



Professor Nicola Mai
London Metropolitan University
166-220 Holloway Road
London N7 8DB
United Kingdom

London, 31 October 2013

Re: Northern Ireland Human Trafficking and Exploitation Bill – comments on clause 6

Between 2007 and 2009, the public funded project 'Migrants in the UK Sex industry' research project gathered the stories of migration and work of 100 women, men and transgender people from the EU (including new accession countries), Russia, Ukraine, North and South America, Asia and Australia. We interviewed migrants working in the main commercial-sex businesses in London, including selling sex as independent escorts and in flats and lap-dancing. We contacted migrants primarily through their commercial contacts, but also through anti-trafficking and sex work support projects and the police, in order to tap into a greater variety of people than those usually researched. We addressed them as labour migrants, asking them the questions asked of others who have left their countries to work, rather than assuming they are inherently different or exploited because they are working in the sex industry.

The project was funded by the ESRC (Economic and Social research Council RES-062-23-0137), based at London Metropolitan University and directed by Professor Nick Mai.

Main Findings

The most relevant finding of our research for the purposes of this submission was that a minority of interviewees were exploited and trafficked. More specifically, approximately 13 per cent of female interviewees felt that they had been subject to different perceptions and experiences of exploitation, ranging from extreme cases of trafficking to relatively more consensual arrangements. Only a minority of these, amounting approximately to 6 per cent of female interviewees, felt that they had been deceived and forced into selling sex in circumstances within which they felt they had no share of control or consent. The purposive nature of the sample of the research and its qualitative approach mean that its findings are not strictly statistically representative. However, the fact that a small minority of female sex

workers is trafficked has been subsequently by other independent studies¹ on the UK sex industry, which corroborates our findings.

The second most relevant set of findings finding for the purposes of this submission regards the issue of criminalization as a way to fight exploitation, abuse and trafficking in the sex industry.

Most interviewees thought that their rights could be more asserted and their vulnerability reduced by legalising rather than criminalising sex work and the people involved.

The few interviewees who had been exploited and coerced in the past underlined the key role played by clients in providing support when they managed to escape.

All interviewees thought that restrictive migration policies and the criminalisation of clients and sex workers would make people more likely to take risks and accept undignified and dangerous conditions.

Contrary to the emphasis given in current public debates to cases of trafficking and exploitation, the evidence gathered in the context of the project shows a great variety of trajectories within the sex industry, which were influenced by factors such as immigration status, professional and language skills, gender and sexuality. The following are just a few emerging results in this respect:

- Immigration status is by far the single most important factor restricting interviewees' ability to exercise their rights in their professional and private lives.
- Working in the sex industry is often a way for migrants, especially if undocumented or partially documented, to avoid the unrewarding and sometimes exploitative conditions they meet in the low skilled jobs available to them, such as: waiting in restaurants and bars, cleaning, food packaging, etc.
- By working in the UK sex industry, many migrants are able to maintain living standards that they consider to be dignified while dramatically improving the living conditions of their families in the country of origin.
- The stigmatisation of sex work was the main problem interviewees experienced while working in the sex industry, as most felt they could not be open about their work with their partners, families and friends, both in the UK and at home.

¹ ACPO (2010) SETTING THE RECORD: The trafficking of migrant women in the England and Wales off-street prostitution sector. ACPO – Association of Chief Police Officers. Available online: <http://www.acpo.police.uk/documents/crime/2010/201008CRITMW01.pdf>

Platt L, Grenfell P, Bonell C, Creighton, S Wellings, K Parry, J and T Rhodes (2011) Risk of sexually transmitted infections and violence among indoor-working female sex workers in London: the effect of migration from Eastern Europe. *Sexually Transmitted Infections* doi:10.1136/sti.2011.049544.

- Many underlined that the combination of the stigmatisation of sex work and lack of documentation made them more vulnerable to violence and abuse from customers, which is an exception to relations usually characterised by mutual consent and respect.

Implications for the current discussion of the Northern Ireland Human Trafficking and Exploitation Bill.

The evidence gathered in the context of the 'Migrant Workers in the UK Sex Industry' project shows that in relation to close 1 considerable attention should be paid to the fact that only a minority of sex workers are trafficked. This means that the vast majority of sex workers decided to work in the sex industry and that they should not be treated as collateral damage and their livelihood disrupted in the name of moralising repressions of prostitution in the name of anti-trafficking. Moreover, the evidence gathered by our project strongly suggests that close 6 of the N.I. Human Trafficking and Exploitation Bill, by criminalising those who pay for sex will *de facto* criminalise sex workers, which as a result will be further marginalised, invisibilised and made more vulnerable to abuse, exploitation and trafficking.

In the absence of a shared understanding about what constitutes 'consent' and 'exploitation' between authorities and the sex working community, criminalising provisions will make sex workers more vulnerable to exploitation and less likely to pursue alternative life trajectories outside the sex industry, if they wish so. The material we gathered shows that sex workers will interpret and experience these measures as a general crackdown on the sex industry, that they will be more exposed to criminalisation and therefore exploitation and that they and their clients will be less incline to co-operate with authorities in fighting the limited cases of trafficking and exploitation taking place within the sex industry.

Best,

Prof Nick Mai

