Between 2007 and 2009 I directed the ‘Migrants in the UK Sex industry’ research project, which analysed the experiences of migration and sex work of 100 migrant women, men and transgender people working in London. We contacted migrants primarily through their commercial contacts, but also through anti-trafficking services, sex work support projects and the police, in order to tap into a greater variety of people than those usually researched. The project was funded by the ESRC (Economic and Social Research Council RES-062-23-0137) and based at London Metropolitan University. Its most relevant finding for the purposes of this submission was that only a minority of interviewees felt that they were exploited and trafficked\(^1\). More specifically, approximately 13 per cent of female interviewees felt that they had been subject to different experiences of exploitation, which they understood to be related to specific working conditions they met in the sex industry and not to the fact of selling sex in itself. Only a minority of these, amounting approximately to 6 per cent of all 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 statistically representative. However, the finding that a small minority of female sex workers is trafficked has been subsequently corroborated and validated by other independent studies on the UK sex industry\(^2\). The evidence gathered in the context of the ‘Migrant Workers in the UK Sex Industry’ project shows that the vast majority of sex workers decided to work in the sex industry and that their livelihoods should not be treated as collateral damage in the context of dangerous and disrupting anti-trafficking operations.

The second most relevant set of findings for the purposes of the current Home Affairs Select Committee Prostitution Enquiry regards more specifically the usefulness of the criminalization of clients as a way to fight exploitation, abuse and trafficking in the sex industry.

- Most sex workers 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 sex workers who had been exploited and coerced in the past underlined the key role played by clients in providing support when they managed to escape.

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All sex workers thought that the criminalisation of clients would make people more likely to take risks and accept exploitative working conditions and dangerous clients.

Contrary to the emphasis given in current public debates to cases of trafficking and exploitation, the evidence gathered by 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 sex workers’ 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 better living standards 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.

- 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.

Most importantly for the purposes of this submission, the evidence gathered by the ‘Migrant Workers in the UK Sex Industry’ project shows that criminalising those who pay for sex will indirectly criminalise sex workers, who as a result will be further marginalised, invisibilised and made more vulnerable to abuse, exploitation and trafficking. The material we gathered shows the effect of the criminalisation of clients on the UK sex industry, which were partially anticipated in 2009 as clients started behaving as if the law had already been implemented because of the resonance the issue had achieved in the local and national media. During this period sex workers reported that they had to accept (unsafe) clients they would have refused otherwise because of a decline in the overall ’demand’ for sexual services. Sex workers were also concerned that their clients would be less incline to co-
operate with authorities in fighting the cases of trafficking, exploitation and violence taking place within the sex industry for fear of being criminalised and exposed.

These early observations on the impact of the criminalisation of clients were corroborated by the further evidence I gathered between 2014 and 2015 in the context of the ‘Emborders: challenging sexual humanitarianism through experimental filmmaking’ project, which I directed while I was based at the Mediterranean Laboratory of Sociology - LAMES (Aix -Marseille University - AMU). The two-year project was funded by the A*MIDEX foundation of AMU and analysed the experiences of work, exploitation and anti-trafficking interventions of 80 sex workers in France (Marseille/Paris) and the UK (London). In 2015 the project undertook a survey with 500 sex workers in France, the majority migrants, about what they thought about the law proposing the criminalisation of clients as a way to fight trafficking. The vast majority (98%) of respondents were against the criminalisation of clients, which they saw as increasing their vulnerability to violence by pushing the industry underground and discouraging safer clients. Many of the 500 respondents explained that, as was the case with the UK in 2009, many of the effects of the criminalisation of clients had already been anticipated. During the most intense media reporting of the many parliamentary passages of the law in 2014 and 2015 prices decreased and safer clients stopped calling for fear of being fined. As a consequence many sex workers - female, male and transgender - said that they had to agree to sexual services they were not comfortable with, including unsafe sex, as well as accepting dangerous clients that they would have refused before the debates on the law criminalizing clients had started.

These considerations and findings both mirror and amplify the relevance of the findings of the ‘Migrants Working in the UK Sex Industry’ for the current Home Affairs Select Committee Prostitution Inquiry. They highlight the unintended and dangerous consequences that the indirect criminalisation of prostitution had in the UK. Since its introduction section 14 of the Policing and Crime Act 2009, criminalizing clients who purchased sex from people ‘subject to exploitative conduct’, has not been used by the majority (81%) of police forces across England and Wales and where it has been used it was used mostly inappropriately to address cases of kerb crawling3. However, section 21, allowing the closure of premises linked to non-defined instances of sexual exploitation (Clause 21 and Schedule 2), has been used more consistently. The implementation of anti-trafficking brothel closure orders in London is an exemplary case study of the unintended and dangerous consequences of the indirect criminalisation of sex work through anti-trafficking initiatives. As a result of the systematic closure of premises according to Clause 21 the uptake of sexual health services in London has often been disrupted and undermined as sex workers’ lives became more transient and unstable. The combination of flat closures and of heightened policing of street sex work through the issuing of fines and Anti Social

Behaviour Orders pushed many migrant women to work alone and in unsafe areas in order to avoid police controls. Many sex workers who were previously working indoors in relatively safe conditions started working in the streets, where they faced violence and crime.

This is what happened to Mariana Popa, a Romanian 24 years old woman who was stabbed in the chest on 29 October 2013 while selling sex on a thoroughfare in the East London borough of Redbridge. When Mariana Popa was killed the London Metropolitan Police were running an enforcement campaign, Operation Clearlight, against sex workers in Redbridge. To avoid detection by patrolling officers, the women started hiding to less visible places and working alone, thus becoming more vulnerable to violence and crime. Just a few months later in Soho, on 3 December 2013 Operation Demontere had resulted in the closure of several brothels that were situated within the perimeter of a regeneration programme aiming to build a new luxury complex in Walkers Court, one of the few adult entertainment streets remaining in Soho. Having gathered intelligence against Soho’s sex workers for over eighteen months this operation resulted in not one trafficking case being identified and in all of their livelihoods being disrupted. In the few months that followed, the English Collective of Prostitutes denounced the operation as complicit with the sanitization and gentrification of Soho by Westminster Council and managed to obtain the reopening of two of the closed flats by challenging the closure orders in court.

Ironically, the gentrification of Walkers Court and of the adjacent areas of Soho was actively promoted by Soho Estates, the company of the heirs of late Soho pornographer and property magnate Paul Raymond, whose spokesperson claimed that the redevelopment was part of its plan to regenerate the area and drive out ‘anti-social and criminal uses’. Most importantly, and very significantly to understand the unintended consequences and the economic and political rationales enabled by the direct and/indirect (through the criminalisation of demand) criminalisation of prostitution, of the two flats that were closed down in Peter Street, only the one that falls outside of Soho Estates’ regeneration perimeters was allowed to reopen. Reflecting on these events and on the way they were treated in the process all of the sex workers I interviewed in Soho in 2014 the context of the Emborders project reported that they lost any remaining trust in the Police and local authorities. They also felt that they had been unfairly victimised by anti-trafficking brothel closure orders, which they experienced as acting to protect the interests of powerful political and economic forces and not to protect them from violence, exploitation and trafficking.

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