1.0 Introduction

Written evidence is here submitted by Professor Peter Shirlow (University of Liverpool), Dr Susann Huschke (University of the Witwatersrand), Dr Eilis Ward (NUI Galway) and Dr Dirk Schubotz (Queen’s University Belfast) who were members of the research team that in 2014 undertook the study *Research into Prostitution in Northern Ireland* commissioned by the Department of Justice (Northern Ireland). The final report for that research is available at [https://www.dojni.gov.uk/publications/research-prostitution-northern-ireland](https://www.dojni.gov.uk/publications/research-prostitution-northern-ireland).

1.1 The aim of that research was to provide the Department of Justice with a better understanding of the extent and characteristics of prostitution and human trafficking for the purpose of sexual exploitation in Northern Ireland. In response to the tender, we set out to investigate the following issues and questions:

- approximate number and demographics of sex workers in Northern Ireland, including on-street and off-street prostitution;
- the characteristics of the current sex industry, i.e. street-based prostitution and indoor prostitution;
- an analysis of pathways into prostitution, reasons to sell sexual services and sex workers’ experiences of prostitution;
- the impact of prostitution on local communities;
- approximate number and profile of victims of trafficking for sexual exploitation;
- an analysis of the demand side of prostitution in Northern Ireland, including the approximate number of people who pay for sexual services, the demographics of clients, and their reasons to pay for sex;
- an analysis of how clients in Northern Ireland access prostitution;
- an assessment of the potential effects of criminalisation of paying for sexual services on a) those engaged in prostitution; b) those who pay for sexual services, and more generally the demand for prostitution, and c) the levels of sex trafficking;
- an assessment of the existing support services for sex workers in Northern Ireland and additional services needed;
- an assessment of programmes and services that support people in exiting prostitution in this and other jurisdictions;
an analysis of the effectiveness of the responses to prostitution in other jurisdictions;
an analysis of measures and programmes in other jurisdictions that aim to reduce
controlling demand for prostitution by non-legislative means.

1.2 Our submission is based upon responding to the Home Affairs Committee’s recent launch of a prostitution inquiry. Given that we have conducted research in Northern Ireland ‘regarding whether the balance in the burden of criminality should shift to those who pay for sex rather than those who sell it’ we feel that our findings are both relevant and pertinent. In particular, we would argue that the structure, rationale and methodology of our research are a blueprint for research-centred evidence capture and dissemination required for this inquiry. Therefore we introduce our research methods, findings and analysis and in so doing relate that to some of the questions that have been raised by this call.

2.0 Executive Summary

2.1 With regard to that research undertaken we would offer the following information and evidence.

2.2 Data was obtained by an online survey of sex workers (n171) and clients (n446) and face-to-face interviews with 19 sex workers and 10 clients. Other methods included scraping data from websites that advertised prostitution, interviews with experts and service providers, phone interviews with representatives of councils across Northern Ireland, questionnaires for providers of support services for sex workers as well as a review of legislation and policies regarding prostitution in other societies.

2.3 The study found that sexual service provision in Northern Ireland crossed EU borders, flowed between the Republic of Ireland and Northern Ireland and between both and GB. Provision is fluid, transnational and mobile. Clients are also geographically mobile. This mobility and advertising via the internet was assumed to be the reason for the growth in indoor sex work and the drop in street-based or outdoor prostitution.
2.4 The advent of the internet has led to indoor sex work becoming more commonplace and indicates that prostitution is not only multi-jurisdictional but also highly adaptable to changing circumstances and opportunities, with sex workers frequently offering services in new locations.

2.5 In our research we found that around 2 in 5 sex workers and a quarter of clients were non-UK/Irish nationals. Half were aged under 30. A fifth of respondents were in a relationship. Nearly one third of sex workers had children of their own with 4 in 5 of them being the main carer of said children.

2.6 Contrary to public perception over half of sex workers had completed some trade, technical or vocational school or earned an undergraduate degree (Bachelors) or above.

2.7 The reason for engaging in prostitution was largely due to income raising opportunities. Some 40% ‘needed to earn money to survive’ or ‘needed to support the family financially’. One in 6 of those surveyed were financing their own education whilst one in ten sex workers were paying of debt.

2.8 Stigmatisation and the related fear of exposure constituted a higher ranked fear among sex workers that violence, financial concerns, health concerns, and worries about the effects selling sex has upon emotional and mental well-being. Sex workers also mentioned their fear of the media, and their concerns of being misrepresented and exposed against their will.

2.9 Experiences of violence were reported by several interviewees, including violent clients, robberies and threats by ‘agents’ and organised crime gangs. Several interviewees described exploitative practices in the sex industry, including the recruitment of foreign sex workers based on false promises regarding income and working conditions, and unreasonably high charges for travel arrangements.

2.10 Sex workers’ experiences often change over time. Most interviewees who had been working in the sex industry for several years felt that they had been more vulnerable to abuse and negative experiences when they first started working. All interviewees described that over time, they learned how to ‘scan’ clients, that is, to identify potentially dangerous or unpleasant clients beforehand; and, if possible, to avoid them.
2.11 The main reasons clients offered for paying for sexual services (in ranked order) included: not wanting or not feeling ready to commit to a relationship; not enjoying or feeling comfortable with conventional ways of meeting sexual partners; finding one’s sex life unsatisfying; wanting to express and explore one’s sexuality without being judged; looking for fulfilment of emotional and social needs; and enjoying the thrill of the encounter.

2.12 Our review of the literature suggests that the effective regulation of prostitution -regardless of the policy framework – continues to be a challenge for states and societies. Both the Swedish (neo-abolitionism) and the Dutch (regulationism) regimes appear to record sex trafficking despite shared objectives to the contrary. Research from Sweden shows that while the 1999 sex purchase ban reduced street prostitution, the claims that prostitution continues off-street and that non-Swedish nationals continue to be involved cannot be dismissed.

2.13 With regard to legislative change that was to be introduced into Northern Ireland sex workers worried that criminalisation of clients will lead to a potential decrease in insecurity, worsen working conditions and increase risks of violence and other abuse. Some were also concerned about the loss of what they determine as decent clients and an increase in the number of violent clients. Another common concern was that criminalisation of clients would lead to the increased involvement of organised crime groups and ‘pimps’ in the sex industry.

2.14 For sex workers criminalisation of clients may mean that they would be less inclined to report crimes to the police out of fear of incriminating themselves or becoming involved in legal procedures.

2.15 The opinions of experts and service providers varied regarding the criminalisation of clients. While some would welcome the criminalisation of clients based on their understanding of all forms of prostitution as sexual exploitation and abuse of women, others were concerned that it would increase violence against sex workers and drive them (further) away from services. In addition, Police Service of Northern Ireland (PSNI) officers noted that, in their opinion, a sex purchase ban would be difficult to enforce and would be largely ineffective in reducing the level of trafficking in sexual exploitation. They were
concerned about the resources needed to effectively police the proposed new law, and pointed out significant difficulties with producing evidence against clients that would be of value for either prosecutions or trials. In Sweden, evidence is generally gained by employing covert tactics such as phone surveillance. It is doubtful that investigations into prostitution (as opposed to investigations into trafficking for sexual exploitation) would meet the threshold for such covert tactics.

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

3.1 Criminal sanction should not fall upon sex workers or clients. In particular, legislators should be looking at alternatives to the criminalisation of the sale/purchase of sexual services.

3.2 In the Northern Ireland context the criminalisation of the payment for sex was not paralleled by the de-criminalisation of selling sex. This pinpoints the extremely haphazard and inexact construction of sanctioning even when aiming to supposedly protect the seller.

3.3 Perpetual criminalisation of those who sell sex through the imposition of fines and/or imprisonment can place those who do are fined and or/imprisoned in greater financial vulnerability and ironically validate the selling of sex as the only option available to pay penalties and respond to other sanctions.

3.4 The criminalisation implied by increased sanctioning will/does not necessary change sex worker behaviour. That aside, the question is difficult to answer as it assumed that asymmetrical criminalisation (sanction against the seller or purchaser) works when the evidence is at best ambiguous.

3.5 In Northern Ireland the PSNI during oral hearings concurred with the ambiguity of criminalisation and the perception that it would have the intended outcomes that were implied. Their concerns focused mainly on the practical implementation of a law that criminalises clients. A number of issues were highlighted, including: the resources needed to effectively police such a law; unclear responsibility within the PSNI for the policing of prostitution, where there is non-involvement of organised crime groups; policing the purchase of sex
would draw resources away from trafficking investigations; the difficulty in
producing evidence and in prosecuting clients because covert tactics (as used in
Sweden) would not be allowed in Northern Ireland; sex workers would be
unlikely to cooperate in the provision of evidence against clients; criminalisation
would include non-monetary payments such as drinks, drugs or a place to stay,
which would widen the range of activities that the PSNI would have to police;
‘sexual services’ as defined by the law could potentially include non-physical
interactions, e.g. phone sex or paying for pornography online, which would be an
additional drain on police resources.

4.0 What the implications are for prostitution-related offences of the Crown
Prosecution Service’s recognition of prostitution as violence against women?

4.1 Any response to the supposition that prostitution is automatically violence
against women (and therefore by inference males and transgendered sex
workers) requires a fulsome understanding of the complexity of commercial sex
work. The implication of accepting prostitution-related responses as violence
against women is to exclude the importance of capturing sex workers voices,
experiences and attitudes. Such evidence does suggest that sex workers generally
disaggregate the difference between physical and emotional violence and the
symbolic form that prostitution automatically constitutes violence against sex
workers.

4.2 Sex workers involved within the Northern Ireland study believed that
criminalisation which was supported and advanced by radical feminists who
agreed with the proposition that prostitution is violence against women felt that
such a perspective was deficient and that it did not consider that such a
perspective which favoured sanction against clients placed them at greater risk
and vulnerability as it would drive sex work further underground.

4.3 For sex workers violence does condition fear and senses of menace but also a
sense that legislators and the criminal justice system need to be more sensitive to
the experiences of violent events and work to reduce stigma and senses of
alienation among victims. In properly evaluating the link between prostitution
and physical and emotional violence there is a requirement to examine the
heterogeneity of violent experiences and that violence takes different forms
which can be related to a range of factors, and also certain types of violence that
are difficult to recognise and legislate for. It follows when questioning the utility of the prostitution equals violence nexus that risks within sex work are understood as risks related to form, type, location and relational form of sex work.

4.4 Any risk analysis, which stretches beyond the prostitution is violence nexus needs to consider the consequences for the state, as the imposition of a Swedish approach, for example, would produce generally unenforceable laws and an additional burden (policing, evidence, prosecutorial, court hearings etc.).

4.5 Our research evidence, that captured sex workers’ voice, shows that the majority of sex workers do not engage in prostitution due to coercion, force or pressure. However, we are mindful that it some did.

4.6 The supposition that prostitution is ultimately violence misses the broader acceptance that it is possible that an individual may voluntarily and without pressure choose to have sex for money (or other goods) for a variety of different reasons, including finding sex work more flexible and better paid than other available work, and thus easier to combine with family responsibilities and educational aspirations.

5.0 Whether further measures are necessary, including legal reforms, to:

Assist those involved in prostitution to exit from it?

5.1 Any assistance regarding exit must be uniform across the UK. At present there is an uneven geography of provision, knowledge and practice. An overarching policy for exit also requires an agreed approach that is designed by and appreciative of sex worker experience. It requires a needs assessment of those who wish to exist in keeping with best social policy practice. Those in sex work have different needs (related to housing, income, psychological support, family needs, health care and so on) and successful exist strategies will work only when they meet the expressed needs of the cohort group. Robust funding would be required to ensure that exit would cover a variety of reasons for leaving prostitution including drug dependency, re-skilling, education, reaction to trauma and emotional well-being. Our research found that there was a lack of knowledge about existing support services particularly among non UK/Irish sex workers.
5.2 The stigma of prostitution, due in part to the symbolic alienation caused by criminal sanction, can influence uptake of exit strategies that may be viewed as being judgemental, shaming or run by those more interested in ‘moral’ issues as opposed to seamless and non-judgemental service provision. It was found that some sex workers believe that exit strategies will be linked to information capture on crime, clients and third party contacts.

5.3 Some sex workers found that groups that offered exit strategies were more concerned with the move out of prostitution than offering solutions and other income opportunities. In particular, sex workers interested in exiting the sex industry seek services that are non-judgemental, effective, flexible and tailored to the individual needs of sex workers.

5.4 At present it is sexual health services that are most recognised and used by sex workers.

Increase the extent to which exploiters are held to account

5.5 We would agree with an increase in the extent of prosecutions against those who exploit women, men and transgender people who sell sexual services. There is an evident need to challenge exploitation as it is linked to trafficking, force and financial exploitation of sex workers.

5.6 Policing and criminal justice services would be better directed, than increased sanction, at those involved in coercing women, men and transgender people to engage in prostitution. In Northern Ireland the PSNI during oral hearings were explicit that their priority was serious crime and prostitution only fell under that remit when it related to serious crime and gang involvement.

5.7 Statements by those who were exploited constitutes important evidence to hold exploiters to account. Decriminalising sex work and addressing the prevalent stigma against people involved in prostitution offers an alternative to further criminalisation, and might encourage victims of exploitation in the sex industry to come forward.

5.8 Sex trafficking is best understood as part of a wider trafficking phenomena and can best be tackled within this wider framework.
Discourage demand which drives commercial sexual exploitation

5.9 Our research has shown that among the most common reasons for people to pay for sex are dissatisfaction in their personal sexual relationships, or a lack thereof. If discouraging demand means to take a long-term approach to prostitution/sex work there is a required and paralleled need to educate more sufficiently at societal level about sex, healthy and happier sexual relationships; a better, healthier relationship to bodies regardless of how they conform to 'ideal' body images; to teach people that legal and consensual sex is fine regardless of whether an individual is married or not, whether it is heterosexual or otherwise. This approach would change the flow of those into the prostitution as clients.

5.10 In our report we stated that ‘The British Home Office funded rapid assessment report (Wilcox et al 2008) concluded that interventions to specifically address demand appear to have mixed results, although the evidence generally to support any particular claim is weak. Part of the difficulty in assessment is that the consequences of any policy change are often ‘hidden or practically unmeasurable’ and that the risk of displacement inherent in many such interventions threatens any gains by making prostitution more hidden and secretive. They conclude that client-arrest may be the single biggest specific deterrent because of clients’ fear of the ‘informal ramifications’ of their activities. On the other hand, clients have been arrested for decades in the US and yet prostitution continues to flourish (Lovell and Jordan 2012). The growing body of research on clients shows complexity of both reasons for desiring to purchase sex and of demographics and identifies the need for comprehensive understanding of demand for sexual services (Serughetti 2013; Soothill and Sanders 2005). We maintain that perspective.

5.11 In our research we identified 4 forms of non-criminalisation response (community-level, social welfare, social marketing and educational) to demand. Each of these have shown some usually early signs of success but as with criminal sanction approaches these successes are short-term or difficult to measure over time. Success can also be problematic. For example community policing can simply lead to displacement, shaming strategies can increase recidivism, social welfare approaches in Sweden for example do not systematically document outcomes rendering any conclusion on them difficult and educational processes only function if they are sustained and adequately funded.
5.12 Non-criminal sanction approaches where an admission of guilt is required in lieu of prosecution can compromise due process. Restorative justice approaches may not necessarily address clients’ deeper psychological or emotional difficulties and may ultimately be more damaging.

6.0 Conclusion

6.1 The Committee may wish to consider how it will weight evidence that it receives from both sex workers and non-sex workers. In some cases legislative change has reflected religious or certain feminist perspectives that dismiss sex worker perspectives, experiences and opinions. In the law reform process in Northern Ireland (and the Republic of Ireland) the validity of sex workers’ perspectives was questioned while the perspectives of those who either spoke for former sex workers or former sex workers themselves was not, a position that further stigmatises those in the sex trade and thus renders them more vulnerable to violence and exploitation.

6.2 We would furthermore like to highlight the global movement for decriminalisation of sex workers (instead of further criminalisation of either sex workers or clients or both), as for example supported by UK organisations such as the English Collective of Prostitutes, Scot-Pep and Sex Worker Alliance Ireland/SWAI (which includes sex workers in Northern Ireland) as well as global human rights organisations such as Amnesty International.

6.3 The Committee may wish to consider the up to date scholarly, independent research on the context and outcomes of the criminalisation of demand in the Nordic countries (Skilbrei and Holmstrom 2013), which is derived from a synthesis of all extant literature from within the countries involved. Amongst it overall findings is that the record on the ‘Nordic model’ is ambiguous and unclear in relation to both addressing sex trafficking and reducing prostitution.