



NEXUS NI

Response to the request for written submissions on the Human Trafficking and Exploitation Bill

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Nexus offer counselling and support to survivors of sexual abuse, victims of sexual violence including those who have experienced rape or sexual assault. Nexus have nearly 30 years' experience in providing a professional counselling service helping people to survive sexual violence in Northern Ireland. Nexus have 4 offices in Belfast, L'Derry, Enniskillen & Portadown and operate with over 35 staff. Nexus also provide education and raise preventative awareness of the issue of sexual violence across Northern Ireland.

Nexus supported over 1,500 clients from Sept 2012 to Sept 2013 alone and it is with this experience that Nexus understands the complexities of sexual abuse, violence and rape and the service provision necessary to overcome this trauma. One example of this is that 80% of Nexus clients have suicidal thoughts. There has been little research specifically in Northern Ireland over the prevalence of sexual abuse, the nature and extent of this, and even less or none with the addition of trafficking.

Introduction

Nexus fully endorse the legitimate concerns that the Human Trafficking Bill seeks to address and the need for additional support to victims of trafficking. As a service provider to people who have experienced rape and sexual violence, we are concerned with one clause of this Bill – Clause 6 which seeks to outlaw the paying of sexual services of a person. Therefore, this submission focuses on that clause. Nexus is concerned that this Bill, as currently proposed conflates two issues in a way that is unhelpful to those affected. Whilst we accept that people are trafficked to Northern Ireland for sexual exploitation, we recognise that trafficked victims and those who sell sexual services are two separate and complex groups. The bill does not address the complexities of sex work outside of those trafficked for prostitution.

Nexus are concerned over the complexity of this issue and indeed this was further demonstrated in consultation with a sex worker representing organisation. Nexus feel it is important to ensure every area of this is consulted with.

Concerns & Comments

- Nexus believe that it is unacceptable for the bill to move forward in its present format as, from our client's perspective, it does not introduce any supportive methods for the victims and survivors of rape and sexual violence through trafficking.
- Nexus believe more research is required to know the nature, scale and extent of sex work, specifically in Northern Ireland, to make informed decisions regarding the supports that are required (both around exiting prostitution and support required for those who choose not to exit yet).
- Nexus believe that there has not been sufficient research and consultation with individuals involved in sex work in Northern Ireland in order for their range of needs to be sufficiently addressed, ranging from safety, sexual health and support with reporting, amongst others.

- In Nexus we aim to improve the possibility of a client engaging in support services and reach out to all potential clients without judgement. The inclusion of **Clause 6** has the potential to further isolate those in need of and make it harder for them to look for support.
- Nexus note what is already in legislation to regulate demand for sexual services:
 - Obtain for payment the sexual services of a child under the age of 18, whether money has changed hands or not, or whether that payment, or promised payment, is to the person or a third party. (article 37 SOO);
 - Pay for the sexual services of a prostitute subject to force – whether or not the man is aware the woman has been forced is irrelevant. (article 64A SOO)
 - Solicit for the services of a prostitute in a public place. (article 60 SOO);

And, although with a much wider application, it is an offence to:

- Have any sexual activity with a person without their consent. Consent is agreement by choice and with the freedom and capacity to make that choice;

In summary, those who organise supply – causing or inciting prostitution for gain (article 62 SOO), or controlling prostitution for gain (article 63 SOO), or who ‘keep’ a brothel (article 64 SOO), are involved in illegal activity and can face sentences up to seven years. In addition, traffickers will face charges of trafficking for sexual exploitation with maximum sentences of 14 years.

Further existing brothel offences include:

- Allowing a child over 4 and under 17 to be in a brothel (section 23 of the Children and Young Persons Act (Northern Ireland) 1968 and permitting or letting premises for a brothel 9 section 13 of the Criminal Law Amendment Act 1885).
- For those who buy sex, they can face life for paid sex with a person under 18; they can be fined for soliciting to buy sex in a public place or for buying the sexual services of a prostitute subjected to force; they can face charges of rape (article 5 SOO), assault by penetration (article 6 SOO) and sexual assault (article 7 SOO) for having sex with a prostitute without consent.

- Nexus need to be confident in the Criminal Justice System in order to effectively support clients who wish to move towards prosecution, our clients can be reluctant for fear of safety, mistrust of services, shame and guilt, fear of not being believed, amongst other reasons which demonstrate the complexity of the issue of sexual violence. The issue of sexual violence against sex workers adds another level of complexity which would need to be explored through in depth independent research to provide an evidential base for further legislation.
- Nexus question the extent to which the Swedish Model would be a successful fit for Northern Ireland context without a strong evidence base. It is Nexus' opinion this Bill's approach does not take into account the transient nature of this social issue and the subsequent repercussions on our society, for example taking account of technology advances that enable both trafficking and sex work.
- Nexus fear that the inclusion of such a **Clause 6** has the potential to push the purchase of sex further under the radar, increasing the risks to those involved. Nexus believe that the isolation of prostitutes already makes them a highly vulnerable and targeted population for perpetrators of sexual violence. **Clause 6** would increase this vulnerability. Nexus is concerned for the safety of those who work in the sex industry, criminalising the purchase of consensual sex could increase their vulnerability for the future and decrease their options to look for support including exiting prostitution.
- Nexus know that the issue of sexual abuse itself is already vastly underreported, as evident in the 40% referral increase Nexus experienced during the Savile enquiry. This was and continues to be an increase in people who have experienced sexual abuse and rape, not necessarily at the hands of Savile but who have been impacted by the increased media surrounding the enquiry and felt they had to look for help from Nexus. One such client was 85 years old who had never talked about her experiences of child sexual abuse.
- Nexus appreciate that trafficking and prostitution overlap as they are complex social phenomena. However, Nexus would be concerned that this could create a hierarchy of victimhood amongst victims of trafficking with an emphasis placed on those who are trafficked for sex over those trafficked for other purposes.
- Nexus believe that further research is required to understand the particular needs of the LGB&T community who are engaged in sex work and are being exploited. This again is another level of complexity this Bill fails to even begin addressing.

Nexus NI recommends:

- Clause 6 is removed from the bill and is addressed separately , included in cross departmental joint working and policy strategies such as the DSVS strategy currently being developed by the Departments of Justice and Health
- More research is carried out to provide a clear picture of sex work / sex industry in Northern Ireland. Such research should include the voice of sex workers and the range of experiences that exist to ensure any further policy and legislation is fit for purpose.
- DoJ commit to a piece of legislation to bring about the removal of the 6 month statute bar in Article 64A of the Sexual Offences Order. This would allow the PSNI more time to gather evidence for better conviction rates. Nexus endorse the PPS suggestion that this should be extended to 3 years to allow for the complexity of the investigations and increase the likelihood of successful prosecutions.
- More survivor informed support is provided for those women and men in need of assistance through trafficking.

As in current legislation, Nexus believe that forced sex and harm to any person is wrong and will continue to support those in need.