentioned make consent irrelevant.
- All the factors mentioned aggravate a forced labour offence and make the crime worse.
- I would agree that persons trafficked should not be guilty of certain crimes especially children.
- It makes sense to give the police plenty of tools and training to tackle this crime and also to produce an annual report on trafficking.
- It is right that victims should receive support and compensation.

These suggestions though need to be discussed and thought through with maybe experienced lawyers, legal or political advisors and legislators to make sure that they will work and have no unintended consequences.

Also as things stand the PSNI should be making full use of their powers to crack down on forced labour.

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The above addresses Clauses 9 to 19 of the bill.

However I am totally opposed to criminalising the clients of sex workers. This would be a step backwards and certainly would have a negative impact on people's rights.

Two recently produced pieces of evidence have been included in this document to add to the many more surveys and links that will be displayed in subsequent pages. They are as follows and are a poignant remainder of the damage (including the death of a woman in Sweden called Jasmine) that blanket criminalisation causes:

<http://sometimesitsjustacigar.wordpress.com/2013/07/12/justice-for-jasmine/>

<http://maggie mcneill.wordpress.com/2013/10/07/frequently-told-lies/>

Also a senior PSNI officer has quite rightly rejected the idea of criminalising the buying of sexual services as it will do nothing to deter trafficking and exploitation and will discourage clients from reporting crime.

I have done extensive research on sex work and the law for a long time and have completed a submission in response to Rhoda Grant's past proposals in Scotland to criminalise clients and a consultation on prostitution in the Republic of Ireland. While it is based on the situation in other areas the same fundamental arguments against criminalisation are the same anywhere and can be used no matter where you are. This will address Clauses 1 to 8 of the bill.

Please see these submissions below which I will leave you with.

Yours sincerely,  
Concerned individual.

## **Submission on Consultation on Sex Work**

13<sup>th</sup> December, 2012.

Dear Ms. Grant,

The following is a response to your consultation on sex work. I have commented on the various pages of your document.

My background is that I have friends who have had experiences with the sex industry. In recent times I have become alarmed about changes to the law that groups or individuals wish to have and increasingly concerned about the welfare of all who are involved in the adult industry.

It's a fundamental error to believe that sex work is violence against women. Also when the sex workers are willing participants it is no different than any other service. The very important point is that not all sex workers are victims.

I am very careful when people start quoting polls. They are often not carried out fairly. Like maybe a large proportion of drug addicts involved in street work were sampled. Also sometimes they are taken completely out of context in order to mislead everyone. This is what is happening here. You are saying that in a poll 75% of women were involved in prostitution before they were 18. This was a poll carried out by Professor Melrose. In that poll, only women who started before the age of 18 were interviewed- 46 in total. Later on 32 were still working. So that is where this 75% figure comes from.

A survey that explodes the myth that nearly all sex workers are forced into the profession can be viewed here:

<http://www.londonmet.ac.uk/research-units/iset/projects/esrc-migrant-workers.cfm>

It shows that many are happy with what they are doing.

There is another survey in PDF format by Suzanne Jenkins - Beyond Gender: An Examination of Exploitation in Sex Work, 2009 which indicates that the majority of those involved are not exploited.

The proper term to use is “sex worker”. It is not acceptable to insist on solely calling a sex worker a prostitute in the same way as it is not acceptable to call a native American an Indian.

Gunilla S Ekberg and yourself are completely wrong. Sex workers are not commodities that are bought, sold or exploited. Sex workers are providing a service just like everyone else. Criminalising the clients of sex workers is interfering in the bedrooms of consenting adults.

The survey “challenging men’s demand for prostitution” was conducted by biased people who had a complete contempt for all clients of sex workers. The majority of clients have 100% respect for women and completely condemn rape. A useful link highlighting the failures in the survey can be found here:

[http://scot-pep.org.uk/sites/default/files/download-files/a\\_commentary\\_on\\_challenging\\_mens\\_demand\\_for\\_prostitution\\_in\\_scotland.pdf](http://scot-pep.org.uk/sites/default/files/download-files/a_commentary_on_challenging_mens_demand_for_prostitution_in_scotland.pdf)

Trafficking is a separate issue to that of sex work. It is already an offence to solicit a trafficked person. The authors of the survey of trafficking in 150 countries caution against using it as an argument for criminalising the clients of sex workers. They also said that more research is needed and that there are benefits of legalisation. New Zealand has the most advanced laws on sex work in the world and trafficking is not a big problem there compared to other countries.

**Q1: Do you support the general aim of the proposed Bill? Please indicate “yes/no/undecided” and explain the reasons for your response.**

A1: No. There are many reasons why not to. Please see the following links which will give plenty of reasons:

<http://www.opensocietyfoundations.org/publications/ten-reasons-decriminalize-sex-work>

<http://www.sexworkersallianceireland.org/legalissues.html#anchor>

Trish Godman was completely wrong as well. Reducing demand for sex is a nonsense argument. There are a certain proportion of workers exploited in the agriculture and clothes making industries. Should we reduce the demand for eating chocolate or buying shirts? See the following Laura Austin video describing the misguided efforts to reduce demand:

[http://www.youtube.com/watch?v=1M8wQJF\\_qxU](http://www.youtube.com/watch?v=1M8wQJF_qxU)

Criminalising the clients of sex workers has been a disaster in countries that have adopted these measures. As well as being an abuse of a person's human rights it has also indeed pushed the industry underground and has created a greater than before culture of ignorance of sex work. Politicians in Norway want to get rid of the laws there that you are proposing. Also the Swedish government's review of its sex laws were completely biased and a farce. In addition there is an unhealthy culture of misandry in Sweden that has been encouraged. Please see the following links:

<http://www.independent.ie/opinion/columnists/kevin-myers/kevin-myers-rampante-rabbitte-has-to-learn-that-moralising-prohibitions-upon-human-appetites-never-work-2529301.html>

[www.bayswan.org/swed/swed\\_index.html](http://www.bayswan.org/swed/swed_index.html)

<http://www.avoiceformen.com/feminism/government-tyranny/swedens-empire-of-governance-feminism/>

[www.thelocal.no/page/view/rip-up-prostitution-law-says-top-oslo-politician](http://www.thelocal.no/page/view/rip-up-prostitution-law-says-top-oslo-politician)

Again sex work is the providing of a service like anything else. People are not being "bought or sold". To call sex workers commodities is to misrepresent the facts. Vast amounts of sex workers are doing what they do by choice and resent being told by individuals that they are victims that have to be "rescued".

As I said sex work and trafficking are two different things. It is unhelpful and a blurring of the issues to try and lump together these activities. A client having consenting sex with an escort has nothing to do with people trafficking.

**Q2: What do you believe would be the effects of legislating to criminalise the purchase of sex (as outlined above)? Please provide evidence to support your answer.**

**Q3: Are you aware of any unintended consequences or loopholes caused by the offence? Please provide evidence to support your answer.**

A2: Criminalising either person A, person B or person C is an abuse of an individual's human rights. There may be some public order concerns regarding outdoor sex work for example. However in an indoor setting there is only one factor that should concern us. Namely there is either consent or no consent. If there is consent between the two parties then it is none of the business of anybody else.

A3: It is completely unenforceable as it is a thought police and a bedroom police.

**Q4: What are the advantages or disadvantages in using the definitions outlined above?**

A4: This highlights how your proposed law is just a bedroom and thought police. Exchanging sex for alcohol could be someone going on a one night stand for example. In fact the person who looks after their physical and mental health going to a sex worker is the more responsible one. They are not damaging their liver week after

week and impairing their judgement concerning the consensus of sex. Also sexual activity can mean very different things to different people.

**Q5: What do you think the appropriate penalty should be for the offence? Please provide reasons for your answer.**

A5: There should be no penalty as I don't believe in criminalising the clients of sex workers. Scotland shouldn't follow Sweden's abuse of citizens' human rights. It is interesting the way things are at the moment whereby a "kerb crawler" could be treated more harshly under road traffic law than someone who injures a person seriously in an accident.

**Q6: How should a new offence provision be enforced? Are there any techniques which might be used or obstacles which might need to be overcome?**

A6: Sex work and trafficking are two different things as was said before and it is unhelpful to blur the two issues. Please read the following:

<http://www.guardian.co.uk/uk/2009/oct/20/government-trafficking-enquiry-fails?intcmp=239>

It is a waste of time for the police to interfere in the private sexual arrangements of consenting adults. Your proposal is actually taking us back in time and not forward in time. It would also encourage the breeding of more ignorance of sex work and would do nothing to curb the spreading of HIV.

**Q7: What is your assessment of the likely financial implications of the proposed Bill to you or your organisation; if possible please provide evidence to support your view? What (if any) other significant financial implications are likely to arise?**

A7: It is a waste of police resources to police the bedrooms of consenting adults having sex. There also could be less tourists going to Scotland if the state starts to dictate people's morals like in Dubai for example.

**Q8: Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?**

A8: The proposed bill will have plenty of negative implications for equality.

For a start it is based partially on misandry. Men are sexually stimulated differently than women. Women are not as stimulated visually and usually take longer often needing memory trails. This is why the majority of clients are men.

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From a feminist perspective you are performing gymnastics as you have to go back to a time many years ago when women might have been controlled by men. In recent times women in the sex industry have asserted themselves and many run their own businesses as is the case in other fields. They do not need to be told that they are victims or have their lives meddled with. This could be part of the reason you insist on calling sex workers “prostitutes”- in order to capitalise on old prejudices.

The bill will also increase discrimination against people who might have a disability, a disfigurement or who generally don't have the social skills to have a relationship. They will find it much tougher to fulfil what others can take for granted. The proposal completely dismisses their needs. This also ties in with the first point. It could lead to an increase in suicides which will affect men disproportionately.

To conclude I am saying that it is not recommended having proposals that will bring us back in time instead of forward in time. Sex workers should also be consulted and surveys should be a true reflection of realities on the ground. A bill on sex work needs to be inclusive on the needs of everybody and should not demonise the clients of sex workers who are human beings like everybody else. It needs to address the needs of men, women, people with disabilities and the disadvantaged.

I will leave you with a submission which was completed for the Irish consultation on sex work. It is based on the situation in Ireland but the same general principles and arguments are the same no matter where you are. You can consider it a subset of the submission for the Scottish consultation.

Yours sincerely,  
Concerned individual.

## **Submission on the Review of Legislation of Prostitution**

31<sup>st</sup> August, 2012.

Dear Oireachtas Committee,

In my introduction I would like to thank and congratulate the Minister for Justice Mr. Alan Shatter and his staff for giving everybody an opportunity to express their views and for producing a balanced consultation. Many on my side of the argument are reluctant to speak their mind in any public forum due to prejudice in society.

My background is that I have friends who have had experiences with the sex industry. In recent times I have become alarmed about changes to the law that NGO's wish to have and increasingly concerned about the welfare of all who are involved in the adult industry.

**Let me start by stating that I am totally opposed to criminalising the clients of sex workers as has been lobbied for by groups such as the Immigrant Council of Ireland and Ruhama. I am also against criminalising sex workers themselves.**

**Reasons include the following:**

1)

It is essentially interfering in the bedrooms of consenting adults having sex (one of the most normal acts in the world) when you have blanket criminalising of the clients of sex workers. Prostitution is part of a spectrum in life which includes giving body massages, advertising for products, starring in over 18 rated movies and dancing



sexily for women or men for example. Also doing work or giving a gift to a friend before sex is payment. In addition companionship with an escort is indistinguishable from a casual relationship. Who are third parties to arbitrate as to when someone is a girlfriend or boyfriend or not?

Also it is resulting in criminal records for many people which effect employment prospects.

Criminalising clients on this basis apart from everything else amounts to nothing less than misandry. There are many in the Turn Off The Red Light campaign that are motivated by this. You have to understand that men are sexually stimulated visually and quickly. Whereas women are stimulated differently usually taking longer and often needing memory trails. However erotica like Fifty Shades of Grey or vibrators for example which women may use as tools are no less or more deviating from the norm than a man visiting an escort. It is not also that all feminists incidentally are against sex work. It is just a certain category of them. They have taken a foothold in Sweden over recent times and have done major damage to the country. Please see the following link:

<http://www.avoicemen.com/feminism/government-tyranny/swedens-empire-of-governance-feminism/>

The judges in the 1981 King case who struck out an old vagrancy law in Ireland were actually more progressive than the legislators later on in Sweden. Here another archaic and crude law criminalising clients was put on to the statute books in Stockholm in 1999. It also had to be forced and whipped through parliament. It assumes that all sex workers are victims, which is an assumption which can't be made. Among other parts of this useful following link the very informative video shows a sex worker speaking about the unsatisfactory conditions in Sweden:

[www.bayswan.org/swed/swed\\_index.html](http://www.bayswan.org/swed/swed_index.html)

2)

Sex workers may be the only outlet for many in society. Someone with a severe disfigurement or disability for example may find it very challenging to fulfil any sort of sexual needs. Even those with low self confidence or getting on age wise in life might find this an uphill battle. The rights of these people are as important as everyone else's. Sex has a positive effect on the brain. We know from our own experiences in Ireland with institutional abuse in the past what damage a sexually frustrated person who was forced into celibacy potentially can do.

3)

Trying to have a complete absolute ban on consenting sex with a sex worker will make health initiatives unworkable. If activities are illegal and not out in the open the health of neither the sex worker nor the client will be a priority. Also the United Nations has come out and said the countries should stop penalising both the sex

workers and their clients as it was impeding good health practices. See the UN Report of the UNAIDS Advisory Group on HIV and Sex Work Published December 2011. This doesn't matter whether you're in a rich country or a poor one. Sexual diseases don't care whether you're in the first, second or third world.

4)

Criminalising the clients of sex workers will push the industry underground. There will be fewer clients and the sex workers will have to perform more dangerous acts in order to earn the same money. A similar phenomenon occurred in Ireland straight after the enactment of the 1993 prostitution act. The women were penalised for being on the street. Therefore they were at the mercy of criminal gangs which subsequently meant that they were financially less well off. As a result they had to perform more unsafe acts with clients to make the same money.

It also makes prostitutes more isolated and marginalised in society. They are more compromised in many ways and prices have to be negotiated with a different type of client.

The Swedish government's reviews of its sex laws were not impartial and badly performed. It also has no idea what is happening in the sex trade in the country.

Criminalising the clients of sex workers has being a failure in Norway also. It has resulted in a situation where often only the more violent clients are available for the women and there has being calls in Oslo for the law to be repealed. See the following link:

[www.thelocal.no/page/view/rip-up-prostitution-law-says-top-oslo-politician](http://www.thelocal.no/page/view/rip-up-prostitution-law-says-top-oslo-politician)

**The following link originating from the time of a previous Labour government in office in the UK gives more reasons not to criminalise the clients of sex workers:**

<http://sexworkersallianceireland.org/legalissues.html#anchor>

**I will now address some of the challenging questions, myths or points that are sometimes put to advocates of free choice in sex work:**

1)

“Are you enabling people trafficking?”

Trafficking and sex work are two separate things. There are already laws against trafficking and the soliciting of minors and there is a clear consensus against these crimes. However there will always be consenting payment for sex which goes on in bedrooms all over the world. It is a waste of police resources to target consenting adults having sex where money happens to be involved. The issue of trafficking or slavery shouldn't be used as a stick to beat people with. There exists trafficking and slavery in the producing of agricultural goods and clothes and we don't criminalise the purchase of chocolate or shirts.

In addition police reports have shown much less evidence of trafficking and slavery than anti-prostitution groups like us to believe there is. A police survey in the UK a few years ago failed to find one single woman that was forced into the sex trade.

Please see the following link showing Laura Agustin speaking about trafficking and the misguided efforts to reduce demand for sex:

[http://www.youtube.com/watch?v=IM8wQJF\\_qxU](http://www.youtube.com/watch?v=IM8wQJF_qxU)

2)

“How do you know that the escort hasn't being forced into the work?”

There is a responsibility on all involved to look out for the welfare of sex workers. Customers should enquire for a start. Also if the purchase and sale of sexual services are not illegal there is less of a role for criminal gangs. It will be also be found that the client will be more likely to report suspicious or untoward activity.

3)

“Would you want your daughter working as a sex worker?”

You mightn't want your child to be packing shelves in a supermarket, to be a police officer in a dangerous neighbourhood, a fisherman or a boxer but that is not a criteria for banning an occupation. Sex workers are entitled to earn a living just like others. No employment is 100% perfect as well. Also the less stigma attached to being a sex worker the less stigma attached to everybody else. The prejudice they suffer from many ill informed observers who assume that they are all victims is one of their main gripes. Please see the following link which helps us see the wood from the trees:

<http://www.londonmet.ac.uk/research-units/iset/projects/esrc-migrant-workers.cfm>

4)

“Most prostitutes start underage.”

This is untrue and a discredited argument. A survey in 2003 asserting this was found to be poorly carried out and not taking proper samples. See the following letter in the Irish Times highlighting this from an experienced sex worker:

“A Chara,

I am an Irish sex worker of 17 years experience and although I now live in Scotland, I lived and worked in Ireland until 2003.

The current consultation around paid sex is in danger of being derailed. Much of the "evidence" is badly presented and seriously skewed. One of the chief advocates for criminalising the consensual and essentially private acts we engage in is Ruhama, who have based their campaign on the following statement - "75% of all sex workers enter the industry as children". That statement is based on a study (Melrose, 2002) which had as its subjects a mere forty six women, three quarters of whom were engaged in street work. As only 10% of all sex work is conducted on the street, the 75% figure is not statistically allowable. It is being manipulated purely to create a moral panic. It is not based on fact.

Some facts - 81.7% of Irish clients said they had never met an escort they suspected was being physically abused. (Irish Escort Clients Survey, 2006).

Following decriminalisation in New Zealand, 93.8% of sex workers reported feeling that they had health and safety rights under the law ( Abel, Fitzgerald and Brunton 2007).

In the UK, 440 sex workers were interviewed and only 7% reported that being paid meant that they handed control over to the client. 85% of the women were aged 26 and over. 32.9% of the women had degrees whilst 18% held post-graduate qualifications (Jenkins, 2009).

Ireland has for many years laboured under the shame of its treatment of unmarried mothers in Magdalene laundries. It is time to stop marginalising and stigmatising sex workers who, ultimately, are inheriting identical practices.

The International Union of Sex Workers campaigns for the human, civil and labour rights of those who work in the sex industry, and for policy which is based on evidence. Evidence, please.

Is mise le meas,

Laura Lee  
International Union of Sex Workers”

5) “It is immoral.”

Consenting adults having sex where money is involved is not any more or less immoral than homosexual or lesbian couples having sex or having intercourse outside

marriage. I've also touched on this topic above while discussing state interference in citizen's bedrooms.

6) "Sex workers have panic attacks"

To try and make the public believe that all sex workers suffer seriously from mental health problems as a result of their activities is a twisting of the facts to suit a certain agenda. A well respected ex-sex worker was asked if prostitutes suffer from panic attacks and this was her response which helps put the issue in context:

"A lot of people are in sex work BECAUSE they suffer panic attacks too badly to be able to handle any other kind of work well enough to make a living.

People who are waiting to lose the roof over their heads, or the children they love because they have no money have panic attacks.

I have panic attacks when I have to deal with community welfare officers, doctors or similar. This predates sex work and is largely unrelated to it, and, last but not least, a sex work related panic attack AIN'T NOTHING to the kind of panic attack you get when you realise a scumbag from the Sunday Times has just breached ethics and handed your real name to Sarah Benson!"

7) "If legalised the state could force you to be a prostitute."

This myth was based on a highly inaccurate report in a newspaper about a woman in Germany allegedly forced to take up a job as a prostitute. It was later shown to be untrue. The prostitute job was advertised as a different post and the employment agency said that they would never force someone to work as a sex worker. So people should look for solutions and not problems.

8) "There isn't the political will in Ireland to accommodate sex work"

This is a defeatist attitude and we should recognise that something exists and not put our heads in the sand. After all it could be said at one stage that there wasn't the political will have smoke free workplaces and pubs.

**The following points are recommendations which I am making:**

- The clients of sex workers should NOT be criminalised. Neither should sex workers.

- The government must work with the client. That way everybody can be vigilant and look out for criminal activity.
- Sex workers should be allowed to work in groups larger than one to increase their own safety.
- Stringently vetted and reputable security guards and landlords who are put on a register and have no criminal record could be allowed to be employed or used by sex workers.
- A simple, user friendly and confidential method of registering with authorities could be adapted by sex workers. This will reduce the role for criminal gangs.
- Zoning in certain non-residential streets which would include a Garda presence also should be considered.
- The authorities need to communicate with all sex workers especially those who don't speak English fluently.
- The setting up of alternative employment for those who wish to exit the profession should happen.
- Health checks for everyone involved in the industry must be encouraged.
- Websites advertising escorts need to be held to a certain standard. Every advertisement on the site should be investigated internally and/or externally to make sure that it does not support the exploitation of sex workers.
- Further study should happen of the sex work laws in New Zealand which has one of the most advanced legislation in this field resulting in a situation where the majority of those concerned are satisfied and where undesirable activity is reduced.
- The encouraging of sex workers to organise and the funding of sex work led organisations must happen. These should be consulted on legislative reviews rather than NGO's with discredited and highly controversial ideas. They could also liaise with a government body set up to oversee the industry. From my experience of talking to escorts or ex-sex workers they do not agree with the objectives of Ruhama and the Immigrant Council of Ireland and feel unlistened to or spoken down to by them.

As a conclusion I believe that we should be brave and be bigger than discredited individuals and groups who want to undermine hard fought civil liberties. Ireland should say no to both the "brush it under the carpet" culture of decades past and the misandry that has taken hold in the establishment in Sweden. It is also the way forward for those who are passionate about a safe and proper working environment

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for sex workers and who believe in treating them with respect. We should be brave enough to find our own solution to our own problems. Anything else is a missed opportunity and a snub to those who fought hard for our liberties.

Yours sincerely,  
A citizen who cares.