



Briefing Paper
The Trafficking Debate & Sex Work
– An evidence-based approach

SCOT-PEP does not support trafficking in any form.

SCOT-PEP was in fact instrumental in developing, and is one of the signatories of, the City of Edinburgh's 'Support Protocol for Victims of Human Trafficking for Sexual Exploitation', in 2007.¹

There has been increasing debate about the issue of human trafficking in Scotland, with particular emphasis on trafficking as it relates to sex work. This paper attempts to separate sensationalist arguments in favour of informed evidenced-based discussion.

Definitions of 'trafficking' and 'sex work'

The *UNAIDS Guidance Note on HIV and Sex Work* clearly states that trafficking in persons for the purposes of sexual exploitation is a gross violation of human rights.² At the same time, the Guidance Note strongly and clearly states that trafficking in persons for any distinct purpose, including commercial sexual exploitation, should never be implicitly or explicitly conflated with sex work.

According to international treaties, trafficking in persons is defined as *"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation"*.³

By the definition accepted by international agencies and NGO's, 'sex work' means that adult female, male and transgender sex workers who are engaging in commercial sex have *consented to do so* (that is, are choosing voluntarily to do so), making it distinct from trafficking. 'Trafficking for sexual exploitation', on the other hand, involves coercion and deceit, resulting in *loss of agency* and lack of consent on the part of the trafficked person.

'Sex Work', 'Commercial Sexual Exploitation' & 'Trafficking' – a convenient confusion?

Bearing in mind the clear distinction between sex work and trafficking, why is it so common for the two things to be confused in public discourse?

Prohibitionist campaigners also often define all forms of sex work as 'commercial sexual exploitation.' They do not differentiate between consensual paid sex and people who are coerced or deceived. A recent publication from the Scottish Government offers an insight into how prevalent such views are becoming in Scottish society.

"Activities such as pornography, prostitution, stripping, lap dancing, pole dancing and table dancing are forms of commercial sexual exploitation. These activities have been shown to be harmful for the

¹ City of Edinburgh Council et al. **Support Protocol for Victims of Human Trafficking for Sexual Exploitation**. Edinburgh, 2007
http://www.edinburgh.gov.uk/download/meetings/id/1032/human_trafficking_victim_support_protocol

² Joint United Nations Programme on HIV/AIDS. **UNAIDS Guidance Note on HIV and Sex Work**. Geneva, 2009.
http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf

³ United Nations. 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children', supplementing the 'United Nations Convention against Transnational Organized Crime' (Palermo Protocol), 2000.
<http://www2.ohchr.org/english/law/protocoltraffic.htm>

individual women involved and have a negative impact on the position of all women through the objectification of women's bodies. This happens irrespective of whether individual women claim success or empowerment from the activity.”⁴

This definition clearly removes a person's right to freedom of thought or their ability to determine if they are being exploited.

Trafficking is an important and emotive issue and one which is rightly receiving more coverage as governments grapple with the issues involved. However, for some groups it provides lurid headlines which can act as a fundraising tool, grabbing the attention of the public and the media. It also offers a more socially acceptable disguise (e.g. 'saving' or 'rescuing' vulnerable women) for both prohibitionist and anti-immigration groups to push their own agendas.

For those wishing to eradicate sex work, the conflation of sex work with trafficking - combined with the acceptance of such a broad definition of commercial sexual exploitation - offers an extremely convenient opportunity to further their cause. Couching anti-trafficking in terms of the supposed desire to help victims, initiatives are often just being hijacked as an excuse to attack sex work in general.

It is often claimed that targeting the clients of sex workers, or criminalising both the purchase and sale of sex, will fight trafficking. In fact, the evidence suggests that such an approach can have precisely the opposite effect. Criminalising demand and prohibition only serves as more of a financial incentive for traffickers and is therefore a flawed and dangerous logic:

“Prohibitive approaches to the sex trade simply provide a business incentive to traffickers and exploiters, already acting outside the law, to increase revenues through the use of children who attract a premium, and to lower costs, through the use of trafficking victims...by pushing the sex trade further underground, such action potentially exposes those selling sex into situation of greater risk and vulnerability, surely the exact opposite of what is required”⁵

It also seems unlikely that legislators would consider the same approach to domestic work or agricultural work – i.e. criminalise the purchase of domestic work in order to stop trafficking for the purposes of domestic slavery. So why then would this logic be a reasonable argument to take in relation to sex work?

Dangers of conflating sex work with human trafficking

The UNAIDS Advisory Group on HIV and Sex Work recently published a report that articulated:

“Anti-trafficking laws or actions often encourage the assumption that all, or at least most, trafficked persons are trafficked for commercial sexual exploitation, and that all or most sex workers are trafficked into sex work against their will...The persistent confusion and conflation between trafficking in persons and sex work leads to laws and interventions that negatively impact sex workers, and at the same time undermine efforts to stop trafficking...”⁶

⁴ COSLA/Scottish Government. **Safer Lives : Changed Lives – A Shared Approach to Tackling Violence Against Women in Scotland**. Edinburgh, 2009. <http://www.scotland.gov.uk/Resource/Doc/274212/0082013.pdf>

⁵ Phil Marshall, Director of Research Communications Group. (www.rcgglobal.net) **Addressing the Demand Side of Trafficking**. 2012. <http://rightswork.org/wp-content/uploads/2012/01/Addressing-the-Demand-Side-of-Trafficking.pdf>

⁶ UNAIDS. **UNAIDS Guidance Note on HIV and Sex Work**, Geneva, 2011. http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf

Concentrating on making an inextricable link between sex work with trafficking threatens sex workers income and working conditions and increases the vulnerability of sex workers. At the same time this narrow concentration of anti-trafficking programmes also distracts from efforts to prevent other forms of trafficking such as domestic servitude and forced labour.

Sex workers themselves are often best placed to know who is being trafficked into commercial sex and by whom, and are particularly motivated to work to stop such odious practices.⁷ However, fear of raids means sex workers, especially migrant sex workers, who are already worried about their legal position, are less likely to cooperate with the police. Raids on establishments mean sex workers are pushed into less safer working environments making them more vulnerable and less free to access support and services.

Crude assumptions, based on negative racial and cultural stereotypes as well as a lack of understanding of basic immigration rules, are often made about migrant sex workers all being victims of trafficking. For example, reports continually refer to hordes of Eastern European women working in the sex industry in the larger cities in the UK. The reporting often ignores the fact that many people who come to the UK and work as sex workers are merely exercising their right to freedom of movement as EU citizens, with the right to come and work in the UK.

A recent study of migrant sex workers in London⁸ showed that most migrant sex workers who started working in sex work:

- *“decided to do so after a long string of work experiences in other sectors, which were seen as comparatively less rewarding both in terms of remuneration and of the working conditions offered.”*
- *“only a minority, amounting approximately to 6 per cent of female interviewees felt that they had been deceived and forced into selling sex in circumstances within which they had no share of control or consent.”*

“In the end, simplistic approaches that equate all migration for sex work with ‘trafficking’ and exploitation only complicate efforts to provide appropriate health and social services to meet the immediate needs of sex workers. Increased efforts to abolish the sex industry can force it underground, making access to sex workers in need all the more difficult.”⁹

EHRC Inquiry into Human Trafficking in Scotland

At the end of 2011 the Equality & Human Rights Commission Scotland published the results of this inquiry, which was chaired by Baroness Helena Kennedy QC.

Refreshingly, Helena Kennedy does seem to challenge the growing orthodoxy espoused by the Scottish Government and prohibitionist groups around the definition of commercial sexual exploitation. Baroness Kennedy does state clearly, in relation to calls for all prostitution to be seen as exploitation, that *“the law should not make the judgement that, when a woman claims autonomy, she is in fact misguided.”* She also states that she made clear to all people at the enquiry that *“banning was not*

⁷Joint United Nations Programme on HIV/AIDS. **UNAIDS Guidance Note on HIV and Sex Work**. Geneva, 2009.

http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf

⁸ Dr Nick Mai, Senior Research Fellow in Migrations and Immigrations. **Migrant Workers in the UK Sex Industry**. *Institute for the Study of European Transformations, London Metropolitan University*. London, 2011.

<http://www.londonmet.ac.uk/fms/MRSite/Research/iset/Nick%20Mai/Migrant%20Workers%20in%20the%20UK%20Sex%20Industry%20Project%20Final%20Policy%20Relevant%20Report.pdf>

⁹ Joanna Busza. **Sex work and migration: the dangers of oversimplification-a case study of Vietnamese women in Cambodia**. *Health and Human Rights*, 7:2, 231-249, 2004.

going to be included in my recommendations, as in my view it was both unworkable in law and in practice.”¹⁰

Broadly, the findings of the report are welcome and sensible in concentrating on improved joint-working between agencies and enhanced support for victims of human trafficking. SCOT-PEP will however continue to scrutinise how the recommendations are taken forward and implemented.

Some concerns do arise in the narrative of the report of the inquiry however. The report does contain a number of seemingly contradictory statements, for example:

“Human trafficking is substantially concerned with sex” (p8)

“It is sex trafficking that is the most prevalent and pernicious manifestation of human enslavement” (p9)

“The most common purpose of trafficking in Scotland leads with prostitution – then forced labour and domestic servitude” (p36)

These appear to conflict with the statement:

“The inquiry found it impossible to establish the extent of trafficking in Scotland. Reliable figures are impossible to come by and some support organisations give numbers that are hard to verify” (p11)

Of more concern is the fact that the EHRC’s only commissioned piece of research to inform the inquiry was specific to human trafficking in relation to ‘commercial sexual exploitation.’ If indeed the inquiry wished to contribute to *“undermining stereotypical images which associate trafficking solely with sexual coercion” (p41)* then it appears to have missed an opportunity to research other forms of trafficking in Scotland.

The research itself was carried out by Roger Matthews who is *“entirely against liberal approaches to prostitution”*¹¹ and Helen Easton who believes *“prostitution is harmful to women, damaging to gender relationships and is an exploitative practice.”*¹² The independence of their views could easily be questioned and their partisan approach is rather glaring in their research. For example, under the heading ‘Responses to trafficking in Scotland’ the authors seem to allow their focus to stray almost entirely from the topic in hand (trafficking) and concentrate on what seems to be their main cause for concern, i.e. that *“the research highlighted concerns about the absence of a clear strategic direction or policy approach to indoor prostitution offered by the Scottish Government.”*¹³

The launch of the Inquiry’s findings was covered extensively nationally in print and on television. Almost exclusively the images chosen to accompany the reports were of street sex workers leaning in car windows. Perhaps even more ominously, the media also zoned-in on a particular quote regarding the implementation of the findings, which was *“it is important that this is done well in advance of the Commonwealth Games which will take place in Scotland in 2014. Such international sporting events can be magnets for traffickers because of the huge numbers of male attendees who seek out prostitutes whilst away from home.”* Unfortunately, this claim is not backed up by the evidence.

Sporting Events – an ‘Own Goal’ for Anti-Trafficking Campaigns

¹⁰ Equality & Human Rights Commission Scotland. **Inquiry into Human Trafficking in Scotland**. 2011.

http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland/_inquiry_into_human_trafficking_in_scotland-full-report_pdf.pdf

¹¹ <http://www.guardian.co.uk/lifeandstyle/2008/feb/29/women.ukcrime>

¹² <http://www.grossefreiheit.dk/upl/9626/ReynoldsEastontale.pdf>

¹³ Helen Easton & Roger Matthews. **Investigating the experiences of people trafficked into commercial sexual exploitation in Scotland**. Equality and Human Rights Commission Scotland, January 2012.

http://www.equalityhumanrights.com/uploaded_files/Scotland/Research/human_trafficking_in_scotland_research_report_jan_2012_.pdf

With the imminent London Olympics and the forthcoming Commonwealth Games Glasgow 2014 we can expect lurid headlines in the Scottish press regarding the impending arrival of enormous numbers of trafficked sex workers. But what does the evidence show? There has been a significant amount of research on this topic and there is now a substantial evidence-base to disprove this myth linking trafficking for sex work and sporting events.

The evidence that exposes the myth about trafficking and sporting events comes from a wide variety of sources.

Research commissioned by UEFA in advance of the Euro 2012 football championships, carried out by the European Network Against Trafficking in Human Beings, stated;

- *“Since there has previously been no evidence of a link between major sports events and human trafficking, prostitution and sex tourism, we recommend that UEFA EURO 2012 is not discussed in public in connection with these subjects”*

And furthermore that:

- *“The safety of sex workers is particularly threatened if they are forced into dangerous suburbs by efforts to ‘clean up’ city centres in order to separate fan miles from existing prostitution zones we therefore recommend that firm steps are taken to oppose the expulsion and repression of sex workers before UEFA EURO 2012”¹⁴*

The Global Alliance Against Traffic in Women (GAATW) looked at all the available evidence regarding trafficking at major sporting events, including the 2004 Olympics (Greece), 2006 World Cup (Germany), 2010 World Cup (South Africa), 2010 Olympics (Canada) and the 2008, 2009 & 2011 Super Bowls (USA).

In just one example of those studied, prior to the Olympics in Canada many predicted ‘an explosion in human trafficking’, however, preliminary reports suggest no trafficking cases were identified and business fell for sex workers. This was reflected in all the sporting events studied. GAATW concluded that:

“there is a very wide discrepancy between claims that are made prior to large sporting events and the actual number of trafficking cases found. There is no evidence that large sporting events cause an increase in trafficking for prostitution”¹⁵

An International Organization for Migration (IOM) report from 2007, funded by the Swedish International Development Cooperation Agency, looked at trafficking around the 2006 World Cup in Germany. The main finding was that:

“All data, information and expert statements that are available to date, strongly indicate that an increase in human trafficking did not occur either during or after the World Cup. It is concluded that the estimate of 40,000 women expected to be trafficked was unfounded and unrealistic”¹⁶

UNFPA-funded research, carried out by SWEAT and Sisonke, into the South Africa World Cup in 2010 concluded that:

¹⁴ Schuster M, Sülzle A & Zimowska A. **Discourse on prostitution and human trafficking in the context of UEFA EURO 2012.** *European Network Against Trafficking in Human Beings.* 2010. <http://lastradainternational.org/?main=documentation&document=2850>

¹⁵ Julie Ham. **What’s The Cost of a Rumour?** *Global Alliance Against Traffic in Women.* Bangkok, 2011. <http://www.gaatw.org/publications/WhatsTheCostofaRumour.11.15.2011.pdf>

¹⁶ International Organization for Migration. **Trafficking in Human Beings and the 2006 World Cup in Germany.** Geneva, 2007. <http://publications.iom.int/bookstore/free/mrs29.pdf>

“Our data does not support fears about an increase in children or foreign migrant sex workers into the sex industry during the World Cup period”¹⁷

The danger of propagating myths about trafficking in this way was illustrated recently by NHS Sexual Health Manager Georgina Perry, responding to police raids on 80 brothels in East London over the past 18 months, in advance of the London Olympics. She expressed her fears that the relationships they’ve built up with the women over years have broken down with increased police raids:

“They don’t want to speak to us or let us through the door...They don’t call police if they experience rape or violence—that’s the collateral damage of myth and rumour about trafficking.”¹⁸

Joanna Busza, an expert in sexual and reproductive health at the London School of Hygiene and Tropical Medicine, has also said that *“as previous big sporting events had not seen a spike in sex work related offences there was no reason to think the UK will have a very different experience”¹⁹*

The reality of trafficking and sporting events is that it is an unlikely ‘urban myth’. There is a simple reason. Short term events are not going to be profitable for traffickers – they would require large investments of time and money for very short-term time-limited financial gain. Also sporting events are not only attended by men but are characteristically often family events.

Evidence for the scale of trafficking in Scotland and the UK

The scale and precise nature of ‘sex-trafficking’ into the UK has been exaggerated by politicians, the media and some campaigning groups. Indeed, the application of recent anti-trafficking initiatives in the UK has been unsuccessful and exposed sex workers to greater danger. Operations ‘Pentameter’ and ‘Pentameter 2’ were the UK’s biggest ever investigation of sex trafficking and failed to find a single person guilty of trafficking²⁰. By March 2009, 5 people had been convicted of trafficking for sexual exploitation, although none of these convictions resulted from Pentameter. After six months of 822 raids by every police force in the country, the data in the report from the ‘UK Human Trafficking Centre’ revealed that:

- 10 of the 55 police forces found no-one to arrest. 122 of the 528 arrests announced by police never happened. Among the 406 actual arrests, more than half of those arrested (230) were women, and most were never implicated in trafficking at all. Of the 406 arrests, 153 had been released weeks before the police announced the success of the operation. Most of the remaining 253 were not accused of trafficking: 73 were charged with immigration breaches; 76 were eventually convicted of non-trafficking offences involving drugs, driving or management of a brothel; others died, absconded or disappeared off police records. The found only 96 people to arrest for trafficking, of whom 67 were charged. 47 of those never made it to court. Only 22 people were finally prosecuted for trafficking, including 2 women who had originally been “rescued” as supposed victims. 7 of those were acquitted. The end result was that Pentameter finally convicted of trafficking a grand total of only 15 men and women.²¹

¹⁷ Sex Work Education and Advocacy Taskforce(SWEAT) & Sisonke. **Research Findings regarding the impact of the 2010 Soccer World Cup on Sex Work in South Africa.** UNFPA. 2010. <http://www.nswp.org/resource/research-findings-regarding-the-impact-the-2010-soccer-world-cup-sex-work-south-africa>

¹⁸ East London Advertiser. **Sex trafficking for 2012 Olympics ‘a myth’ say campaigners.** 26 January 2012. http://www.eastlondonadvertiser.co.uk/news/sex_trafficking_for_2012_olympics_a_myth_say_campaigners_1_1189258

¹⁹ TrustLaw / Julie Mollins. **Links between sporting events, sex trafficking unfounded – study.** 1 February 2012. <http://www.trust.org/trustlaw/news/link-between-sports-events-sex-trafficking-unfounded-study>

²⁰ Nick Davies, **Inquiry fails to find single trafficker who forced anybody into prostitution.** *The Guardian.* October 2009 <http://www.guardian.co.uk/uk/2009/oct/20/government-trafficking-enquiry-fails>

²¹ United Kingdom Human Trafficking Centre. **United Kingdom Pentameter 2 statistical assessment of victims recovered and suspects arrested during the operational phase - draft report.** March 2009. <http://www.guardian.co.uk/world/2009/oct/21/human-trafficking-operation-pentameter>

However, the investigation by the Guardian journalist Nick Davies also revealed that:

“Internal police documents reveal that 10 of Pentameter’s 15 convictions were of men and women who were jailed on the basis that there was no evidence of their coercing the prostitutes they had worked with. There were just 5 men who were convicted of importing women and forcing them to work as prostitutes. These genuinely were traffickers, but none of them was detected by Pentameter.”²⁰

Tackling Trafficking – a rights-based approach

The Global Alliance Against Traffic in Women (GAATW) in a report²² assessing the uses and limitations of demand-based approaches in anti-trafficking, advocate taking a rights-based approach, namely:

- Reducing demand for unprotected paid sex (empowering sex workers to demand condom use)
- Decriminalising consensual sex work which would assist anti-trafficking efforts by fostering cooperation between police and sex workers - allowing sex workers to report violence and exploitation to the police without fear of arrest
- Recognising sex work as work and affording it the protection other work sectors have, thereby reducing exploitative labour practices and making it easier to support workers in leaving abusive situations
- Strengthening workers rights reduces employers’ ability to demand vulnerable exploitable labour

Improving labour conditions and rights for sex workers is the key to driving out trafficking in sex work. As noted by Phil Marshall in his paper on ‘Addressing the Demand Side of Trafficking’:

“As with most markets, demand would fall with a rise in price. This could be done by improving the conditions in the trade...Ultimately, like all forms of organized crime, trafficking is a business. Basic economics dictates that increasing the costs of doing business and reducing the rewards will lead to a reduction in this size of this business.”²³

²² Julie Ham. **Moving Beyond ‘Supply and Demand’ Catchphrases.** *Global Alliance Against Traffic in Women.* Bangkok, 2011.
http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf

²³ Phil Marshall, Director of Research Communications Group. (www.rcgglobal.net) **Addressing the Demand Side of Trafficking.** 2012.
<http://rightswork.org/wp-content/uploads/2012/01/Addressing-the-Demand-Side-of-Trafficking.pdf>