Written evidence submitted by Dr Ruth Van Dyke

1. This submission by Dr Ruth Van Dyke is based on knowledge and understanding acquired from her research and work with a variety of anti-trafficking organisations. Initial research for Capital Humano y Social Alternativo in Lima Peru culminated in a report on the trafficking of people from the Andean Community to Europe. More recent research has been based on the work of the Metropolitan Police Service’s Human Trafficking Unit and its partners as well as other modern slavery partnerships. This research has identified that demand for sexual services underpins the need for a variety of responses to prostitution and modern slavery.

2. I support the criminalisation of the buying and selling of others for sex (pimping and trafficking for sexual exploitation). However, I also strongly support policy measures and a government led conversation to tackle demand for sexual services that has led to the proliferation of the sex industry, and the exploitation of women, men and children to meet this demand.

3. There is a wide range of international and regional policy that has tasked States to tackle demand. UN Trafficking in Person Protocol article 9 paragraph 5 asks States to adopt legislation or other measures to help reduce demand that encourages the exploitation of persons. The EU Directive 2011/36/EU on preventing and combatting human trafficking specifies provisions to discourage demand. The Council of Europe Convention on Action against Trafficking in Human Beings too called for measures to reduce demand. Joy Ngozi Ezelio, Special Rapporteur on trafficking in persons, especially women and children, stated that tackling demand was one of the actions States needed to undertake. She referred to demand as follows:

“The definition of demand, which is an economic term, can be adapted to the context of trafficking to describe it as the desire for labour that is exploitative or services which breach the human rights of the person delivering those services”.

4. In the context of the UK, the Independent Anti-Slavery Commissioner has recognised that modern slavery is a ‘market-driven’ criminal industry.

5. HM Government’s Modern Slavery Strategy articulated the need to better protect people in countries of origin, in order to safeguard against becoming victims of modern slavery. This is reinforced in the Independent Anti-Slavery Commissioner’s Strategic Plan 2015-2017 where his priority 5 is international collaboration in order to prevent victims of modern slavery upstream. However, it is unlikely that prevention in countries of origin will have much purchase while demand remains high in the UK. At the 2014 European Commission Against Trafficking Project conference in London, Kristina Misiniene, from Caritas Lithuania, described a range of strategies implemented in Lithuania to prevent young people from becoming victims of trafficking. At the same time, she presented a challenge to the UK by stating that international trafficking could not be reduced without tackling demand.

6. It is apparent that those involved in selling sex are increasingly coming from communities outside the UK. The movement of people for the purpose of buying and selling people for the purpose of sex is an international phenomenon, but as a UN Report documents,
trafficking for sexual exploitation is a particularly European issue. It is also a UK issue. According to the Association of Chief Police’s commissioned research into the scale of prostitution across England and Wales, there were 6000 businesses and 30,000 women, of which 17,000 were migrant women, in the sector. Moreover, Project Acumen estimated that 12,200 migrant women (72% of the total) were victims of trafficking or were considered to be vulnerable. This evidence suggests that the demand for sexual services has facilitated the development of organised crime groups who could meet this demand by recruiting, transporting, selling and pimpping women, men and children to the United Kingdom. It is evident from the scale of migrants found in the sex industry that this is not a matter of a few individual women with sufficient agency to ‘choose to’ come to Britain to make money by selling sex. As has been identified by a wide range of organisations working with women and children trafficked for sexual exploitation, recruiters have targeted vulnerable individuals from poor communities who have been promised opportunities for a better life in Britain.

7. Criminal justice initiatives to tackle trafficking for sexual exploitation in the 2003 Sexual Offenses Act and more recently in the Modern Slavery Act are important measures for criminalising the buying and selling of others for sex. However, Section 53A of the 2003 Sexual Offenses Act is an under-utilised clause aimed at both punishing purchasers of sex for acquiring a sex act from a coerced individual, as well as deterring men from purchasing sex.

8. Criminalisation however should be only one of the means of shifting the burden to purchasers of people for sexual exploitation. The growth of the sex industry presents challenges to society and to local authorities. Loopholes in the law mean that the Borough of Westminster has 200 massage parlours. During the two-year European Commission Against Trafficking Project based in the Royal Borough of Kensington and Chelsea and in the Borough of Westminster, the police and RAHAB mapped more than 500 brothels, many of which cater for individuals travelling to London for amongst other reasons, the purpose of purchasing sex. There are landlords in these areas as well as across London (and across the UK) that are facilitating the purchase of sex and of the trafficking of people for sexual exploitation through their provision of accommodation.

9. A conversation needs to take place about whether there should be a ‘free market’ in the commodification of women’s, men’s and children’s bodies. Individual rights to make a purchase need to be challenged in relation to human rights and the understanding that the purchase and selling of women and girls is linked to gender based violence. Moreover, this conversation which should be led by the government needs to ask questions about how men are defining themselves in relation to ideas of masculinity. Has it become normalised for men to believe that it is acceptable to commodify women and children’s bodies because of their ‘need’ or their right to make a sexual purchase? This conversation about why British men, as well as men who visit Britain, have enabled the sex industry to grown significantly is a much harder policy initiative then a criminal justice initiative. However, it is something that has to start in the government, hopefully it will be taken on board by the media (tabloids as well as broadsheets) and embraced by schools in the context of modern slavery and relationship education. In this context, David Cameron’s recent decision not to require sex education in schools is a retrograde step.

10. There is another reason to switch attention to the purchasers of sex and to the government. Those who have been bought or sold for sex have been punished by the criminal justice
system. They have also been physically and psychologically harmed by the ‘work’ they do. Moreover, they have been stigmatised and marginalised by society. For the many migrant women brought to Britain as a response to demand, they are also punished by the State. For Eastern European women in particular, who have a right to migrant, they are often left without a right to support and help because they may be deemed to have ‘not exercised their treaty rights’ despite engaging in a form of work that can only be described as difficult, dangerous and degrading. They can be removed from British shores by immigration enforcement officers. They can be denied support from statutory bodies in terms of accommodation or support services because they have ‘no recourse to public funds’. The NRM can not be considered an effective solution because of its limitations.

11. A criminal justice response to the buying and selling of others for sex is an important and necessary response. However, other measures are needed to tackle demand which has the outcome of providing an environment conducive to the exploitation and trafficking of persons in the UK or to the UK.

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Footnotes

2. Independent Anti-Slavery Commissioner Strategic Plan 2015-2017
4. UNODC (2010) Trafficking in Persons to Europe for sexual exploitation