1.0 Introduction

1.1 Belfast Feminist Network is a community collective with over 2000 members. Established in April 2010, the group is committed to providing an open and inclusive space for discussions of gender inequality in Northern Ireland. Belfast Feminist Network has been responsible for organising a range of public events on issues affecting women’s lives such as rape and sexual violence, political participation, reproductive justice and human trafficking.

1.2. The Belfast Feminist Network welcomes the opportunity to respond to the Home Affairs Select Committee’s Inquiry into Prostitution. There are similarities between the Inquiry and aspects of the Private Member’s Bill brought forward by Lord Morrow in 2013. The “Trafficking & Exploitation (Further Provisions and Support for Victims) Bill” was brought forward to deal primarily with victims of human trafficking, but controversially included ‘Clause 6’ which sought to introduce the Nordic model in Northern Ireland criminalising the purchasers of sex. Clause 6 generated intense debate in Northern Ireland and following a public consultation, the Bill received Royal Assent on 14th January 2015. Clause 6 was enacted as Clause 15 in the new legislation.

1.3 Recognising it as one of the most contentious issues in feminism, throughout the public consultation BFN engaged with members and organisations working directly with sex workers to formulate our position. BFN did not support criminalising the purchase of sex. After hearing evidence from sex workers and service providers working with them, we concluded that this further criminalisation would only serve to force sex work further underground and make sex workers more at risk of violence as they were less able to carry out checks on new clients. BFN also expressed grave concerns as to how little sex workers were consulted on these legislative changes.

2.0 The legal burden

‘Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it’

2.1 Sex work is not technically illegal in the United Kingdom. Related activities are such as kerb crawling, owning and managing a brothel and soliciting sex in a public place. BFN would therefore contest your assumption that the criminal sanction falls more heavily on those who sell sex rather than those who buy it. If the purchase of sex is criminalised, both provider and purchaser will experience the criminal burden and the sex worker would be forced to move their work further underground.

2.2 BFN, in consultation with service providers who support sex workers through addiction outreach services, expressed that there was a great deal of resistance to further criminalisation in Northern Ireland.

This was rooted in:
- Suspicion of moral crusades by people who are religiously motivated to end what is seen as sexually immoral.
- Suspicion of the ‘rescue complex’ that seeks to label all sex workers as victims in need of saving from a terrible life.
- Anger that no consideration has been given to the practical impact of restrictive law that may not criminalise them directly but criminalises activity they are involved in and therefore forces them into working conditions that are more dangerous.

2.3 Any changes to the law in GB, as in the Northern Ireland Trafficking and Exploitation Bill, would contain all three of these elements and therefore it is unsurprising that many involved in sex work would be unhappy about its imposition. These are similar findings to the results of the National Ugly Mugs survey carried out on criminalization.¹

2.4 Criminalisation of the industry makes it harder for sex workers to engage with the police and health services, and results in less reporting from clients if they think someone has been exploited. In an attempt to reassure nervous clients, sex workers tend to engage in more risky decision making about which clients to take on and where to work. Swedish sex workers have reported that the climate of fear created by the Swedish law has reduced the time they have to make decisions and assess risk when engaging with a new client, something that can lead to them ending up in harmful situations they may previously have been able to avoid. Although not criminalised themselves, sex workers in Sweden have reported experiencing an increased ‘stigma’ when they try to access health services, with an expectation that they do not ‘deserve’ support unless they are willing to leave prostitution.

2.5 BFN recommends that new laws governing the purchase or sale of sex in GB should not be introduced without the meaningful participation of those whose lives will be affected by it. The marginalisation of this diverse group of people is not an excuse for progressing legislation without meaningfully consulting them.

3.0 Evidence based law and policy

3.1 In the area of prostitution, there is a great deal of value-laden research which will undoubtedly compromise policy development. BFN has concerns that much of what is available from other countries has been produced to support an already agreed policy position. BFN is aware of positive evidence that supports the success of the Swedish or ‘Nordic’ model of criminalising the purchase of sex. However, just as much material exists to suggest that this model is not as successful as is often promoted. The most significant issue comes when we look at testimony from Swedish sex-workers who are increasingly coming forward to talk about how the introduction of the Swedish Sex Purchase Act in 1999 has resulted in them becoming further marginalized.²

3.2 When similar legislation was proposed in Scotland by MSP Rhoda Grant, the Scottish Prostitutes Education Project (SCOT-PEP)³ submitted a consultation response that

³ Scottish Prostitutes Education Project (SCOT-PEP), 2012. Critique of ‘Criminalisation of the Purchase of Sex (Scotland) Bill (2): A proposal for a Bill to make it an offence to purchase sex’. Available at: http://www.scot- pep.org.uk/sites/default/files/pdf/scot-pep_response_to_rhoda_grant_consultation.pdf [Accessed 17 February 2016]
provides a useful overview of the international research reflecting the negative impact of criminalising the purchase of sex. In particular they noted the problems with assuming it will reduce trafficking for sexual exploitation pointing to the fact that this analysis is too simplistic.

They state:

“It is often claimed that targeting the clients of sex workers will fight trafficking. In fact, the evidence suggests that such an approach can have precisely the opposite effect. Criminalising demand and imposing prohibition creates a black market which serves as a financial incentive for traffickers and is therefore a flawed and dangerous logic. Sex workers and their clients are best placed to identify potential victims of trafficking. Criminalisation will make clients and sex workers less likely to report a potential trafficking victim or to refer them to agencies who can offer them support.”

3.3 BFN recommends that no attempt to criminalise the purchase of sex should be progressed without access to adequate information about the true nature of sex work in GB. Any research that is carried out in this context should include a needs assessment to ensure the voices of sex workers are heard.

4.0 Tackling marginalisation

4.1 BFN welcomes the committee’s intention to tackle exploitation but has concerns as to what the committee defines as exploitation. The Terms of Reference is centred on punishing the perceived exploiter (the purchaser) as opposed to supporting those who have been exploited or who you perceive to have been. As detailed, BFN do not believe that all sex workers are ‘exploited’ and reject the ‘victim complex’ that the Nordic model proposes. BFN would argue that the focus of any policy initiatives should be in tackling the marginalisation of sex workers. This could include improving services for sex workers or facilitating their participation in policy making that effects them. This would further serve to improve how the impact of policies governing this group is measured.

4.2 Particular attention should be paid to the fact that prostitution is an area that engages a disproportionate number of migrant women who face multiple barriers to accessing services, often in the context of fear around their immigration status. Those who have been sexually exploited, forced or coerced often face a punitive approach when engaging with the immigration and asylum system with problems having already been documented around the National Referral Mechanism and its inability to successfully identify victims of human trafficking. Without significant commitments to tackle the factors that make it extremely difficult for these women to escape exploitation and get access to justice and support, a more restrictive legal framework could further exacerbate these barriers.

4.3 BFN recommends that the Home Affairs Select Committee considers a cross departmental approach to tackling the problems associated with the sex industry and sexual exploitation. The first step should be developing a strategy for tackling the marginalisation of all those who sell sexual services. BFN recommends that those providing the exit support should be trained in working with sex workers and, if the support is being outsourced, an organisation with experience and a non-judgmental ethos should be chosen. There should also be support for current sex workers in relation to working safely and support if they are the victim of a crime.