



Report back: x:talk's Presentation at ESRC Festival of Social Sciences: Migrants in the Sex Industry

x:talk was invited to present our research, *Human Rights, Sex Work and the Challenge of Trafficking*¹ at an ESRC² event hosted by London Metropolitan University on Mon 31 October. We gave an overview of the findings and recommendation from our 2010 report, followed by some analysis and research that looks at how anti-trafficking policies have playing out since our research was done. Below is a summary of our follow-up work.

ONE YEAR ON: WHAT HAS CHANGED?

A New Government Human Trafficking Strategy

- Overall, in a climate where the sex industry is still largely illegal, sex work is not regarded as work, the government are further restricting possibilities to migrate legally into the UK for any type of labour, and more and more people are turning to forms of sex work in this dire economic climate (Hardy & Sanders, 2010), x:talk is not convinced that this strategy helps to refocus trafficking within a rights perspective which stresses, amongst other things, participatory, employment, migration and sexual rights.
- The overwhelming theme in this strategy is that there needs to be a stronger link between trafficking, immigration and organised crime. There is no recognition that it is often restrictive immigration that causes people to rely on clandestine networks. The focus on criminalising demand for sex is cited as key, despite the fact that s.14 has been said to be largely unenforceable by the police, as well as research, including ours, which suggests that criminalising sectors of the sex industry makes for less safe work spaces and practices.
- A National Crime Agency will be set up by 2013. Concern for human trafficking will be re-located to an agency that deals with border policing, economic crime and organised crime. The strategy will see the UK increasingly controlling migration flows from outside it's geographical borders and strengthening/ reinforcing border controls in the UK.

¹ x:talk (2010) *Human Rights, Sex Work and the Challenge of Trafficking*. You can read the report online [here](#)

² Economic and Social Sciences Research Council

- The National Referral Mechanism, the process which decides who is or is not trafficked, is still in the hands of SOCA and the UK Border Agency. We think that service providers and welfare groups should be at the forefront of initial decisions about whether a person is trafficked.
- A 45-day reflection period is in place, but trafficked persons are still required to co-operate with police investigations.
- There is greater acknowledgement of labour trafficking. This could mean a potentially more holistic approach, drawing together all forms of trafficking. However, where the disparity in law between labour and sex trafficking is mentioned the suggestion is that the labour trafficking should be easier to prove in order to prosecute more traffickers, rather than suggesting a review of what actually constitutes exploitation and the needs of people trafficked into all forms of labour.
- There will be a review of trafficking legislation, complete at the end of the year.

Support and Assistance to Trafficked Persons: Salvation Army

- A contract worth £2m a year for assistance and support has been awarded to the Salvation Army for two years with the possibility of a one-year extension. This money is ring-fenced, rather than *ad hoc*, as it was under the Labour government, but the amount actually represents less for a potentially greater number of people in need of support (if support services are now to be extended out to men/ trans/ labour trafficked).
- The Salvation Army will only case manage and subcontract to other providers.
- The Salvation Army do not do their own research in trafficking in England/Wales.
- Government cuts to essential services will undoubtedly impact on the range of services open to trafficked victims.
- The new Human Trafficking Strategy outlines a funding model where money “follows” trafficked persons so they (or whoever is in charge of their case) can “buy in” the services they need from welfare organisations or private providers. This highly individualised, privatisation of care to trafficked persons has the potential to fragment existing networks of support services and will most likely diminish the possibility that highly-specialised services will be developed.

Policing and Crime Act

Section 14 – Criminalising clients of sex workers subject to force, threats or deception

- When we carried out the research, we anticipated that s14 could create problems for the way sex workers work. We were concerned that:
 - it would force more migrant sex workers to work in underground, less safe workplaces;

- we already knew that women were leaving their flats to solicit on the streets;
- that punters, who have often helped trafficked people, would be less willing to seek help for a person they believed to be trafficked for fear of prosecution.
- since the law has been introduced, there have only been 43 convictions, which reflects the difficulty of enforcing this section.
- We also know, anecdotally, that the introduction of the law has created self-policing in certain sections of the industry. Maids and managers are requiring sex workers to provide immigration documents in order to work because they fear being prosecuted for trafficking offences in the event that their establishments are raided.

Section 21 – Brothel Closure Orders

- Closure orders are specifically referred to in the Government's Human Trafficking Strategy as part of their attempt to 'disrupt' trafficking. These orders were introduced under the auspices of trafficking, BUT closure orders can be granted for premises simply used for prostitution or pornography offences that are not specific to trafficking (57-59 SOA 2003 are specific to trafficking, but 51-52 aren't) or cases of prostitutes being subjected to force, threats or deception (inserted as 53A SOA 2003). In practice this means that section 21 orders can be served on properties where simply for the expansive offence of 'controlling for gain', which can be satisfied when there's, for example, a maid on site with workers.
- Even the Met seems confused about what offences these orders should relate to: Detective Inspector Kevin Hyland from the Metropolitan Police's Human Exploitation and Organised Crime Command is on the record as saying:

'New brothel closure powers allow police in partnership with local authorities to close premises, which are "controlled by another for financial gain". The Metropolitan Police will use these powers wherever necessary to reduce fear of harm to communities or where exploitation is present.'

- But, Detective Chief Superintendent Richard Martin of the same police unit has argued that brothels are only being closed down where women have been trafficked or held against their will. Two people in exactly the same dept are therefore presenting conflicting information about what offences are being used as the basis of brothel closures.

2012 Olympics

- Moral Panic - when London won the bid to host the 2012 Olympics, there was a spate of news items and comments from public figures who predicted a rise in trafficked labour during the construction phase and women trafficked for prostitution before and during the event. eg. feminist group, UKFeminista, forewarned: 'A pernicious rise in sexual exploitation is expected in the capital when the Olympics kick off.'
- While prostitution may rise during this kind of sporting event, and possibly sex trafficking as well, there is no actual evidence of this.
- Our concern is that the response to the moral panic could lead to a resurgence in the use of anti-trafficking measures to disrupt the activities of sex workers.

- Closure orders - it appears that closure orders are being used in the run up to the Olympics.
- These have followed RAIDS, many carried out in east London as part of police Operation Crackdown
- This has resulted in the closure of brothels where there is no evidence of trafficking.
- x:talk is currently investigating how these raids are affecting sex workers in east London: we have sent a FOI request to the London Metropolitan police for statistics regarding the number of section 21 notices and orders authorised by the police and granted by a magistrate's court, as well as the specific offence that formed the request for the notice/order. It is our concern that these orders are being used in order to 'clean up' east London in the run up to the Olympics, and are being used in circumstances that do not relate to trafficking/instances of workers being held against their will.
- Possible correlation between the closure and threats of closure to brothels and the proliferation of sex parties, which don't have a fixed venue.
- Some of these parties are organised by a sex worker or group of sex workers where there is a large degree of autonomy on the part of the sex worker/s in terms the fee, which clients will be invited and the kind and amount of work that will be performed.
- At the other end of the spectrum, some of these sex parties are exploitative: a sex worker will be booked to work for a fixed fee (usually quite low), and will often be required to perform sex acts with many different men and without the ability to refuse a client.
- x:talk is concerned that migrant sex workers, fearful of working in an established venue, are more concentrated in these forms of work. → this is something x:talk would like to investigate further.