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**Response by the Progressive Unionist Party to
Lord Morrow's consultation on the Human Trafficking and
Exploitation (Further Provisions and Support for Victims) Bill**

The Progressive Unionist Party fully supports the objectives of this bill to help Northern Ireland meet its international obligations according to the EU trafficking directive in terms of reducing demand, tackling trafficking for sexual and labour exploitation and successfully prosecuting cases. We especially welcome the protection and services for the victims of trafficking as proposed within this bill.

This party feels that there must be more done to prevent human trafficking and exploitation taking place in Northern Ireland as well as significantly improving the protocols in relation to identifying victims.

While we support the sentiments behind the bill, we have concerns that making “the paying for sexual services of a prostitute” as proposed in clause 6, a criminal offence could confuse the separate issues of consensual sex work and exploitation and trafficking.

This party has met with those who work in the sex industry to discuss the implications that clause 6 may have on them within the consensual sex work trade. Concerns that were raised include:

- there are no sufficient exit strategies in place for sex workers who wish to take a different career path if this law is passed and CRB checks declare “known prostitute” restricting them in career choice. Both of these barriers are more likely to condemn ex-sex workers to a life of poverty;
- sex workers who continue to provide consensual sex in return for payment will become more vulnerable as they will be less likely to report any crimes against them for fear of conspiracy charges and prosecution;
- making any part of sex work illegal further ostracises sex workers from society and encourages an attitude that they are disposable;

- studies have shown that street prostitutes in countries where the purchase of sex is an offence are more exposed to dangerous clients with less time to access them and are likely to use pimps for protection;
- clients are less likely to contact authorities if they have concerns regarding controlled prostitution or sexual exploitation for fear of prosecution resulting in victims being left unidentified; and
- there are also concerns that they will be in an unclear legal position, they may be forced to testify in a trial against a client but they neither enjoy the rights of the accused nor of the victim.

As warned by Amnesty International, the introduction of a law which criminalises the users of prostitutes may risk resources being diverted away from tackling existing human trafficking offences in order to tackle these other offences.

Northern Ireland currently meets the EU Trafficking directive requirement which criminalises the payment for the sexual services of a prostitute of any age where the prostitute has been subject to exploitation. We are aware that the criminalisation of the purchase of sex in the absence of exploitation is not one of the measures that are recommended by the EU Trafficking Directive in order to discourage and reduce demand for trafficking victims.

According to the Northern Ireland Human Rights Commission, the European Court of Human Rights has established that an adult who offers him or herself for sexual services in exchange for payment may be included under Article 8 – the right to private and family life. This party does not believe that there is sufficient evidence to suggest that there is a legitimate aim which answers a pressing social need which would justify interference with this right.

We must also raise the issue of irrational penalties set for offences relating to the purchase of sex. Currently, according to the Sexual Offences (NI) order 2008 article 64a, the maximum penalty for paying for sexual services of a prostitute who has been subjected to force is a fine up to level 3 on the standard scale (£1000). This Bill seeks to implement a maximum penalty of one year imprisonment in the absence of exploitation. We believe it would be more appropriate to introduce harsher maximum penalties for those who pay for the sexual services of a prostitute who has been subject to force.

This party also agrees with the NIHRC and the findings in the GRETA report that the Bill should include further measures to discourage the demand for domestic servitude and other forms of labour exploitation such as making it a criminal offence for an owner of a business to knowingly use trafficked workers made available by the trafficker ('Council of Europe Convention on Action against Trafficking in Human Beings' article 19).

Finally, we believe that setting a two-year minimum sentence for human trafficking and slavery offences as proposed in clause 4, could restrict the discretion of judges who are best placed to consider the circumstances of each case and to implement sufficient penalties for perpetrators of trafficking and exploitation.

Yours faithfully,
Billy Hutchinson
Leader of the Progressive Unionist Party